

**SPECIAL PERMIT NO. SP-02-10
WINDSOR SENIOR CENTER**

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER,
MARK D. SINGER, ON BEHALF OF MANATEE COUNTY
GRANTING SPECIAL PERMIT NO. SP-02-10, TO ALLOW AN
INCREASE IN THE CAPACITY OF A LARGE GROUP CARE
HOME FROM 50 TO 60 RESIDENTS IN THE RMF-9
(RESIDENTIAL MULTI-FAMILY, NINE DWELLING UNITS PER
ACRE) ZONING DISTRICT (± 2.0 ACRES); PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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, Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Windsor Senior Center has requested a Special Permit to allow an increase in the capacity of a Large Group Care Home from 50 to 60 residents in the RMF-9 (Residential Multi-Family, nine dwelling units per acre) zoning district; and

WHEREAS, on September 26th, 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 Windsor Senior Center.

NOW, THEREFORE, after consideration of the application for Special Permit No. SP-02-10, requested by Windsor Senior Center, the Hearing Officer makes the following Findings of Fact and Conclusions of Law 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, hereby makes the following Findings of Fact:

- A. This request is for approval to allow an increase in the capacity of a Large Group Care Home from 50 to 60 residents.
- B. The site is located on a ± 2.0 acre parcel on the south side of 60th Avenue at 2800 60th Avenue West. The site is zoned RMF-9 (Residential Multi-Family, 9 dwelling units per acre). The Future Land Use Designation of the property is RES-16 (Residential -16 dwelling units per acre).
- C. To the north is Manatee Community College zoned PDPI. To the south, east and west are Bayshore Village and Huntington Woods multi-family residential developments, zoned RMF-9 zoning district.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, and the staff report presented, and after a review of the applicable provisions of 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 Section 505 of 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 use is consistent with Policy 2.1.2.7 of the Manatee County Comprehensive Plan which requires review of all proposed development for compatibility and appropriate timing.
- D. The proposed use is consistent with Policy 6.1.2.3 of the Manatee County Comprehensive Plan, which requires that the development of residences (group homes) for special needs populations be compatible with the neighborhood and not be concentrated within individual neighborhoods.
- E. The establishment of the proposed use will not be detrimental or an endangerment to the public health, safety, or general welfare because the site is in a residential multi-family zoning district and surrounded by multi-family uses and Manatee Community College. The expansion of 10 beds in an existing group care home facility should not be detrimental to the surrounding properties.
- F. A modification from 50 to 60 beds, as proposed and conditioned within the staff report will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.
- G. Adequate ingress and egress exist in a manner that minimizes traffic congestion on public streets since this site is currently a group care home facility.
- H. The proposed use is consistent with the community character of the immediate neighborhood of this proposed development. 26th Street West is characterized by residential developments east and west of the site. The building and site will remain in their current condition and will not change the community's character.
- I. The existing and 10 foot wide landscaped buffer provided along the eastern, western, and southern property lines will continue to provide screening and reduce any adverse effects or visual impacts of this use on adjacent property.
- J. No change to the previously approved design is proposed. Adequate provisions exist to provide landscaping, buffers, and public open space.

- K. Based on the density calculation established in Section 704.62.2.1 of the Land Development Code a maximum of 108 residents (including resident staff) is allowed on 2.0 acres in the RMF-9 zoning district.
- L. The proposed use meets the requirements of Section 704.62 of the Land Development Code.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to the Windsor Senior Center, for the property located at 2800 60th Avenue West, and more particularly described in Exhibit "A" attached hereto and incorporated herein, to allow an increase in the resident capacity of a Large Group Care Home in the RMF-9 zoning district from 50 to 60 residents, subject to the following conditions from SP-98-05 and amended in the underline format to reflect this expansion;

- A. 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 Department.
- B. Access for emergency purposes shall be provided to at least two sides of the building. The parking or drive around the building shall be modified, as required by the Fire District to accommodate emergency access. This may result in the size of the building being decreased. These requirements and other concerns of the Cedar Hammock fire control district shall be reviewed by staff at Final Site Plan (Completed as of September 26, 2002).
- C. A six foot concrete block wall with stucco and painted finish shall be constructed around the dumpster area prior to Certificate of Occupancy. Final location of this dumpster shall consider reasonable effort to minimize the effects on off-site residential and recreational uses (Completed as of September 26, 2002).
- D. The perimeter fence shown on the site plan shall be 6 feet high with the lower portion constructed of concrete block with a stucco and painted finish. This perimeter wall/fence shall be consistent with the approved drainage plan for this site (Completed as of September 26, 2002).
- E. The 10 foot wide screening buffer along the southern property line shall be clearly defined on the Final Site Plan.
- F. The use of the loading zone for deliveries shall be limited to daylight hours except for emergencies.
- G. The site plan submitted with this application shall be part of this approval, but only at the preliminary level. Administrative approval of the Final Site Plan shall be required subsequent to the Hearing Officer's approval of the Special Permit.
- H. This Special Permit approval does not authorize any structural alterations or changes to the existing parking area.

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- I. Prior to Final site Plan approval, proper documentation to prove that concurrency has been met relative to fire flow and drainage shall be provided.

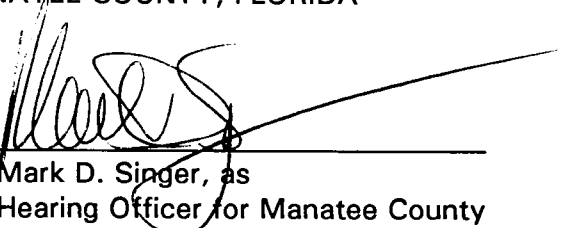
Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by courts of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Special Permit which shall remain in full force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

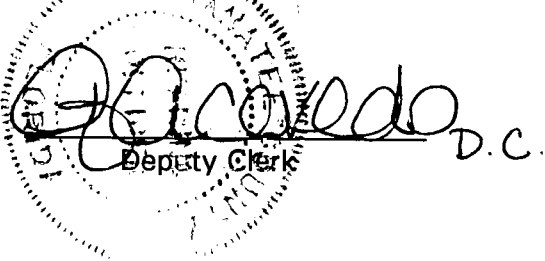
ORDERED ON BEHALF OF MANATEE COUNTY this 9th day of Oct.
____, 2002.

MANATEE COUNTY, FLORIDA

BY:


Mark D. Singer, as
Hearing Officer for Manatee County

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


Deputy Clerk D.C.

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EXHIBIT "A" - LEGAL DESCRIPTION

THE WEST 280 FEET OF THE FOLLOWING DESCRIBED PARCEL LYING IN THE S ½ OF THE SW 1/4, SECTION 15, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, TO-WIT: FROM THE SW CORNER OF SAID SECTION 15, RUN N 01° 09' 19" EAST ALONG THE SAID LINE OF SAID SECTION 15 A DISTANCE OF 1013.89 FEET TO THE SW CORNER OF PROPERTY PREVIOUSLY CONVEYED TO THE BOARD OF PUBLIC INSTRUCTION OF MANATEE COUNTY, FLORIDA, RECORDED IN DEED BOOK 395, PAGE 215 PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE RUN S 87° 32' 01" EAST, A DISTANCE OF 2663.06 FEET TO THE SE CORNER OF SAID PREVIOUSLY CONVEYED PROPERTY, SAID POINT BEING THE P.O.B.; THENCE RUN SOUTHERLY ALONG THE EAST LINE OF THE S ½ OF THE SW 1/4 OF SECTION 15 A DISTANCE OF 342.0 FEET TO A POINT; THENCE RUN WESTERLY ALONG THE LINE PARALLEL WITH THE SOUTH LINE OF SAID PREVIOUSLY DEEDED IN D.B. 395, PAGE 215, A DISTANCE OF 953 FEET TO A POINT; THENCE RUN IN A NORTHERLY DIRECTION AND PARALLEL TO THE EAST LINE OF SAID ½ OF THE SW 1/4 OF SECTION 15 A DISTANCE OF 342.0 FEET TO THE SOUTH LINE OF SAID PREVIOUSLY CONVEYED LAND; THENCE RUN ALONG THE SOUTH LINE OF SAID LANDS PREVIOUSLY CONVEYED S 87° 32' 01" E, A DISTANCE OF 953.0 FEET TO THE P.O.B. LESS THE NORTH 30 FEET AND THE EASTERLY 43 FEET, THEREOF.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION