

NOVEMBER 30, 2011

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:00 a.m.

Presiding was: H. Hamilton "Chip" Rice, Jr.

Also present were:

Sarah Schenk, Deputy County Attorney
Margaret Riester, Board Records,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

AGENDA

The agenda of November 30, 2011.

[HO20111130DOC001](#)

SPECIAL PERMITS

Public hearing (Notices published) was held to consider

SP-04-05(R) - HYUNDAI DEALERSHIP PROPERTY MODIFICATION

Request: A revision to a Special Permit to remove the stipulation limiting the hours of operation for motor vehicle repair within an established automobile dealership. The site is at the southeast corner of 1st Street East and 26th Avenue East, at 2601 1st Street East, Bradenton in a GC (General Commercial) zoning district (± 2.06 acres).

Barney Salmon, Building and Development Services Department, utilized a slide presentation to review the site and surrounding properties, and discussed the request for elimination of the stipulation limiting hours of operation from the 2005 Special Permit approval. He explained the County Noise Ordinance, 08-12, governs the permitted level of noise along the property lines. Residents were noticed and there is no record of voiced concerns.

Discussion: Deletion of Stipulation 7 would enable hours of operation 24 hours a day, 7- days-a-week, 365 days a year; no neighborhood complaints; etc.

Sarah Schenk, Deputy County Attorney, also recommended deleting **Stipulation 8** as excessive noise is not defined and would require a decibel level. The applicant must comply with the Noise Ordinance.

Bob Schmitt, Building and Development Services Department, noted it is not the intent of the applicant to have continuous hours of operation at the facility.

Hugh McGuire, representing Gettel Bradenton, Inc., explained the request for removing **Stipulation 7** from the Special Permit. The Special Permit obtained in 2005, added the six-bay repair facility and car wash to this car dealership, which was purchased by Gettel Bradenton Inc. The car lot is open on Sunday and extended operational hours would permit use of the car wash/detail area and/or repair facility. A portion of the facility is fenced; however, adjacent residents have voiced no complaints. One negative aspect is noise; however, the facility is an enclosed operation, and an ongoing use. The applicant agreed to comply with Noise Ordinance 08-12.

Discussion: Noise analysis; area is transitioning; staff would operate on a complaint basis and Code Enforcement would register the noise level; cannot legally enforce the word "excessive"; noise disturbances as defined in the Noise Ordinance; noise disturbance vs. decibel reading violation; etc.

Ms. Schenk suggested **Stipulation 8** read:

8. The use permitted by the Special Permit shall operate in accordance with the Manatee County Noise Ordinance 08-12.

Mr. Rice accepted the draft Notice of Intent and Final Order from the Building and Development Services Department and stated he would issue the Notice and an Order.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Adj: 9:28 a.m.
/njh

Minutes Approved: January 6, 2012