

**SPECIAL PERMIT NO. SP-11-01
CIRCLE S RODEO PRODUCTIONS DTS#20100240**

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER JOHN D. HAWKINS, ON BEHALF OF MANATEE COUNTY GRANTING A SPECIAL PERMIT NO. SP-11-01 FOR A RURAL RECREATIONAL USE CONTAINING A RODEO FACILITY WITH ASSOCIATED USES IN THE A (GENERAL AGRICULTURE) ZONING DISTRICT. THE SITE IS LOCATED ON THE EAST SIDE OF CLAY GULLY ROAD AT 32431 AND 32451 CLAY GULLY ROAD, MYAKKA CITY; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (12 ± acres).

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, Victor Scarborough requested a Special Permit for a rural recreational use containing a rodeo facility with associated uses in the A (General Agriculture) zoning district; and

WHEREAS, on August 15, 2012, 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 rural recreational use containing a rodeo facility with associated uses; and

WHEREAS, on September 4, 2012 the Hearing Officer issued a Notice of Intent to approve the Special Permit, subject to any responses from interested parties; and

WHEREAS, on September 6, 2012, Ronald Koper, Jr. the Acting Deputy Director of the Manatee County Public Safety Department expressed his concerns, in writing, the proposed Order did not clearly delineate the requirements for access and maneuverability of emergency vehicles the Manatee County; and

WHEREAS, those concerns and requests for clarification of the proposed Order do not, in the opinion of the Hearing Officer, materially affect the rights of the Applicant, are in the best interest of the citizens of Manatee County and have been added to this Order under paragraphs numbers 11 and 12 under Section 3 below.

NOW, THEREFORE, after consideration of the application for Special Permit No. 11-01 requested by Victor Scarborough 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 12± acre site is in the AG/R (Agricultural/Rural) Future Land Use Category (FLUC).
- B. The request is for a rural recreational use containing a rodeo facility with associated uses.
- C. The Manatee County Comprehensive Plan lists rural recreational use in the Range of Potential Uses for the AG/R FLUC.
- D. The use has been found consistent with general standards of review for Special Permits in Section 505.2 and complies with the conditional use criteria of Section 704.44.7 of the Land Development Code.
- E. The Applicant has been operating a rodeo facility at the current location since 2009 under Temporary Use Permits. There have been no complaints filed by owners of neighboring properties or the general public since the rodeo operations began in 2009. There have been no incidents requiring law enforcement or emergency first responders to be called to any of the events.
- F. Since the rodeo operations began in 2009, there have been less than 60 event days/nights per year, averaging about two weekends per month for the last 12 months. The typical size crowd has been about 500 persons and as many as 800 persons.
- G. There have been no Manatee County Code violations reported since the rodeo operations commenced in 2009.
- H. There was one property owner, Bruce Mingus, who owns a parcel of vacant property which nearly abuts the subject property to the north. Mr. Mingus objected to the application stating that the rodeo operations adversely impact his property in term of noise, lights, and traffic.
- I. The current zoning for the subject parcel is Agricultural, and although this zoning district does permit residences, the permitted uses under the zoning code do not necessarily protect any residences from the adverse effects of ranches, cattle operations, and farming in general.

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), Gomez v City of St. Pete 550 So. 2d 7 (Fla. 2nd DCA1989).
- C. The proposed use is consistent with the Comprehensive Plan Policies 2.2.1.8.2 which allows for rural recreational facilities in the AG/R FLUC and 2.1.2.7 which requires review of all proposed development for compatibility and appropriate timing.
- D. The applicant has met present requirements of the Manatee County Comprehensive Plan and present requirements for the issuance of a Special Permit pursuant to the Manatee County Land Development Code, Sections 505.2 and 704.44.7.
- E. Adequate measures exist to provide ingress and egress to the site in a manner that minimizes traffic congestion in the public streets.
- F. Adequate measures have been taken to ensure that the proposed use is consistent with the community character of the immediate neighborhood and will not have an adverse effect, including visual impacts of the use on adjacent property.
- G. There are no known archaeological, historical, or cultural resources on-site.
- H. Adequate measures have been made for buffers, landscaping, open space and other improvements associated with this use.
- I. The applicant has met its burden of proof by competent evidence and is entitled to the Special Permit.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Victor Scarborough at 32431 and 32451 Clay Gully Road, Myakka City, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a rural recreational use containing a rodeo facility with associated uses in the A (General Agriculture) zoning districts, subject to the following conditions:

1. The 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 Division of the Building and Development Services Department.
2. The Plot Plan submitted with this application shall be a part of this approval.
3. The applicant shall receive a Certificate of Completion from the County based on a Final Inspection, showing that all improvements are in place per the Plot Plan and all conditions of the Final Order are met.
4. A future Final Site Plan shall be required in order to authorize any of the follow on this site:
 - a. Permanent restrooms or showers;
 - b. Permanent concession stand with kitchen facilities;
 - c. Additional outdoor lighting;
 - d. Addition of impervious area;
 - e. Expansion of addition seating.
5. The hours of operation for the rodeo shall be between 8:00 a.m. and 10:00 p.m.
6. If required, a copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division.
7. If a Final Site Plan is required for this use a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.
8. The use, service and quantity of portable toilets shall be in accordance with the provisions of Chapter 64E-6.010(7), F.A.C. Should the frequency of events at this site exceed 120 total days per 365-day period, the applicant shall be required to provide permanent restroom facilities on an approved septic system, with an approved water source.
9. All food vendors must be licensed by Dept of Business & Professional Regulation, Division of Hotels & Restaurants, 4100 Center Pointe Dr, Ft. Myers, FL 33916, Ph: 850-487-1395.

10. All lighting for the subject property shall be in compliance with Manatee County code requirements at all times.
11. In order to ensure adequate access and turning maneuverability for emergency vehicles, the entrance roadway should be designed and maintained to meet County roadway standards such that emergency vehicles may access the arena and spectator areas at all times.
12. Until the entrance roadway does provide for stabilized access (minimum of 15 feet wide) for emergency vehicles (and sufficient space required for turning around) the applicant should provide onsite trained personnel capable of safely moving EMS patients to Clay Gully Road where EMS vehicles may be staged.
13. The owner shall have security staff and trained first responders and emergency medical qualified personnel and appropriate emergency vehicles on-site for each event for first aid, traffic control, and other emergency services.
14. Prior to issuance of Certificate of Completion the applicant shall provide to the Building and Development Services, the Fire Department's final approval letter.

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 Building and Development Services Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 18th day of September, 2012.

MANATEE COUNTY, FLORIDA

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

John D. Hawkins

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

BY: [Signature]

Deputy Clerk

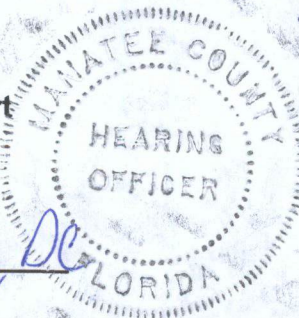


EXHIBIT "A"
LEGAL DESCRIPTION

34251 CLAY GULLY RD

A PARCEL OF LAND BEING IN SEC 9, TWN 37S, R 21E, MANATEE CO. FL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COM AT THE NE COR OF SD SEC 9; TH S 82 DEG 52 MIN 51 SEC W, A DIST OF 1083.73 FT; TH S 71 DEG 01 MIN 18 SEC W, A DIST OF 746.14 FT; TH S 31 DEG 32 MIN 24 SEC E, A DIST OF 922.44 FT FOR A POB; TH CONT S 31 DEG 32 MIN 24 SEC E, A DIST OF 307.48 FT; TH S 71 DEG 01 MIN 18 SEC W, A DIST OF 870.75 FT TO A PT ON THE NELY MAINTAINED R/W LN OF CLAY GULLY RD, REC IN RD PL BK 3, P 44-55, PUBLIC RECORDS OF MANATEE CO. FL; TH N 31 DEG 32 MIN 24 SEC W, ALG SD R/W LN, A DIST OF 307.48 FT; TH N 71 DEG 01 MIN 18 SEC E, A DIST OF 870.75 FT TO THE POB. CONTAINING 6.0 ACRES, M/L, SUBJECT TO AN ACCESS EASEMENT OVER THE SELY 30 FT. (1805/7168) PI#2360.0520/9

32431 CLAY GULLY RD

A PARCEL OF LAND BEING IN SEC 9, TWN 37S, R 21 E, MANATEE CO. FL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COM AT THE NE COR OF SD SEC 9; TH S 82 DEG 52 MIN 51 SEC W, A DIST OF 1083.73 FT; TH S 71 DEG 01 MIN 18 SEC W, A DIST OF 746.14 FT; TH S 31 DEG 32 MIN 24 SEC E, A DIST OF 614.96 FT FOR A POB; TH CONT S 31 DEG 32 MIN 24 SEC E, A DIST OF 307.48 FT; TH S 71 DEG 01 MIN 18 SEC W, A DIST OF 870.75 FT TO A PT ON THE NELY MAINTAINED R/W LN OF GLAY GULLY RD, REC IN RD PL BK 3, P 44-55, PUBLIC RECORDS OF MANATEE CO. FL; TH N 31 DEG 32 MIN 24 SEC W, ALG SD R/W LN, A DIST OF 307.48 FT; TH N 71 DEG 01 MIN 18 SEC E, A DIST OF 870.75 FT TO THE POB. CONTAINING 6.0 ACRES, M/L (1805/7168) PI#2360.0530/9