

SPECIAL PERMIT NO. SP-99-11
CHATEAU COMMUNITIES INC./Colony Cove Mobile Home Park

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER MARK D. SINGER ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-99-11 TO ALLOW A 61,180 SQUARE FOOT ASSISTED LIVING FACILITY FOR A MAXIMUM OF 120 RESIDENTS. LOCATED ON THE EAST SIDE OF SUNSET DRIVE, AND SOUTH OF DESOTO DRIVE WITHIN THE COLONY COVE MOBILE HOME PARK ON THE SITE OF THE FORMER WASTEWATER FACILITY IN THE RSMH-6 (RESIDENTIAL MOBILE HOME - 6 DWELLING UNITS PER ACRE) ZONING DISTRICT (±7.0 ACRES); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD
P.B. SHIFFRIN
CLERK OF CIRCUIT COURT
MANATEE COUNTY
MAR 31 3 15 PM '00

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, Chateau Communities, Inc./Colony Cove Mobile Home Park has requested a Special Permit to allow an Assisted Living Facility for a maximum of 120 residents located on the east side of Sunset Drive and south of DeSoto Drive within the Colony Cove Mobile Home Park in the RSMH-6 (Residential Mobile Home, 6 dwelling units per acre) zoning district (±7.0 acres); and

WHEREAS, on March 2, 2000 a public hearing was held to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for Chateau Communities, Inc./Colony Cove Mobile Home Park.

WHEREAS, the undersigned Hearing Officer has reviewed the transcript of the aforementioned public hearing, including all comment, argument, testimony and evidence presented at said public hearing.

NOW, THEREFORE, the Final Order regarding Special Permit No. SP-99-11 requested by Chateau Communities, Inc./Colony Cove Mobile Home Park 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 a 120 bed Large Group Care Home.

BK 1641 PG 4820 DKT # 1375865 1 of 5

- B. The site is located on a ±7.00 acre parcel located on the east side of Sunset Drive, and south of DeSoto Drive within the Colony Cove Mobile Home Park..
- C. The site is zoned RSMH-6 (Residential Mobile Home, 6 dwelling units per acre). The Future Land Use Designation of the property is RES-9 (Residential, 9 dwelling units per acre).
- D. To site is surrounded by the mobile home park. There are mobile homes on property zoned RSMH-6 to the north, east and west. To the south is vacant land zoned RSMH-6.

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 2.2.1.13.2 of the Manatee County Comprehensive Plan, which allows for suburban or urban residential uses in the RES-9 (Residential, 9 dwelling units per acre) Future Land Use Category.
- D. The proposed use is consistent with Policy 2.6.4 of the Manatee County Comprehensive Plan, requiring compatibility between adjacent land uses.
- E. The establishment of the proposed use will not be detrimental or an endangerment to the public health, safety, or general welfare because the proposed development will be required to meet the Conditional Use Criteria in Section 704.62 of the Land Development Code for residential care facilities.
- F. The establishment of the proposed use will not impede the normal and orderly development of the area.
- G. Adequate ingress and egress has been provided for this site in a manner that minimizes traffic congestion on public streets. The site plan depicts a driveway from an interior private street within the mobile home park. Two additional emergency access points, one to the west and one to the north, will also be provided. The interior roadway system of the mobile home park connects with both Erie Road and Victory Road.

BK 1641 PG 4821 2 of 5

- H. The proposed use is consistent with the community character of the immediate neighborhood, which is developed with residential uses. The Conditional Use Criteria in Section 704.62 of the Land Development Code will ensure that the structure maintains a residential character in terms of building design, gross floor area, and lot coverage.
- I. The proposed landscaping and buffering mitigate any potential adverse visual impacts on the adjacent residential mobile home uses.
- J. Adequate provisions have been made to provide landscaping and buffers in association with this proposed use.
- K. This request is for a 120-bed Large Group Care Home in the RSMH-6 zoning district. The maximum number of residents allowed for a Large Group Care Home in the RSMH-6 zoning district is up to approximately 370 residents, based on the density calculation (6 residents = 1 dwelling unit/acre) in Section 704.62.2.1 of the Land Development Code. Therefore, the requested density is within the maximum number of beds allowed in the zoning district
- L. This request meets all the standards set forth in the Manatee County Land Development Code, Section 704.62, Conditional Use Criteria for Residential Care Facilities.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Chateau Communities, Inc./Colony Cove Mobile Home Park for the property located at 7520 U.S. Highway 301 North, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a Special Permit to allow a 120 bed Assisted Living Facility, 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. The building will be limited to one-story and will be covered with vinyl siding.
- D. A screening buffer will be provided along the north property line which will include a minimum of one (1) tree per forty (40) feet and shrubs, hedges or a fence which will provide 80% opacity at a height of 42" within two years of planting.
- E. Construction plans and permits must be reviewed and approved by the Growth Management Division prior to Final Site Plan approval.
- F. Prior to Final Site Plan approval, Note #13 on the title sheet must read "privately maintained sewer system."
- G. Prior to Final Site Plan approval, a completed application for Fugitive Particulate Abatement must be submitted to the Environmental Management Department.

OK 1641 PG 4922 3 of 5

- H. Prior to Final Site Plan approval, concurrency must be met relative to fire flow and drainage design.
- I. Prior to receiving a license from the Florida Agency for Health Care Administration, this facility must have an evacuation plan approved by the Emergency Management Division of the Manatee County Department of Public Safety prior to opening and annually thereafter.
- J. Construction traffic shall access the site from Erie Road and DeSoto Drive only and all other signs shall state no construction traffic.
- K. The construction activity and delivery traffic shall be prohibited between the hours of 5 p.m. and 7 a.m.

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.

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 31st day of March, 2000.

MANATEE COUNTY, FLORIDA

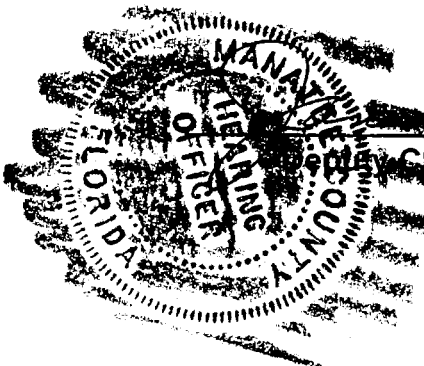
BY: _____

Mark D. Singer
Mark D. Singer, as
Hearing Officer for Manatee County

ATTEST: R.B. SHORE
Clerk of the Circuit Court

R. B. Shore

Deputy Clerk



BK 1641 PG 4023 4 of 5

EXHIBIT "A"

LEGAL DESCRIPTION:

