

**MANATEE COUNTY HEARING OFFICER  
REGULAR MEETING  
COUNTY ADMINISTRATION BUILDING, FIFTH FLOOR, MANATEE ROOM  
1112 Manatee Avenue West  
Bradenton, Florida  
December 6, 2023**

Present was:


Kelly Fernandez, Hearing Officer

Also present were:

Mitun Mitra, Assistant County Attorney

James Rigo, Planning Section Manager

Robin Toth, Deputy Clerk, Clerk of the Circuit Court

 Ms. Fernandez called the meeting to order at 3:00 p.m.

All witnesses and staff giving testimony were duly sworn.

**CITIZEN COMMENTS**


There being no citizen comments, Ms. Fernandez closed Citizen Comments.


**AGENDA**


HO20231206DOC001

(Michelle Parks, Court Reporter, was present)

1. **SPECIAL PERMIT SP-23-01 – PARRISH CHARTER SCHOOL, PHASE II**


 A duly advertised public hearing was held to consider request for approval of a Special Permit with Preliminary Site Plan to allow for Middle School use, in addition to the existing Elementary School use on ±9.20 acres zoned A-1 (Suburban Agriculture). The property is located at 6204, 8605 and 8625 Erie Road, Parrish, for a charter school campus.


 Ms. Fernandez stated she reviewed the agenda materials in the agenda package.


 Mark Barnebey, Attorney for Applicant, utilized a slide presentation to review the request to expand the existing 400 student Elementary School use (VPK and grades K through 5) to allow for Middle School use (grades 6 through 8), and 550 students on the eastern portion of the 17.4 acres of property, for a total of 950 (or up to 1,500 students). He submitted a Narrative and copy of the previously-approved Special Permit SP-20-04 for the Middle School use.

James Rigo, Planning Section Manager, stated that inasmuch as the School has capacity up to 1,500 students, staff may receive plans in the future to grow this campus, which could be approved administratively.


 Natalie Chiapusio, Planner, utilized a slide presentation to review the request. Final Site Plan approval will be required for the Middle School use. The request is consistent with the Manatee County Comprehensive Plan and Land Development Code (LDC). Special Permit SP-20-24 would be rendered invalid upon approval of Special Permit SP-23-01.

 James Knight, resident south of the school, voiced concern regarding noise generated by the existing school. School staff uses a bull horn during student pick-up. A short fence was previously installed; however, he hoped a new fence would be installed with the expansion to mitigate noise.


 Mr. Barnebey stated there is a considerable amount of existing buffering; he would bring Mr. Knight’s concern to the attention of the School to see if more buffering could be added.


 There being no further public comment, Ms. Fernandez closed the public hearing. She was provided with a Draft Notice of Intent and Final Order and did not need a transcript.  
HO20231206DOC002


2. **VARIANCE 23-03 – 9222 66TH AVENUE DRIVE EAST OUTBUILDING VARIANCE**

 A duly advertised public hearing was held to consider request for approval of a rear-yard setback Variance to the setback requirements in the RSF-1/WP-E/ST (Residential Single Family-1/Watershed Protection Evers/Special Treatment Overlay Districts) zoning district, reducing the twenty-five-foot rear-yard setback to 21.60 feet. The property is Lot 70 in Braden Woods Subdivision, Phase III, located at 9222 66th Avenue Drive East, Bradenton, on approximately 1.01 acres.


Ms. Fernandez stated she reviewed the agenda materials in the agenda package.

 Natalie Chiapusio, Planner, utilized a slide presentation to review the request. The applicant applied for a concrete foundation permit in July 2022 which was approved in August 2022. The concrete foundation was poured and a building permit was issued for the accessory structure in October 2022. The inspection passed and the new accessory structure was completed in December 2022. The encroachment issue was brought to the Zoning Department’s attention in March 2023 due to having an altered survey showing a 3.4-foot encroachment into the 25-foot-rear setback and an additional 64 square feet added to the structure. Based upon review of the LDC, Future Land Use Plan, and current conditions, this analysis demonstrates the request meets the review criteria established in Section 367.5 of the LDC.


 Keith Amos, applicant, stated the encroachment was not discovered until the structure was completed.

 There being no public comment, Ms. Fernandez closed the public hearing. She was provided with a Draft Notice of Intent and Final Order and did not need a transcript.  
HO20231206DOC003

3. **SPECIAL PERMIT SP-22-01 – TRANSPORT MANASOTA INC.**

 A duly advertised public hearing was held to consider request for approval of a Special Permit to allow an intensification and redevelopment of the existing 2,170-square-foot structure to be used for office purposes and existing 720-square-foot metal building for major vehicle repair, only for their own use, and not as a public service. The site is in the GC (General Commercial) zoning district and located on the east side of 15th Street East, and 500 feet north of 55th Avenue Drive East, commonly known as 5435 15th Street East, Bradenton, on approximately 0.72 acres.


Ms. Fernandez stated she reviewed the agenda materials in the agenda package.


 Kevin Oatman, Planner, utilized a slide presentation to review the request. The site was originally approved for night club-type use. The Special Permit is for redevelopment of an existing 2,170 square-foot structure to professional office uses and conversion of an existing 720-square-foot open metal building to a one (1) bay shop for Major Motor Vehicle Repair-related uses.


The Special Permit is required because the site is located in a GC Zoning District, which requires a Special Permit for Major Motor Vehicle Repair. Landscape screening and buffering


are being provided to the adjacent residential properties to the east, southeast and partially to the north of the site.


It was noted there are three open Code Enforcement (CE) Liens and/or violations on the subject property (CE2004-0785, CE2101-0316, CE2109-0240) associated with performing work without permits. Code Enforcement confirmed that once the applicant receives Special Permit Approval, they can remedy the Code Enforcement issues.


 Leonardo Rodriguez, and Yunior Rodriguez, both present on behalf of the applicant, stated they were aware of the noise impact issues and would relay this to the applicant.

 Marco Cordero, neighbor, stated the noise and paint odor affects his property and the dump trucks and other heavy vehicles that are towed to the site stop traffic. Large vehicles are worked on in the early morning, nights and weekends.


 Mr. Rigo stated the existing use is allowable under the GC zoning district. Staff could require the applicant, if deemed necessary, to provide a site plan to address adverse impacts. Additional information and/or an adverse impact statement may also be required to alleviate the issues if they continue to be a problem. Approval of the Special Permit does not guarantee elimination of issues with surrounding neighbors. Staff may need time to address concerns with neighbors.

 Mr. Oatman stated he spoke with the applicant and he is aware the buffering must be installed in order to receive Special Permit approval.

 Rob Wenzel, Development Services Division Manager, stated the Special Permit can go forward contingent upon the submittal of a written statement prior to approval of the Special Permit, to address hours of operation and proffering a six-foot-high fence in addition to the buffering to address adverse impacts in order to prevent a Code Enforcement Issue and include that as a stipulation in the Final Order.

 Mitun Mitra, Assistant County Attorney, stated that an affidavit from the applicant should include addressing noise complaints and getting the Code Enforcement citations resolved.

Leonardo Rodriguez commented about the current hours of operation.

 There being no further public comment, Ms. Fernandez closed the public hearing. She was provided with a Draft Notice of Intent and Final Order and did not need a transcript.

HO20231206DOC004

**ADJOURN**

There being no further business, Ms. Fernandez adjourned the meeting at 3:38 p.m.

Minutes Approved: December 20, 2023