

MARCH 4, 1993

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, March 4, 1993, at 3:05 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.

SPECIAL PERMITS

(Court Reporter, Joanne Zeck, present)

Public hearing (Notice in The Bradenton Herald 1/12/93) was held to consider

SP-92-24 MANSION MEMORIAL PARK - FUNERAL HOME

Request: Special Permit to allow the construction of an 8,150 square-foot funeral home in an existing cemetery on 33.6 acres located at the southeast corner of Memphis Road and Ellenton-Gillette Roads.

Staff recommended APPROVAL with the following 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 (SP-92-24) submitted with this application shall be part of this approval.
3. Regardless of the proposed phasing schedule shown on the site plan for this project, the Final Site Plan(s) for all phases shall expire concurrently with the expiration of the Certificate(s) of Level of Service Compliance.
4. A 5-foot wide sidewalk shall be required along Ellenton-Gillette Road and Memphis Road prior to Certificate of Occupancy. If this sidewalk is placed with the 30-foot right-of-way reservation, the applicant must also provide a pedestrian easement 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.
6. Street frontage landscaping, pursuant to Section 715.5.1 of the Land Development Code, is required to be installed along the entire property frontage on Ellenton-Gillette and Memphis Roads prior to Certificate of Occupancy for funeral home.
7. A Level of Service Certificate must be issued prior to any Final Site Plan approval for this project.

Erika Barrett, Planning, Permitting and Inspections, reviewed the staff report.

Ms. Barrett advised The Historic Preservation Board (3/1/93) approved the request with the addition of the following conditions, which have been added to the recommended Order:

8. In the event in the approval process any landscaping or buffering is required, it shall be of native vegetation in a naturalized non-linear setting.
9. Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-distributing activities are allowed to continue.

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(Cont'd)

Discussion: Sidewalk and landscaping requirements; buffering; scrivener's error in Condition 4, "with" should be "within."

Caleb Grimes, representing the applicant, recommended that Condition 8 read:

= In the event that landscaping is required along the south property line.....

He addressed Conditions 4 and 5 relating to the 30-foot rights-of-way to be dedicated and reserved. He recommended Condition 5 be clarified:

= A 30-foot right-of-way as shown on the submitted plans shall be dedicated.....

On page 5, line 3 of the staff report, Mr. Grimes advised the proposed funeral home is set back 56 feet from the right-of-way reservation (not dedication) line, which meets setback requirements even after the reservation is taken.

Staff recommended amending Condition 5:

5. A 30-foot right-of-way along Ellenton-Gillette Road as shown to be dedicated on the Site Plan, shall be dedicated to Manatee County prior to Certificate of Occupancy.

The draft Notice of Intent and Final Order was submitted.


Mr. Paulmann advised that within 21 days a final Notice of Intent, detailing findings of fact and conclusions of law, will be issued.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:


 Clerk
 dj: 3:30 p.m.
 /jr


 Hearing Officer 6/3/93