

FILED FOR RECORD
R. P. CLIFF
CLERK OF CIRCUIT COURT
SEP 19 9 45 AM '01

**SPECIAL PERMIT NO. SP-01-04
ENTERPRISE RENT-A-CAR**

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER AUGUST 15, 2001 ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-01-04, FOR ENTERPRISE RENT-A-CAR, FOR A MOTOR VEHICLE SALES, RENTAL, OR LEASING ESTABLISHMENT IN THE 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 (hereinafter "the Land Development Code"); and

WHEREAS, pursuant to the Land Development Code, the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Enterprise Rent-A-Car has requested a Special Permit for a Motor Vehicle Sales, Rental, or Leasing Establishment in the GC (General Commercial) zoning district; and

WHEREAS, on August 15, 2001, Hearing Officer Susan Hartmann Swartz held a public hearing to receive the staff, applicant, and public comment and argument regarding the proposed Special Permit for Enterprise Rent-A-Car;

NOW, THEREFORE, the Final Order regarding Special Permit No. SP-01-04 as requested by Enterprise Rent-A-Car 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 above-referenced public hearing, hereby makes the following Findings of Fact:

- A. The site is zoned GC and located in the R/O/R Future Land Use Category.
- B. The property is currently developed with a 1,800-square-foot building, a 96-square-foot shed, and a 198-square-foot cooler. This site was most recently a restaurant (Pizza Hut).
- C. The site is adjacent to property zoned RSMH-6 and developed with single-family manufactured homes.
- D. The proposed hours of operation will be: Monday through Friday, 7:30 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 12:00 noon, and closed on Sunday.
- E. The site is presently accessed by one driveway from 14th Street West. No other driveways are proposed. Existing parking will be used.
- F. The applicant proposes perimeter and interior landscaping around the vehicle use area, as well as landscaping in the required screening and roadway buffers.

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- G. The residential properties to the east should be adequately protected with the installation of the required screening and landscaped buffer.
- H. A concrete return with curbing will be added to the east end of the parking lot.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, and staff report presented, 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 Land Development Code.
- B. The applicant has the burden of proving entitlement to the Special Permit it seeks. See 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. Based upon the conditions of approval, the proposed use is consistent with Manatee County Comprehensive Plan Policy 2.2.1.17.2, which lists small, medium and where otherwise permitted 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 also is found to be consistent with the general standards of review for Special Permits set forth in Land Development Code Section 505.2; and complies with the conditional use criteria set forth in Land Development Code Sections 704.51.1, 704.51.2, 704.51.3, and 704.51.4.
- D. The Motor Vehicle Sales, Rental, or Leasing Establishment 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 Enterprise Rent-A-Car for the property located at 4903 14th Street West, more particularly described in Exhibit "A" attached hereto and incorporated herein, subject to the following conditions:

- A. There shall be no outdoor speakers associated with this use on this site. This shall be noted on the Final Site Plan.
- B. There shall be no servicing of vehicles on this site.
- C. The loading area shall be striped and shown on the Final Site Plan.
- D. The 10-foot-wide roadway buffer along 14th Street West shall be landscaped in accordance with one of the four options presented in Figure 715.B of the Land Development Code. This shall be approved with the Final Site Plan.
- E. A 15-foot-wide landscaped buffer shall be provided along the eastern property line.

- F. The existing building is within the 100-year floodplain. Along with an application for a building permit, the applicant shall seek a determination by the Floodplain Section of the Building Department that the proposed renovation does not constitute a substantial improvement or that finished floor for the structure will meet the flood protection elevation.
- G. Prior to Final Site Plan approval, concurrency shall be met relative to fire flow and drainage design.
- H. 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.
- I. The site plan submitted with this application shall be part of this approval, but only approved 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.

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 decision 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 19th day of September, 2001.

MANATEE COUNTY, FLORIDA

BY: Susan Hartmann Swartz
SUSAN HARTMANN SWARTZ, as
Manatee County Hearing Officer

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

Deputy Clerk

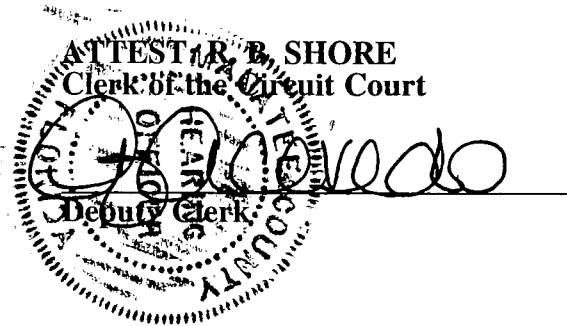


EXHIBIT "A"

LEGAL DESCRIPTION

LOT B, LESS THE SOUTHERLY 150 FEET, FAIR LANE ACRES, AS PER PLAT THEREOF
RECORDED IN PLAT 9, PAGE 47, OF THE PUBLIC RECORDS OF MANATEE COUNTY,
FLORIDA. ALSO, LESS THAT PART OF LOT B FOR ROAD RIGHT-OF-WAY

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION

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