

JANUARY 16, 1991

The Hearing Officer, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, January 16, 1991, at 3:08 p.m.

Presiding was:
Benjamin Withers

Also present were:
Mark P. Barnebey, Assistant County Attorney
Susan G. French, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

News media notified, but not present.

The meeting was called to order by Mr. Withers.

All witnesses/staff giving testimony were duly sworn.

SPECIAL PERMITS

(Court Reporter Joann Zeck present)

Public hearing (Notice in The Bradenton Herald 12/27/90) was held to consider:

SP-90-44 - ECONO PRO PEST CONTROL

Request: Special Permit to allow an existing exterminating and pest control business and expand it by 1,660 square feet for a total of 2,800 square feet of gross floor area on 1.3 acres, located 600 feet north of Cortez Road on the east and west sides of 18th Street West. Staff recommended denial, however, if approved recommended stipulations:

1. This Special Permit shall not be effective until it has been recorded in the Public Records of Manatee County, Florida by the applicant and a copy of the recorded Order is received by the Planning and Zoning Department.
2. The chain link fence and gate shall be removed from the right-of-way. The fence can be placed on the applicant's property, if desired.
3. The gate which limits access to this property shall remain open during office and delivery hours.
4. Parking associated with the exterminating and pest control business shall be prohibited on the right-of-way.
5. This Special Permit shall be issued on this site to the applicant only, and any future pest control and exterminating business, existing under different ownership, shall require a new Special Permit.
6. Three additional canopy trees shall be placed adjacent to the west property line, and two additional canopy trees shall be placed adjacent to the south property line of the site located on the west side of 18th Street West.
7. One linear foot shall be removed from the south side of the proposed office addition in order to allow an additional one foot of buffer area.
8. Two linear feet shall be removed from the west side of the proposed office addition in order to allow an additional two feet of buffer area.
9. A positive outfall shall be provided for the stormwater management system. Otherwise, it shall be designed to a 100-year storm criteria.
10. Industrial wastes are to be handled in accordance with all federal, state and local regulations.

Mike Pendley, Planning and Zoning, reviewed maps of the surrounding zoning and the Site Plan.

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(Cont'd)

He stated the request does not meet the criteria of Section 505 of the Land Development Code (LDC) as to buffers, right-of-way, truck traffic and other portions of the LDC. Parking requirements had been reduced administratively.

Jim Farr, representing the applicant, stated that the business began at the site in 1984, and there were other pest control businesses on the street. He stated the character of the street has changed from residential to commercial over the years.

He stated the Special Permit would bring the existing non-conforming business into conformity.

He stated that by meeting the buffer stipulations the addition to the building would be indented, which would create construction problems. He stated that Section 715.5.4 of the LDC, dealing with constraints, should apply to the addition.

Mr. Farr stated there would be no more truck traffic than there is at this time.

Paul Donnelo, President of Econo Pro, stated there is no chemical mixing at the office site. He stated truck traffic would not go into the nearby mobile home park.

Mr. Donnelo objected to Stipulations 5 and 8.

Mr. Pendley stated that Stipulation 5 was necessary inasmuch as the parking requirement had been reduced. Any future business on the site may require more parking.

Discussion: Sale of the business would terminate Special Permit; who owns the business; request that the permit remains with the business name; vacant land to remain vacant, etc.

Mr. Farr requested Stipulation 8 be for no more than one foot.

Discussion: Placing ten-year time limit on Special Permit to run with the property; administrative review; parking study.

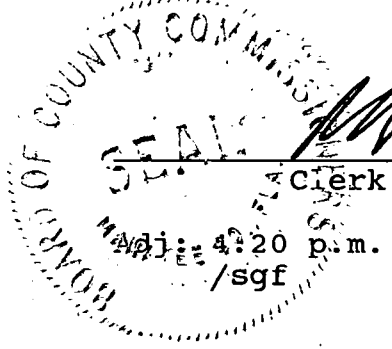
Mr. Withers stated that he would submit a Notice of Intent within twenty-one days.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk

Benj. Withers
Hearing Officer 7/2/91