

NOVEMBER 2, 1995

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, November 2, 1995, at 3:03 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 (Notice in the Bradenton Herald 10/23/95) was held to consider

SP-95-14 FRED AND MARY LOU STALTER - HOME OCCUPATION

Request: Special Permit to allow a Conditional Home Occupation (one-chair beauty shop) in the A-1 zoning district on one acre at the northwest corner of 38th Avenue and 34th Street East.

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 plot plan submitted with this application shall be part of this approval.
3. This Special Permit shall adhere to all conditions of Section 703.2.27.4 of the Land Development Code pertaining to conditional home occupations.
4. 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 separately from the single-family home.

Mark Barnebey, Assistant County Attorney, submitted a Draft Notice of Intent to Approve/Deny SP-95-14 for review by Mr. Paulmann.

Mr. Paulmann advised he would issue a written report detailing the findings of fact, conclusions of law, and recommendations. He referred to Section 502.6.6.6/7/8 of the Land Development Code and Section 286.0105 of the Florida Statutes.

SPECIAL PERMITS

Public hearing (continued from 9/20 and 10/18/95) 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 seven stipulations. RECORD HO1-4

Erika Barrett, Planning, Permitting and Inspections, responded to issues of concern from the meeting of October 18, 1995:

- Criteria 2 - Residents are at facility voluntarily or are on legal probation; program not an alternative to prison; facility has 24-hour supervision; residents must provide history of family and convictions.
- Residential Treatment or Recovery Home - Classified a Residential Treatment Facility since there is no professional staff and no drugs or medication administered on site.
- County Funding - Facility does not receive County funding.

She submitted: 1) news article advising of a court ruling which prohibits discrimination of recovering alcoholics and drug addicts in single-family neighborhoods; 2) letters in opposition (11 signatures); one letter in favor. She recommended additional stipulations:

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(Cont'd)

8. All residents at this facility will have completed a three-month induction period at an offsite Loving Hands induction facility.
9. There will be no residents with any prior convictions for sex-related offenses at this facility.
10. All residents at this facility will be voluntary and, if referred through the court system, legally on probation.
11. Residents of this facility shall adhere to the schedule provided on Exhibit "C" (to the draft Special Permit as submitted at the end of this hearing), or a schedule which is substantially similar in character, while residing on this site.
12. This Special Permit is granted to Loving Hands as operated by Wendell Wilson, and it is not transferrable to other individuals.
13. This approval is limited to 24 residents, plus resident staff.
14. The facility shall look substantially similar to the renderings entered into the record.

Rev. Wendell Wilson, Loving Hands Ministry, responded to questions by Michael Pendley of the Planning staff as follows: 1) 15 percent of facility residents come from the court system; 2) one court-ordered person, in twelve years, has left the program without permission after three-month induction period; 3) not aware of any crimes by residents at existing facility; 4) criteria for program acceptance; 5) as to crime statistics in existing neighborhood before and after facility, a letter from neighbor, Kathy Pickera, and letter from Jerry West, City of Bradenton, were read; 6) whether court ordered residents are legally on probation was answered later in meeting.

Rev. Wilson did not agree with Stipulation 12, regarding the Special Permit being limited to him as operator; or with Stipulation 9 regarding who would be permitted at the facility. He reported that the facility does not accept persons on mind-altering drugs; the facility is not coeducational; residents on probation are under 24-hour surveillance and report monthly to probation officer; residents on probation are delivered to probation officer if they leave program.

He referred to the false statements and information in a letter to homeowners, which was circulated throughout the Ellenton area.

Discussion: Other facility locations; screening/rejection percentage.

**William Garland**, attorney representing area residents and himself, submitted an affidavit from a neighbor who witnessed the public notice sign being removed after a storm and not reposted. He stated the applicant has not proved the use as a residential treatment facility and submitted a petition and letter with 309 signatures in opposition.

Speaking in opposition were: **Florrie Smallwood; Deborah Doane; David Johnson; Carl Kramer; Leonard Conrad**, representing 11 Sun Key Village residents; **Dean Calabrese; Diana Garren; Tonia Johnson; Donna Kramer; Deborah Hart; Rev. Ronald Gaudio**, First Baptist Church of Gillett; **James Burgess**, Shadowbrook Homeowners' Association; **Roger Roback; Paul Burris**.

Items addressed: Invasion of old/quiet neighborhood; property values; locate facility elsewhere; criminal records of residents; possible co-ed facility; tax revenue loss with non-profit facility; security; no Corrections Department regulation; parking; emergency response; residents can escape; background checks; Ellenton Gillette area not comparable to existing facility area; fear of neighbors; withdrawing petition until alternatives can be discussed by the parties; etc.

**Jim Dye**, attorney representing adjacent property owner, Richard Sapp, stated the facility should be classified a large recovery home due to crime/delinquency components within the definition and, therefore, should not be permitted in the A-1 zoning district.

He referred to Stipulation 9 noting the only remedy for enforcement is through the Code Enforcement Board. He stated a decision should be made as to whether the facility is good for the neighborhood.

Jack Harper, in opposition, submitted a newspaper article reporting a Loving Hands counselor took money from the ministry.

Speaking in favor were: Alice Kalbach; H. Kirk McCabe; Pat McCabe; Michael Kochanoski; Michael Konkel; Yvonne Llewellyn; Pastor Greg Burgess, Palmetto Church of Nazarene; Joe VanBlarcom; Sam Gray; Shirley Crawford, Probation Officer/Supervised Release; Joe Fisher.

Items addressed: Men need chance; manner in which letter to homeowners was circulated; program proven success; participants want to put lives back together; fear not warranted; parking; program is a ministry not a prison; consider facts/not fear; opponents should visit ministry facilities; residents provide community services; no report of neighborhood crimes by residents during or upon departing program; screening process/commitment.

Rev. Wilson, stated that citizen concerns have been addressed; that the public was properly notified and informed; residents, if court ordered, are on legal probation; Sheriff patrols area; unaware of sealing of criminal records of persons on probation; no noise pollution.

He referred to letters (submitted 9/20/95) from the State Attorney, Public Defender, County Judge Brown, et al, supporting the program.

Ms. Barrett submitted: letter of support from Jacqueline Spierenburg; daily schedule used for the Loving Hands Ministry program; and letter from Loving Hands Ministry outlining corporate structure and requesting the permit be issued to the corporation.

She concluded that staff has reviewed all information and found the request to be consistent with the Code and recommended approval with 14 stipulations.

Discussion: Definitions of large recovery home and residential treatment facility; stipulations to address Criteria 2 and 6/monitoring.

Staff submitted a Draft Notice of Intent to Approve/Deny SP-95-12.

Mr. Paulmann advised he would issue a written report detailing the findings of fact, conclusions of law, and recommendations referring to Section 502.6.6.6/7/8 of the Land Development Code and Section 286.0105 of the Florida Statutes.

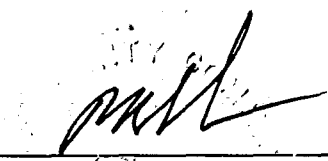
He requested a transcript of this public hearing.

**MEETING ADJOURNED**

There being no further business, the hearing was adjourned.

Attest:

APPROVED:



Clerk

Hearing Officer

2/21/96

Adj: 5:54 p.m.  
/jr