

OCTOBER 18, 1995

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, October 18, 1995, at 3:08 p.m.

Presiding was: James Paulmann

Also present were:

Mark P. 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, Joann Zeck, present.)

SPECIAL PERMITS

Public hearing (continued from 9/20/95) 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.

Erika Barrett, Planning, Permitting and Inspections, stated that the applicant is proposing to convert an existing 5,720-square-foot, single-family home into a residential treatment facility; convert the existing garage into an accessory sanctuary; and construct a new 3,000-square-foot caretaker's residence.

She pointed out surrounding zoning, land uses, buffers and access, noting that staff has some concerns regarding the scale of the proposed use as compared with the structures and uses on surrounding properties. However, staff believes the request is consistent with the Comprehensive Plan and meets requirements of the Land Development Code (LDC).

Ms. Barrett recommended an additional Condition:

7. No residents, except staff members, shall be permitted to have personal motor vehicles on this site.

Correspondence submitted by Ms. Barrett: 13 letters and 4 phone messages in favor; 3 letters and 2 phone messages in opposition.

Mr. Paulmann requested clarification as to Ellenton Gillette Road ingress/egress; driveway alignment; buffering.

Ms. Barrett stated the applicant intends to widen the existing driveway and retain all large trees/vegetation as a buffer to adjacent properties.

Ed Wolfe, Zoller, Najjar and Shroyer, stated the request is consistent with the Comprehensive Plan and the LDC and concurred with the Conditions.

Rev. Wendell Wilson, Loving Hands Ministry, pointed out characteristics as to adjacent sites; an aerial of the site and an artist's rendering of the proposed facility.

He stated that 85 local churches support the family oriented, bible-based program. He outlined the project and noted that adjacent property owners were noticed of hearings. Photographs of adjacent property boundaries were submitted and note was made that the property has been offered for sale (property owned by Mr. and Mrs. Sapp).

Rev. Wilson advised that the program teaches life skills and christian doctrine on a voluntary basis, and upon court ordered request by the applicant, to persons who have had drug/alcohol and other problems. No drugs or medications are administered.

Bill Garland of 7809 Ellenton Gillette Road, representing area residents, submitted a petition with 240 signatures and letters (10) in opposition. He stated they do not oppose the Loving Hands Ministry; however, they oppose the location for the facility. A major concern is there is no security to assure the residents will remain on premises. He recommended the facility be located closer to the County jail.

Others speaking in opposition were area residents (addresses on sign-up sheets):

Carl Kramer	Shirley Mazur	H. Lee Smallwood
Deborah Doane	Jim Peacock	Robert Rogers
George Doane	Lorraine Lozano	Angela Aitken
Tonia Johnson	John Davidson	Linda Buttstead
Donna Kramer	Dan Smithwick	Patty Harper
John Nice	Lanier Mathews	Jack Harper
Kenneth DuPrey	Mike Stinson	Linda Starrett

Items addressed: Children's safety; fear; close to residential and mobile home parks; notification to property owners; qualifications of ministry staff; not all participants rehabilitated; facility success; zoning use; previous rezone request for mental facility in area was denied; participants have problems; not suited for residential neighborhood; size of operation; extension of criminal correction system; proposed highway through area; bonding facility; no guarantees; it is a business; whether special permit/use transfers to another owner.

Betty Hellhake representing Shadowbrook Mobile Home Park, recommended the facility be located at the old County jail facility. She read a letter from Norman Ernest (letter submitted by Mr. Garland), Shadowbrook Homeowners' Association, in opposition.

Bill Stolle, representing Sun Key Village, spoke to property values and possible detriment to development of the park.

James Dye, attorney representing adjacent property owners, Mr. and Mrs. Richard Sapp, submitted a copy of the LDC as reference to this request. He objected to photographs by the applicant of the Sapp property and the statement that the property is for sale. He stated the information in the application is sparse as to operations to be done on this site and this is the only review.

He concluded the facility should be classified as a large recovery home, which is not permitted in an A-1 district, and is incompatible with the residential neighborhood.

Speaking in favor were:

Joseph VanBlarcom	Willis Derstine	Victor Manassa
Karen VanBlarcom	Don Westerhoff	Paul Brown
Yvonne Llewellyn	Bob Armstrong	Tim Reinecke
Susie Derstine	Chris Wilson	

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(Cont'd)

Items addressed: Code allows use; stringent program and application process; community needs more programs like this; participants want to be better citizens/commit to Christianity; men respectful/help others; current program residence an asset to neighborhood; fear not warranted; history of ministry; program proven success (85 percent); the men are trustworthy; expanding vocational abilities; previous Rye Road site approved, but not environmentally suited; the men are good neighbors.

Mark Barnebey, Assistant County Attorney, referred to criteria (2, 3 and 6) as set forth in the staff report. He requested clarification as to resident type/reason for being there, and outlined notice procedures.

Tom Reinecke, missionary and volunteer to Loving Hands Ministry, depicted the loving home environment which is a vital service to the community. He stated he has never encountered negative behavior in ten years of affiliation.

Bob Meylan, representing Roser Memorial Church Mission Committee, reported the Committee interacts with the men and provides food, clothing and tutoring. He stated the facility (Harvest Home) will house 24 additional people having completed the first segment of the program.

Brett Augenstein, Loving Hands graduate, stated that individuals are not accepted in the program until a three-month, pre-trial is completed. He advised that child sex offenders are not accepted.

Residents in favor of the program and new facility (Harvest Home):

John Murphy	David Evans	Albert Chambliss
Edward Caldwell	Larry Smith	Michael Boyd

Mr. Paulmann requested additional information regarding: Criteria 2, public safety/general welfare; land use analysis; scope of facility activities.

Rev. Wilson responded to various concerns, i.e. fear; discipline. He concluded that 4 of 15 residents in facility were court associated and that the ministry is a non-profit organization supported by donations.

Tom McCollum of Zoller, Najjar and Shroyer, representing applicant, stated the facility has correct LDC category; however, they will work with staff to bring back the information requested.

Mr. Garland requested to be notified of staff response.

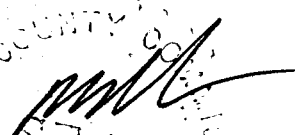
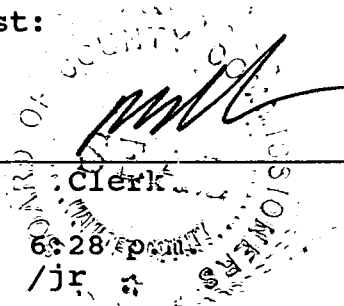
Mr. Paulmann continued the public hearing to November 2, 1995, at 3:00 p.m.


MEETING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:


 Clerk
 Adj: 6:28 /jr



 Hearing Officer
 2/21/96