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SPECIAL PERMIT NO. SP-04-09
BRIAN & CHRISTINE O'DONNELL/ RINGLING BED AND BREAKFAST

CLERK OF DISTRICT COURT
MANATEE CO FLORIDA

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER MR. John Roe ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-04-09, TO ALLOW A BED & BREAKFAST WITH FOUR (4) GUESTROOMS IN THE RSF-3/WR/AI (RESIDENTIAL SINGLE-FAMILY, 3 DWELLING UNITS PER ACRE, WHITFIELD AND AIRPORT IMPACT OVERLAYS) ZONING DISTRICT AT 7715 AND 7723 WESTMORELAND DRIVE; 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, Brian and Christine O'Donnell have requested a Special Permit to allow a bed and breakfast with four (4) guest rooms in the RSF 3/WR/AI (Residential single-family, 3 dwelling units per acre, Whitfield and Airport Impact Overlays) zoning district;

WHEREAS, on March 16, 2006 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant, and public comment and argument regarding the proposed Special Permit for Bed and Breakfast with 4 guest rooms.

NOW, THEREFORE, after consideration of the application for Special Permit No. SP-04-09 requested by the Brian and Christine O'Donnell, the Hearing Officer makes 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 approval of a Special Permit to allow a Bed and Breakfast with a total of four (4) guest rooms. The site is at 7715 and 7723 Westmoreland Drive.
- B. The site is zoned RSF-3/WR/AI (Residential Single-family, 3 dwelling units per acre, Whitfield and Airport Impact Overlay Districts).
- C. Surrounding property is zoned RSF-3/WR/AI, with single-family residences.

- D. The site will have access from two existing driveways on Westmoreland Drive.
- E. The site will meet all drainage and other concurrency requirements.

Section 2. Conclusions of Law. Based upon the above Findings of Fact, the testimony, evidence, documentation, and the staff report presented, and a review of the applicable provisions of the 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. Based upon the conditions of approval for SP-04-09, the proposed use is consistent with the RES-3 Future Land Use Category Policy 2.2.1.10 of the Comprehensive Plan. The use is also found to be consistent with general standards of review for Special Permits in Sections 505.2 and complies with the conditional use criteria set forth in Section 704.8 of the Land Development Code.
- D. The proposed use as conditioned in this order will not impede the normal and orderly development and improvement of the surrounding properties for use permitted in the applicable zoning district.
- E. The proposed Bed and Breakfast is consistent with the community character of the area.
- F. With the proposed stipulations, the use will minimize adverse impacts.
- G. With the proposed stipulations, the site will meet the requirements for screening buffers, pursuant to 704.8.4 of the Land Development Code

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Brian and Christine O'Donnell for the property located at 7715 and 7723 Westmoreland Drive, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a Bed and Breakfast with a total of four (4) guest rooms, subject to the following conditions:

- A. The Bed and Breakfast site plan submitted with this application shall be part of this approval.
- B. There shall be no new signs. The existing sign identifying this as the Alfred Ringling home may remain.

- C. No more than four (4) guest bedrooms will be provided within the two existing single-family homes on this site.
- D. There shall be resident staff on site overnight when any of the four guest bedrooms are occupied by guests.
- E. Hours of use for the outside areas (including pool and pool deck) shall be limited to between 7:00 a.m. and 9:00 p.m. daily.
- F. All outdoor lighting along the rear of the structures shall be extinguished by 9:00 p.m.
- G. This permit shall automatically expire upon any change of ownership of the Property.
- H. Landscaping shall be installed adjacent to the southernmost parking space on the site plan to screen it from view from the street. The landscaping details shall be shown on the final site plan.
- I. Irrigation for landscaping shall use the lowest water quality source available. Use of Manatee County public potable water supply shall be prohibited.

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 decision 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 in and for Manatee County and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 17th day of April, 2006.

MANATEE COUNTY, FLORIDA

BY: 
Hearing Officer for Manatee County

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

BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION:

Lots 4, 5, and 6, BLOCK 4, WHITFIELD ESTATES, UNIT NO. 1 RECORDED IN PLAT BOOK 2, PAGES 127A AND 128 A OF THE PUBLIC RECORDS OF MANATEE COUNTY FLORIDA. LESS THAT PORTION OF LOT 4 IN SAID BLOCK 4, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF WESTMORELAND STREET AT THE SW CORNER OF LOT 4, THENCE SOUTHEASTERLY ALONG WESTMORELAND STREET, 21.5'; THENCE NORTHEASTERLY, 84.5' TO A POINT, WHICH POINT IS 30.15' FROM THE NW CORNER OF SAID LOT 4, THENCE NORTHERLY 30.15' AT AN ANGLE OF 8 DEGREES 53" TO THE RIGHT TO THE NW CORNER OF SAID LOT 4; THENCE SOUTHWESTERLY ALONG THE DIVIDING LINE BETWEEN LOTS 3 AND 4, 110.9' TO THE POINT OF BEGINNING AND LESS THAT PORTION OF LOT 6, IN SAID BLOCK 4, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6, BLOCK 4, THENCE NORTH ALONG THE EAST LINE OF LOT 6, A DISTANCE OF 65'; THENCE DUE WEST A DISTANCE OF 5'2"; THENCE IN A SOUTHERLY DIRECTION PARALLEL TO THE EAST LINE OF LOT 6, TO A POINT 5'2" WEST OF THE SE CORNER OF LOT 6; THENCE EAST TO THE POINT OF THE BEGINNING.

ALSO; THAT PORTION OF LOT 21 AND 22 BLOCK 4 WHITFIELD ESTATES UNIT 1 RECORDED IN PLAT BOOK 2, PAGES 127A AND 128A OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 21; THENCE RUN NORTHERLY ALONG THE EAST LINE OF SAID LOT 21, A DISTANCE OF 10'; THENCE RUN WESTERLY IN A STRAIGHT LINE TO A POINT ON THE WEST LINE OF LOT 21, SAID POINT BEING 10' NORTH OF THE SW CORNER OF LOT 21; THENCE FROM SAID POINT RUN WESTERLY TO A POINT 8' NORTH ALONG THE WEST LINE OF LOT 22; THENCE TO THE SW CORNER OF LOT 22; THENCE EASTERLY ALONG THE SOUTH LINE OF LOTS 22 AND 21, A DISTANCE OF 130', TO THE POINT OF BEGINNING.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION