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SEP 2 11 13 AM '98

SPECIAL PERMIT NO. SP-98-07

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DIocese OF Venice/ST. FRANCIS CABRINI CATHOLIC CHURCH

FINANCE DEPARTMENT

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER JAMES A. PAULMANN ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-98-07 TO ALLOW THE EXPANSION OF AN EXISTING CHURCH LOCATED ON THE SOUTH SIDE OF 69TH STREET EAST, APPROXIMATELY 350 FEET WEST OF 121ST AVENUE EAST, IN PARRISH (12001 69TH STREET EAST), IN THE A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) ZONING DISTRICT (± 14.8 ACRES); 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 90-01, as amended, the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Diocese of Venice/St. Francis Cabrini Catholic Church has requested a Special Permit to allow the expansion of an existing church located on the south side of 69th Street East, approximately 350 feet west of 121st Avenue East, in Parrish (12001 69th Street East), in the A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district (± 14.8 acres); and

WHEREAS, on August 19, 1998 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for Diocese of Venice/St. Francis Cabrini Catholic Church.

NOW, THEREFORE, the Final Order regarding Special Permit No. SP-98-07 requested by Diocese of Venice/St. Francis Cabrini Catholic Church states 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. This request is for a Special Permit to allow the expansion of an existing church, including a new 11,560 sq. ft. sanctuary, and a 2,400 sq. ft. storage building.

B. The site is located on the south side of 69th Street East, approximately 350 feet west of 121st Avenue East at 12001 69th Street East in Parrish.

C. The site is zoned A-1 (Suburban Agriculture, 1 dwelling unit per acre). The Future Land Use Designation of the property is RES-6 (Residential, 6 dwelling units per acre).

D. There is an existing church on this site, as well as a number of buildings which serve the facility. The existing church building (1,749 sq. ft.) will be used as a Sunday school. To the north, across 69th Street East, is vacant property zoned A-1 and VIL. To the south is vacant property zoned A-1. To the east are single-family homes on property zoned A-1. To the west is vacant property zoned A-1 and VIL.

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E. In order to expand this use within the A-1 zoning district, the applicant must obtain Special Permit approval.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation and the staff report presented, the above referenced Hearing Officer hereby makes the following Findings 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 Policy 2.2.1.12.2 of the Manatee County Comprehensive Plan, which allows for residential support uses in the RES-6 (Residential, 6 dwelling units per acre) Future Land Use Category.

D. The proposed use is consistent with Objective 2.6.4 of the Manatee County Comprehensive Plan, requiring compatibility between adjacent land uses.

E. The proposed use is consistent with Objective 2.1.3., Conceptual Location of New Nonresidential Development, of the Manatee County Comprehensive Plan.

F. The expansion of the church facilities at this location will not be detrimental or an endangerment to the public health, safety, or general welfare because the proposed expansion will be required to meet the Conditional Use Criteria in Section 704.13 of the Land Development Code for Churches or Other Places of Worship, Religious Institutional Residences.

G. The establishment of the proposed use will not impede the normal and orderly development of the area. The proposed 11,560 sq. ft. sanctuary will be centrally located within the site. Adjacent properties to the north and south are currently vacant. There are both agricultural and residential uses to the north, however, they are separated from this site by 69th Street East. There are existing single-family homes located on property to the east, however, it is well over 500 feet from the proposed sanctuary building to the east property line of the church.

H. An existing driveway off 69th Street East, which connects to an existing paved parking lot, and the proposed second driveway, approximately 140 feet west of the existing driveway, will provide adequate ingress and egress for this site in a manner that minimizes traffic congestion.

I. The proposed use is consistent with the community character of the immediate neighborhood, which includes both agricultural uses and single-family homes. Possible noise impacts on the adjacent single-family homes to the east, will be mitigated by installation of the landscaped buffer along the east property line, as conditioned herein by Condition E.

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J. The design of the expansion, which locates the proposed sanctuary in the center of the site, minimizes the visual impacts of the expansion on adjacent properties. In addition, existing vegetation to the south provides adequate screening for the new sanctuary building to minimize any adverse effects on adjacent properties to the south.

K. As conditioned herein, by Condition E, adequate provisions have been made to provide landscaping and buffers in association with the proposed additions. The street frontage on 69th Street East is adequately buffered by the proposed trees and shrubs shown on the site plan. The proposed church expansion is naturally screened with an existing tree line which runs through the center of the site. This tree line provides adequate screening and buffering to meet the intent of the Manatee County Land Development Code.

L. This request meets all the standards set forth in the Manatee County Land Development Code, Section 704.13, Conditional Use Criteria for Churches or Other Places of Worship, Religious Institutional Residences.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Diocese of Venice/St. Francis Cabrini Catholic Church for the property located on the south side of 69th Street East, approximately 350 feet west of 121st Avenue East, Parrish (12001 69th Street East), in the A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a Special Permit to allow the expansion of an existing church, subject to the following conditions:

A. This 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 Department.

B. The Site Plan submitted with this application shall be part of this approval.

C. Prior to final site plan approval, the Engineer of Record or Architect must provide documentation to prove that concurrency has been met relative to drainage design.

D. Only those items shown on the site plan submitted with this request are being approved with this Special Permit.

E. A screening buffer which meets the minimum requirements of Section 715 of the Land Development Code shall be installed along the eastern property line from the northern boundary to the southern boundary of the "Development Area" as shown on the site plan.

F. All required landscaping, including the screening buffer along the eastern property line, shall be provided with 100% automatic irrigation.

G. If the area currently shown as grass parking in the northeast corner of the site continues to be utilized as grass parking with this expansion, then a 24' wide, paved drive aisle to serve these spaces must be provided.


Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by courts 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.

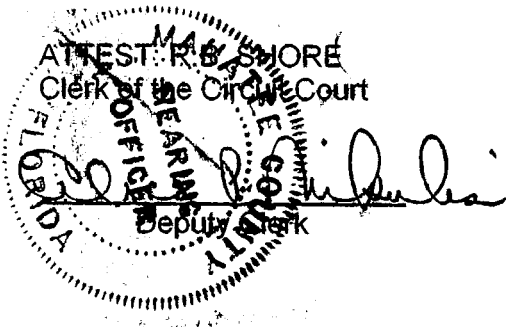
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Section 5. Effective Date. The effective date of this Special Permit shall be upon execution of this Order and its recordation in the Official Records by the applicant with the Office of the Clerk of the Circuit Court and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 2nd day of September 1998.

MANATEE COUNTY, FLORIDA

BY: 
James A. Paulmann, as
Hearing Officer for Manatee County



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EXHIBIT "A"

LEGAL DESCRIPTION:

The Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 less the East 3 acres (East 210 Feet) of Section 29, Township 33 South, Range 19 East, Manatee County, Florida, less the North 25.00 Feet for Road Right-of-Way. Subject to Easements, Dedications, and Restrictions of Record.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION

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C.L. SHINE CLERK OF CIRCUIT COURT MANATEE COUNTY FL