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CLERK OF THE DISTRICT COURT
MANATEE CO. FLORIDA

**SPECIAL PERMIT NO. SP-01-12
FIRST TEAM FORD of Manatee, LTD/ AUTOWAY FORD**

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER MARK D. SINGER ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-01-12, TO ALLOW USE OF AN EXISTING PARKING LOT FOR DISPLAY AND SALE OF MOTOR VEHICLES ADJACENT TO RESIDENTIAL USES AND RDD-6 ZONING; 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, Mark D. Singer, as Hearing Officer, has the authority to grant Special Permits; and

WHEREAS, Autoway Ford has requested a Special Permit to allow use of an existing parking lot for display and sale of motor vehicles adjacent to residential uses and RDD-6 zoning; and

WHEREAS, on September 26, 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 Autoway Ford;

WHEREAS, on October 11, 2002 the aforementioned Hearing Officer issued a Notice of Intent and Draft Final Order; and

WHEREAS, the aforementioned Hearing Officer has reviewed the responses of First Team Ford and Manatee County.

NOW, THEREFORE, after consideration of the application for Special Permit No. SP-01-12 requested by First Team Ford the Hearing Officer makes the following Findings of Fact and Conclusions of Law and issues this Final Order 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, and the responses to the Notice of Intent and Draft Final Order, hereby makes the following Findings of Fact:

- A. This request is for approval of a Special Permit to allow use of an existing parking lot for display and sales of motor vehicles adjacent to residential uses and RDD-6 zoning. The site is located at 3108 14th Street West (± 2.1 acres).
- B. The property is currently used for motor vehicle sales and display.

- C. The site is zoned GC (General Commercial) and located in the R/O/R (Retail/Office/Residential) Future Land Use Category.
- D. The site is adjacent to property zoned RDD-6 (Residential Duplex -6 dwellings per gross acre) and developed with single-family homes.
- E. The site has access from both 14th Street West and 30th Avenue West.
- F. The applicant proposes perimeter landscaping, as well as landscaping in the required screening and roadway buffers, which as stipulated in this order meets Code.
- G. The applicant will retrofit existing lighting to meet current Code standards.
- H. The applicant proposes to address current drainage issues with this approval.
- I. This property is located in an urbanized area. The surrounding property is currently developed with residential and commercial uses.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, applicable provisions of the Manatee County Comprehensive Plan and Land Development Code and the 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. 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 establishment, maintenance, or operation of the proposed use will not have a detrimental effect on the surrounding properties or on the public health, safety, or general welfare.
- D. Based upon the conditions of approval for SP-01-12, 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 complies 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.

- E. The proposed use as conditioned in this order will not impede the normal and orderly development and improvement of the surrounding properties for use permitted in the zoning district.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Autoway Ford for the property located at 3108 14th Street West, and more particularly described in Exhibit "A" and Exhibit "B" attached hereto and incorporated herein, for Motor Vehicle Sales, subject to the following conditions:

- A. The existing lighting poles, which are presently 30 ft. in height, shall be noted on the Final Site Plan.
- B. Horizontal cutoffs shall be placed on each outdoor lighting fixture.
- C. All landscaping shall be installed within 90 days of Final Site Plan approval.
- D. There shall be no outdoor speakers on this site. This shall be noted on the Final Site Plan.
- E. There shall be no motor vehicle repair on this site.
- F. Prior to Final Site Plan approval, concurrency shall be met relative to fire flow and drainage design.
- G. 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.
- H. 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, and shall be submitted within 30 days of such approval.
- I. The driveway to 30th Ave. W. shall be limited to a right in/right out only access. A 12" high raised median shall be installed within driveway entry to channelize traffic flow.
- J. The drainage issue on the adjacent multifamily property that fronts 30th Ave. W. must be fully resolved, and shown on the Final Site Plan. Drainage swales or underground conveyance to 30th Ave. W. must be provided.
- K. The applicant shall contact FDOT and Manatee County Transportation prior to submittal of their Final Site Plan regarding the street lights they installed along 14th St. W. and on the sales lot. A determination shall be made by those agencies that the on site lighting does not adversely effect the lighting on 14th St. W.

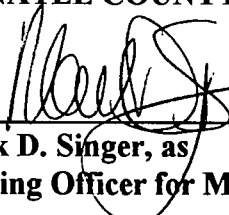
- L. The width of all driveway(s) shall not exceed 36 ft. at the intersection with the lot line(s). This shall be shown on the Final Site Plan.
- M. As there is no office or restroom facility proposed on this site, no customers will be allowed to park on site. All customers must park at the main office/sales area and be brought onto this site by sales staff.
- N. All outdoor display or sales areas shall be at least 20 ft. from any adjacent residential properties. For those areas where the pavement currently extends to the property line, the applicant shall remove the pavement from within that 20 ft. area and replace with landscaping meeting the standards of Land Development Code Section 715.
- O. All outdoor vehicle display areas shall be screened from adjacent side and rear property lines per the requirements of Section 715.

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 Court and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 29th day of Oct., 2002.

