

**SPECIAL PERMIT NO. SP-13-01(R)
THE VILLAS OF HOLLY BROOK & REFLECTIONS MEMORY
CARE PLN2004-0022**

**FINAL ORDER OF MANATEE COUNTY HEARING
OFFICER KELLY FERNANDEZ ON BEHALF OF
MANATEE COUNTY GRANTING SPECIAL PERMIT
NO. SP-13-01(R) FOR A SPECIAL PERMIT TO
ALLOW AN EXISTING ASSISTED LIVING FACILITY
(LARGE) TO INCREASE FROM 52-BEDS TO 76-
BEDS FOR A SITE IN THE RSMH-6 (RESIDENTIAL
SINGLE-FAMILY MANUFACTURED HOME, 6
DWELLING UNITS PER ACRE), RSF-6
(RESIDENTIAL SINGLE-FAMILY, 6 DWELLING
UNITS PER ACRE) AND GC (GENERAL
COMMERCIAL) ZONING DISTRICTS; LOCATED ON
THE EAST SIDE OF 14TH STREET WEST,
APPROXIMATELY ½ MILE NORTH OF CORTEZ
ROAD AT 3503 14TH STREET WEST, BRADENTON
ON APPROXIMATELY 6.32 ACRES; PROVIDING
FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code, Manatee County Ordinance 15-17, as amended; and

WHEREAS, pursuant to the Land Development Code, Manatee County Ordinance 15-17, as amended, the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Phillips Investments, LLC – Bradenton Cove Facility Series requested a Special Permit to allow an existing assisted living facility (large) to increase from 52-beds to 76-beds facility for a site in the RSMH-6 (Residential Single-Family Manufactured Home, 6 dwelling units per acre), RSF-6 (Residential Single-Family, 6 dwelling units per acre) and GC (General Commercial) zoning districts; and

WHEREAS, on October 21, 2020 the aforementioned Hearing Officer held a public hearing to receive the staff report, applicant, and public comment, and argument regarding the proposed Special Permit.

NOW, THEREFORE, after consideration of the application for Special Permit 13-01(R) requested by Phillips Investments, LLC – Bradenton Cove Facility Series, 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 site is in the RES-16 (Residential 16) and ROR (Retail/Office/Residential-16) (Future Land Use Category).
- B. The request is to approve a Special Permit to allow an existing assisted living facility (large) to increase from 52-beds to 76-beds facility.
- C. The site is in the RSMH-6, (Residential Single-Family Manufactured Home, six dwelling units per acre) RSF-6, (Residential Single Family, six units per acre) and GC (General Commercial) zoning districts.
- D. The overall site lies within Zone AE with a Base Flood Elevation (BFE) of 17.0-feet NGVD 1929 per FIRM Panel 120153 0327C, Revised 07/15/1992.
- E. There are no wetlands on site.
- F. The additional beds will occur in the existing facility.
- G. The site plan also reflects an 1,800 square foot office and 12 additional parking spaces to accommodate the bed expansion.

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 City 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 proposed use is consistent with the Manatee County Comprehensive Plan.
- D. The proposed use is in compliance with the Manatee County Land Development Code, including Sections 316.6 (Special Permit Criteria) and 531.45. - Residential Care Facilities (including Assisted Living Facilities, Community Residential Homes, Recovery Homes, and Emergency Shelters).

- E. The proposed use will not be detrimental to or endanger the public health, safety or general welfare.
- F. The establishment of the use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.
- G. Adequate measures exist and will be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.
- H. The use, as proposed, is compatible with the surrounding uses and the general desired character of the area (height, bulk, scale, intensity, traffic, noise, drainage, lighting, and appearance).
- I. Development of the proposed use will not have a substantial adverse effect on a known archaeological, historical, or cultural resources located on or off the parcel as there are no known resources located on or near the subject site.
- J. Adequate provisions have been made for screening and buffers to improve compatibility and harmony of the proposed uses and structures with the uses and structures of adjacent and nearby properties.
- K. Development of the proposed use will not have a significant adverse effect on the natural environment, including land, air, water, wetlands, minerals, flora, fauna, and ambient noise.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Phillips Investments, LLC – Bradenton Cove Facility Series for a Special Permit to allow an existing assisted living facility (large) to increase from 52-beds to 76-beds facility for a site located on the east side of 14th Street West, approximately ½ mile north of Cortez Road at 3503 14th Street West, Bradenton, as more particularly described in Exhibit "A" attached hereto and incorporated herein, 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 Building and Development Services.
2. The site plan submitted with this application will be part of this approval. Administrative approval by Manatee County of a Final Site Plan will be required subsequent to the approval of this Special Permit.
3. The proposed assisted living facility may be operated only for 76 beds and may not be expanded, or the number of beds increased, unless a revised Special

Permit and a traffic study or traffic impact statement are submitted and approved by Manatee County.

4. The Assisted Living Facility (aka: Group Care Home) shall comply with all applicable provisions of the Florida Statutes, implementing administrative regulations and the provisions of the LDC not inconsistent with Florida law.
5. Signs are not approved with this request. A separate building permit from the Building and Development Services Department shall be required for all wall and free-standing signs.
6. No Lighting Plan is approved with this application. A lighting plan in accordance with LDC Section 806, showing the detail of the proposed lighting shall be submitted for review and approval by the Building and Development Services Department with the Final Site Plan.
7. All roof mounted HVAC equipment shall be screened from view from the roadway and adjacent residential uses. Screening shall consist of similar colors and materials consistent with the construction of the exterior finish of the buildings. Details of screening shall be submitted with the Final Site Plan.
8. All dumpsters shall be screened from view from the roadway and adjacent residential uses. Screening shall consist of building materials matching the principal building on site.
9. Any fill within the 100-year floodplain of the East Branch Cedar Hammock Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high watertable.
10. There shall be a full 25-year attenuation on all stormwater ponds within the development.
11. Abandoned septic tanks shall be pumped out, bottoms ruptured, and filled with clean sand or other suitable material. A permit is required from Manatee County Health Department unless work is approved by County Public Works.
12. Prior to construction, plans of the facility and its operation shall be submitted to and approved by the Agency for Health Care Administration (AHCA) and the Florida Department of Health in Manatee County. An inspection and approval is required from both agencies prior to issuance of the Certificate of Occupancy.
13. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County 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.

14. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. 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 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 20th day of November, 2020.



MANATEE COUNTY, FLORIDA

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

ATTEST: ANGELINA COLONNESO,
Clerk of the Circuit Court

BY: [Signature]
Deputy Clerk

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EXHIBIT "A"
Legal Description

VILLAS OF HOLLY BROOK, 14TH STREET WEST, BRADENTON, FL

BEGIN at the Northwest corner of THE PALMS subdivision as recorded in Plat Book 4, Page 11, according to the Public Records of Manatee County, Florida; thence South along the West line of said subdivision to a point on said line 50 feet South of the Northwest corner of Lot 1, Block B; thence East to a point on the East line of said subdivision, 50 feet South of the Northeast corner thereof; thence North along the East line of said subdivision to the Northeast corner thereof; thence West along the North line of said subdivision to the POINT OF BEGINNING. INCLUDING all lands within the above legal description shown as Pulmosa Avenue and Palm Avenue as shown on the plat of said subdivision. LESS highway right-of- way described in Official Records Book 223, Page 586, of the Public Records of Manatee County, Florida. ALSO Lots 10 through 18, Block E, less the North 50 feet, already described above.

BRADENTON HERALD

Bradenton.com

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
663161	0004774517	NOTICE OF PUBLIC HEARING NOTICE OF EST	20201021 HO	\$181.35	1	15.50 In

Attention: Bobbi Roy

MANATEE CO PLANNING DEPT
PO BOX 1000
BRADENTON, FL 34206

**NOTICE OF PUBLIC HEARING
NOTICE OF ESTABLISHMENT
OR CHANGE OF A REGULATION
AFFECTING THE USE OF LAND
IN UNINCORPORATED
MANATEE COUNTY**

NOTICE IS HEREBY GIVEN, that the Hearing Officer for Manatee County, will conduct a Public Hearing on Wednesday, October 21, 2020 at 1:30 p.m. at the Manatee County Government Administrative Center, 1st Floor Honorable Patricia M. Glass Chambers, 1112 Manatee Avenue West, Bradenton Florida to consider and act upon the following matters:

SP-19-05 - GLOBAL SIGNAL ACQUISITIONS IV LLC/MYAKKA CITY TOWER RELOCATION PLN1907-0053

Approval of a Special Permit for an unmanned 252-foot Lattice Type Personal Wireless Service Facility (PWSF). The site is in the A (General Agriculture) zoning district and located on the north side of S.R. 70 and west of Wauchula Road, commonly known as 35465 S.R. 70 East, Myakka City, (Manatee County) on approximately 20.6 acres; subject to stipulations of approval; providing for severability and providing an effective date.

VA-20-02 - GLOBAL SIGNAL ACQUISITIONS IV LLC/MYAKKA CITY TOWER RELOCATION VARIANCE PLN2003-0007

Approval of a reduction to the separation requirement between a Personal Wireless Service Facility (PWSF) and property lines adjacent to off-site residential districts or uses in the A (General Agriculture) zoning district, subject to the proposed Personal Wireless Service Facility (PWSF) being approved by the issuance of Special Permit No. SP-19-05, under separate application, from 252 feet to 140.33 feet to the west and east of the cell tower; for a site located at 35465 S.R. 70 East, Myakka City (Manatee County) on approximately 0.23 acres; providing for severability; providing for an effective date.

SP-13-01(R) - THE VILLAGES OF HOLLY BROOK & REFLECTIONS MEMORY CARE PLN 2004-0022

Approval of an amendment to a previously approved Special Permit No. 13-01 to allow an existing assisted living facility (large) increase from 52-beds to 76-beds facility; and an 1,800 square foot office; for a site in the RSMH-6 (Residential Single-Family Manufactured Home

**THE STATE OF TEXAS
COUNTY OF DALLAS**

Before the undersigned authority personally appeared VICTORIA RODELA, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Public Notice**, was published in said newspaper in the issue(s) of:

1 Insertion(s)

Published On:
October 08, 2020

**THE STATE OF FLORIDA
COUNTY OF MANATEE**

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

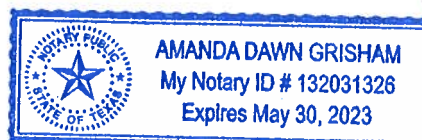


(Signature of Affiant)

Sawn to and subscribed before me this
8th day of October in the year of 2020



SEAL & Notary Public



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

approximately manufactured housing, 6 dwelling units per acre), RSF-6 (Residential Single-Family, 6 dwelling units per acre) and GC (General Commercial) zoning districts; located on the east side of 14th Street West, approximately 1/2 mile north of Cortez Road at 3503 14th Street West, Bradenton (Manatee County) on approximately 6.32 acres.

Rules of Procedure for this public hearing are in effect pursuant to Section 312.8 of the Manatee County Land Development Code. Copies of this section of the Code are available for review at:

All interested parties are invited to appear at this Hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Hearing Officer and entered into the record.

Interested parties may examine the Official Zoning Atlas, the application, related documents, and may obtain assistance regarding this matter from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 748-4501 ext. 6878 or email at: planning.agenda@mymanatee.org.

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Hearing Officer with respect to any matter considered at the Public Hearing will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Americans With Disabilities: The Hearing Officer of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Hearing Officer's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Carmine DeMillo 941-792-8784 ext. 8303 or carmine.demilio@mymanatee.org or FAX 745-3790.

THE PUBLIC HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY HEARING OFFICER

Manatee County Building
and Development Services
Department
Manatee County, Florida