

NOVEMBER 18, 1998

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, November 18, 1998, at 4:05 p.m.

Presiding was: James Paulmann

Also present were:

Mark P. Barnebey, Chief Assistant County Attorney
Jane Roak, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

(Tracey Tsantles, Court Reporter, present)

SPECIAL PERMITS

Public hearing (Notice in the Bradenton Herald 11/6/98) was held to consider

SP-98-09 - ELMER R. and KAREN J. PILLSBURY

Request: Special Permit to allow a small day care (maximum of 50 children) in the RSF-4.5 zoning district on .47 acre, located at the southeast corner of 38th Avenue West and 25th Street West, at 2425 38th Avenue West.

If approved, staff recommended the following stipulations:

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 Final Order is received by the Planning Department.
2. The site plan submitted with this application (SP-98-09) considered for the Hearing Officer's approval to be a Preliminary Site Plan, shall be part of this approval.
3. Three canopy trees shall be planted along 25th Street West, four canopy trees along 38th Avenue West, and one canopy and two understory trees shall be planted along the southern property boundary. The canopy trees shall have a minimum caliper of 2½ inches, a minimum spread of 4 feet, and a minimum height of 10 feet. These trees shall be planted within 90 days of recording the Final Order for this Special Permit.
4. The parking lot shall be re-striped to MUTCD Standards within 90 days of recording the Final Order for this Special Permit.
5. A 5' x 8' can enclosure with a three-foot-high opaque fence and gate shall be provided for this site within 90 days of recording the Final Order for this Special Permit Approval.
6. A five-foot-wide sidewalk shall be provided adjacent to this site along 38th Avenue West and 25th Street West and shall be installed within 90 days of recording the Final Order for this Special Permit.
7. The driveway along 38th Avenue West shall be reduced to a maximum of 24 feet. This shall be accomplished within 90 days of recording the Final Order for this Special Permit.
8. This facility may care for a maximum of 50 children.

Misty Servia, Planning Department, reviewed the site plan, zone map and recommended conditions. She made an addition to Stipulation 4, ..."**at a 90 degree angle**" after the word restriped, and deleted Stipulation 6 regarding sidewalks since there are no sidewalks in the area.

Karen Pillsbury, applicant, objected to Stipulation 4, stating for the safety of the children, they have planned a one-way traffic pattern.

Mike Harrison, Planning Department, stated they do not object to a one-way traffic pattern. The Manual on Uniform Traffic Control Devices (MUTCD) allows for either a one-way or a two-way traffic pattern around and through off street parking areas. The Manual also sets out requirements regarding appropriate signage, e.g., "Do Not Enter" and directional arrows, etc.

Discussion: Stipulation 4 to remain as originally proposed.

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(Continued)

Mark Barnebey, Chief Assistant County Attorney, presented a draft Notice of Intent and recommended Final Order which contains the conditions as presented in the staff report, noting there is **no alteration** to Condition 3D (Stipulation 4), and 3F (Stipulation 6) is to be **deleted**.

Mr. Paulmann stated he will issue a written report within 21 calendar days indicating findings of facts, conclusions of law and recommendations regarding approval or denial. He stated a transcript was not needed.

MINUTES

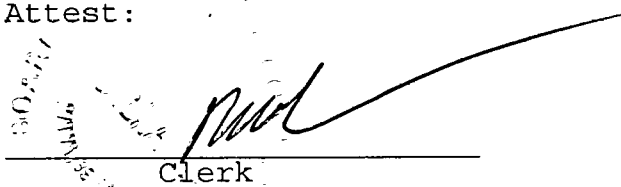
Mr. Paulmann approved the minutes of August 19, 1998, and requested the minutes of August 6, 1998, be changed as follows: on page 220, paragraph 7, Mr. Paulmann recommended **adding** that "the County and the applicant both agreed" to the suggestion, and on page 221, paragraph 9, (regarding representation of Florida Power & Light) **adding** "..., and for purposes of this hearing,"...

HEARING ADJOURNED

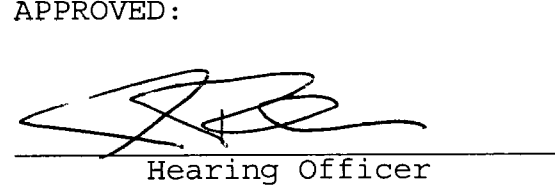
There being no further business, the hearing was adjourned.

Attest:

APPROVED:



Clerk



Hearing Officer

Adj: 4:24 p.m.
/jk