

MARCH 7, 1991

The Hearing Officer, Manatee County, Florida, convened in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, March 7, 1991, at 3:05 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 hearing was called to order by Mr. Withers

All witnesses/staff giving testimony were duly sworn.

MINUTES

Mr. Withers, Hearing Officer, stated he had reviewed the minutes of January 3, 1991, and approved the minutes as submitted.

SPECIAL PERMIT

(Court Reporter Joanne Zeck present)
Public hearing (Notice in The Bradenton Herald 2/15/91) was reopened (from 1/16/91) to consider

SP-90-44 - ECONO PRO PEST CONTROL (CONTINUED)

Request: Special Permit to allow an existing exterminating and pest control business and expand it by 1600 square feet for a total of 2800 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.

If approved, staff 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.

Pursuant to Affidavit by Mr. Withers (filed 2/15/91) the hearing was reopened based upon a letter from the applicant agreeing to the stipulations recommended by staff.

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(Cont'd)

Mr. Withers questioned if compliance with the stipulations would make the request consistent with Criteria for Special Permits.

Betsy Benac, Planning and Zoning, stated the stipulations are suggested if the request is found by the Hearing Officer to meet the Criteria. Stipulations are to ensure that the request meets minimum standards of the Land Development Code (LDC) regarding buffering, screening and setbacks.

Michael Pendley, Planning and Zoning, stated staff concerns were buffering, a fence in the right-of-way, truck traffic and compatibility with the property to the west.

Mr. Pendley reviewed the Site Plan and adjacent land uses.

Discussion: Parking standards reduced administratively; use of lots not part of the Site Plan.

Ms. Benac stated the request is not consistent with Criteria for Special Permit 1, 6 and 9.

Jim Farr, representing the applicant, stated he was not prepared to address the Special Permit Criteria, and requested a continuance.

Mr. Withers stated he had sought outside counsel for advice as to whether staff stipulations amount to approval of the request.

Discussion: Meeting "minimum" standards of the LDC should be acceptable; transitioning; truck traffic.

Paul Donnolo, applicant, stated the truck traffic is minor.

Discussion: Crowded parking on west side of 18th Street; vacant lots.

Mark Barnebey, Assistant County Attorney, stated staff concerns are with LDC Sections 505.2.1, .2, .6 and .9 even with the 10 stipulations.

Mr. Withers addressed: 1) the expansion is more than a 100 percent increase in floor space; 2) available land on the east side of 18th Street for parking.

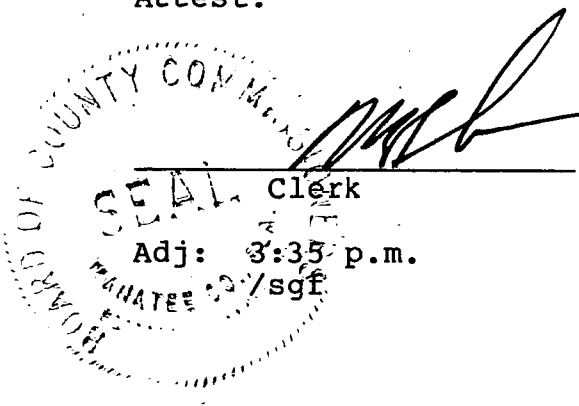
Mr. Withers requested staff and the applicant work to prepare a Site Plan to allow for buffering and move parking and traffic impacts to the east side of 18th Street. He continued the public hearing to March 20, 1991, at 3:00 p.m.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Benj. Withers
 Hearing Officer 7/2/91