

JULY 19, 1995

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, July 19, 1995, at 3:07 p.m.

Presiding was: Louis F. Schneider

Also present were:

Mark P. Barnebey, Assistant County Attorney
Susan G. Romine, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

All witnesses/staff giving testimony were duly sworn.

MINUTES

Mr. Schneider approved the minutes of March 30, 1995.

(Frances Sexton, Court Reporter, present)

SPECIAL PERMITS

Public hearing (Notice in the Bradenton Herald July 7, 1995) was held to consider

SP-95-10 JOHN REKKAS

Request: Special Permit to allow a vehicle sales, rental service, leasing establishment, and accessory motor vehicle repair as a conditional use in the GC zoning district on .75 acre located at the northwest corner of Cortez Road West and 76th Street West.

If approved, staff recommended nine Conditions.

RECORD HO1-1

Erika Barrett, Planning, Permitting and Inspections, submitted revised Conditions 3 and 6 and added Condition 10.

RECORD HO1-2

She reviewed the request and site plan, and pointed out the property to the west is zoned Neighborhood Commercial-Medium, not GC as listed in the staff report or RDD-6 as listed on the site plan.

Ms. Barrett stated the Fire Marshall did not object to the motor vehicle repair, providing that fuel pump and carburetor repair is excluded (addressed in Condition 4). She noted that the vehicle repair is not open to the public.

She advised that revised Condition 3 allows for 10 vehicle display spaces, as long as the area within the shopping center remains vacant. As uses change, staff will reevaluate the parking based on the number of tenants within the shopping center.

She stated staff recommended approval with the ten Conditions as amended.

Discussion: Number of required parking spaces and display spaces.

John Rekkas, applicant, agreed with the conditions with the exception of the approval being valid for only two years (Condition 6). He stated this will be a used car business, which will not include trucks and that he will be doing some body work.

Louis Schneider, Hearing Officer, expressed concern regarding access noting the 8-foot overhead door, which provides entrance to the repair garage and parking spaces in close proximity to that door. Mr. Rekkas stated the door is 10 feet wide, not 8 feet as indicated on the site plan, and that he would be the one moving the parked cars, if necessary.

Ms. Barrett commented that they will rely upon the applicant as to meeting requirements of the Fire Marshall. She stated the request was advertised as a community-serving motor vehicle repair and emphasized that, although detailing work would be allowed, body work is considered to be major motor vehicle repair under the Code and would not be permitted.

JULY 19, 1995

(Cont'd)

Mike Pendley, Planning, Permitting and Inspections, submitted a recommended draft order.

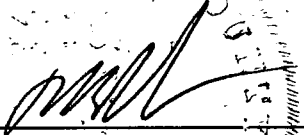
Mr. Schneider stated he will issue a Notice of Intent within 21 days indicating findings of fact, conclusions of law, and proposed action.

HEARING ADJOURNED

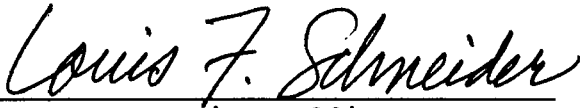
There being no further business, the hearing was adjourned.

Attest:

APPROVED:



Clerk



Hearing Officer

Adj: 3:41 p.m.
/eml



File Name:	John Rekkas	Consistency:	Con	Incon
Case No.:	SP-95-10	Comprehensive Plan	[X]	[]
Request:	Approval of a Special Permit to establish a Motor Vehicle Sales, Rental and Leasing Establishment and Accessory Motor Vehicle Repair (Community-Serving, with limitations)	Land Development Code	[X]	[]
App Rec'd:	04/26/95			
D.R.C.:	05/05/95			
Hearing Officer:	07/19/95			

STAFF ANALYSIS SUMMARY:

CONDITIONS:

The following conditions are recommended by the Manatee County Planning, Permitting and Inspections Department staff:

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, Permitting and Inspections Department.
2. The Plot Plan submitted with this application shall be part of this approval.
3. The Motor Vehicle Display Area shall be confined to the five parking spaces shown on the site plan which is approved with this Special Permit.
4. Accessory Community-Serving Motor Vehicle Repair operation shall not be open to the public, shall be for cars being sold on this site only and is approved as defined in the Land Development Code, with the following limitation: repairing fuel pumps and carburetors is not permitted.
5. ALL Motor Vehicle Repair shall occur INSIDE the building; the area shall be limited to the square footage and location shown to be utilized for motor vehicle repair on the site plan which is approved with this Special Permit.
6. This approval shall be valid for a period of two (2) years from the date of approval. Provided there are no outstanding Code Enforcement violations related to the uses approved herein, the applicant may obtain an administrative extension of time for an additional five (5) years. This procedure shall continue for the life of the project, meaning that it can be renewed multiple times. The administrative extension shall be based on a review of the Special Permit criteria and historical compliance with the Special Permit and Land Development Code.

H01-1

7. **Additional landscaping along the northern property line, as shown on the site plan, shall be installed within 60 days of final site plan sign-off.**
8. **Protective bollards must be installed to define the opening for the proposed overhead doors, as required by the Fire Department, within 60 days of final site plan sign-off.**
9. **Prior to Final Site Plan sign-off, Applicant must obtain approval of a Certificate of Level of Service Compliance relative to fire flow, drainage, sanitary sewer and solid waste.**

STAFF ANALYSIS:

This request is for a Special Permit to establish a Vehicle Sales, Rental, Leasing Establishment, with accessory community-serving motor vehicle repair. The property is zoned GC (General Commercial) and is located in the R/O/R (Retail/Office/Residential) Future Land Use Category. Pursuant to Section 704.51.1, a Special Permit is required for this type of land use in the GC zoning district if the proposed location is adjacent to property that is either developed residentially or has a residential zoning or future land use category. This site is adjacent to property zoned RDD-6 (Residential Duplex Dwelling, 6 du/acre) to the north.

The applicant has submitted a plot plan for Special Permit approval because the site is currently developed with a shopping center and parking. This shopping center is entirely under the ownership of this applicant. Staff has concerns with approving the Special Permit over this shopping center, and has proposed several stipulations to protect both the adjacent properties and the tenants/customers of the shopping center. The available parking on site will limit the potential display area for motor vehicle sales to five (5) cars, and staff has proposed a stipulation which provides for this limitation. The applicant has indicated that the motor vehicle repair would be limited to his own vehicles, which may require some repair before being offered for sale. Staff has proposed a stipulation which states that the motor vehicle repair will not be open to the public to insure that the possible adverse impacts from the vehicle repair are reduced. Additionally, stipulation #7 requires the installation of additional landscaping as proposed by the applicant along the northern property boundary to aid in screening the motor vehicle repair operation from the residential use located to the north.

Based upon the conditions listed above and the information known to the Planning, Permitting and Inspections Department when this staff report was prepared, staff believes the proposed use is consistent with the Comprehensive Plan and meets all requirements of the Land Development Code.

GENERAL LOCATIONAL INFORMATION AND SURROUNDING LAND USE CHARACTERISTICS:

This site is located at the northwest corner of Cortez Road West and 76th Street West and is currently developed as a shopping center. The property to the north is zoned RDD-6 (Residential Duplex Dwelling - 6 du/acre) and is developed with a duplex. The property to the east, across 76th Street West, is zoned NC-M (Neighborhood Commercial - Medium) and is developed with an existing bank. The property to the south, across Cortez Road West, is zoned A-1 (Suburban Agriculture) and is currently used for agriculture, and the property to the west is zoned GC (General Commercial) and is currently vacant.
