

SEPTEMBER 20, 1995

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, September 20, 1995, at 3:07 p.m.

Presiding was: James Paulmann

Also present were:

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

All witnesses/staff giving testimony were duly sworn.

(Court Reporter, Lorial Shumaker, present)

SPECIAL PERMITS

Mike Pendley, Planning, Permitting and Inspections, announced that **SP-95-04 Jayson and Martha Tusing** has been withdrawn.

Regarding **SP-95-12 Loving Hands Ministries**, he reported he has a letter (9/20/95) from James Dye, attorney representing an adjacent property owner, requesting continuance so that his client could be present.

Recess/Reconvene. The hearing was recessed in order to afford the Hearing Officer an opportunity to review Mr. Dye's letter.

Public hearing (Notice in The Bradenton Herald 9/8/95) was held to consider

SP-95-12 LOVING HANDS MINISTRIES, INC.

Request: Special Permit to allow a residential treatment facility, caretakers' residence, and accessory sanctuary in the A-1 zoning district on 9.55 acres located on the west side of Ellenton Gillette Road, 235 feet south of Moccasin Wallow Road.

If approved, staff recommended 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 shall be part of this approval.
3. All existing vegetation within the 10-foot buffer area along the northern property line shall be retained to provide the required landscape buffer.
4. All existing vegetation within the 10-foot buffer area along the property frontage on Ellenton Gillette Road shall be retained to provide the required landscape buffer.
5. The proposed accessory sanctuary shall be utilized only by the residents and staff of this facility and shall not be open to the public.
6. All required documentation associated with sidewalk deferral along Ellenton Gillette Road must be completed and recorded prior to issuance of Certificate of Occupancy for this project.

Mr. Paulmann outlined the request from Mr. Dye for continuance. Mr. Pendley stated staff has no objection to continuing the hearing.

Wendell Wilson, applicant, requested that the hearing proceed noting that due notice has been given.

Mr. Paulmann explained that due to concerns expressed by Mr. Dye, and in order to protect the interests of the County and the applicant, he recommended continuance to either October 5 or October 18. He stated if anyone present is not able to attend on those dates, he would allow them to speak at this time. Mr. Dye requested the hearing be continued to October 18.

Erika Barrett, Planning, Permitting and Inspections, reviewed the site plan and summarized the request.

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Mr. Wilson stated their facility provides a residential treatment program designed to rehabilitate men with life-controlling problems. He submitted letters of recommendation from various individuals and a packet of information regarding its operations.

Speaking in favor of the request were: **Americus and Peggy Woodward**, 2102 18th Street West; **David Sutton**, Associate Pastor of Christian Retreat Family Church, Founder of Homeless Coalition for Manatee County, Chairman of Feed the Hungry Program, and Treasurer of Drug Free Communities; and **Curtis Sharpe**, 8519 10th Avenue Northwest.

Mr. Paulmann continued the hearing to October 18, 1995, at 3:00 p.m.

Recess/Reconvene

Hearing was reopened (from 9/8/95) 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 4 x 8-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.

Mr. Pendley stated that staff conducted research as to access to the property. He reported they reviewed County records and it is their position that adequate access exists.

Darenda Marvin, Planning, Permitting and Inspections, submitted copies of the plat of Dude Ranch Acres Unit 1 (approved 5/11/64), and minutes of the Board of County Commissioners of May 18, 1964, indicating the street within that subdivision was accepted for maintenance. All research indicates there was no vacation of the road and that there is right-of-way.

Paul Bangel, Assistant County Attorney, stated this is not the proper forum to determine title. He pointed out that staff has not found a problem with the issue of access; however, that determination is not meant to be a title opinion. It is staff's evaluation of the application and the criteria for granting of a special permit.

Garrett Barnes, attorney representing the Reynolds, stated he has conducted a title search and it is his opinion that access is legal. He noted the plat was formally accepted, which establishes the right-of-way as an existing public street.

Hugh McGuire, attorney representing the applicant, stated there is dedication language on the plat. He submitted a memorandum of law (7/19/90) from Mitchell O. Palmer, Assistant County Attorney, pertaining to a different property; however, it deals directly with the issue of offer of dedication and what constitutes acceptance by the County.

Mr. Bangel emphasized the letter is from 1990, and relates to another property; he questioned its merit in this case.

Mr. McGuire stated that resolving the issue of access should be reserved for the court. He stated it is proper for the request (an Islamic mosque) to be considered with the assumption there is proper access.

Melissa May Rawls, 1624 39th Avenue Drive East, owner of adjacent property, read/submitted memorandum requesting denial of the special permit.

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Also speaking in opposition were: Tom Bell, 3011 Lena Road, owner of property at 6210 45th Avenue Drive East; Stefanie Kubilius, 6023 47th Avenue East; Joan Hurley, 6105 47th Ave East; and Kimberly Badgley, 6210 45th Avenue Drive East.

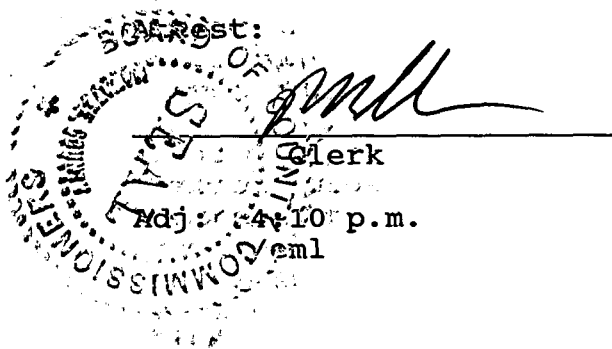
Mr. Pendley submitted letters in opposition from Kimberly Badgley and James Wallace, owners of property in the area.

The hearing was closed and 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.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

30428st:
Clerk
Adj: 4:10 p.m.
eml



APPROVED:


Hearing Officer 11/2/95