

**SPECIAL PERMIT NO. SP-05-02
DIOCESE OF VENICE, ST. FRANCIS CABRINI PARRISH**

2006 JUL -6 AM 10:05

**FINAL ORDER OF MANATEE COUNTY HEARING
OFFICER MR. ROE ON BEHALF OF MANATEE COUNTY
GRANTING SPECIAL PERMIT NO. SP-05-02, TO ALLOW
A 25,660 SQUARE FOOT BUILDING ADDITION TO AN
EXISTING CHURCH FOR A NEW PARISH HALL IN THE
A-1/NCO (SUBURBAN AGRICULTURE, ONE DWELLING
UNIT PER ACRE/ NORTH CENTRAL OVERLAY
DISTRICT) ZONING DISTRICT, AT 12001 69TH STREET
EAST; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

CLERK OF COURT
MANATEE COUNTY, 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, the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, the Diocese of Venice, has requested a Special Permit for a 25,660 square foot building addition to an existing church for a new parish hall in the A-1/NCO zoning district;

WHEREAS, on April 26, 2006 and June 2, 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 a parish hall addition.

NOW, THEREFORE, after consideration of the application for Special Permit No. SP-05-02 requested by the Diocese of Venice, St. Francis Cabrini, 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 for a 25,660 square foot building for a new parish hall. The site is in Parrish at 12001 69th Street East.
- B. The site is zoned A-1/NCO.
- C. Surrounding property is zoned A-1/NCO and VIL/NCO (Village) with single-family residences.



- D. The site will have access from two driveways on 69th Street East and one on 121st Avenue East.

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-05-02, the proposed use is consistent with the RES-6 Future Land Use Category Policy 2.2.1.12 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 704.13 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 use is consistent with the community character of the area. The church has been a part of the neighborhood since 1992.
- F. With the proposed stipulations, the use will minimize adverse impacts.
- G. The site will meet all drainage and other concurrency requirements.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to the Diocese of Venice, St. Francis Cabrini for the property located at 12001 69th Street East, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a new parish hall, 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 shall be part of this approval, but only approved 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.

- C. A six foot high wood fence shall be installed along the west property line. All required landscaping shall be placed on the outside or roadway side of the fence.
- D. Prior to issuance of a Certificate of Occupancy, shielding of on-site lighting shall comply with LDC Section 709.2.2. In addition, pole mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-offs. A photometric plan shall be submitted to the Planning Department for approval along with the Final Site Plan.
- E. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited.
- F. All grassed parking shall have adequate permanent means of traffic control to delineate pedestrian and vehicular flow and permanent markers at the head of each car stall within the parking area.
- G. Prior to Final Site Plan approval, concurrency shall be met relative to fire flow and drainage design.
- H. The education wing shall not be converted to a day care center, day care facility, or any type of school, unless all conditional use approvals have been issued and all State and County regulations have been met.
- I. Additional square footage shall not be allocated to the educational and thrift store uses beyond that shown on the site plan submitted with this application without first obtaining a revised Special Permit. These uses shall be tied to use by the congregants and not a "commercial" operation.
- J. No outdoor signs shall be posted for the accessory thrift store.
- K. Prior to commencement of construction or land clearing, an Erosion and Sediment Control Plan (ESCP) shall be submitted to the Planning Department, Natural Resources Division, for review and approval. Construction plans, ERP, and NPDES permit approvals must be obtained prior to submittal of the ESCP. Construction or land clearing is not authorized until ESCP has been approved by the Planning Department and all required meetings have been completed.
- L. Prior to issuance of a Certificate of Occupancy, the developer shall install signs adjacent to wetland buffers at 100' intervals indicating that the area is a "Conservation Area".
- M. Prior to issuance of a Certificate of Occupancy, a Conservation Easement for

the areas defined as post-development jurisdictional wetlands or wetland buffers shall be dedicated to the County.

- N. Prior to issuance of a Certificate of Occupancy, all exotic nuisance plant species shall be removed from upland portions of the site.
- O. A Water Well Construction Permit must be obtained from the Environmental Management Department prior to the construction of the proposed wells.
- P. The 17' and 27' of additional right-of-way required on 69th Street East and 121st Avenue East, respectively, shall be reserved as shown on the Preliminary Site Plan. No permanent structures shall be placed in the reserved areas.

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.

(Signature page continued to next page intentionally)

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 6th day of July, 2006.

MANATEE COUNTY, FLORIDA

BY: [Signature]
Hearing Officer for Manatee County

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

BY: [Signature]
Deputy Clerk

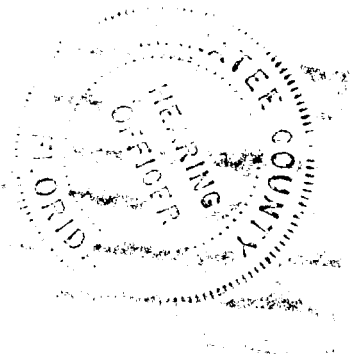


EXHIBIT "A"

LEGAL DESCRIPTION:

The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, less the East 3 acres (East 210 Feet) of Section 29, Township 33 South, Range 19 East, Manatee County, Florida.

Subject to right-of-way for 69th Street East.

ALSO:

BEGIN IN THE MIDDLE OF HARD ROAD AT THE NORTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 29, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE WEST, 70 YARDS (210 FEET); THENCE SOUTH, 140 YARDS (420 FEET); THENCE EAST, 70 YARDS (210 FEET); THENCE NORTH 140 YARDS (420 FEET) TO THE POINT OF BEGINNING; LESS ROAD RIGHT-OF-WAY ON THE NORTH AND EAST. ALSO LESS THE NORTH 115 FEET THEREOF. AND ALSO LESS: THE NORTH 20 FEET OF: BEGIN IN THE MIDDLE OF HARD ROAD AT THE NORTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 29, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE WEST, 70 YARDS (210 FEET); THENCE SOUTH 140 YARDS (420 FEET); THENCE EAST, 70 YARDS (210 FEET); THENCE NORTH, 140 YARDS (420 FEET) TO THE POINT OF BEGINNING. LESS ROAD RIGHT-OF-WAY ON THE NORTH AND EAST. ALSO LESS THE NORTH 115 FEET THEREOF.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION