

FILED FOR RECORD  
R. B. SHORE

**SPECIAL PERMIT NO. SP-04-03  
JOE HARRIS, D/B/A PAPA JOE'S BAR**

2004 SEP -1 PM 1:00

**FINAL ORDER OF MANATEE COUNTY HEARING  
OFFICER, MARK D. SINGER, ON BEHALF OF MANATEE  
COUNTY GRANTING SPECIAL PERMIT NO. SP-04-03,  
TO ALLOW A DRINKING ESTABLISHMENT IN THE NC-S  
(NEIGHBORHOOD COMMERCIAL-SMALL) ZONING  
DISTRICT; PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

CLERK OF COURT  
MANATEE CO FLORIDA

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

**WHEREAS**, Joe Harris, d/b/a Papa Joe's Bar has requested a Special Permit to allow a Drinking Establishment; and

**WHEREAS**, on August 18, 2004, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for a Drinking Establishment.

**NOW, THEREFORE**, the Final Order regarding Special Permit No. SP-04-03 requested by Joe Harris, d/b/a Papa Joe's Bar states 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. There are no proposed expansions to either the building or the parking areas.
- B. The applicant plans only interior renovations to the building.
- C. This use will be located inside a unit located in the existing shopping center.
- D. This property is zoned NC-S which allows a Drinking Establishment with approval of a Special Permit pursuant to Section 708.3.3.



Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation and the staff report presented, 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 proposal is compatible with the area and can be found to be consistent with the Comprehensive Plan and the IL (Industrial - Light) Future Land Use Category.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Joe Harris, d/b/a Papa Joe's Bar for the property located at 1240 - 1242 Whitfield Avenue, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a Drinking Establishment, subject to the following conditions:


- A. This Special Permit shall not be effective until the applicant has recorded it in the Public Records of Manatee County, Florida, and a copy of the recorded Order is received by the Planning, Permitting and Inspections Department.
- B. There shall be no outdoor entertainment or loudspeakers on the premises.
- C. There shall be no live entertainment at this establishment.
- D. Sounds or vibrations at the property line of the establishment shall not exceed the limitations established in Article II of Chapter 21 of the Manatee County Code of Laws, as amended from time to time. Two or more violations of such Article within the same six-month period shall constitute grounds for revocation of this Special Permit.
- E. No use of neon for lighting, signs, or decorative items shall be allowed on the exterior of this building.

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.

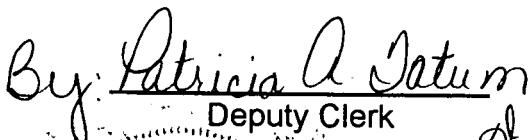
Section 5. Effective Date. The effective date of this Special Permit shall be upon execution of this Order and its recordation in the Official Records by the applicant with the Office of the Clerk of the Circuit Court and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 1<sup>st</sup> day of September, 2004.

MANATEE COUNTY, FLORIDA

BY:   
Mark D. Singer, as  
Hearing Officer for Manatee County

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

By:   
Deputy Clerk A.C.

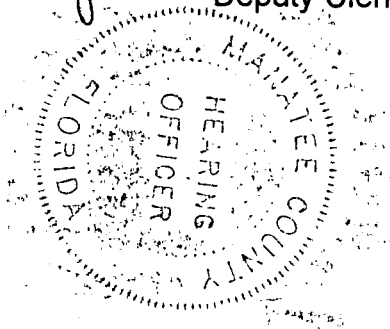


EXHIBIT "A"

LEGAL DESCRIPTION:

FM NE COR OF NE ¼ SEC 25 RUN S 00 DEG 10 MIN 58 SEC E ALG E LN OF SD NE 1/4 A DIST OF 25 FT & S 89 DEG 51 MIN 50 SEC W A DIST OF 50 FT TO W R/W/L OF U S HWY 301; & CONT S 89 DEG 51 MIN 50 SEC W ALG S R/W/L OF WHITFILED AVE A DIST OF 805 FT; S 00 DEG 04 MIN 10 SEC E A DIST OF 17 FT TO SE COR OF LAND REC IN OR 1090 P 1199; & S 89 DEG 51 MIN 50 SEC W A DIST OF 122.18 FT TO POB; TH CONT S 89 DEG 51 MIN 50 SEC W A DIST OF 356.34 FT TO INTERSECT WITH W LN OF N ½ OF N ½ OF NE ¼ OF NE ¼; TH S 00 DEG 09 MIN 03 SEC E A DIST OF 290.48 FT; TH N 89 DEG 55 MIN 45 SEC E ALG S LN OF N ½ OF N ½ OF NE ¼ OF NE ¼ & ALG N LN OF " IDLE WILD COURT" A DIST OF 254.35 FT; TH N 00 DEG 11 MIN 02 SEC W A DIST OF 188.48 FT; TH N 01 DEG 01 MIN 28 SEC E A DIST OF 102.42 FT TO POB; SUBJ TO EASMT AS DESC IN OR 1089 P 3686

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EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION