

SEPTEMBER 4, 2003

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, September 4, 2003, at 3:01 p.m.

Presiding was: Mark Singer

Also present were:

William Clague, Assistant County Attorney
Nancy Harris, Deputy Clerk,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

AGENDA

The agenda of September 4, 2003, and public sign-in sheet.

[HO20030904DOC001](#)

COURT REPORTER

Mr. Singer announced that no Court Reporter would be present at the hearings. None of the parties objected to the absence of the Court Reporter.

SPECIAL PERMITS

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 8/22/03) was held to consider

SP-03-03 JOSEPH GIGLIOTTI AND LOUIS MERUCCI (ADVERTISED AS G&M LAND CORPORATION)/CORTEZ CAR WASH II

Request: Special Permit for a full service car wash on .58 acres on the north side of S.R. 70 at 6717 S.R. 70 East in the **GC** zoning district.

If approved, staff recommended 16 Stipulations.

Barney Salmon, Planning Department, submitted a Land Development Application and new Affidavit of Ownership naming Lou Merucci and Joseph Gigliotti. He outlined the request using zoning and future land use maps, a site plan, and a slide presentation. Mr. Salmon cited Land Development Code (LDC), Section 704.11, and noted additional use criteria must be met for all car washes for access, screening, parking and landscaping, and mitigation to surrounding uses. The proposal includes a 2,800 square-foot building with a 1,835 square-foot canopy area.

Discussion: Height limit for lights is 20 feet; hours of operation are limited; days of operation are not limited; etc.

Robert Lombardo, engineer for the applicant, stated the applicant agrees with the stipulations, but requested approval to install a PVC or vinyl fence along the property line instead of an opaque wall as designated in Stipulation 15.

Discussion: Fence denotes openings in structure; wall is solid; site drainage into Campbell Subdivision and RV park; applicant prefers opaque vinyl fence; whether fence is defined in LDC; etc.

William Clague, Assistant County Attorney, read Section 201 of the LDC. He suggested that **Stipulation 15** be amended to provide for a six-foot high PVC fence, omitting the term opaque wall, as the definition of fence in the LDC does not require it to be without spaces.

Mr. Singer suggested that Stipulation 15 require the fence to be completely opaque.

Norm Luppino, Planning Department, submitted a draft Notice of Intent to Approve or Deny the Special Permit.

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 8/22/03) was held to consider

SP-02-14 DEVATTA AND CARLOS CRADDOCK/CRADDOCK DAYCARE

Request: Special Permit to allow expansion of an existing daycare from 15 to 24 children on .16 acre located at 708 32nd Avenue East in the **RDD-6** zoning district.

If approved, staff recommended 8 Stipulations.

Mr. Salmon, Planning Department, advised that the daycare has never been permitted by the County, even though State and HRS Permits have been issued for operation. This request is for a permit and an expansion for the number of children from 15 to 24.

Discussion: Whether the operation is non-conforming; whether permit was required at time business commenced; whether business has been operating illegally; daycare allowed within the zoning category; owners were not aware they needed County permit when business commenced; expansion request is for the number of children; if Special Permit denied daycare cannot operate; no Code Enforcement violations or complaints; etc.

Mr. Salmon outlined this request using a staff report map, future land use map, zoning map, a site plan, and slide presentation. The facility meets all requirements and exceeds the standards required by Section 704.18 of the LDC as to square footage required for the current number of children. There is an existing parking and drive aisle to accommodate parking and site access. The exterior of the building retains the appearance of a single-family residence, and there will be no changes to the existing structure or impervious surfaces.

Mr. Salmon submitted e-mail from **Michael Tenney**, Planning Department, indicating the request does not require a traffic study.

Discussion: Stipulation 7 requires paving over existing shell drive; paving over the existing shell will not increase the impervious area; no outdoor storage will be allowed; whether two employees will satisfy the ratio of staff-to-child ratio as required by with State regulations; etc.

Neal Mazzei, agent for owner, stated the applicant agrees to the Stipulations; but she was not aware of the Final Site Plan requirements, which were not conveyed.

Devatta Craddock, applicant, addressed the issue of staffing and advised that State requirements for staff-to-child ratio vary based upon the age of the children.

Discussion: Stipulation limits two daycare employees; applicant must meet State criteria and may require three employees; there will be parking for up to four employees; applicant did not realize there was a stipulation that limited number of employees; State could require up to six employees for infant care; whether there is room for additional parking spaces; etc.

Mr. Salmon stated there are currently two employees at the daycare and a limit was placed on the number of employees because of the parking limitations on site. He advised that room was left for parents to park while picking up their children, even though there is a drive aisle.

Recess/Reconvene.

Mr. Mazzei stated that the applicant will discontinue infant care, and will have 24 children over one year of age. The State requires a ratio of 1 adult for each 12 children. Ms. Craddock, the owner, is not counted as an employee in terms of parking.

Discussion: Whether employees could park off-site; no on-street parking available; etc.

Norm Luppino, Planning Department, submitted a draft Notice of Intent to Approve or Deny the Special Permit.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Adj: 3:58 p.m.
/njh/pat

Minutes Approved: October 16, 2003