

NOVEMBER 7, 1991

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, November 7, 1991, at 3:10 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.

All witnesses/staff giving testimony were duly sworn.

(Court Reporter Shirley Bills present)

SPECIAL PERMITS

Public hearing (Notice in The Bradenton Herald 10/18/91) was held to consider

SP-88-48(R) CHURCH OF THE TRINITY (FKA RICHARD CAPPS)

Request: Modification of a stipulation to an approved Special Permit requiring the paving of Lockwood Ridge Road on 3.24 acres located on the east side of 75th Avenue East.

Staff recommended stipulations:

1. The amendment to 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, Permitting and Inspections Department.
2. The site plan submitted with this application shall be part of this approval.
3. If the road is not constructed by the County within three years of this approval, Church of the Trinity shall be required to construct Lockwood Ridge Road to County standards from the edge of the pavement to the north side of the church's driveway.
4. Prior to Temporary Certificate of Occupancy or Certificate of Occupancy, an affidavit and agreement which complies with Section 712.2.3.3 of the Land Development Code (LDC) shall be approved by the Board of County Commissioners and recorded with the Clerk of the Circuit Court.
5. The Church shall indemnify Manatee County for any road use liability.
6. The Church shall also agree to provide for the maintenance of Lockwood Ridge Road from the end of the pavement to their point of access until the road is constructed by Manatee County or another developer.
7. Prior to Certificate of Occupancy, the applicant shall provide an improved shell base roadway acceptable to the Manatee County Highway Division of the Planning, Permitting and Inspections Department for the unpaved portion of Lockwood Ridge Road.
8. All other conditions of SP-88-48 that have not yet been complied with shall remain in effect, in particular the following:
 - a. A sidewalk shall be constructed along the west side of the property on Lockwood Ridge Road.
 - b. The dumpster pad location shall be angled to the west or relocated to the east end of the drive.
 - c. All handicapped parking shall be paved.
 - d. The sidewalk from the parking area to the sanctuary shall be paved.
 - e. The proposed facility shall be required to connect to the sanitary sewer system, at the owners's expense, prior to Certificate of Occupancy.

Norm Luppino, Planning, Permitting and Inspections, stated the site is on an unimproved road 1/4 mile north of pavement on Lockwood Ridge Road. The applicant has an easement over 500 feet of a private street.

A Final Site Plan was approved September 18, 1991, requiring that Lockwood Ridge Road be paved to the point of access. The Public Works Department indicated the construction of Lockwood Ridge Road is tentatively scheduled to begin in the summer of 1992; therefore, the applicant requested a modification to the stipulation requiring paving.

The LDC requires paved access unless provisions of Section 712.2 are approved. The applicant must acknowledge that the County is not responsible for maintenance of the street.

Mr. Luppino addressed staff concerns: The Fire Department recommended the applicant improve the roadway with a stabilized shell base; ingress and egress; dust from unimproved road. He entered six letters, a copy of SP-88-48, and a draft Notice of Intent and a draft Special Permit into the record.

Jim Farr, representing the applicant, requested that road damage created by construction traffic not related to the request be prorated when the church is required to maintain the road. He stated that the road has been damaged by the traffic.

Charles Brown, adjacent property owner, stated he owns an easement over a portion of which the church would be required to stabilize. He recommended that construction of the church be delayed until construction of Lockwood Ridge Road. He stated the construction traffic using the easement will be stopped.

Clara Campbell, Planning, Permitting and Inspections, stated that Jerome Gostkowski of Planning, Permitting and Inspections reviewed the construction traffic damage on the road and advised the contractor that there could be responsibility to repair the road. She stated he did not recommend that a third party be responsible for a stipulation.

Mr. Paulmann reviewed provisions of Section 502.6.6.7 of the LDC.

Public hearing (Notice in The Bradenton Herald 10/18/91) was held to consider

SP-91-12 NEW HOPE BAPTIST CHURCH - CHURCH FACILITY

Request: Special Permit to allow a 17,640 square foot church facility in an RSMH-6 zoning district on 5.9 acres, located at the northwest corner of Old Tampa Road and 96th Avenue East 1/2 mile south of U.S. 301 in Ellenton.

Staff recommended stipulations:

1. The 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. All grassed parking shall have adequate permanent means of traffic control to delineate pedestrian and vehicular flow; and permanent markers at the head of each car stall within the parking areas prior to Certificate of Occupancy.

Stuart Campbell, Planning, Permitting, and Inspections, submitted additional stipulation:

4. This Special Permit approval does not constitute approval of any possible future expansion, including those which are shown on the preliminary site plan.

He reviewed a location map and a site plan.

Ralph Hall, engineer for applicant, stated lighting could be shielded from surrounding areas. He requested grass drive isles, instead of shell or gravel, be considered as "dustless surface."

Mark Barnebey, Assistant County Attorney, stated Stipulation 3 could be deleted, inasmuch as it is required by the LDC. He submitted a recommended Notice of Intent and Special Permit.

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(Cont'd)

Public hearing (Notice in The Bradenton Herald 10/18/91) was held to consider

SP-91-15 SPRING LOUNGE - 4-COP LICENSE

Request: Special Permit to allow a 4-COP license at a 60 seat drinking establishment, and approval to relocate to space within three existing units - Units 603, 604 and 605 at the north end of the Southwood Mall Shopping Center on .6 acre, located at the southwest corner of 14th Street West and 57th Avenue West.

Staff recommended stipulations:

1. The 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 building ingress/egress proposed on the west end of these units shall be used as an emergency exit only.

Erika Barrett, Planning, Permitting, and Inspections, reviewed a location map and a site plan. She stated staff is concerned about impact on the adjacent subdivision.

In order to address the hedge, which is not being maintained by the shopping center, she submitted additional stipulation:

4. The required hedge along 15th Street West shall be maintained to a height of 6 feet and be 80 percent opaque between 2 feet to 6 feet above grade.

She submitted two letters in opposition.

Scott Haley, representing the applicant, stated the Lounge is a State Certified Responsible facility.

Discussion: Hours of operation of Lounge and adjacent package store.

Opal Brock, adjacent property owner, opposed the request due to traffic, noise and litter.

Evelyn Conkling, adjacent property owner, opposed the request.

Russell Brock, adjacent property owner, submitted a letter from the President of the Southwood Village Homeowners Association in opposition. Mr. Brock opposed the request.

Discussion: Fence buffer; traffic control; security, etc.

Mr. Haley stated the applicant agreed to limit use of a back door to emergency use only and erecting a fence.

Discussion: Shopping centers not complying with landscaping, etc; tenant bringing site up to Code; allow fence instead of hedge, etc.

Mr. Barnebey stated the Notice of Intent and Special Permit does not include stipulations discussed.

MINUTES

Mr. Paulmann approved the minutes of October 7, 1991, with the clarification that the public hearing was reopened due to "responding to the staff report and public hearing comments."

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

Clerk

Adj: 5:00 p.m.

sgf

APPROVED:

Hearing Officer 12-11-91