AGENDA -

HEARING OFFICER
Manatee County Government Administrative Center
1112 Manatee Avenue West
1st Floor Chambers
Bradenton, Florida 34205

July 21, 2014
3:00 pm

PLEDGE OF ALLEGIANCE
SWEARING IN BY CLERK’S OFFICE: All Staff/Public Wishing to Speak

PLEASE TURN ALL CELL PHONES AND PAGERS OFF BEFORE ENTERING CHAMBERS

PUBLIC HEARING APPLICATIONS (INDIVIDUAL CONSIDERATION)

1. SP-14-02 – K & T Home Beauty Shop
Rossina Leider, Planner
Request: Approval of a Special Permit to allow a two-chair beauty salon as a conditional home occupation. The site is in the PDMU (Planned Development Mixed Use) zoning district. The site is on the west side of 33rd Street East, approximately 350 feet north of SR 70, at 5220 33rd Street East, Bradenton (± 0.51 acres).

PUBLIC NOTICE

Within 21 calendar days of today's public hearing, the Hearing Officer shall issue a written report detailing the findings of fact, conclusions of law and recommendations regarding approval or denial of an application for development approval (LDC Section 502.8.7.4).

If you wish to receive notice of the final decision or recommendation of the Hearing Officer, you must supply the Planning Department with two stamped, self-addressed envelopes for that purpose (LDC Section 502.8.7.5).

Rules of Procedure for this public hearing are in effect pursuant to Sections 502.8.6 and 505 of the Manatee County Land Development Code. Copies of these sections of the Code are available for review, or purchase at cost, at the Building and Development Services Department, 4th Floor, Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida.

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by a Hearing Officer with respect to any matter considered at this Public Hearing will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Hearing Officers of Manatee County, Florida, do not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Hearing Officer's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds; FAX 745-3790.
SP-14-02 – K & T Home Beauty Shop

Request: Approval of a Special Permit to allow a two-chair beauty salon as a conditional home occupation. The site is in the PDMU (Planned Development Mixed Use) zoning district. The site is on the west side of 33rd Street East, approximately 350 feet north of SR 70, at 5220 33rd Street East, Bradenton (± 0.51 acres).

Hearing Officer: 07/21/2014
### PROJECT SUMMARY

<table>
<thead>
<tr>
<th>CASE#:</th>
<th>SP-14-02 (DTS # 20140185)</th>
</tr>
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<tbody>
<tr>
<td>PROJECT NAME:</td>
<td>K &amp; T Home Beauty Shop</td>
</tr>
<tr>
<td>APPLICANT(S):</td>
<td>Tuyet Thi Anh Nguyen</td>
</tr>
<tr>
<td>REQUEST:</td>
<td>2-chair beauty salon</td>
</tr>
<tr>
<td>CASE PLANNER:</td>
<td>Rossina Leider</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION:</td>
<td>APPROVAL</td>
</tr>
</tbody>
</table>

### SITE CHARACTERISTICS AND SURROUNDING AREA

<table>
<thead>
<tr>
<th>ADDRESS:</th>
<th>5220 33rd Street East, Bradenton</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL LOCATION:</td>
<td>West side of 33rd Street East, approximately 350 feet north of SR 70</td>
</tr>
<tr>
<td>SIZE:</td>
<td>0.51 ± acres</td>
</tr>
<tr>
<td>EXISTING USE(S):</td>
<td>Single-family home</td>
</tr>
<tr>
<td>PREVIOUS APPROVAL(S):</td>
<td>None</td>
</tr>
<tr>
<td>ZONING:</td>
<td>PDMU (Planned Development Mixed Use)</td>
</tr>
<tr>
<td>FLOOR AREA RATIO (FAR):</td>
<td>N/A</td>
</tr>
<tr>
<td>FUTURE LAND USE CATEGORY:</td>
<td>R/O/R (Retail/Office/Residential)</td>
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<tr>
<td>OVERLAY DISTRICT(S):</td>
<td>None</td>
</tr>
</tbody>
</table>
STAFF SUMMARY

The request is to allow a two-chair beauty salon as a conditional home occupation on a 0.51 ± acre site located at 5220 33rd Street East, zoned PDMU (Planned Development Mixed Use) and within the R/O/R (Retail/Office/Residential) Future Land Use Category.

