

DECEMBER 16, 1992

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, December 16, 1992, at 3:12 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.

MINUTES

Mr. Paulmann approved the minutes of November 5, 1992, with a correction to the first page: "Jerry Camp, applicant, approved..." should read "Jerry Camp, applicant, agreed with..."

(Court Reporter, Joann L. Zeck, present)

SPECIAL PERMIT

Public hearing (Notice in The Bradenton Herald 11/27/92) was held to consider

SP-92-15/FSP-92-39 MANSION MEMORIAL PARK - MAUSOLEUMS

Request: Special Permit to allow the construction of eight mausoleums in an existing cemetery located on 33.6 acres at the southeast corner of Memphis Road and Ellenton-Gillette Roads.

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 Final Site Plan (FSP-92-39) submitted with this application shall be part of this approval.
3. The Final Site Plan shall expire concurrently with the expiration of the Certificate of Level of Service.
4. A five-foot wide sidewalk shall be required along Ellenton-Gillette Road and Memphis Road prior to Certificate of Occupancy.
5. An additional 30-foot wide right-of-way along Ellenton-Gillette Road shall be dedicated to Manatee County prior to Certificate of Occupancy.

Norm Luppino, Planning, Permitting and Inspections, reviewed the request and the site plan. He also pointed out the HA Overlay District on the site, and the surrounding uses. He stated that no new access is proposed via Ellenton-Gillette Road.

He stated this site is not the old Gamble Plantation sugar mill location and will have no impact on any historically significant aspects; and, there is at least a 70-foot setback from any proposed right-of-way

Discussion: Comment from Growth Management regarding notations on the plan concerning the five-foot sidewalk and the area to be protected from reserved right-of-way status; applicant required to provide sidewalk and right-of-way dedication, as stipulated; additional condition to require a revised Final Site Plan with the deletion of those notations.

Jim Farr, representing the applicant, questioned the time frame for the expiration of the Certificate of Level of Service. He was advised that the Certificate will expire three years from the date it was issued; it can be renewed, however, it must accompany a revised Final Site Plan.

He requested they not be required to provide the additional 30-foot wide right-of-way along Ellenton-Gillette Road (Condition 5) due to existing ground burials in that area. With regard to the requirement for sidewalks, he asked that a decision on the sidewalks be deferred, to be handled administratively, to allow their attorney to research the possibility of deferring or bonding the construction of the sidewalks.

Clara Campbell, Growth Management, advised that there is no ability to waive the sidewalks. With regard to the possibility of bonding the construction of the sidewalks, she stated the bonding procedures are generally used for subdivisions and not for final site plans. If it were allowed to be bonded, the sidewalks must still be built prior to issuance of a Certificate of Occupancy.

After review of Section 722.1.4 of the Land Development Code, Mark Barnebey, Assistant County Attorney, stated it is staff's position that there is no ability to defer the sidewalks, nor do they appear to qualify for an exemption.

Recess/Reconvene.

Upon request by Mr. Paulmann, Ms. Campbell pointed out the existing pavement, existing right-of-way, future right-of-way, and future reserved right-of-way. She also responded to questions regarding future improvements to/expansion of Ellenton-Gillette Road, etc.

Mr. Barnebey recommended Condition 5 be amended to read:

5. A 30-foot wide right-of-way bordering the center of Ellenton-Gillette Road shall be dedicated to Manatee County prior to Certificate of Occupancy, and a 30-foot wide area adjacent to the property to be dedicated shall be shown on a revised Final Site Plan as reserved for future right-of-way. No dedication will be required.

It was clarified that the Plan could be identified to note the "grave-site area suggested to be protected."

Mr. Farr stated the Final Site Plan will be revised to depict these comments and the requirements of the Land Development Code will be met with regard to revised landscaping requirements.

Mr. Luppino stated that a Land Development Code amendment was adopted (by the Board of County Commissioners) on December 14, 1992, regarding street frontage landscaping for non-residential properties.

Mr. Barnebey submitted a recommended/draft Notice of Intent to Approve and Final Order for SP-92-15. He stated, however, that the Final Order does not include the amendment to Stipulation 5.

He recommended an additional stipulation be included stating that a revised Final Site Plan consistent with these Stipulations shall be reflected as part of this Order.

Mr. Luppino noted that Section 2.J. of the draft Final Order states that street frontage landscaping, pursuant to Section 715.5.1 of the Land Development Code, is required along Ellenton-Gillette and Memphis Roads.

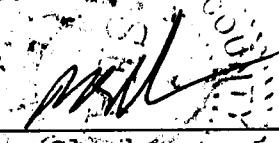
Mr. Paulmann reviewed the procedures by which this request will be approved or denied, pursuant to Section 505.4.3 of the Land Development Code.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:


Clerk


Hearing Officer 2/4/93

Adj: 4:06 PM
/dev