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SPECIAL PERMIT NO. SP-02-14

DEVATTA AND CARLOS CRADDOCK / CRADDOCK DAY CARE

CLERK OF THE DISTRICT COURT  
MANATEE CO FLORIDA

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER  
ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL  
PERMIT NO. SP-02-14, TO ALLOW A DAYCARE AS A  
CONDITIONAL USE AT 708 32<sup>nd</sup> AVENUE EAST IN THE RDD-  
6 (RESIDENTIAL DUPLEX, 6 DWELLING UNITS PRE ACRE)  
ZONING DISTRICT; 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, the Hearing Officer has the authority to grant Special Permits; and

**WHEREAS**, Devatta and Carlos Craddock have requested a Special Permit to allow a children's day care for 24 children; and

**WHEREAS**, on September 4th, 2003, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for No. SP-02-14.

**NOW, THEREFORE**, after consideration of the application for Special Permit No. SP-02-14 requested by Devatta and Carlos Craddock, the Hearing Officer make the following Findings of Fact and Conclusions of Law and issues this 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. The request is for a Special Permit to allow a children's day care in an existing structure. The house will not be physically expanded. The site is at 708 32<sup>nd</sup> Avenue East, approximately 1,942 east of US 41/301 on 32<sup>nd</sup> Avenue East in Manatee County
- B. The outdoor recreation area is 1,900 square feet; providing 79 square feet per child for the 24 children. The Land Development Code requires a minimum of 45 square feet per child of usable outdoor play area.
- C. The interior play space is 840 square feet; providing the minimum 35 square feet per child per Section 704.18.2 of the Land Development Code.

- D. The site is currently zoned RDD 6 (Residential Duplex, 6 dwelling units per acre). The Future Land Use Category is RES-9 (Residential 9 dwelling units per acre).
- E. All surrounding property is zoned RDD 6 (Residential Duplex, 6 du/acre) and developed with single-family homes.
- F. Section 704.18.4 of the Land Development Code requires an on-site service drive. The site is currently accessed by an on-site service drive from 32<sup>nd</sup> Avenue East.
- G. Adequate measures exist to provide ingress and egress to the day care center in a manner that minimizes traffic congestion in public streets.
- H. Adequate measures have been taken to ensure that the proposed children's day care is consistent with the community character of the immediate neighborhood of the proposed development.
- I. There are no known archaeological, historical, or cultural resources on-site.
- J. The day care facility, as conditioned, will not impede the normal and orderly development and improvement of the area.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, and the staff report presented and reviewing the applicable provisions of the Manatee County Comprehensive Plan and the Manatee County 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 project as proposed and conditioned is consistent with the Manatee County Comprehensive Plan, Policies 2.2.1.13., 2.1.2.3-2.1.2.7, 2.2.1.5.
- D. Based on the conditions of approval, the use is also found to be consistent with the general standards of review for Special Permits in Section 505.2 and complies with the conditional use criteria set forth in Sections 704.18.1, 704.1.18.2, 704.1.18.3, 704.1.18.4, 704.1.18.5, 704.1.18.6, and 704.1.18.7 of the Land Development Code.

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- E. The day care center will have no detrimental effect to or endanger the surrounding properties or public health, safety, or general welfare.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Devatta and Carlos Craddock for the property located at 708 32<sup>nd</sup> Avenue East and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a children's day care as a conditional use, subject to the following conditions:

- 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. The site plan submitted with this application attached hereto as Exhibit "B" and incorporated herein, shall be part of this approval, but only at the preliminary level. Administrative approval by Manatee County of the Final Site Plan shall be required subsequent to the approval of this Special Permit.
- C. The day care is limited to 24 children.
- D. The day care shall not employ more than two persons.
- E. The day care will be limited to hours of operation between 7:00 a.m. and 6:00 p.m., and shall not operate on weekends.
- F. There shall be no outdoor storage.
- G. The existing on-site service drive shall be re-surfaced with a smooth dustless surface.
- H. Prior to Final Site Plan approval, a Certificate of Level of Service shall be issued.

Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by a Court 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 by the Hearing Officer and its recordation in the Official Records by the applicant with the Office of the Clerk of the Circuit 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 Sept.,  
2003.

MANATEE COUNTY, FLORIDA

BY: 

MARK D. SINGER, as  
Hearing Officer for Manatee County

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

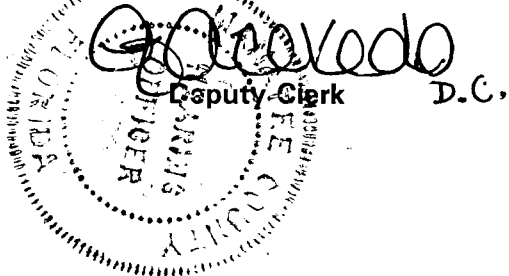


EXHIBIT "A"

LEGAL DESCRIPTION:

LOT 27 OF KINGSTON GROVES, AS RECORDED IN PLAT BOOK 20, PAGE 11, PUBLIC  
RECORDS OF MANATEE COUNTY, FLORIDA

EXHIBIT "B"

PLOT PLAN SUBMITTED WITH APPLICATION