The implementation of Land Development Code in 1990 (Ordinance No. 90-01) changed the zoning of the site from R-2 (One and Two Family Residential) to PDMU (Planned Development Mixed Use). No plan was adopted at that time, and all property owners were informed that they would have to seek a Preliminary Site Plan approval for any uses that would be proposed in the future. However, the current proposal is for a home occupation (beauty shop for 2 chair maximum) that must be incidental to the main residential use of the structure and would be approved by Special Permit (LDC Section 703.2.28.3).

The site is developed with a 2,913 square foot dwelling unit (approximate area under roof), and the beauty salon will occupy a 200 square foot room (former living room), in compliance with the regulations of the LDC Section 703.2.28.4 which provides specific limitations for home occupations including the followings:

- A home occupation may not occupy more than twenty-five (25%) or no more than two hundred (200) square feet of the residence, whichever is less.
- The home occupation must be clearly incidental to the use of the structure as a residence, and the level of the activity for the home shall not increase,
- No alterations to the exterior appearance that change the residential character of the structure.
- Outside display of goods or outdoor storage are not permitted, and
- The number of employees, who are not residences of the dwelling unit, shall not exceed two (2) persons.

The proposal includes one access point on 33rd Street East thru an existing driveway, two (2) parking spaces (including one handicap space), and less than 1,000 square feet of new impervious area to accommodate the parking requirements.

The surrounding area to the north, south, and west is developed with single-family homes, and to the east, across 33rd Street East, with commercial retail and commercial services uses as part of a commercial shopping center (Manatee Towne Center). As proposed and condition herein, it appears that the establishment of a two-chair beauty salon will not impede the normal and orderly development of the neighborhood.

Based upon the information known by the Building and Development Services Department when this report was prepared, and the conditions listed below, staff believes that the proposed use is consistent with the Comprehensive Plan, and meets all requirements of the Land Development Code. A Final Site Plan will not be requested, since there are no required improvements as part of this approval; however, a Building Permit shall be required to place any wall sign.
Staff recommends approval of this project, subject to the conditions contained in this report.

### SURROUNDING USES & ZONING

<table>
<thead>
<tr>
<th>NORTH</th>
<th>Single-family residence zoned PDMU (Planned Development Mixed Use)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH</td>
<td>Single-family residence zoned PDMU (Planned Development Mixed Use)</td>
</tr>
<tr>
<td>EAST</td>
<td>Across 33rd Street East, commercial uses at the Manatee Towne Center zoned NC-M (Neighborhood Commercial – Medium)</td>
</tr>
<tr>
<td>WEST</td>
<td>Single-family residences zoned PDMU (Planned Development Mixed Use)</td>
</tr>
</tbody>
</table>

### SITE DESIGN DETAILS

| LOT & UNIT SIZE(S) | Lot Size: 0.51 acres (22,294 sq. ft.)  
|                   | Unit Size: 2,913 sq. ft. (under roof) |
| SETBACKS:         | N/A                                  |
| OPEN SPACE:       | N/A                                  |
| BUFFERS:          | N/A – buffers nor required            |
| ACCESS:           | 1 driveway to 33rd Street East        |
| WETLAND ACREAGE & IMPACTS | N/A – existing single-family unit / no impacts |
| FLOOD ZONE(S):    | Zone X per Firm Panel 12081C0309E, effective 03/17/2014 |
| AREA OF KNOWN FLOODING | No                                      |
| UTILITY CONNECTIONS | Water and sewer available          |

### POSITIVE ASPECTS

- The site has access to a Collector roadway (33rd Street East).
- The proposed use will be developed indoors.
- No adverse effects or visual impacts to the adjacent properties are anticipated.
### NEGATIVE ASPECTS

- None. This proposal, along with the recommended stipulations, meets the requirements of the Land Development Code and Comprehensive Plan.

### MITIGATING MEASURES

- The proposed facility shall comply with all applicable requirements of LDC Sections 703.2.28.3 and 703.2.28.4 (Conditional Use Criteria for a beauty salon - 2 chairs maximum).

### STAFF RECOMMENDED 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 Order is received by the Building and Development Services Department.

2. The site plan submitted with this application shall be part of this approval.

3. The beauty salon is a home occupation, which is accessory to the principal use of the single-family home as a residence and may not be established as a separate use from the single-family home.

4. The beauty salon is limited to 200 square feet.

5. The interior beauty salon shall not be visible from the street or neighboring properties.

6. No additional square footage or bedrooms shall be added to the beauty salon without the applicant obtaining additional permit from the Manatee County Building and Development Services Department.

7. No signs shall be permitted for this home occupation.

### TRANSPORTATION

**Major Transportation Facilities**

The site will have access onto 33rd Street East, a two-lane collector.

**Transportation Concurrency**

Transportation Concurrency was evaluated as part of the review of this project. The applicant prepared a Traffic Impact Statement (TIS) to determine impacts to the segment of 33rd Street East, near the project site. The results of the TIS, which were reviewed and approved by the Transportation Planning Division, indicated that the impacted roadway segment is expected to operate above the level of service (LOS) “D” performance standard with project-related traffic and with no off-site concurrency-related improvements being required for the project (see Certificate of Level of Service Compliance table below).
Access
In conjunction with transportation concurrency, a review of access issues was undertaken by County staff. The project will have one driveway onto 33rd Street East.

The results of the access review indicated that no site-related improvements will be required for the project.

CERTIFICATE OF LEVEL OF SERVICE (CLOS) COMPLIANCE
TRANSPORTATION CONCURRENCY

CLOS APPLIED FOR: Yes
TRAFFIC STUDY REQ'D: Yes

<table>
<thead>
<tr>
<th>NEAREST THOROUGHFARE</th>
<th>LINK(S)</th>
<th>ADOPTED LOS</th>
<th>EXISTING LOS</th>
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<tbody>
<tr>
<td>33rd Street East</td>
<td>1525</td>
<td>D</td>
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In summary, the results of the Traffic Impact Statement review identified no off-site concurrency improvements.

OTHER CONCURRENCY COMPONENTS

Solid waste landfill capacity, potable water, waste water, transit, traffic and drainage have been reviewed with this Special Permit.

SPECIAL PERMIT CRITERIA PURSUANT TO SECTION 505 OF THE LAND DEVELOPMENT CODE:

1. Is the proposed use consistent with the Comprehensive Plan?
Yes. The proposed use is consistent with the Manatee County Comprehensive Plan. The site is in the R/O/R (Retail/Office/Residential) Future Land Use Category which allows retail, wholesale, or office commercial uses that function in the marketplace as neighborhood, community, or region serving.

The proposal was also reviewed for consistency with Policy 2.1.2.7 of the Comprehensive Plan which requires review of all proposed development for compatibility and appropriate timing. Staff finds that this proposal, along with the recommended stipulations, meets the requirements of the Comprehensive Plan. A home occupation, as conditioned in the Land Development Code, must be conducted completely within a dwelling which is the bona-fide residence of the principal practitioner, therefore, being compatible with the surrounding residential uses.

2. Is the establishment, maintenance, or operation of the proposed use detrimental to, or will it endanger, the public health, safety, or general welfare?
No, the proposed “Home Beauty Shop” should not be detrimental to the public health, safety, or general welfare. With the proposed stipulations, should be no adverse impacts.
3. **Will the establishment of the use impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district?**
   
   No. The site is surrounded to the north, south, and west by single-family residences zoned PDMU (Planned Development Mixed Use) and to the east, across 33rd Street East, there are commercial retail and commercial services uses at Manatee Towne Center zoned NC-M (Neighborhood Commercial – Medium).
   
   The proposed home occupation shall be conducted within the confines of the residential building. The two-chair beauty salon, as proposed and conditioned within the staff report, should not impede the normal and orderly development of the area.

4. **Has the applicant complied with the requirements for Level of Service review?**
   
   The applicant has complied with the requirements for Level of Service review. Based on the Traffic Impact Statement dated June 12, 2014 and the subsequent analysis for K & T Home Beauty Shop, the Manatee County Public Works Department, Transportation Planning Division recommends approval of the Traffic Impact Statement. The applicant has addressed the Comprehensive Plan requirements and provided appropriate traffic-related information to substantiate the findings.
   
   Transportation, solid waste landfill capacity, potable water, waste water and drainage will be reviewed with this Special Permit.

5. **Do adequate measures exist, or will they be taken, to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion on public street?**
   
   The site has ±130 feet of frontage along 33rd Street East, a Collector roadway on the Existing Thoroughfares Map in the Comprehensive Plan. The Site Plan shows one access point that provides adequate ingress and egress to the site.

6. **Is the proposed use consistent with the community character of the immediate neighborhood of this proposed development?**
   
   The proposed use can be found to be consistent with the community character of the immediate neighborhood. LDC Section 703.2.28 does not allow for any exterior alterations to the home, outdoor display of merchandise, or any increase in the level of activity. The home occupation shall be incidental to the use of the structure as a residence. The applicant proposes to keep the exterior appearance of the building within the character of a residential dwelling. Access to the salon will be from the front of the existing home.

7. **Will development of the proposed use have a substantial adverse affect on a known archaeological, historical, or cultural resource located on or off the parcel proposed for this development?**
   
   No. The development will occur within the existing residential structure.

8. **Will the design of the proposed use minimize adverse effects, including visual impacts, of the proposed use on adjacent property?**
   
   No adverse effects, including visual impacts to adjacent properties are anticipated with this proposal. The exterior appearance of the dwelling unit, as a residence, will not be altered.
9. **Have the adequate provisions been made, or will they be made, for buffers, landscaping, public open space, or other improvements associated with the use?**

The principal use for the property is single-family residential (existing dwelling unit). Therefore, providing screening buffers or open space is not required. No additional landscaping will be required to maintain the residential character because the salon will be an indoors use.

10. **Does the proposed use meet all other standards or requirements set forth in the Land Development Code, which apply to the use in the zoning district for which this development seeks approval?**

   Yes. The proposed use appears to meet the applicable standards set forth in the LDC which may apply to this use in the PDMU zoning district, as well as Conditional Use requirements for a beauty salon (2 chairs maximum) in the LDC Sections 703.2.28.3 and 703.2.28.4.

### CONDITIONAL USE CRITERIA PURSUANT TO SECTION 704 OF THE LAND DEVELOPMENT CODE

The home occupation shall be in conformance with LDC Section 703.2.28, Home Occupations. Specifically, the following shall apply:

703.2.28.3.1. Barber or beauty shops, shall be limited to 2 chairs maximum.

703.2.28.4. **Use Limitations.** In addition to the regulations applicable in the zoning district in which it is located, all home occupations shall be subject to the following limitations and requirements:

703.2.28.4.1. **Location of Premises.** A home occupation shall be conducted completely within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto, which is normally associated with a residential use.

703.2.28.4.2. **Exterior Alterations.** No alterations to the exterior appearance of the principal residential building or premises shall be made which changes the character of the premises as a residence.

703.2.28.4.3. **Outdoor Display or Storage.** No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

703.2.28.4.4. **Employees.** The employment of more than two (2) persons who are not residents of the dwelling, who work at or out of the dwelling shall be prohibited. This restriction shall not apply to employees who normally do not report to the premises.

703.2.28.4.5. **Level of Activity.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and
shall under no circumstances change the residential character thereof.

703.2.28.4.6. Area. No home occupation shall occupy more than twenty-five (25) percent or no more than two hundred (200) square feet of the first floor area of the residence, or two hundred (200) square feet, whichever is less, exclusive of the area of any open porch or attached garage or similar accessory uses.

703.2.28.4.7. Traffic, Parking. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be provided on-site. Parking of commercial vehicles is subject to the provisions of Section 703.2.14.

703.2.28.4.8. Equipment, Processes.

703.2.28.4.8.1. Type Equipment. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or vocation not conducted for gain or profit, or machinery or equipment which is essential in the conduct of the home occupation.

703.2.28.4.8.2. Performance Standards. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

**REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED**

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<tr>
<td>None</td>
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**ATTACHMENTS**

1. Applicable Comprehensive Plan Policies
2. Copy of Newspaper Advertising
### APPLICABLE COMP PLAN POLICIES

<table>
<thead>
<tr>
<th>Policy:</th>
<th>2.1.2.4</th>
<th>Limit urban sprawl through the consideration of new development and redevelopment, when deemed compatible with existing and future development, and redevelopment area planning efforts when applicable in areas which are internal to, or are contiguous expansions of the built environment.</th>
</tr>
</thead>
</table>
| Policy:  | 2.1.2.7 | Review all proposed development for compatibility and appropriate timing. This analysis shall include:  
- consideration of existing development patterns,  
- types of land uses,  
- transition between land uses,  
- density and intensity of land uses,  
- natural features,  
- approved development in the area,  
- availability of adequate roadways,  
- adequate centralized water and sewer facilities,  
- other necessary infrastructure and services.  
- limiting urban sprawl  
- applicable specific area plans  
- (See also policies under Objs. 2.6.1 - 2.6.3) |
| Policy:  | 2.2.1.17 | **R/O/R:** Establish the Retail/Office/Residential future land use category as follows: |
| Policy:  | 2.2.1.17.1 | **Intent:** To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established and developed areas exhibiting a broad range of commercial, residential and, in certain cases, light industrial uses, and to recognize the continued existence of such areas through the long range planning timeframe. Also, to provide for orderly transition from, or redevelopment of, these existing and developed multiple-use areas. Also, to prohibit the intrusion of new industrial areas into these ROR areas, which typically fail to exhibit a planned or integrated approach to multiple use development, and instead exhibit an incremental or unplanned history of multiple use development. Also to establish at a few major and highly accessible, but currently undeveloped, sites for the development of major future |
community or region-serving commercial uses with a variety and permitted intensity of use which allows for a multi-purpose commercial and office node, with residential uses. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

| Policy: 2.2.1.17.2 | Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Retail, wholesale or office commercial uses which function in the market place as neighborhood, community, or region-serving. Also residential uses, lodging places, public or semi-public uses, schools, recreational uses, appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4), and short-term agricultural uses. |
| Policy: 2.2.1.17.3 | Range of Potential Density/Intensity:  
Maximum Gross Residential Density:  
For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 16 dwelling units per acre  
For new development -  
9 dwelling units per acre  
Minimum Gross Residential Density: 7.0 only in CRA’s and UIRA for residential projects that designate a minimum of 25% of the dwelling units as “Affordable Housing”.  
Maximum Net Residential Density:  
For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 20 dwelling units per acre  
For new development -  
16 dwelling units per acre  
24 dwelling units per acre inside the CRA’s and UIRA for residential projects that designate a minimum of 25% of the dwelling units as “Affordable Housing”.  
Maximum Floor Area Ratio: 0.35  
1.0 inside the CRA’s and UIRA  
Maximum Floor Area Ration for Hotels: 1.0  
Maximum Square Footage for Neighborhood,
<table>
<thead>
<tr>
<th>Policy: 2.2.1.17.4</th>
<th>Other Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Community, or Region-Serving Uses: Large 300,000sf</td>
</tr>
<tr>
<td>a)</td>
<td>All mixed and multiple-use projects shall require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.</td>
</tr>
<tr>
<td>b)</td>
<td>All projects for which either gross residential density exceeds 6 dwelling units per acre, or for which any net residential density exceeds 9 units per acre, shall require special approval.</td>
</tr>
<tr>
<td>c)</td>
<td>All non-residential projects, or part thereof, exceeding 0.25 FAR shall also require special approval except mini-warehouse.</td>
</tr>
<tr>
<td>d)</td>
<td>Non-residential projects exceeding 150,000 square feet gross building area may be considered only if consistent with the requirements for large commercial uses, as described in this element.</td>
</tr>
<tr>
<td>e)</td>
<td>In areas where existing development is recognized utilizing the Retail/Office/Residential category, or where the spatial form of the Retail/Office/Residential designation on the Future Land Use map is accordingly inconsistent with the commercial locational criteria contained in this element; development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Sections 2.10.4.1 and 2.10.4.2 of this element. However, any such development or redevelopment shall still be required to achieve compliance with other commercial development standards contained in this element, and be consistent with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).</td>
</tr>
<tr>
<td>f)</td>
<td>In areas where the Retail/Office/Residential category is designated in a manner entirely consistent with the commercial locational criteria, all commercial development or redevelopment shall be conducted in a manner consistent with the commercial location criteria and development standards contained in this element.</td>
</tr>
<tr>
<td>g)</td>
<td>In order to distinguish between uses which may be permitted in the R/O/R category, as compared to those which require siting within an industrial</td>
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</table>


category, the following guidelines shall be utilized:

I. No uses which have a primary purpose of distribution of goods from that site shall be permitted in the Retail/Office/Residential designation.

