

JULY 6, 1995

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, July 6, 1995, at 3:05 p.m.

Presiding was: James Paulmann

Also present were:

Paul Bangel, Assistant County Attorney
Susan G. Romine, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

All witnesses/staff giving testimony were duly sworn.

MINUTES

Mr. Paulmann approved the minutes of April 19, 1995.

(Sheila Iten, Court Reporter present)

SPECIAL PERMITS

Mike Pendley, Planning, Permitting and Inspections, announced that due to amendments to the Land Development Code (Ordinance 95-19), which became effective July 5, 1995, the following applications for special permits (advertised for this date) have become administrative matters and do not require a public hearing:

- SP-95-09 Newton Development (Rosedale Golf and Tennis Club)
- SP-95-11 Peace River Presbytery (Braden River Presbyterian Church)
- SP-94-19 Phillip and Debra Massey

Public hearing (Notice in the Bradenton Herald 6/19/95) was held to consider

SP-94-20 JAMES AND VIVIAN REYNOLDS - CHURCH

Request: Special Permit to allow a 5,000 square-foot church on 3.65 acres zoned A-1 located at the terminus of 45th Avenue Drive East, 1,400 feet east of Caruso Road.

If approved, staff recommended 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 Preliminary Site Plan submitted with this application shall be part of this approval.
3. Signage shall be limited to the 4x8-foot ground sign shown on the Site Plan.
4. Screening pursuant to Section 715.5.2 shall be provided along all property lines prior to issuance of Certificate of Occupancy.

Norm Luppino, Planning, Permitting and Inspections, reviewed two maps of the area, as well as an aerial map. He noted there are two other churches in the immediate area, which are located on an existing or planned collector road.

He noted there are some inconsistencies with the Comprehensive Plan, e.g., church is located on residential street which was developed for single-family residences; incompatible with surrounding land use and not in character with existing neighborhood; will cause increased traffic on local street; etc.

Hugh McGuire, attorney representing the Islamic Society of Sarasota and Bradenton, noted that the aerial map is very old. He pointed out the proposed church is surrounded by residential on three sides only. He stated he is not aware of any rule preventing the use requested, or requiring churches to be on a thoroughfare.

Jim Farr, certified land planner with George F. Young Inc., stated the request is for a residential support use, is compatible with its surroundings and is consistent with the Comprehensive Plan. He pointed out some churches and schools have been approved on local streets, collectors and arterials.

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(Cont'd)

Upon question as to whether other activities are planned, such as day care, he stated this is a one-day per week church operation with approximately 50 members. As to additional buffering recommended by staff, he stated they have provided for buffering of the parking area and church, which was considered to be sufficient; however, they could work out a buffering solution if necessary.

Mr. McGuire clarified that church services are held once a week on Friday; however, once a year they meet daily during one specified month for one hour at sunset.

Dr. Steve Brown, representing the Islamic Society of Sarasota and Bradenton, responded that during that one-month period the activities are inside, as they are throughout the year.

Randy Alley, traffic engineer with George F. Young Inc., reported that trips generated on a weekly basis would be 205 for three homes versus 47 for the church. He stated there is no traffic data suggesting that a church should not be located on a deadend street if the street has available capacity. He stated the level of service table for Manatee County shows Caruso Road as the major collector which has sufficient capacity for this project.

Mr. Luppino stated there is no guarantee there will be a specific denomination or church facility at that location in the future; there is no assurance it will be used on certain dates or that hours of operation will be limited, however, the Hearing Officer can condition hours or days of operation; policies exist which address community character and development patterns in the area; and a church would generate increased traffic in the area at one time; etc.

Mr. Pendley recommended denial. He stated this is not an appropriate transition due to compatibility concerns.

Mr. Paulmann stated he will issue a Notice of Intent within 21 days indicating findings of fact, conclusions of law and proposed action. He also requested a transcript of the hearing.

Mr. Pendley submitted a draft Notice of Intent to Approve or Deny and a proposed final order.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:



Clerk



Hearing Officer 9/8/95

Adj: 4:06 p.m.
/eml

