

SEPTEMBER 16, 1992

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, September 16, 1992, at 3:07 p.m.

Presiding was: James Paulmann

Also present were:

Mark P. Barnebey, Assistant County Attorney
Diane E. Vollmer, Clerk, representing
R. B. Shore, Clerk of Circuit Court

News media notified, but not present.

All witnesses/staff giving testimony were duly sworn.

SPECIAL PERMITS

Public hearing (Notice in The Bradenton Herald 8/28/92) was held to consider

SP-92-12 - BRADENTON MIDDLE SCHOOL

Request: Special Permit to allow a 115,546 square-foot middle school as a conditional residential support use in an A-1 zoning district on 25.85 acres on the north side of 26th Avenue East, 208 feet east of 15th Street East.

Staff recommended APPROVAL with Conditions:

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, Permitting and Inspections Department.
2. The site plan submitted with this application shall be part of this approval.
3. The two baseball fields shall be oriented so that home plate is situated closest to the adjacent residential property to the west and 26th Avenue East so that the batter is directing balls to the interior of the subject site. Also, a six-foot-high chain link fence shall be installed along the front property line adjacent to the baseball diamond to help field any stray baseballs.
4. To satisfy the roadway buffer requirements as required by Section 715.5.1 of the Land Development Code, 556 shrubs shall be placed in a linear fashion within the ten-foot-wide roadway buffer along 26th Avenue East.
5. To satisfy the minimum requirements of Section 715.6.1 of the Land Development Code, one additional canopy tree, a minimum of eight feet in height with a minimum of 1.5 inch dbh or a four-foot canopy, shall be placed within the large landscaped median in the center of the western most parking lot.
6. To further satisfy the minimum requirements of Section 715.6.1 of the Land Development Code, an additional 50 shrubs shall be placed at the property owners' discretion within any of the landscaped islands/medians located in the parking area.
7. To meet the minimum requirements contained in Section 715.6.1.A of the Land Development Code, a terminal island containing one canopy tree, a minimum of eight feet tall with a minimum dbh of 1.5 inches or a minimum four-foot canopy, and five shrubs shall be located on the western side of the handicapped parking stall located in the service area near the proposed cafeteria.
8. The fire flow, drainage, solid waste, wastewater and traffic studies must be approved prior to Final Site Plan approval to allow the issuance of a Level of Service Certificate in conjunction with the Final Site Plan.
9. In accordance with Section 704.53.1 of the Land Development Code, the landscape screen which is proposed along the eastern boundary shall reach 80 percent opacity within two years of Final Site Plan approval.

Misty Martin, Planning, Permitting and Inspections, advised that the site contains two dwelling units and a citrus grove; one of the units is to be demolished and the other is to be used as an environmental class room. She reviewed the Final Site Plan and pointed out two wetlands on the site which will be mitigated at a ratio of 1.15:1.

She stated that staff finds the request to be consistent with the Land Development Code and the Comprehensive Plan subject to the conditions.

She advised that the requirements of Conditions 5 and 6 have been satisfactorily addressed in the Plan and recommended they be **eliminated**. Condition 9 should read "...proposed along the western boundary..." instead of "...the eastern boundary..."

She recommended the addition of three conditions:

- = Athletic events associated with the baseball and football/soccer fields shall be limited to daylight hours. No lighting shall be provided for these fields.
- = The chain link fence surrounding the existing wetlands shall be moved to the outside of the 30-foot buffer.
- = The open area east of the gymnasium and stormwater facility "C" shall be designated as overflow parking on the Final Site Plan.

Mr. Paulmann raised questions regarding the location of and access to the baseball fields; the location of the wetland to be removed; and the mitigation for the ditch.

With regard to the wetlands and the mitigation, Ms. Martin stated she has received comments from the Environmental Action Commission. Mr. Paulmann asked that they be entered into the record.

Mike Drapala, Zoller, Najjar & Shroyer, representing the School Board, responded to questions regarding the wetlands and the mitigation.

Questions were raised with regard to the Certificate of Level of Service; approval of the Final Site Plan; the surface of the overflow parking area; access to the trash dumpster; and traffic circulation/the bus turn-around area.

Mr. Drapala outlined permits/approvals received to date. He stated the application for the Certificate of Level of Service has been filed and the reviews have been completed, with the exception of traffic.

Mark Ogles, School Board Planner, reviewed the reasons the ball fields were designed with home plate facing west. He stated the fields will be used primarily in the morning; it is very rare that 11-13 year-old students will hit the balls more than 200 feet; there are concerns with regard to foul balls going over the fence and noise if the fields were reversed; and, the ball fields are intended for P.E. class and not for competitive use. He advised that they try to discourage, if not prohibit, the use of the fields during non-school hours.

He also expressed concern with the required level of opaqueness of the buffer along 26th Avenue East and the need to see through it to monitor the facility.

John Moody, Swan, Moody & Associates, also addressed concerns regarding the 556 shrubs required along 26th Avenue East. He requested this requirement be waived for security and maintenance reasons. He stated they have provided street trees, and are exceeding the required number of trees, the entire length of 26th Avenue East.

He stated they will meet the 80 percent opacity requirement as outlined in Condition 9. He expressed concern, however, with Condition 7 and the requirement for an additional tree and terminal island adjacent to the handicapped space. He stated the tree would be located next to a utility service building, as well as power transformers, and will not survive. They are willing to place the tree, and associated shrubs, elsewhere on the property.

Johnny Smith, adjacent resident, raised questions with regard to the location of the ball fields and the batting direction. He stated the ball fields should be moved away from the residential area. He also questioned whether or not 26th Avenue East will remain a two-lane roadway and expressed concern with the use of the ball fields during non-school hours.

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(Cont'd)

Upon question with regard to the six-foot fence along the western side of the property line, Norm Luppino, Planning, Permitting and Inspections, advised that in the A-1 zoning district the maximum height of a fence within eight feet of the property line is eight feet. That height could be exceeded if the fence were constructed further than eight feet from the property line.

In order to find this request to be compatible with the surrounding land uses, if it is determined that some type of security is necessary, he recommended it be included with this approval.

Others speaking in opposition to the request were Shirley Johnson, 2411 19th Street East, and Alto Neely, resident in the area.

Mr. Moody outlined the proposed landscaping and Mr. Luppino questioned the possibility of relocating the ball fields.

Following question with regard to Condition 4, Mr. Luppino advised that there may be a future Code amendment to modify the provision under Section 715.5, regarding landscape buffering, and he suggested an addition: "if required by the Land Development Code at time of the first certificate of occupancy."

With regard to the addition of a canopy tree (Condition 7), he stated that is a Code requirement. If the applicant is concerned the tree will not survive, parking can be moved to the east or spaces could be eliminated in order to locate the tree in an area it could survive.

Mark Barnebey, Assistant County Attorney, recommended additional language to Condition 4, following language suggested by Mr. Luppino: "If the Land Development Code is amended to not require what is provided as set forth above, that the applicant will meet the Land Development Code."

He submitted a copy of the recommended (draft) Notice of Intent to Approve Special Permit No. SP-92-12 and the proposed Special Permit/Final Order, without the changes to Condition 4.

Mr. Paulmann reviewed the procedures for approval or denial of the Special Permit.

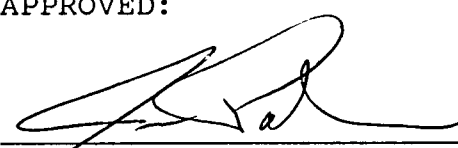
HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:


Clerk


Hearing Officer 11/5/92

Adj: 4:12 p.m.
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