

FILED FOR RECORD
R. B. SHORE

2002 MAY 10 AM 10:12

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

SPECIAL PERMIT NO. SP-01-02

**BOB BOAST DODGE/Robert James Boast, James E. Boast, Jr.
and Jim Boast Dodge, Inc.**

**FINAL ORDER OF MANATEE COUNTY HEARING
OFFICER SARAH E. WARREN ON BEHALF OF MANATEE
COUNTY GRANTING SPECIAL PERMIT NO. SP-01-02, FOR
AN EXPANSION OF A MOTOR VEHICLE SALES
ESTABLISHMENT AND ACCESSORY AUTO SERVICES IN
A GC (GENERAL COMMERCIAL) ZONING DISTRICT;
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, Bob Boast Dodge has requested a Special Permit for an expansion of a Motor Vehicle Sales Establishment and accessory auto service in the GC (General Commercial) zoning district; and

WHEREAS, on February 7, 2002, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for Bob Boast Dodge.

NOW, THEREFORE, the Final Order regarding Special Permit No. SP-01-02 requested by Bob Boast Dodge 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:

1. This request is for approval of a Special Permit to allow for an expansion of a Motor Vehicle Sales Establishment and accessory auto services and to amend Special Permits No. SP-92-11 and No. SP-85-13 as applicable, in a GC (General Commercial) zoning district at 4827 14th Street West (5.1 acres).
2. The property has been an Auto Dealership for many years. Existing buildings on site include a showroom (13,467 sq. ft.), auto serve area (8,625 sq. ft.), detail shop (1,429), and canopies (3,867 sq. ft.).
3. The site is zoned GC and located in the R/O/R Future Land Use Category.
4. The proposed Floor Area Ratio is .151, which is consistent with the maximum floor

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area ratio of .25 in a GC zoning district.

5. The applicant proposes to remove 3,940 sq. ft. of show room area and a 1,305 sq. ft. canopy. Proposed buildings include a 5,549 sq. ft. showroom, 8,583 sq. ft. auto service area, and a 1,145 sq. ft. canopy.
6. The site is adjacent to property zoned RSF-4.5 (Residential Single Family-4.5 dwellings per gross acre) and developed with single-family homes.
7. The proposed regular hours of operation will be: Monday through Saturday, 8:00 a.m. to 5:30 p.m. for service; Monday through Saturday, 8:30 a.m. to 8:00 p.m. for sales; and closed on Sundays. The management may, on occasion, be open for business on Sundays.
8. The site has three driveways off of 14th Street West.
9. The applicant proposes perimeter and interior landscaping around the vehicle use area, as well as landscaping in the required screening and roadway buffers.

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 Conclusions of Law:

1. This Hearing Officer has jurisdiction over the parties and subject matter in this proceeding pursuant to the Land Development Code.
2. 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).
3. Based upon the conditions of approval, and amending Special Permits No. SP-92-11 and No. SP-85-13, the proposed use is consistent with Comprehensive Plan Policy 2.2.1.17.2, which lists small, medium and large retail, wholesale or office commercial uses in the range of potential uses, and Policy 2.1.2.7, which requires review of all proposed development for compatibility and appropriate timing. The use is also found to be consistent with general standards of review for Special Permits in Sections 505.2 and must comply with the conditional use criteria set forth in Sections 704.51.1, 704.51.2, 704.51.3, and 704.51.4 of the Land Development Code.
4. The expansion to the Motor Vehicle Sales Establishment and accessory auto service will not have a detrimental effect on the surrounding properties or on the public health, safety, or general welfare.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Bob

Boast Dodge for the property located at 4827 14th Street West, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for Bob Boast Dodge, subject to the following conditions:

1. There shall be no outdoor speakers associated with this use on this site. This shall be noted on the Final Site Plan.
2. There shall be no motor vehicle repair in areas designated as vehicle storage or sales display.
3. All outdoor sales and storage of vehicles shall be located at least twenty (20) feet from the east property line.
4. The loading area shall be striped and shown on the Final Site Plan.
5. Specifications for plantings shall be in accordance with Section 715.
6. The 5-foot roadway buffer along 14th Street West shall be landscaped in accordance with one of the four options presented in Figure 715B of the Land Development Code. This shall be approved with the Final Site Plan.
7. A 10-foot-wide landscaped buffer shall be provided along the eastern property line in accordance with one of the options presented in Figure 715C of the Land Development Code. This shall be approved with the Final Site Plan.
8. Prior to Final Site Plan approval, concurrency shall be met relative to fire flow and drainage design.
9. 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 Department.
10. The Site Plan submitted with this application shall be part of the approval, but only at the preliminary level. Administrative approval of the Final Site Plan shall be required subsequent to the Hearing Officer's approval of the Special Permit.
11. Prior to Final Site Plan approval, FDOT's recommendations to address operational and safety concerns with the existing driveways shall be addressed and shown on the Final Site Plan. The applicant may also show any alternative design with respect to driveway access on U.S. 41 that has been approved by FDOT, at the time of Final Site Plan.
12. Prior to Final Site Plan approval, a completed application for Fugitive Particulate Abatement must be submitted to the Environmental Management Department.

13. The applicant shall install the required five-foot sidewalk along 14th Street West.
14. A five-foot pedestrian/lighting easement shall be dedicated to Manatee County with the costs associated with said dedication to be borne by Manatee County or the Florida Department of Transportation; or

A five foot pedestrian/lighting easement shall be dedicated to Manatee County along the west property line of the subject property adjacent to the right-of-way of U.S. 41 upon Manatee County's furnishing to the property owner a Hold-Harmless and Indemnification Agreement satisfactory to the property owner for any liability arising from construction, operation and use of said pedestrian/lighting easement by the general public.

15. All loading and/or unloading of trucks shall take place westward of a landscaped buffer and screen that meets the intent and minimum standards of the Land Development Code.
16. The Final Site Plan shall demonstrate compliance with the 15% minimum landscaped open space requirement for the GC district.

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 10th day of May, 2002.

MANATEE COUNTY, FLORIDA

Sarah E. Warren
BY:

Sarah E. Warren, as
Hearing Officer for Manatee County

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

Krista L. Rodney
Deputy Clerk

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EXHIBIT "A"

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING AND BEING IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, SAID PARCEL OF LAND BEING BOUNDED ON THE NORTH BY THE SOUTH LINE OF ORLANDO AVENUE AND THE WESTERLY EXTENSION THEREOF, AS SHOWN ON THE PLAT OF TANGELO PARK SUBDIVISION RECORDED IN PLAT BOOK 9, PAGE 11 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND BOUNDED ON THE EAST BY THE WEST LINE AND THE SOUTHERLY EXTENSION OF SAID WEST LINE OF THE SAID TANGELO PARK SUBDIVISION, BOUNDED ON THE SOUTH BY THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11 AND BOUNDED ON THE WEST BY THE WEST LINE OF THE SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4.

LESS LANDS RECORDED IN THE FOLLOWING RECORD BOOKS AND PAGES OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA:

DEED BOOK 404, PAGE 473

DEED BOOK 410, PAGE 351

SUBJECT TO HIGHWAY RIGHT-OF-WAY FOR U.S. HIGHWAY 41.

SUBJECT TO A 35 FOOT WIDE ALLEYWAY AND UTILITY EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 491, PAGE 676, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

THE ABOVE CONTAINING 5.12 ACRES, MORE OR LESS.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION

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R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL.