

**SPECIAL PERMIT NO. SP-21-02
FBBP REBUILD PLN2103-0089**

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER KELLY FERNANDEZ ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-21-02 FOR A SPECIAL PERMIT WITH A PRELIMINARY SITE PLAN TO DEMOLISH A 2,129 SQUARE FOOT EXISTING CHURCH, AND BUILD A 10,922 SQUARE FOOT CHURCH, INCLUDING A 240 SEAT, 8,330 SQUARE FOOT WORSHIP AREA, AN 1,897 SQUARE FOOT OFFICE, AND A 695 SQUARE FOOT PORTE COCHERE, ON APPROXIMATELY 1.638 ACRES ZONED RSF-4.5 (RESIDENTIAL SINGLE FAMILY-4.5 D.U./ACRE), LOCATED WITHIN THE RES-6 (RESIDENTIAL-6) FUTURE LAND USE CATEGORY, AND LOCATED AT 802 23RD STREET EAST, PALMETTO, (MANATEE COUNTY); 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, First Biblical Baptist Church of Palmetto, Inc. requested a Special Permit with a Preliminary Site Plan to demolish a 2,129 square foot existing church, and build a 10,922 square foot church, including a 240 seat, 8,330 square foot worship area, an 1,897 square foot office, and a 695 square foot porte cochere on approximately 1.638 acres zoned RSF-4.5 (Residential Single Family-4.5 d.u./acre) located at 802 23rd Street East, Palmetto; and

WHEREAS, on November 19, 2021 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 21-02 requested by First Biblical Baptist Church of Palmetto 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 RSF-4.5 (Residential Single Family-4.5 d.u./acre) zoning district.
- B. The site is in the RES-6 (Residential-6 d.u./acre) Future Land Use Category.
- C. The request is to approve a Special Permit with a Preliminary Site Plan to demolish a 2,129 square foot existing church, and build a 10,922 square foot church, including a 240 seat, 8,330 square foot worship area, an 1,897 square foot office, and a 695 square foot porte cochere, on approximately 1.638 acres.
- D. The overall site lies within X per FIRM panel 12081C0166F effective 08/10/2021.
- E. A church use is already established on the subject property.

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 Cty 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 Review Criteria) and 531.13 (Churches/Places of Worship).
- 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 with Preliminary Site Plan is hereby approved and issued to First Biblical Baptist Church of Palmetto, Inc. to demolish a 2,129 square foot existing church, and build a 10,922 square foot church, including a 240 seat, 8,330 square foot worship area, an 1,897 square foot office, and a 695 square foot porte cochere, on an approximately 1.638 acre site located at 802 23rd Street East, Palmetto, 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 Department.
2. All other applicable state or federal permits shall be obtained prior to commencement of development.
3. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the subsequent Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
4. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted for review.
5. Connection to the County potable water and wastewater systems is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the appropriate County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County

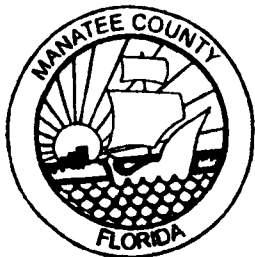
Engineer through the construction plans review process for the project.

6. The emergency vehicle turn-around along the east side of the site shall be used for emergency vehicles only. Four 12"X18" "emergency vehicle only" signs shall be installed on both sides of each access point and be shown on the subsequent Final Site Plan.
7. Improvements to 23rd Street East, as shown on the Preliminary Site Plan, shall be the responsibility of the Applicant, and shall be completed with the overall site improvements prior to the issuance of the Public Works Certificate of Completeness.
8. The subsequent Final Site Plan shall be in substantial conformance with the Preliminary Site Plan.

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 28th day of December, 2021.



MANATEE COUNTY, FLORIDA

BY: Kolleen E., as
Hearing Officer for Manatee County

ATTEST: ANGELINA COLONNESO,
Clerk of the Circuit Court

BY: Rafaela D. de
Deputy Clerk

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EXHIBIT "A"
Legal Description

BEG AT SW COR OF NW1/4 OF NW1/4 OF SE1/4, N 132 FT, E 330 FT, S 132 FT, W 330 FT TO POB P-61; TOGETHER WITH THE FOLLOWING DESC PARCEL: BEG 132 FT N OF SW COR OF NW1/4 OF NW1/4 OF SE1/4 SEC 12, N 66 FT, E 330 FT, S 66 FT, W 330 FT TO POB; ALSO TOGETHER WITH THE FOLLOWING DESC PARCEL: BEG 198 FT N OF SW COR OF NW1/4 OF NW1/4 OF SE1/4 OF SEC 12; TH N 66 FT; TH E 150 FT; TH S 66 FT; TH W 150 FT TO THE POB. PI #25729.0005/9