BEGIN AT THE S.E. CORNER OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 2, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE S 89° 41' 52" W. ALONG THE SOUTH LINE OF SAID N.W. 1/4 OF THE S.W. 1/4 OF SAID SECTION 2, A DISTANCE OF 1325.36 FEET TO THE S.E. CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SECTION 3, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE N 88° 41' 39" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 3, A DISTANCE OF 1355.32 FEET TO THE S.E. CORNER OF THE N.W. 1/4 OF THE S.E. 1/4 OF SAID SECTION 3; THENCE N 01° 29' 41" W, A DISTANCE OF 662.98 FEET; THENCE S 88° 58' 02" E, A DISTANCE OF 51.96 FEET; THENCE N 39° 30' 00" W, A DISTANCE OF 378.42 FEET; THENCE N 50° 30' 00" E, A DISTANCE OF 546.00 FEET; THENCE N 39° 30' 00" W, A DISTANCE OF 70.00 FEET; THENCE N 50° 30' 0" E, A DISTANCE OF 5.19 FEET; THENCE N 39° 30' 00" W, A DISTANCE OF 66.00 FEET; THENCE N 50° 30' 00" E, A DISTANCE OF 157.44 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 583.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 305.26 FEET THROUGH A CENTRAL ANGLE OF 30° 00' 00" TO THE P.T. OF SAID CURVE, THENCE N 80° 30' 00" E, A DISTANCE OF 53.59 FEET; THENCE N 09° 30' 00" W, A DISTANCE OF 49.23 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 680.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 392.27 FEET THROUGH A CENTRAL ANGLE OF 33° 03' 07" ; THENCE S 44° 04' 33" W, A DISTANCE OF 79.20 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 220.00 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 31.43 FEET THROUGH A CENTRAL ANGLE OF 08° 11' 12" ; THENCE N 38° 00' 00" W, A DISTANCE OF 108.80 FEET; THENCE S 62° 07' 54" W, A DISTANCE OF 88.33 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S 62° 07' 54" W, A DISTANCE OF 420.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 67.99 FEET THROUGH A CENTRAL ANGLE OF 09° 16' 29"; THENCE S 52° 51' 25" W, A DISTANCE OF 87.03 FEET; THENCE S 89° 04' 33" W, A DISTANCE OF 41.10 FEET; THENCE N 45° 55' 27" W, A DISTANCE OF 247.23 FEET; THENCE N 72° 00' 00" W, A DISTANCE OF 77.64 FEET; THENCE S 89° 04' 33" W, A DISTANCE OF 320.00 FEET; THENCE S 64° 00' 00" W, A DISTANCE OF 91.85 FEET; THENCE S 44° 04' 33" W, A DISTANCE OF 441.72 FEET; THENCE S 23° 00' 00" W, A DISTANCE OF 14.79 FEET; THENCE N 59° 04' 00" W, A DISTANCE OF 117.39 FEET; THENCE N 68° 50' 00" W, A DISTANCE OF 116.85 FEET; THENCE N 00° 55' 27" W, A DISTANCE OF 55.06 FEET; THENCE N 80° 40' 00" W, A DISTANCE OF 20.03 FEET; THENCE S 64° 20' 00" W, A DISTANCE OF 44.36 FEET; THENCE S 78° 00' 00" W, A DISTANCE OF 132.90 FEET; THENCE S 41° 00' 00" W, A DISTANCE OF 66.72 FEET; THENCE S 89° 04' 33" W, A DISTANCE OF 15.00 FEET TO THE WEST LINE OF THE S.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 3; THENCE N 00° 55' 27" W, A DISTANCE OF 793.86 FEET TO THE N.W. CORNER OF S.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 3; THENCE S 89° 07' 32" E, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE N.E. 1/4 OF SAID SECTION 3, A DISTANCE OF 2678.86 FEET TO THE N.E. CORNER OF THE S.E. 1/4 OF THE N.E. 1/4 OF SAID SECTION 3; THENCE N 89° 43' 35" E, ALONG THE NORTH LINE OF THE S.W. 1/4 OF THE N.W. 1/4 OF SECTION 2, TOWNSHIP 34 SOUTH, RANGE 18 EAST, A DISTANCE OF 1337.75 FEET TO THE N.E. CORNER OF SAID S.W. 1/4 OF THE N.W. 1/4 OF SAID SECTION 2; THENCE S 01° 29' 24" E, ALONG THE EAST LINE OF SAID S.W. 1/4 OF THE N.W. 1/4 AND THE EAST LINE OF SAID N.W. 1/4 OF THE S.W. 1/4 OF SAID SECTION 2, A DISTANCE OF 2677.38 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTIONS 2 AND 3, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS MAINTAINED RIGHT OF WAY FOR ERIE ROAD

BY 12/11 DC /09/
 DN 1041 TO 4024
 R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL.
 FILED AND RECORDED 7/12/00 1:08:11 PM 5 OF 5

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION