

JUNE 6, 1991

The Hearing Officer, Manatee County, Florida, convened in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, June 6, 1991, at 3:08 p.m.

Presiding was: James Paulmann

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. Paulmann.

All witnesses/staff giving testimony were duly sworn.

SPECIAL PERMITS

(Court Reporter Shirley Bills present)

Public hearing (continued from 4/17/91) was held to consider

SP-90-20 SANDMAN INC. - 2-COP

Request: Special Permit to allow a 2-COP license for a 2,352 square foot eating establishment located on the south side of Whitfield Avenue 1,300 feet west of 15th Street East.

Staff recommended approval with 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 site plan submitted with this application shall be part of this approval.
3. The shopping center shall comply with the Final Site Plan, including the landscaping plan approved on November 7, 1985, within one month of issuance and recording of the Final Order with the Clerk's office.
4. All signs advertising alcoholic beverages shall be removed.
5. The drive-through window on the west side shall not be used.
6. The establishment shall sell food in addition to alcoholic beverages and obtain a restaurant license in addition to the 2-COP license within six months of the Special Permit approval.
7. The word "tavern" shall not be displayed.
8. The dumpster unit shall be located on a curbed and elevated concrete pad, sloped to a drain, equipped with a grit interceptor with a removable bucket, connected to sanitary sewer and equipped with a hose bibb on site, and be screened with a minimum six foot opaque fence.
9. This Special Permit shall expire in five years.

Betsy Benac, Planning and Zoning Department, reviewed a map of the surrounding area and discussed requirements for drinking establishments.

Discussion: Property is not primarily a drinking establishment; site not in conformance with Final Site Plan for shopping center; site adjacent to residential land uses; landscaping buffers; nearby school; traffic impact, etc.

Patricia Petruff, attorney representing the applicant, Ginou Niramier, stated Ms. Niramier has agreed to change the scope of the business to an eating establishment. Pre-packaged food and snacks will be served.

Ms. Petruff further stated the operation has been at this location since October 1989 when it was primarily a drinking establishment and there have been no complaints. The landscaping, she feels, is a problem for the owner of the property. She stated the business is more than 1,000 feet away from the school and school crossing and addressed access.

She presented revised stipulations:

3. The owner of this shopping center shall comply with the Final Order of the Manatee County Code Enforcement Board pertaining to Final Site Plan Compliance issues pursuant to the deadlines established by that Board.
4. All window signs advertising alcoholic beverages shall be removed.
5. The drive-through window on the west side shall not be used without further approvals by Manatee County.
6. The establishment shall sell food in addition to alcoholic beverages and shall obtain any necessary licenses from HRS for an eating establishment in addition to the 2-COP license within six (6) months of the Special Permit approval.
7. The dumpster unit shall be screened with a minimum six foot opaque fence.
8. This Special Permit shall expire in ten years; provided, however, that a compliance review shall be conducted after five years. If it is determined that the facility is operating in violation of these conditions or the Code, the Special Permit may be revoked.

Ms. Petruff pointed out that staff Stipulation 8 (her revised Stipulation 7) was originally for a full-service restaurant. She suggested further modification to her revised stipulation, "and shall be constructed in accordance with applicable HRS standards."

She requested that the sign in place, "Cheers Tavern," be allowed to remain and discussed the connotations of the word "Tavern."

Don Shaw, Code Enforcement Division, explained that the violations (Sale of Alcoholic Beverages and violation of Final Site Plan/landscaping) were addressed to the owner.

Jerome Gostkowski, Public Works Department, discussed the access issue, noting that the shopping center was developed under previous Code.

Mark Barnebey, Assistant County Attorney, reviewed the proposed stipulations and recommended additional language in Ms. Petruff's revised Stipulation 7 to include "a pad for the unit shall be constructed in a manner consistent with HRS standards." He requested that staff Stipulation 9 remain.

Ms. Benac noted that the Code does not have specific screening requirements for the sale of alcoholic beverages; however, it does require screening between commercial and residential uses.

Ms. Petruff requested consideration of her revised Stipulation 8.

The public hearing was closed.

Mr. Paulmann reviewed the provisions of Section 502.6.6.7 of the Land Development Code.

Public hearing (Notice in The Bradenton Herald 5/17/91) was held to consider

SP-91-002 ERIE ROAD SCHOOL - ELEMENTARY AND MIDDLE SCHOOL

Request: Special Permit to allow a 32-classroom elementary school and a 40-classroom middle school located at the northeast corner of Erie Road and Dump Road.

Staff recommended Approval with 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 site plan submitted with this application shall be part of this approval.
3. Left turn storage lanes shall be provided at the entrance on Erie Road, as shown on the Preliminary Site Plan.
4. A five-foot wide sidewalk, as shown on the Preliminary Site Plan, is required on Erie Road.
5. An independent parking study shall be submitted, in accordance with Table B of the Land Development Code, with the Final Site Plan. The Planning Director will review the study at that time.

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(Cont'd)

- 6. One of the dumpsters servicing the school must be equipped with a curbed and elevated pad with a connection to the central sewer system through a grease trap with a grit interceptor and a hose bibb equipped with an approved backflow prevention device.
- 7. Drainage design cannot be approved at the Preliminary level since it is not submitted until later in the development approval process. Therefore, any approval at this time is conditional upon approval of the engineering drainage design.
- 8. Landscaping in the required buffers shall be provided on the exterior of fences, pursuant to Section 715.5.2.2 of the Land Development Code.
- 9. Prior to Final Site Plan approval for the school, the interlocal agreement between the School Board and Manatee County shall be executed to provide for increased play area and retention on the school site.

Sarita Krusman, Planning and Zoning Department, reviewed the site plan pointing out the proposed use and the surrounding properties.

Discussion: Specific concerns (health, safety and welfare) staff has over location of adjacent utility facilities; mitigation plans; deficiencies in landscaping; buffers between community service use and a recreational use (golf course).

Mr. Gostkowski stated that the retention ponds may have to be relocated to facilitate right-of-way dedication. At this time a Level of Service Certificate for drainage has not been issued.

Mr. Gostkowski stated that it is not certain that this project demands a second means of access. It was pointed out that Stipulation 3 should read "Left turn storage lanes should be provided..."

Mr. Paulmann requested that the February 1, 1991, letter from the Fire Marshall regarding the relocation of fire hydrants, be entered into the record.

Diane Chadwick, representing the Manatee County School Board, displayed an aerial map and pointed out the location of the water tower and sewage treatment plant.

She stated the plans have already been redesigned to show the right-of-way dedication. She also said that the standards for play areas are based on "stand-alone" schools. This would be a joint site with 15 acres of play area between the school buildings.

Ms. Chadwick also stated the landscaping along the east side, would be moved to the exterior of the fence and the only wetlands to be altered will be minor ditches running through the site.

Mark Ogles, School Board facility planner, stated the State Department of Education has approved the site. He explained the need for a Level of Service Certification. He also explained two interlocal agreements, one of which will expand the available area for drainage. The second agreement will address joint planning of a regional park on the site. This will change the access and parking places in the Final Site Plan.

The public hearing was closed.

Mr. Paulmann again reviewed the provisions of Section 502.6.6.7 of the Land Development Code.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:

Clerk
Adj. 4:55 p.m./apm

Hearing Officer 7/17/91