MANATEE COUNTY, FLORIDA

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

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

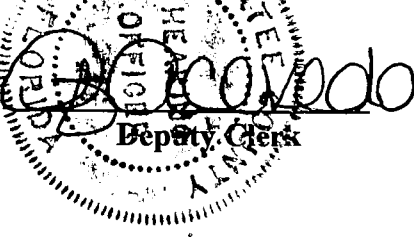


EXHIBIT "A"

LEGAL DESCRIPTION:

PARCEL #1:

BEGIN AT POINT FOUND BY MEASURING FROM THE POINT OF INTERSECTION OF THE NORTH LINE OF THE NE 1/4 OF THE SW 1/4 OF THE NW 1/4 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD #45 (U.S. RT. 41); THENCE WEST ALONG THE NORTH LINE OF SAID NE 1/4 OF SW 1/4 OF NW 1/4, 113.00 FEET; THENCE SOUTH PARALLEL TO AND 113.00 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 45, A DISTANCE OF 208.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH AND PARALLEL TO STATE ROAD #45, A DISTANCE OF 41.80 FEET; THENCE WESTERLY A DISTANCE OF 282.00 FEET TO A POINT 251.30 FEET SOUTH OF THE NORTH LINE OF THE SAID NE 1/4 OF SW 1/4 OF NW 1/4, SECTION 2, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE SOUTH AND PARALLEL TO STATE ROAD 45 A DISTANCE OF 81.20 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF THE SAID NE 1/4 OF SW 1/4 OF NW 1/4 A DISTANCE OF 5.0 FEET; THENCE SOUTH, PARALLEL TO STATE ROAD 45 A DISTANCE OF 40.00 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID NE 1/4 OF SW 1/4 OF NW 1/4, A DISTANCE OF 390.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 45; THENCE NORTH ALONG SAID RIGHT-OF-WAY LINE 163.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, WEST PARALLEL TO THE NORTH LINE OF SAID NE 1/4 OF SW 1/4 OF NW 1/4, SECTION 2, TOWNSHIP 35 SOUTH, RANGE 17 EAST 113.00 FEET TO AFORESAID POINT OF BEGINNING.

PARCEL #2:

BEGIN AT A POINT FOUND BY MEASURING FROM THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID NE 1/4 OF SW 1/4 OF NW 1/4 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 45 (U.S. RT. 41); THENCE WEST ALONG THE NORTH LINE OF SAID NE 1/4 OF SW 1/4 OF SW 1/4, 113.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WEST ALONG THE NORTH LINE OF THE SAID NE 1/4 OF SW 1/4 OF NW 1/4 A DISTANCE OF 282.00 FEET; THENCE SOUTH AND PARALLEL TO STATE ROAD 45, A DISTANCE OF 251.30 FEET TO A POINT; THENCE EASTERLY A DISTANCE OF 282.00 FEET TO A POINT; THENCE NORTH A DISTANCE OF 250.68 FEET TO THE POINT OF BEGINNING; BEING SITUATE IN THE NE 1/4 OF SW 1/4 OF NW 1/4 OF SECTION 2, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED LAND:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF THE NE 1/4 OF THE SW 1/4 OF THE NW 1/4 OF SECTION 2, TOWNSHIP 35 SOUTH, RANGE 17 EAST AND WEST RIGHT-OF-WAY LINE OF STATE ROAD 45 (U.S. ROUTE 41); RUN THENCE WEST ALONG THE NORTH LINE OF SAID NE 1/4 OF SW 1/4 OF NW 1/4 113 FEET TO THE POINT OF BEGINNING; CONTINUE THENCE WEST ALONG THE NORTH LINE OF SAID NE 1/4 OF SW 1/4 OF NW 1/4 A DISTANCE OF 121 FEET; RUN THENCE SOUTH AND PARALLEL TO

THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD 45 A DISTANCE OF 259 FEET; RUN THENCE EASTERLY 121 FEET, MORE OR LESS TO A POINT WHICH IS 251 FEET 4 INCHES SOUTH OF THE POINT OF BEGINNING; RUN THENCE NORTH 251 FEET 4 INCHES TO THE POINT OF BEGINNING. (THE RIGHT-WAY-OF-STATE ROAD 45 REFERRED TO IN FOREGOING DESCRIPTION IS THE ONE EXISTING PRIOR TO ORDER OF TAKING IN LAW CASE 5140 RECORDED IN OFFICIAL RECORD BOOK 223, PAGE 671, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

NOTES:

1. BEARINGS REFER TO THE WEST RIGHT-OF-WAY LINE OF 14TH STREET WEST BEING ASSUMED AS SO 01 17' 45" E.
2. UNDERGROUND ENCROACHMENTS AND IMPROVEMENTS, OTHER THAN THOSE SHOWN, IF ANY, NOT LOCATED FOR THE PURPOSE OF THIS SURVEY.
3. THE SUBJECT LAND LIES IN ZONE "AE", BASE FLOOD ELEVATION = 17 FEET, OF THE FLOOD INSURANCE RATE MASS, COMMUNITY PANEL #120153-0327-C (DATED 7/15/92) SUBJECT TO VERIFICATION
4. UTILITY EASEMENT (ITEM 1 ON SCHEDULE II-B OF COMMITMENT) RECORDED IN OFFICIAL RECORD BOOK 287, PAGE III, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, DOES NOT AFFECT THE SUBJECT PROPERTY
5. PARCELS 1 AND 2 ARE CONTIGUOUS TO EACH OTHER ON THEIR COMMON BEARINGS, AND THERE ARE NO GAPS, GORES, OR OVERLAPS BETWEEN THEM.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION