

**SPECIAL PERMIT NO. SP-21-06  
EAGLE VILLAGE, INC. – PLN2108-0142**



**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER KELLY FERNANDEZ ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-21-06 TO ALLOW AN INCREASE IN MAXIMUM BUILDING HEIGHT FROM FOUR (4) TO (5) STORIES FOR A MULTI-FAMILY RESIDENTIAL USE PROPOSING A PRELIMINARY SITE PLAN DETAILING NINETY (90) MULTI-FAMILY RESIDENTIAL UNITS ON 6.8 ACRES LOCATED WITHIN THE ROR (RETAIL/OFFICE/RESIDENTIAL) FUTURE LAND USE CATEGORY HAVING GC (GENERAL COMMERCIAL) ZONING AND LYING WITHIN THE CPA (COASTAL PLANNING AREA), LOCATED ON 46TH AVENUE WEST, WEST OF 14TH STREET WEST AND APPROXIMATELY 0.25 MILES SOUTH OF CORTEZ ROAD WEST, COMMONLY KNOWN AS 1500 46TH AVENUE DRIVE WEST, BRADENTON, (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 (LDC), Manatee County Ordinance 15-17, as amended; and

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

**WHEREAS**, Eagle Village, Inc. requested a Special Permit to increase the maximum building height for a multi-family residential building from four (4) stories to five (5) stories; and

**WHEREAS**, on April 20, 2022, 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 21-06 requested by Eagle Village, 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 GC (General Commercial) zoning district.

- B. The site is in the ROR (Retail/Office/Residential) Future Land Use Category.
- C. The request is to approve a Special Permit to increase the maximum building height for a multi-family residential building from four (4) stories to five (5) stories.
- D. The overall site lies in Zones X and AE per FIRM Panel 12081C0304E, effective 3/17/2014.

**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 LDC, 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 LDC.
- 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 LDC, including Sections 316.6 (Special Permit Review Criteria) and 401.5 (Building Height Compatibility).
- E. The proposed use will not be detrimental to or endanger the public health, safety or general welfare.
- F. The proposed use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.
- G. Adequate measures 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 resource located on or off the parcel proposed for development 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. 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 Eagle Village, Inc. to allow an increase in maximum building height from four (4) to (5) stories for a multi-family residential use with a Preliminary Site Plan (PSP) detailing ninety (90) multi-family residential units on 6.8 acres located on 46th Avenue West, west of 14th Street West and approximately 0.25 miles south of Cortez Road West in Bradenton, commonly known as 1500 46th Avenue Drive West, Bradenton, as more particularly described in Exhibit "A" attached hereto and incorporated herein, subject to the following stipulations:

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. All other applicable state or federal permits shall be obtained prior to commencement of development.
3. The applicant is required to submit a Final Site Plan that complies with the PSP for review and approval subsequent to the approval of the Special Permit.
4. A lighting plan shall be required at the time of Final Site Plan (FSP) approval.
5. A revised FSP shall be required should the Special Permit receive any future revisions.

**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 19<sup>th</sup> day of May, 2022.

MANATEE COUNTY, FLORIDA

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

ATTEST: ANGELINA COLONNESO,  
Clerk of the Circuit Court

BY: [Signature]  
Deputy Clerk



**EXHIBIT "A"**  
**Legal Description**

**LEGAL DESCRIPTION**

(O.R.B. 1602, PG. 4218)

**TRACT 1:**

**PARCEL 1:**

The South 150 feet of the North 350 feet of the SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 11, Township 35 South, Range 17 East, Manatee County, Florida, LESS Right of way for Tamiami Trail off the East side, LESS the following:

Begin at the intersection of the West R/W line of U.S. Highway 41 and the North line of the South 150 feet of the North 350 feet of the SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 11, Township 35 South, Range 17 East, Manatee County, Florida; thence West along the North line of said South 150 feet, for 194 feet to the center of Cedar Hammock Drain; thence Southwesterly along the center of said Cedar Hammock Drain 173.76 feet to the South line of the South 150 feet of the North 350 feet of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 11; thence East along said South line 281.72 feet to the West R/W line of U.S. Highway 41; thence North along said R/W line 150 feet to the P.O.B., ALSO LESS AND EXCEPT that portion of subject property set forth as Parcel 1 in Special Warranty Deed recorded in D.R. Book 1532, Page 5490, public records of Manatee County, Florida more particularly described as bounded on the West by "Lateral Drain" and on the East by PARCEL A set forth below.

