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R. B. SHORE

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**SPECIAL PERMIT NO. SP-05-07
EDWARD BALIAN/OPERATION PAR, INC.
(OUTPATIENT TREATMENT FACILITY)**

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-05-07,
TO ALLOW A 7,520 SQUARE FOOT OUTPATIENT
TREATMENT FACILITY IN THE GC (GENERAL
COMMERCIAL) ZONING DISTRICT AT 6229 14TH STREET
WEST; 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, Edward Balian has requested a Special Permit to allow an outpatient treatment facility in the GC (General Commercial) zoning district; and

WHEREAS, on March 30, 2006, the aforementioned Hearing Officer held a public hearing to receive comments and arguments from the staff, applicant, and public regarding the proposed Special Permit for an outpatient treatment facility.

NOW, THEREFORE, after consideration of the application for Special Permit No. SP-05-07 requested by Edward Balian, 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 an outpatient treatment facility. The site is at 6229 14th Street West.
- B. The site is zoned GC (General Commercial).
- C. Surrounding property is zoned GC, with bank, tire center, staffing services, liquor store, bingo hall, church, office, drug store, restaurant and car wash uses; RMF-9, with a 15-unit apartment building; and RSMH-6, with a mobile home park.
- D. The site will have access from two existing driveways, one on U.S. 41 and the

other on Bayshore Gardens Parkway.

- 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 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 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-05-07, the proposed use is consistent with the ROR Future Land Use Category Policy 2.2.1.17 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 704.54 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 Outpatient Treatment Facility is consistent with the community character of the area.
- F. With the proposed stipulations, the use will minimize adverse impacts.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Edward Balian for the property located at 6229 14th Street West, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for an outpatient treatment facility, subject to the following conditions:

- A. This Special Permit will 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 the approval, but only at the preliminary level. Administrative approval by Manatee County of any Building Permits for interior remodeling may be required subsequent to approval of the Special Permit.

- C. Signs reserving parking for "Operation Par Customers Only" in the 13 space parking area to the east of the proposed facility shall be installed.

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: [Signature]
Hearing Officer for Manatee County

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

BY: [Signature]
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCE AT THE S.E. CORNER OF THE S. W. $\frac{1}{4}$ OF THE N.E. $\frac{1}{4}$ OF THE N. W. $\frac{1}{4}$ OF SEC. 23 TWP. 35 S., RGE. 17 E.; THENCE N 01°33'03" W, ALONG THE EAST LINE OF SAID S.W. $\frac{1}{4}$ OF THE N.E. $\frac{1}{4}$ OF THE N.W. $\frac{1}{4}$, 220.31 FT. TO THE INTERSECTION WITH THE NORTHEASTERLY R/W OF 63RD AVENUE WEST (NEW SAUNDERS ROAD), AS DESCRIBED AND RECORDED IN O.R. BOOK 879, PAGES 678 AND 679, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A P. O. B.; THENCE CONTINUE N 01°33'03" W, ALONG SAID EAST LINE, 113.08 FT. TO THE N.E. CORNER OF THE SOUTH $\frac{1}{2}$ OF SAID S.W. $\frac{1}{4}$ OF THE N.E. $\frac{1}{4}$ OF THE N.W. $\frac{1}{4}$; THENCE S 88°43'47" W, ALONG THE NORTH LINE OF SAID SOUTH $\frac{1}{2}$, 61.52 FT. TO THE INTERSECTION WITH THE NORTHEASTERLY R/W OF SAID 63RD AVENUE WEST (NEW SAUNDERS ROAD); THENCE S 30°02'03" E, ALONG SAID NORTHEASTERLY R/W, 129.00 FT. TO THE P.O.B., BEING AND LYING IN THE SOUTH $\frac{1}{2}$ OF THE S.W. $\frac{1}{4}$ OF THE N. E. $\frac{1}{4}$ OF THE N.W. $\frac{1}{4}$ OF SEC. 23 TWP. 35 S., RGE. 17 E., MANATEE COUNTY, FLORIDA.

CONTAINING 0.08 ACRE.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION