

**SPECIAL PERMIT NO. SP-02-05  
ST MARKS CHURCH**

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER MARK D. SINGER ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-02-05 TO ALLOW A CHURCH AND FELLOWSHIP HALL LOCATED ON THE EAST SIDE OF MORGAN JOHNSON ROAD, APPROXIMATELY 250 FEET NORTH OF 18TH AVENUE EAST, IN THE A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) ZONING DISTRICT (± 8.10 ACRES); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

2002 OCT 29 AM 10: 06

FILED FOR RECORD  
R. B. SHORE

**WHEREAS**, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code, Manatee County Ordinance 90-01, as amended; and

**WHEREAS**, pursuant to the Land Development Code, Manatee County Ordinance 90-01, as amended, Mark D. Singer, as Hearing Officer, has the authority to grant Special Permits; and

**WHEREAS**, St Marks Church has requested a Special Permit to allow a church fellowship hall, and group care facility located on the east side of Morgan Johnson Road, approximately 250 feet north of 18th Avenue East in the A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district (± 8.10 acres); and

**WHEREAS**, on September 26, 2002 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for St Marks Church; and

**WHEREAS**, on October 11, 2002 the aforementioned Hearing Officer issued a Notice of Intent and Draft Final Order; and

**WHEREAS**, the aforementioned Hearing Officer has reviewed the responses of St. Marks Church and Manatee County.

**NOW, THEREFORE**, after consideration of the application for Special Permit No. SP-02-05 requested by St. Marks Church, the Hearing Officer makes the following Findings of Fact and Conclusion of Laws and issues the Final Order as follows:

Section 1. Findings of Fact. The aforementioned Hearing Officer, after considering comment, argument, evidence, documentation, and staff report presented, as well as all other matters presented at the Public Hearing above referenced, and the responses to the Notice of Intent and Draft Final Order, hereby makes the following Findings of Fact:



Page 2 - SP-02-05 - St. Marks Church.

- A. This request is for a Special Permit to allow a church, fellowship hall, and group care facility.
- B. The site is located on the east side of Morgan Johnson Road, north of 18<sup>th</sup> Avenue East.
- C. The site is zoned A-1 (Suburban Agriculture, 1 dwelling unit per acre. The Future Land Use Designation of the property is RES-3 (Residential, 3 dwelling units per acre).
- D. There is an existing residence on the property, proposed to be removed. To the north is a church on property zoned A-1. To the south are single-family residences and a day care center on property zoned A-1. To the west, across Morgan Johnson Road, is an orange grove on property zoned A-1. To the east is a single-family residence on property zoned A-1.
- E. In order to allow the church use within the A-1 zoning district, the applicant must obtain Special Permit approval. The group care facility is being processed as an accessory use to the church.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation and the staff report presented, and review of the applicable provisions for the Manatee County Comprehensive Plan and Land Development Code, the above referenced Hearing Officer hereby makes the following Conclusions of Law:

- A. This Hearing Officer has jurisdiction over the parties and subject matter in this proceeding pursuant to the Land Development Code.
- B. The applicant has the burden of proving entitlement to the Special Permit it seeks. Irvine v. Duval County Planning Commission, 495 So.2d 167 (Fla. 1986); Florida Department of Transportation v. J.W.C. Company, Inc., 396 So.2d 778 (Fla. 1st DCA 1981).
- C. The proposed church use is consistent with Policy 2.2.1.10.2 of the Manatee County Comprehensive Plan, which allows for residential support uses in the RES-3 (Residential, 3 dwelling units per acre) Future Land Use Category.
- D. The proposed church use is consistent with Policy 2.1.2.7 of the Manatee County Comprehensive Plan, requiring compatibility between adjacent land uses.
- E. The church facilities at this location will not be detrimental or an endangerment to the public health, safety, or general welfare.
- F. The establishment of the proposed church use, as proposed and conditioned in the staff report, will not impede the normal and orderly development of the surrounding properties for uses permitted in the zoning district. The site fronts on Morgan Johnson Road and is adjacent to another church to the north. Two other churches are located further to the south.



G. Two proposed driveways to Morgan Johnson Road will provide adequate ingress and egress for this site in a manner that minimizes traffic congestion.

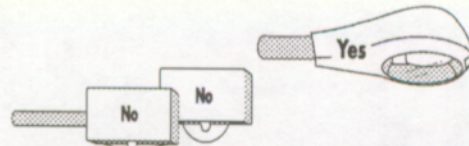
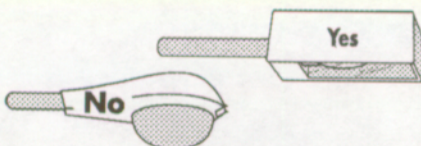
H. The proposed church use is consistent with the community character of the immediate neighborhood, which includes both agricultural uses, single-family homes, churches, and a day care center. Possible impacts on the adjacent single-family homes to the south will be mitigated by installation of the landscaped buffer to be installed along the south property line, as conditioned herein by Condition F.

I. This request meets all the standards set forth in the Manatee County Land Development Code, Section 704.13, Conditional Use Criteria for Churches or Other Places of Worship, Religious Institutional Residences.

J. The request for the small group care facility (8 beds - 13,303 square feet) does not meet all of the standards set forth in the Manatee County Land Development Code, Section 704.62.3 in that it is not consistent with the residential and general character of the neighborhood due to its size in relation to the surrounding neighborhood.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to St Marks Church for the property located on the east side of Morgan Johnson Road, approximately 250 feet north of 18th Avenue East, in the A-1(Suburban Agriculture, 1 dwelling unit per acre) zoning district, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a Special Permit to allow the proposed church and fellowship hall, subject to the following conditions:

- A. This Special Permit will 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 Department.
- B. The Preliminary Site Plan and architectural renderings submitted with this application shall be part of this approval. Administrative approval of a Final Site Plan by Manatee County shall be required subsequent to the approval of this Special Permit.
- C. Prior to Final Site Plan approval, the Engineer of Record or Architect must provide documentation to prove that concurrency has been met relative to fire flow and drainage design.
- D. Only the church facility and fellowship hall shown on the Preliminary Site Plan submitted with this request are approved. The small group care home, as proposed, is not approved.
- E. The design and shielding of on-site lighting shall comply with Section 709.2.2. In addition, pole and building mounted lights shall be limited to 15' in height and directed to the interior of the development using horizontal cut-offs.



BY 1013 PG 7025 3 of 6



- F. The canopy trees within the buffer along the east-west property line, south of the fellowship, shall be spaced 30 feet apart and shall have a minimum caliper of 3-inches prior to the first Certificate of Occupancy.
- G. All native landscaping and vegetation east of the lake shall be preserved.
- H. All nuisance exotic plant species shall be removed from the entire site prior to issuance of the Certificate of Occupancy pursuant to Policy 3.3.2.2.
- I. Prior to Final Site Plan approval, the applicant shall submit a Hurricane Evacuation Plan to the Department of Public Safety for review and approval.
- J. Prior to Certificate of Occupancy issuance, a Conservation Easement for the areas defined as post-development jurisdictional wetlands and wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
- K. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited.
- L. Signage shall be limited to a ground sign not greater than 8 feet in height and 32 square feet in area.
- M. In addition to the trees shown on the Preliminary Landscape Plan not be removed, the applicant shall preserve the 17 and 26 inch pine grouping at the southwest corner of the site.
- N. The applicant shall furnish a written statement by an architect or engineer that the proposed development meets NFPA-101 Life Safety Code, as required by the Florida Department of Health and Rehabilitative Services, and all regulations specified by State Law and County Regulations.
- O. Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all trees identified or stipulated for protection. Prior to Final Site Plan approval, the landscape architect of record shall determine the minimum area that is needed around the base of the tree to reasonable guarantee its survival.

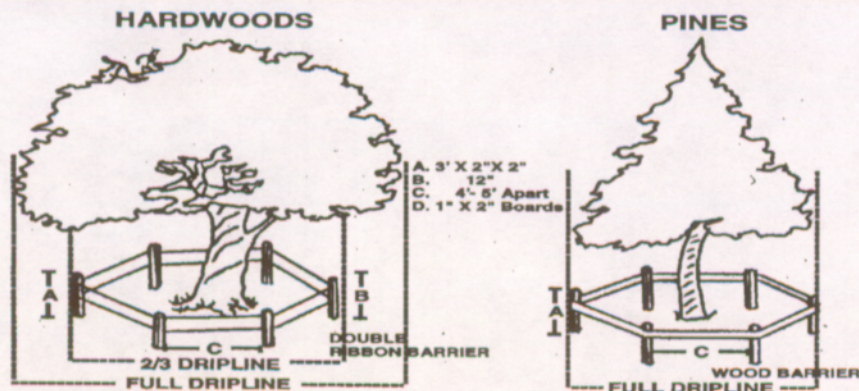
#### Method of Erection

- a. Minimum height of uprights 3' (after being pounded into the ground), and no less than 2" x 4" lumber.
- b. Uprights should have horizontal ribboning at the top and 12" below the top.
- c. Uprights should be spaced at no more than 4'-5' intervals.
- d. Horizontal members of no less than 1" x 2" lumber.

Barriers are to remain in place until all paving and construction are done and heavy equipment is out of the area. Trees 4" dbh and greater that are located within 10' of the lot under construction shall also be protected by a barricade during home construction.

OK 1013 PG 7026 4 of 6





Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by courts of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Special Permit which shall remain in full force and effect.

Section 5. Effective Date. The effective date of this Special Permit shall be upon execution of this Order and its recordation in the Official Records by the applicant with the Office of the Clerk of the Court and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 29<sup>th</sup> day of Oct., 2002.

MANATEE COUNTY, FLORIDA

BY: \_\_\_\_\_

Mark D. Singer, as  
Hearing Officer for Manatee County

ATTEST: R.B. SHORE  
Clerk of the Circuit Court

Deputy Clerk

DN 1013 FD 10/15/02 5 of 6



**EXHIBIT "A"**

**LEGAL DESCRIPTION:(O.R. BOOK 1706, PAGE 4546)**

**THE WEST 3/4 OF THE SOUTH 1/2 OF THE SW 1/4 OF THE NORTHEAST 1/4, LESS THE NORTH 220 FEET THEREOF; ALSO LESS THE WEST 33 FEET FOR MORGAN JOHNSON ROAD. ALSO LESS THE FOLLOWING DESCRIBED:**

**BEGIN AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 396 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4, 240 FEET; THENCE WEST 396 FEET TO A POINT ON SAID WEST LINE OF SAID NORTHEAST 1/4, THENCE SOUTH 240 FEET TO THE POINT OF BEGINNING.**

**LESS THE WEST NINE FEET AS PER WARRANTY DEED RECORDED IN ORB 1558, PAGE 5087, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.**

**ALL BEING IN SECTION 34, TOWNSHIP 34 SOUTH, RANGE 18 EAST, ALL LYING AND BEING IN MANATEE COUNTY, FLORIDA.**

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**EXHIBIT "B"**

**SITE PLAN SUBMITTED WITH APPLICATION**

BY 1013 PG 7MM  
DN 1013 PG 7MM  
R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL.  
FILED AND RECORDED 3/26/2003 12:04:53 PM 6 of 6