**PARCEL 2:**

The North 200 feet of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 11, Township 35 South, Range 17 East. LESS AND EXCEPT that portion set forth as Parcel 2 in Special Warranty Deed recorded in D.R. Book 1532, Page 5490, public records of Manatee County, Florida, described as that portion of the South 65.83 feet bounded on the West by "Lateral Drain" and on the East by PARCEL A set forth below.

**LESS AND EXCEPT FROM TRACT 1:**

**PARCEL A;**

A port of that certain parcel of land as described in Official Records Book 945, page 1491, of the Public Records of Manatee County, Florida, being more particularly described as follows:

From the intersection of the West right-of-way line of U.S. Highway 41 and the North line of the South 150 feet of the North 350 feet of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 11 Township 35 South, Range 17 East Manatee County,

Florida, run S 88°45'52" W, along said North line, a distance of 194.00 feet to the center of Cedar Hammock Drain for the Point of Beginning; thence S 28°32'25" W, along the center of said Cedar Hammock Drain, a distance of

172.82 feet to the South line of the South 150 feet of the North 350 feet of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 11; thence S 88°45'52" W, along said

South Line, a distance of 191.33 feet; thence N 01°14'08" W, a distance of the 106.83 feet; thence S 88°45'52" W, a distance of 48.67 feet; thence N 01°14'08" W, a distance of 109.00 feet; thence N 88°45'52" E, a distance of 155.68 feet to the P.C. of a curve to the right having a radius of 113.00 feet; thence Easterly along the arc of said curve through a central angle of 36°48'23", a distance of 72.59 feet to the P.R.C. of a curve to the left having a radius of 137.00 feet; thence Easterly along the arc of said curve through a central angle of 36°48'23", a distance of 88.01 feet to the P.T. of said curve: thence N 88°45'52" E, a distance of 29.52 feet to the center of said Cedar Hammock Drain; thence S 28°32'25" W, a distance of 18.43 feet

To the point of Beginning. Lying and being in Section 11 Township 35 South Range 17 East, Manatee County, Florida. TRACT 2:

Tract "A" of PALM ACRES, a subdivision, as per Plat thereof attached to deed recorded in Deed Book 315, page 507, of the Public Records of Manatee County, Florida.

Angelina "Angel" Colonnese  
Clerk of the Circuit Court of Manatee County Florida  
1115 Manatee Avenue West, Bradenton, Florida 34205  
P.O. Box 25400, Bradenton, Florida 34206  
Phone (941) 749-1800 - Fax (941) 741-4082  
[www.manateeclerk.com](http://www.manateeclerk.com)

Recorded By: hhoey  
Cashiered By: ddrabent

Receipt#: 900490951 Payee Name: COUNTER CUSTOMER  
Receipt Date: 05/23/2022

Instrument(s): 202241068145-ORDER

Receipt Total:	\$52.50
Amount Tendered:	\$52.50
Overage:	\$0.00
Service Fee	\$0.00
<b>Total PAID</b>	<b>\$52.50</b>

Check	\$52.50	CHECK #	1582
<b>Amount Paid</b>	<b>\$52.50</b>		

This service fee is charged by MyFloridaCounty.com. Your Credit Card Statement will display the vendor name of MyFloridaCounty.com for billing details. For Information on refunds or for general inquiries, please call customer support at (877) 326 8689.

Instrument: 202241068145 ORDER

001000000341100	RECORDING FEE \$5/\$4	\$25.00
199000000341150	PRMTF \$1/\$.50	\$3.50
001000000208911	PRMTF FACC \$.10	\$0.60
199000000341160	PRMTF CLERK \$1.90	\$11.40
001000000208912	PRMTF BCC \$2	\$12.00
<b>Instrument Total:</b>		<b>\$52.50</b>

Receipt

5/23/2022 8:42:05AM

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Fines, fees, services charges, court costs and other costs are determined by law enacted by the Florida Legislature. If requested, a receipt is available indicating specific fund account distribution.