

**MANATEE COUNTY HEARING OFFICER  
COUNTY ADMINISTRATION BUILDING  
HONORABLE PATRICIA M. GLASS CHAMBERS  
1112 Manatee Avenue West  
Bradenton, Florida  
APRIL 20, 2022**

Presiding was:

Kelly Fernandez, Hearing Officer

Also present was:

Rossina Leider, Planning Section Manager

Camilo A. Soto, Assistant County Attorney

Jonathan Martinez, Board Records, Clerk of the Circuit Court

Robin Toth, Deputy Clerk, Clerk of the Circuit Court



Ms. Fernandez called the meeting to order at 2:01 p.m.

All witnesses and staff giving testimony were duly sworn.

**AGENDA**

HO20220420DOC001

**CITIZEN COMMENTS**



There being no citizens comments, Ms. Fernandez closed citizens comments.

(Olivia Cristaniello, Court Reporter, was present)

1. **SPECIAL PERMIT SP-21-05, NDL LLC,/NDL LLC PALMETTO SHOP**



A duly advertised public hearing was held to consider approval of proposed Special Permit to allow equipment sales, leasing, storage and repair, heavy use as defined by the Manatee County Land Development Code (LDC) permitting incidental use of outdoor storage of landscape material and equipment, for a proposed landscaping and irrigation business that proposes a Preliminary Site Plan (PSP) detailing facilities consisting of two buildings having 25,800 square feet of indoor storage with an office and maintenance facility; located on approximately 7.72 acres of land and zoned A-1 (Agricultural Suburban) and lies within the MU (Mixed-Use) Future Land Use Category (FLUC) at the southeast corner of U.S. Highway 41 and 85th Street East, known as 2519 85th Street East, Palmetto.

Ms. Fernandez inquired about the 91 parking spaces (page 13 of the staff report).



Jennifer Grissom, engineer for the applicant, explained the traffic engineer for the County determines the parking spaces based on the proposed use.

Marshall Robinson, Principal Planner, clarified that the parking calculation was based on the square footage of the building.



There being no public comment, Ms. Fernandez closed the public comment portion of the hearing. She stated she would be provided with a draft Notice of Intent and Final Order.


HO20220420DOC002


2. **SPECIAL PERMIT SP-21-06, EAGLE VILLAGE, INC.**





A duly advertised public hearing was held to consider approval of proposed Special Permit allowing an increase in maximum building height from four to five stories for multi-


family residential use. The project proposes a preliminary site plan detailing ninety multi-family residential units on 6.8 acres located within the Retail/Office/Residential (ROR) FLUC having General Commercial (GC) zoning and within the CPA (Coastal Planning Area). The property is located on 46th Avenue West, west of 14th Street West approximately 0.25 miles south of Cortez Road West and has an address commonly known as 1500 46th Avenue Drive West, Bradenton.


 Patricia Ortiz, representing Eagle Village, confirmed the applicant is seeking to increase the building height for the multi-family units from four to five stories. The GC zoning district allows for a variety of uses and 35 percent open space is required, because the site located within the CPA. The applicant is proposing 55 percent open space and would comply with all landscaping requirements including buffer widths and screening materials. The property exceeds the requirement for building setbacks and would comply with the special permit criteria.

 Ms. Fernandez inquired about access points to the property.


 Ms. Ortiz explained there is one access point at the rear of Eagle Village with a proposed cross access to the south, and a gated access point on 46th Avenue West for residents only designed to meet the emergency access standards. The property would be an apartment complex intended to provide housing to the members of the Eagles Fraternal Organization.


 Marshall Robinson, Principal Planner, used a slide presentation to review the development standards including setbacks, parking, density, and height. The Final Site Plan would have to be consistent with the Special Permit Plan, and the compatibility standards have been met and taken into account for the location.


 Mildred Jarvis expressed concern with the possibility of the oak trees surrounding her home being torn down, whether they would have to move out of their home, and if there would be a buffer to protect the property.

 Ralph Hoehne shared his concerns about the development creating more flooding in the area.

 Ms. Fernandez stated she received email communications regarding citizen's comments.


 Rossina Leider, Planning Section Manager, noted that the wall for the buffer is a requirement of the LDC, and core requirements cannot be waived. A full analysis to mitigate any flooding would be included with the Final Site Plan, and the development cannot cause additional flooding to the adjacent properties.


 Ms. Ortiz, reiterated the applicant is not asking for any waivers and would meet the landscaping requirements as outlined in the Code. Engineered site plans will be provided to address storm water retention and other issues related to flooding. The development will require a 6-foot wall or fence and 10 feet of landscaping for screening. All County regulations will be met in regards to environmental compliance.


 Ms. Fernandez closed the public hearing. She stated she would be provided with a draft Notice of Intent and Final Order.


HO20220420DOC003

3. **VARIANCE VA-22-01 – TR Investor LLC – Reserve at Twin Rivers Lot 74 Variance**


 A duly advertised public hearing was held to consider approval of proposed Variance for a front-yard setback variance to the setback requirements established in the PDR (Planned Development Residential) zoning district by Zoning Ordinance PDR- 01-19(Z)(G), Twin Rivers General Development Plan, reducing the minimum front-yard setback from 25 feet to 20.50-feet; for a site located at 15810 39TH Glen E, Parrish (Manatee County); on approximately 0.2751 acres; providing for severability and providing an effective date.


 Joel Fedora, representing the applicant, explained a survey was submitted for the original permit, which was approved by the County, and a building permit was issued. Construction began and the house was built forward by four and half feet. The front of the home to the back of the sidewalk is 26.5 feet so parking should not be an issue.


 Ms. Fernandez pointed out the staff report states the driveway would still accommodate a typical vehicle without encroaching on the sidewalk.


 Dakota Wojcik, Planner I, explained there is nothing incorrect about the house besides the front yard setback.

 Ms. Fernandez inquired if the county felt comfortable accepting this was an error by staff.

 Mr. Wojick explained it was simply a wrong measurement and responsibility for the error falls on both the surveyor and staff.


 Brad Castner, adjacent neighbor, expressed concern that the error would affect home values in the future. The house should be setback and aligned with the surrounding properties.


 Mr. Fedora reported there are no other identified issues to the home and the applicant is seeking a front-yard setback of 20.50 feet for a front-loaded garage. To tear down and rebuild the house could possibly cost \$50,000.


 Ms. Fernandez closed the public comment portion of the hearing. She stated she would be provided with a draft Notice of Intent and Final Order.


HO20220420DOC004


4. **VARIANCE/VA-22-02 – Riverside Preserve Lot 14**

 A duly advertised public hearing was held to consider approval of proposed Variance for a front yard setback variance to the setback requirements in the PDR (Planned Development Residential) zoning district established by Zoning Ordinance PDR-17-02(Z)(P) – Morgan/Riverside Preserve reducing the front setback from 25 feet to 20.7 feet, for a site, Lot 14 Riverside Preserve, located at 931 Whimbrel Run, Bradenton (Manatee County) on approximately 0.18 acres, providing for severability, and providing for an effective date.

 Rachel Layton, representing the applicant, utilized a slide presentation to review aerial photographs of the home. On February 12, 2021, MI Homes of Sarasota applied for a building permit to construct a single-family detached residence on Lot 14. The plot plan submitted to the County depicted the proposed front-yard setback at 20.7 feet; however, the approved Preliminary Site Plan required a 25-foot setback.

 Laura Gonzalez, Planner II, used a slide presentation to review the variance. The variance does not appear to create any negative impacts, and staff recommended the approval of the variance. The approval would not be effective unless it is recorded in Public Records and a copy of the recorded order is received by the Development Services Department.

 Dawnana Reclutnia, future homeowner, stated she does not have an issue with the house.

 Ms. Fernandez closed the public comment portion of the hearing. She expected to be provided with a draft Notice of Intent and Final Order.

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**ADJOURN**

There being no further business, Ms. Fernandez adjourned the hearing at 2:58 p.m.

Minutes Approved: June 30, 2022