

MARCH 17, 1993

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, March 17, 1993, at 3:16 p.m.

Presiding was: Benjamin Withers

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. Withers approved the minutes of November 18, 1992, and January 7, 1993.

SPECIAL PERMITS

(Court Reporter, Joann Zeck, present)

Public hearing (Notice in The Bradenton Herald 2/26/93) was held to consider

SP-92-23 ELMER K. & KAREN J. PILLSBURY/KINDER KASTLE DAYCARE

Request: Special Permit to allow a day care center for a maximum of fifty children in the RSF-4.5 zoning district on .47 acre located at 2425 38th Avenue West.

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 considered for the Hearing Officer's approval to be a preliminary site plan, shall be part of this approval.
3. All required landscaping must be installed prior to commencement of operations at this daycare.
4. This Special Permit approval shall remain effective for five years from the date of approval. At least three months prior to the expiration of the Special Permit, the applicant may request one administrative extension for an additional five years.

Erika Barrett, Planning, Permitting and Inspections, stated the daycare was approved in 1981 for 75 children (SP-81-39) for five years with a possible five-year extension. The property owner did not apply for an extension. The daycare was closed and subsequently sold to the new property owner. The daycare, currently licensed for 75 children, is in operation and in violation of the Land Development Code (LDC).

Ms. Barrett stated several agencies were questioned about complaints received concerning noise/traffic created by the daycare over its ten-year operation. One agency indicated several complaints not related to the daycare operation.

Staff recommended rewording Condition 3:

3. All required landscaping must be installed within 60 days of the date of approval of the Special Permit.

Elmer Pillsbury, applicant, stated he filed the complaints with the Sheriff's Office because of theft, etc. He assumed the County would notify him when the Special Permit was to expire.

Frank Warner, questioned the number of children that will be allowed, and submitted a petition from neighbors in opposition due to noise, traffic, and present conditions.

Mike Pendley, Planning, Permitting and Inspections, submitted a copy of the Notice of Intent to Approve and the proposed Final Order.

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(Cont'd)

Mr. Withers outlined the procedures pursuant to Section 502.6.6.7 of the Land Development Code.

**Recess/Reconvene.**

Public hearing (continued from 1/7/93 and readvertised 2/26/93) was held to consider

**SP-92-20 - JUST LIKE HOME V, INC.**

Request: Extension to a Special Permit to allow an Adult Congregate Living Facility (ACLF) in the RSF-4.5 zoning district on .56 acre located at the southeast corner of 51st Street West and 29th Avenue West (5015-29th Avenue West).

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 Center shall maintain its licensure as required by the Office of Licensure and Certification, Florida Health and Rehabilitative Services Department.
3. A maximum of 18 residents (including resident staff) shall be allowed.
4. The architectural character of the facility shall continue to be consistent with the existing residence and residences in the neighborhood.
5. There shall be no free-standing or wall-mounted signs located on the site.
6. All trash receptacles shall be located at the southwest corner of the structure and screened with 100 percent opaque materials.
7. The area designated for grass parking shall be properly maintained and be regularly watered by a 100 percent automatic irrigation system.
8. The landscaped buffer shall be provided and maintained along the south property line as 80 percent opaque and a minimum height of four feet above grade.
9. This approval shall be for an HRS licensed ALCF facility for the elderly (55 years of age or older) only.
10. The building setback from the eastern property line shall be a minimum of fourteen feet. The building along the eastern property line shall not exceed fifty feet in depth, and the building shall not exceed 4200 feet gross floor area.
11. Prior to approval of the revised Final Site Plan, a Certificate of Level of Service (CLOS) shall be issued for the site.
12. This Special Permit approval shall remain effective for five years from the date of approval. At least three months prior to the expiration of the Special Permit, the applicant may request administrative extensions for additional five year periods. The administrative extensions will be reviewed by the Director of the Planning, Permitting and Inspections Department, or his or her designee, and shall be based on the Special Permit criteria (currently Section 505) of the Land Development Code, and the conditions of this Order.

Rita Smith, Planning, Permitting and Inspections, stated the request is to extend a Special Permit for an existing Adult Congregate Living Facility (ACLF). The existing Special Permit (SP-87-85/FSP-88-44), approved on April 28, 1988, expires on April 27, 1993. A stipulation granted the permit for a period of five years and required the applicant to submit an application to extend the length of the Special Permit.

The Final Site Plan is revised to reflect a pool shown on the original site plan which has been filled in and a proposed addition that has been completed. As requested and approved in the original Special Permit, the applicant is requesting 16 residents and 2 resident staff, for a total of 18 residents.

Mr. Pendley advised that staff recommended two additional conditions:

- 13. The reservation of an additional eight feet of right-of-way is required adjacent to 51st Street West. The site plan shall be revised within 30 days of this hearing and be resubmitted to staff for administrative review and approval.
- 14. The Developer shall provide and record a pedestrian easement for the existing five foot sidewalk along 51st Street West within 30 days of this hearing. The easement shall be described in a format which is available from the Public Works Department and shall be approved by same. The Developer shall be responsible for the costs of recording the approved easement.

Caleb Grimes, representing the applicant, submitted photographs (7) of the facility and stated the home looks like a single family residence. The facility provides a home-like setting for elderly, frail people in need of 24-hour supervision, but not needing to be hospitalized or institutionalized.

Ruby Zielinski, representing Tropical Highlands Neighborhood Association, requested continuance so their legal counsel can review the new conditions. Additionally, she stated the neighbors object to the signage on the mailbox, as addressed in letter (1/6/93) from the Association, submitted in the January 7 hearing.

Mrs. Zielinski also pointed out that there are two ACLF's in this neighborhood, less than 1,000 feet apart.

Mr. Barnebey advised that the overall time frame for the Special Permit has changed to provide for a request for an administrative extension, and that Condition E (Stipulation 5) of the draft Special Permit addresses the issue of signage.

Mr. Grimes stated the concerns raised in the letter from the Association are addressed in the draft Special Permit. Furthermore, Section 704.5.1.1 of the Code states that an ACLF by Special Permit must not be within a 500 foot radius of another ACLF measured from property line to property line.

Dr. Richard Conard stated there has been no negative response to the ACLF since its development five years ago.

Recess/Reconvene.

Ms. Smith advised that the distance between the two ACLF's is 700 feet.

Mr. Pendley distributed a copy of the revised Final Order for SP-92-20.

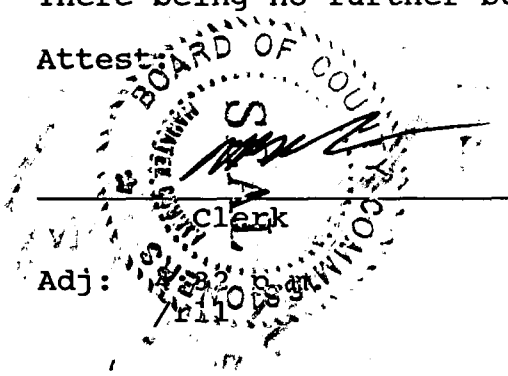
Mr. Withers outlined procedures as provided in Section 502.6.6.7 of the Code.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Benj. Withers  
 Hearing Officer 5/19/93