

**SPECIAL PERMIT NO. SP-06-11  
MANATEE ANIMAL HOSPITAL AND EMERGENCY CLINIC**

FILED FOR RECORD  
R. B. SHORE

2007 JUL 11 PM 1:36

**FINAL ORDER OF MANATEE COUNTY HEARING  
OFFICER JOHN ROE ON BEHALF OF MANATEE  
COUNTY GRANTING SPECIAL PERMIT NO. SP-06-11 TO  
ALLOW A 5,726 SQUARE FOOT VETERINARY  
HOSPITAL AND 24 HOUR EMERGENCY CLINIC IN THE  
A-1 (SUBRUBAN AGRICULTURE, 1 DWELLING UNIT  
PER ACRE) ZONING DISTRICT AT 9620 ELLENTON-  
GILLETTE ROAD (36<sup>TH</sup> AVENUE EAST), ELLENTON (±  
1.11 ACRES); PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

CLERK OF THE CIRCUIT 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, the Hearing Officer has the authority to grant Special Permits; and

**WHEREAS**, Dr. Joelle and Brandon Daniels, requested a Special Permit to allow a 5,726 square foot Veterinary Hospital and 24 hour emergency clinic in the A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district; and

**WHEREAS**, on June 13, 2007, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant, and public comment and argument regarding the proposed Special Permit for Veterinary Hospital and Veterinary Clinic.

**NOW, THEREFORE**, after consideration of the application for Special Permit No. SP-06-11 requested by Dr. Joelle K. and Brandon M. Daniels of 5244 Lakehurst Court, Palmetto, FL, the Hearing Officer makes the following Findings of Fact and Conclusions of Law and issues the 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 Veterinary Hospital and Veterinary Clinic. The site is at 9620 Ellenton-Gillette Road (36<sup>th</sup> Avenue East), Ellenton.
- B. The site is currently vacant and zoned A-1 (Suburban Agriculture).



- C. Surrounding property includes vacant land and single-family homes with accessory agricultural uses.
- D. The design includes a fence and landscaping to buffer the impacts from this use to the homes to the south and east.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation and the staff report presented, and a review of the applicable provisions of the Manatee County Comprehensive Plan and 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 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 RES-6 (Residential, 6 dwelling units per acre) Future Land Use Category.
- E. All requirements for issuance of a Special Permit pursuant to LDC Section 505 are met.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Dr. Joelle and Brandon Daniels for property at 9620 Ellenton-Gillette (36<sup>th</sup> Avenue East), Ellenton, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a 5,726 square foot Veterinary Hospital and 24 hour emergency clinic, subject to the following conditions:

- 1. 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.
- 2. 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.
- 3. The use shall be limited to small animals (ordinary household pets) and "pocket pets". No large animals shall be treated or served at this facility.

4. Hours of operation for normal business shall be limited to 8:00 a.m. to 6:00 p.m. The facility may maintain emergency-only hours when not open for normal business.
5. The maximum number of dogs or animals permitted outside at any one time in the walk area shall be five (5). Only one dog or animal shall be permitted outside at any one time between the hours of 10:00 p.m. and 7:00 a.m.
6. Except as provided here, no more than 10 animals may be boarded at the site at any one time. However, this limitation shall not apply to animals recovering from surgical or medical procedures.
7. At building permit stage, technical evidence and documentation shall be prepared by an engineer or architect to demonstrate to the Building Official that the structure is adequately soundproofed. Also, the facility shall be constructed so that there will be no emission of odor or noise detrimental to other property in the area.
8. The design of the building shall be in substantial conformance with the building elevations entered into the record at the public hearing. Building elevations shall be submitted to the Planning Department with the Final Site Plan to ensure compliance.
9. All roof mounted H.V.A.C. mechanical equipment, loading areas, and dumpsters shall be screened from view from all surrounding property (including roadways).
10. The dumpster enclosure shall be constructed of the same materials as the main building. Elevations of the dumpster enclosure shall be provided to the Planning Department with the Final Site Plan to ensure compliance.
11. Subject to approval pursuant to all sign regulations then in effect, the site shall be limited to one ground sign. The sign shall be as shown on the elevations submitted with the Preliminary Site Plan and shall be constructed of similar materials and color as the main building. Elevations shall be submitted to the Planning Department with the Final Site Plan to ensure compliance.
12. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
13. A Well Management Plan for the proper rehabilitation and abandonment of existing wells shall be submitted to the EMD for review and approval prior to Final Site Plan approval.
14. Any wells discovered during land clearing shall be protected or abandoned in accordance with Rule Chapter 40D, Florida Administrative Code.
15. Prior to Final Site Plan approval, concurrency shall be met relative to fire flow and drainage design.

16. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.
17. A CLOS has not been issued at this time. No Final Site Plan shall be issued until the CLOS is issued and any required improvements are shown on the Final Site Plan and Construction Plans.
18. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Frog Creek/Buffalo Canal. Modeling shall be used to determine pre- and post-development flows.
19. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
20. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
21. The entrance to Ellenton-Gillette Road shall be limited to right-in/right-out only. This shall be shown on the Final Site Plan.
22. The existing right-of-way for Moccasin Wallow Road is 33 feet, more or less, south of the section line per Road Plat Book 4, Page 154. Page 10 of 16 of Table 5-1 (Revised) of Ordinance 05-12 of the L.D.C. designates Moccasin Wallow Road as a future 6-lane Collector requiring 150 feet of right-of-way (75 feet half). That portion of the parcel lying within 75 feet of the centerline/section line will need to be dedicated.

The existing right-of-way for Ellenton-Gillette Road (fka SR 683) is variably maintained (27-33 feet half) per State Road Plans. Page 8 of 16 of Table 5-1 (Revised) of Ordinance 05-12 of the L.D.C. designates Ellenton-Gillette Road as a 4-lane Arterial requiring 120 feet of right-of-way (60 feet half). That portion of the parcel lying within 60 feet of the centerline will need to be dedicated.

Together a 30' by 30' right-of-way triangle at the intersection of the right-of-way lines in place of a right-of-way radius per Chapter 9, Section 907.9.2.6.

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 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 11<sup>th</sup> day of July, 2007.

MANATEE COUNTY, FLORIDA

BY: [Signature], as  
Hearing Officer for Manatee County

ATTEST: R. B. Shore,  
Clerk of the Circuit Court

BY: [Signature]  
Deputy Clerk

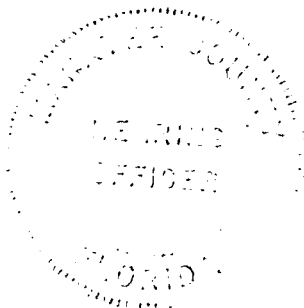


EXHIBIT "A"

LEGAL DESCRIPTION:

THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 886, PAGE 933, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, TO WIT:

COMMENCE 30 FEET SOUTH AND 30 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 33 SOUTH, RANGE 8 EAST FOR A POINT OF BEGINNING; THENCE EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF MOCCASIN WALLOW ROAD, A DISTANCE OF 381 FEET; THENCE S.00°06'E., A DISTANCE OF 574 FEET; THENCE WEST, 381 FEET TO THE EAST RIGHT-OF-WAY LINE OF ELLENTON-GILLETTE ROAD; THENCE N.00°06'W., ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 574 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.02 ACRES, MORE OR LESS,

LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 941, PAGE 43, SAID PUBLIC RECORDS.

ALSO LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1414, PAGE 6374, SAID PUBLIC RECORDS.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF MOCCASIN WALLOW ROAD AND THE EAST RIGHT-OF-WAY LINE OF ELLENTON-GILLETTE ROAD FOR A POINT OF BEGINNING; SAID POINT ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 886, PAGE 933, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.89°58'14"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE OF MOCCASIN WALLOW ROAD, A DISTANCE OF 229.00 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 941, PAGE 43 OF SAID PUBLIC RECORDS; THENCE S.00°06'00"E., ALONG THE WEST LINE OF SAID PARCEL IN OFFICIAL RECORDS BOOK 941, PAGE 43, A DISTANCE OF 287.00 FEET TO THE SOUTHWEST CORNER THEREOF AND TO THE INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND, DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1414, PAGE 6374, OF SAID PUBLIC RECORDS; THENCE S.89°58'14"W., ALONG THE NORTH LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1414, PAGE 6374, A DISTANCE OF 229.00 FEET TO THE NORTHWEST CORNER THEREOF AND TO THE INTERSECTION WITH SAID EAST RIGHT-OF-WAY OF ELLENTON-GILLETTE ROAD, SAID EAST RIGHT-OF-WAY LINE ALSO BEING THE WEST LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 886, PAGE 933; THENCE N.00°06'00"W., ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 287.00 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN THE NORTHWEST 1/4 OF

SECTION 20, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY,  
FLORIDA.

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EXHIBIT "B"

(Submitted with Application)