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**SPECIAL PERMIT NO. SP-16-03
ELMIRA'S WILDLIFE SANCTUARY – DTS20100165**

**FINAL ORDER OF MANATEE COUNTY HEARING
OFFICER DENNIS STOTTS ON BEHALF OF
MANATEE COUNTY GRANTING A SPECIAL
PERMIT NO. SP-16-03 TO ALLOW AN ANIMAL
SERVICES (WILD AND EXOTIC) FACILITY IN THE
FORM OF A WILDLIFE SANCTUARY IN THE A/NCO
(GENERAL AGRICULTURAL/NORTH CENTRAL
OVERLAY DISTRICT) ZONING DISTRICT LOCATED
AT 13910 AND 13920 SEMINOLE TRAIL, WIMAUMA
(MANATEE COUNTY) 6.69± AND 6.91± ACRES
RESPECTIVELY; 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 15-17, as amended, the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Elmira's Wildlife Sanctuary, Inc. requested a Special Permit to allow an animal services wild and exotic) facility in the form of a wildlife sanctuary in the A/NCO (General Agricultural/North Central Overlay) zoning district; and

WHEREAS, on June 14, 2016 the aforementioned Hearing Officer held a public hearing to receive the staff report, applicant, and public comment, and argument regarding the proposed Special Permit for an animal services (wild and exotic) facility in the form of a wildlife sanctuary.

NOW, THEREFORE, after consideration of the application for Special Permit 16-03 requested by Elmira's Wildlife Sanctuary, Inc. 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 AG-R (Agriculture Rural – one dwelling unit per acre) Future Land Use Category.
- B. The request is to approve a Special Permit to allow an Animal Services (Wild and Exotic) facility in the form of a wildlife sanctuary at 13910 and 13920 Seminole Trail, Wimauma (Manatee County).

- C. The site is two properties 13910 Seminole Trail is 6.69± acres and 13920 Seminole Trail is 6.91± acres zoned A/NCO (General Agricultural/North Central Overlay District).
- D. The overall site lies within Zone X per FIRM Panel 120153 0065B.
- E. There are no wetlands on the property and there is no tree removal and replacement proposed.

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 proposed use is consistent with the Comprehensive Plan Policies 2.2.1.8.2 which lists farms, ranches, agriculturally compatible residential uses, rural residential uses, public and semi-public uses in the range of potential uses in the AG-R (Residential – 0.2 dwelling units per acre) Future Land Use Categories, and 2.1.2.7 which requires review for 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 316 (Special Permit Criteria), 531.5 (Standards for Specific Uses – Animal Services[Wild and Exotic Animals]).
- E. Adequate measures have been taken to provide ingress and egress to the site.
- F. Adequate measures have been taken to ensure that the proposed use is consistent with the community character of the surrounding development and community.
- G. There are no known archaeological, historical, or cultural resources on-site.
- H. Adequate provisions have been made for buffers, landscaping, parking

areas, and other improvements associated with the proposed use.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Elmira's Wildlife Sanctuary, Inc. and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a Special Permit allow/deny an Animal Services (Wild and Exotic) facility in the form of a wildlife sanctuary at 13910 and 13920 Seminole Trail, Wimauma (Manatee County), subject to the following conditions:

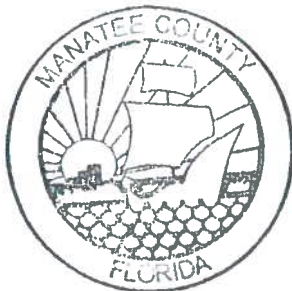
1. This Special Permit shall not be effective until it has been recorded in the Public Records of Manatee County, Florida by the applicant and a copy of the recorded Order is received by the Planning Department.
2. The Special Permit will serve as a Final Site Plan (Plot Plan standards) upon approval of the Special Permit.
3. The site plan submitted with this application shall be part of this approval.
4. Parking bumper will be placed at the end of all parking stalls on site
5. Entrance at Seminole Trail must be paved from the edge of roadway to the existing right of way line.
6. The driveway isle width will require to be 24 feet wide to accommodate backing out on to the drive aisle.
7. All necessary state permits shall be obtained for the housing of wild or exotic animals and all the conditions of the state permits shall be met.
8. The applicant shall provide informational material stating to "drive cautiously when visiting Elmira's Wildlife Sanctuary."

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 14th day of July, 2016.

MANATEE COUNTY, FLORIDA



BY: Dennis M. Scott, as
Hearing Officer for Manatee County

ATTEST: ANGELINA COLONNESO,
Clerk of the Circuit Court

BY: Ueki Jessner
Deputy Clerk

EXHIBIT "A"
Legal Description

DESCRIPTION (OFFICIAL RECORD BOOK 1607, PAGE 1179)

TRACT #72: COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 33 SOUTH, RANGE 19 EAST; THENCE S89°22'48"W, A DISTANCE OF 1345.91 * ALONG THE NORTH LINE OF SAID SECTION 1; * * THENCE S09°W, A DISTANCE OF 86.63 FEET; THENCE S60°02'57"W, A DISTANCE OF 259.88 FEET; THENCE N81°W, A DISTANCE OF 1043.76 FEET; THENCE N15°19'17"E, A DISTANCE OF 251.53 FEET; THENCE *81°E, A DISTANCE OF 1218.17 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 1, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; FORMERLY DESCRIBED AS: TRACT #73: COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 33 SOUTH, RANGE 19 EAST; THENCE S89°22'48" *, A DISTANCE OF 1345.91 FEET ALONG THE NORTH LINE OF SAID SECTION 1; THENCE S09°W, A DISTANCE OF 2141.72* FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S09°W, A DISTANCE OF 86.63 FEET; THENCE S60°02'57"W, A DISTANCE OF 259.88 FEET; THENCE N81°W, A DISTANCE OF 1043.76 FEET; THENCE N15°19'17"E, A DISTANCE OF 251.53 FEET; THENCE S81°E, A DISTANCE OF 1218.17 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 1, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. ALSO KNOWS* AS TRACT 72, UNRECORDED PLAT OF WILLOW SHORES.

* = SCRIVENER'S ERRORS, OMITTED CALLS AND ERRONEOUS DISTANCES

SURVEY DESCRIPTION (TO CORRECT ERRONEOUS CALLS IN DEED DESCRIPTION)

TRACT #72: COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S89°22'48"W, ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1345.91 FEET; THENCE S09°00'00"W, A DISTANCE OF 2141.72 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S09°00'00"W, A DISTANCE OF 86.63 FEET; THENCE S60°02'57"W, A DISTANCE OF 259.88 FEET; THENCE N81°00'00"W, A DISTANCE OF 1043.76 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SEMINOLE TRAIL; THENCE N15°19'17"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 251.53 FEET; THENCE S81°00'00"E, A DISTANCE OF 1218.17 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 1, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. ALSO KNOWN AS TRACT 72, UNRECORDED PLAT OF WILLOW SHORES.

Angelina "Angel" Colonnese

Clerk of the Circuit Court

Manatee County

P.O. Box 25400
Bradenton, FL 34206

Official Records Receipt Recording

Recorded By: jtinkham
Cashiered By: YMCKINNEY

Receipt#: 900014493 Payee Name: COUNTER CUSTOMER
Receipt Date: 08/11/2016

Escrow Balance:
Escrow Customer:

Instrument(s): 201641027669-BK2633/PG6706-6710-GOVERNMENT RELATED

Details

INDEXING NAMES	\$0.00
PRMTF \$1/\$.50	\$3.00
PRMTF BCC \$2	\$10.00
PRMTF CLERK \$1.90	\$9.50
PRMTF FACC \$.10	\$0.50
RECORDING FEE \$5/\$4	\$21.00

Receipt Total: \$44.00

Amount Tendered: \$44.00

Overage: \$0.00

Check \$44.00 528