II. No new areas (a new area, for the purposes of this policy, shall be defined as property beyond those parcel configurations as of May 11, 1989 which had light industrial uses established upon them) engaging in the manufacturing, processing, and assembly of goods shall be permitted in the Retail/Office/Residential designation except as provided below:

III. Legally established light industrial uses existing prior to the adoption of this Comprehensive Plan shall be considered legally conforming uses, limited to their approved location. With special approval, other light industrial uses and additional square footage within the same parcel may be approved if there are no additional impacts to adjoining properties and all special approval criteria are met.

iv. If a legally established light industrial use ceases operation for over six months with no action to re-establish and/or continue such use, the use shall now be prohibited from development within the R/O/R designation.

Policy: 2.10.4.2

Prohibit the consideration of any development order establishing the potential for commercial development, where the proposed project site is inconsistent with commercial locational criteria. Consistency shall be determined through the application of the commercial location review process described in the operative provisions contained in this Element. Permitted exceptions to these requirements are limited to:

- existing commercial uses that are legally permitted, and that are in place at time of comprehensive plan adoption. However, where such uses are nonconforming to other development regulations, nothing in this policy shall render those uses conforming to the subject regulations.

- redevelopment of an existing commercial use which does not meet the commercial locational criteria,
subject to the finding by the Board of County Commissioners that the proposed project is consistent with the general welfare of Manatee County residents.

- locations designated as Retail/Office/ Residential (ROR) or Low Intensity Office (OL), Medium Intensity Office (OM) or Mixed Use (MU) or within the MU-C Mixed Use Community and its Sub Areas which are inconsistent with commercial locational criteria [see 2.2.1.16.4(b) and 2.2.1.17.4(e)].

- recreational vehicle parks. However, compliance with Policy 2.10.5.2 shall be required.

- establishments providing nursing services as described in Chapter 464, F.S.

- sale of agricultural produce at roadside stands.

- small commercial uses associated with a permanent roadside agricultural stand. Maximum commercial square footage shall be 3,500 square feet of the project. Development must be located on functionally classified rural arterial or rural collector roadway. Planned development approval required.

- agricultural service establishments (e.g. farm equipment sales and service).

- low intensity commercial recreational facilities (e.g., driving range).

- rural recreational facilities located in the Ag/R future land use category meeting adverse impact standards as established within the Manatee County Land Development Code. All such uses must receive Special Approval.

- appropriate water-dependent, water-related, and water-enhanced commercial uses, as described under Objective 4.2.1.

- commercial uses located within Port Manatee.

- Professional office uses not exceeding 3,000 square feet in gross floor area within the Res-6, Res-9, RES-12, and Res-16 future land use categories may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions provided such office is located on a roadway classified as a minor or
| - principal arterial on the roadway functional classification map, however, not including interstates, and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.2.1.12.4, 2.2.1.13.4, 2.2.1.15.4).
| - commercial uses located within the rural community of Myakka City which is designated as those lands on Sheet 29 of the Future Land Use Map shown as Res-3 or Res-1 on May 11, 1989, provided that they are located along State Road 70 within 1,500 feet from its intersection with Wauchula Road, and located within 1,000 feet along Wauchula Road from its intersection with State Road 70. Further, properties developed commercially, or having commercial zoning in place at the time of adoption of this Comprehensive Plan if they have frontage on State Road 70 and are within three-quarters mile of the State Road 70 and Wauchula Road intersection are also exceptions. Furthermore, all commercial uses allowable under this provision will be exempt from the one-half mile spacing requirement denoted in Policy 2.10.4.3(4).
| - Small commercial (professional) office uses which operate as an accessory use to a residential religious development. Such accessory office uses which do not serve the general public but which serve the residential religious development may locate in residential future land use categories (RES-1, RES-3, UF-3, RES-6, RES-9, RES-12 and RES-16) and may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions (see also 2.2.1.9, 2.2.1.10, 2.2.1.11, 2.2.1.12.4, 2.2.1.13.4, 2.2.1.14.4 and 2.2.1.15.2).
| - Neotraditional developments that have commercial and office developments located internal to the project and whose main project access is located on a road designated as a collector or higher.
| - DRI’s and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics (see Neotraditional Development definition for development...
characteristics), have commercial uses located internal to neighborhoods and whose main neighborhood access is located on a road designated as a collector or higher.

- commercial uses located within the Parrish area for properties fronting US 301, from Moccasin Wallow Road to the realigned Ft. Hamer Road. These commercial uses are limited to a building footprint of 5,000 square feet except at nodes.

No exception to commercial locational criteria provided for under this policy shall be used as a precedent for establishing other commercial development inconsistent with this Comprehensive Plan.

Nothing in this policy shall require the issuance of a development order solely on the basis of compliance with commercial locational criteria. Compliance with other commercial development standards contained in Policy 2.10.4.3 below, and with all other goals, objectives, and policies of this Comprehensive Plan is also required for issuance of a development order approving commercial uses. In particular, compliance with the policies of Objectives 2.6.1 and 2.6.2 is mandatory for approval of any commercial use within a residential designation.

Policy: 2.10.4.3

Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:

1) any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses.

2) any proposed commercial site must be configured and sized to allow for orientation of structures, site access points, parking areas, and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential use.

3) no proposed commercial site shall represent an intrusion into any residential area. As used in this standard, "intrusion" means located between two residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed
commercial use meets the definition of "infill commercial development," demonstrated through evaluation of existing land use patterns in this vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the operative provisions of this Element. Permitted exceptions listed in Policy 2.10.4.2 shall not be required to meet this development standard. No such intrusion shall be found in neotraditional developments approved as such by the County, as a mixture of uses are encouraged within those projects. No such intrusion shall be found in DRI and Large Project developments where commercial uses are internal to neighborhoods, approved as such by the County, as a mixture of uses are encouraged within those neighborhoods.

4) Commercial nodes meeting the requirements specified in the operative provisions of this Element shall, additionally, be spaced at least one-half mile apart, as measured between the center of two nodes. However, where two commercial nodes have been established by the development of commercial uses prior to plan adoption, and are spaced less than the minimum required one-half mile, then a waiver of this commercial development standard may be considered. Preferentially, in instances where previous development has not established a pattern of land uses inconsistent with commercial locational criteria or development standards, nodes shall be spaced no less than one mile apart. Neotraditional projects shall be exempt from this requirement. DRI and Large Project developments that have mixed uses with a residential component that receive approval to locate commercial uses internal to neighborhoods shall be exempt from this requirement.
Project Name: K & T Home Beauty Shop
Project #: SP-14-02
DTS#: 20140185
Proposed Use:

Parcel ID #(s) 1688400009

S/T/R: Sec 8 Twn 35 Rng 18
Acreage: 0.51
Existing Zoning: PD-MU
Existing FLU: ROR
Overlays: NONE
Special Areas: NONE

CHH: N
Watershed: NONE
Drainage Basin: Gap Creek
Commissioner: Robin DiSabatino
Manatee County
Staff Report Map
Map Prepared 4 / 2014
1 inch = 492 feet

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Commissioner: Robin DiSabatino
The layout of our house and the room we would like to use for the Beauty Shop.
NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN that the Hearing Officer for Manatee County, will conduct a Public Hearing on Monday, July 21, 2014 at 5:30 p.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider and act upon the following matter:

SP-14-02 – K & T HOME BEAUTY SHOP – DTB20140185
Request: Approval of a Special Permit to allow a two-chair beauty salon as a conditional home occupation. The site is in the PDMU (Planned Development Mixed Use) zoning district. The site is on the west side of 33rd Street East, approximately 350 feet north of SR 70, at 5220 33rd Street East, Bradenton (± 0.51 acre).

Rules of Procedure for this public hearing are in effect pursuant to Section 602.87 of the Manatee County Land Development Code. Copies of this section of the Code are available for review at the Building and Development Services Department.

All interested parties are invited to appear at this hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Hearing Officer and entered into the record.

Interested parties may examine the Official Zoning Atlas, the application, related documents, and may obtain assistance regarding this matter from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4601 ext. 6878.

According to Florida Statutes, Section 288.0105, any person desiring to appeal any decision made by the Hearing Officer with respect to any matter considered at the Public Hearing will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Americans With Disabilities: The Hearing Officer of Manatee County does not discriminate upon the basis of any individual’s disability status. This nondiscrimination policy involves every aspect of the Hearing Officer’s functions including one’s access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting, as provided for in the ADA, should contact Kaycye Ellis at 742-5800, TDD ONLY 742-5802 and wait 60 seconds, or FAX

THE PUBLIC HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY HEARING OFFICER
Manatee County Building and Development Services Department
Manatee County, Florida 07/09/2014