

**SPECIAL PERMIT NO. SP-02-13**

**AUTO OUTLET OF MANASOTA, INC./NICHOLE L. & ROBERT M. D'AMELIO**

FILED FOR RECORD  
R. B. SHORE

2003 MAR 20 AM 8:38

CLERK OF THE CIRCUIT COURT  
MANATEE COUNTY, FLORIDA

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER, MARK D. SINGER, ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-02-13, FOR A MOTOR VEHICLE SALES, RENTAL, OR LEASING ESTABLISHMENT AND ACCESSORY AUTO SERVICES 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; and

**WHEREAS**, pursuant to the Land Development Code, Manatee County Ordinance 90-01, as amended, Hearing Officer, Mark D. Singer, has the authority to grant Special Permits; and

**WHEREAS**, Nichole L. & Robert M. D'Amelio/Auto Outlet of Manasota, Inc. has requested a Special Permit for a Motor Vehicle Sales, Rental, or Leasing Establishment and Accessory Auto Services in the GC (General Commercial) zoning district; and

**WHEREAS**, on February 19, 2003 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for Auto Outlet of Manasota Inc.

**NOW THEREFORE**, after consideration of the application for Special Permit No. SP-02-13 requested by Auto Outlet of Manasota, Inc. the Hearing Officer makes the following Finding 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, hereby makes the following Findings of Fact:

- A. The site is zoned GC and located in the R/O/R and RES-6 Future Land Use Categories.
- B. The property is currently undeveloped and will be occupied with a 5,000 square foot building with the required parking and landscaping in accordance with the Land Development Code.
- C. The site is adjacent to property zoned RSF-4.5 and developed with residential single-family detached homes.
- D. The site will be accessed by one driveway off 14<sup>th</sup> Street West.
- E. 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 and reviewing the applicable provisions of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, 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 proposed use is consistent with Comprehensive Plan Policies 2.2.1.12.2 and 2.2.1.17.2, which list medium retail and 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.
- D. Based upon the conditions of approval, 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 Motor Vehicle Sales, Rental, or Leasing Establishment and Accessory Auto Services will not have a detrimental effect to or endanger the surrounding properties or public health, safety, or general welfare.
- F. The Special Permit meets the requirements of Section 510, Certificate of Level of Service Compliance. Applications for Certificate of Level of Service Compliance for sanitary sewer, solid waste, traffic, and transit and the Transportation Concurrency Analysis have been reviewed and will be approved with conditions subject to this application being approved.
- G. Adequate measures have been taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.
- H. Adequate measures have been taken to ensure that the proposed use is consistent with the community character of the immediate neighborhood of the proposed development.
- I. There are no known archaeological, historical, or cultural resources on-site.
- J. Adequate provisions have been made for buffers, landscaping, public open space, and other improvements associated with the proposed use.

- K. The installation of the required screening and landscaped buffers will minimize the adverse effects of the proposed use on adjacent properties, especially the residential properties to the east.
- L. The proposed use meets all other applicable standards and requirements set forth in the Land Development Code.

**Section 3. Order.** Based upon the foregoing, a Special Permit is hereby approved and issued to Auto Outlet of Manasota, Inc. for the property located at 6713 14<sup>th</sup> Street West, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for Auto Outlet of Manasota, Inc., 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 outdoor storage (excluding vehicles) associated with this use.
- C. All accessory auto services shall be limited to motor vehicle repair neighborhood serving.
- D. The business hours associated with this use shall be limited to Monday through Saturday, 8:30 a.m. to 7:00 p.m. and closed on Sunday.
- E. The loading area shall be striped and shown on the Final Site Plan.
- F. The 10 foot wide roadway buffer along 14<sup>th</sup> Street West shall contain two canopy trees and 33 shrubs per 100 linear feet (LDC Sec. 715.3.2). This shall be approved with the Final Site Plan.
- G. A 15 foot wide landscaped buffer shall be provided along the eastern property line and that portion of the northern property line abutting residential zoning and shall contain a six (6) foot high solid opaque fence or wall with 2 canopy trees and 3 1/3 understory trees per 100 linear feet to be planted on the outside of the fence facing the adjoining residential property.
- H. Prior to Final Site Plan approval, concurrency shall be met relative to fire flow and drainage design.
- I. Prior to Final Site Plan approval, FDOT's recommendations to address operational and safety concerns with the proposed driveway 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.
- J. Prior to Final Site Plan approval, FDOT's written approval shall be required.
- K. Prior to Certificate of Occupancy, FDOT's written acceptance and final approval

shall be required.

- L. The applicant shall install the required five-foot sidewalk along 14<sup>th</sup> Street West.
- M. 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.
- N. 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.
- O. Prior to Certificate of Occupancy, the design and shielding of on-site lighting shall comply with Sections 709.2.2, 709.2.3 and 709.2.4. In addition, pole and building mounted lights shall be limited to 20 feet in height and directed to the interior of the development using horizontal cutoffs. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan for approval.




**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 the recordation of an executed copy of this Order with the Clerk of the Court in and for Manatee County and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 20<sup>th</sup> day of March, 2003.

MANATEE COUNTY, FLORIDA

BY:

  
Mark D. Singer, as Hearing Officer for  
Manatee County

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

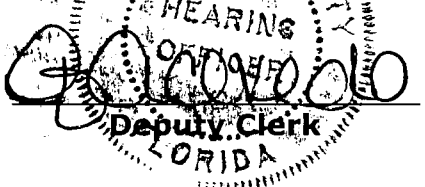


EXHIBIT "A"

LEGAL DESCRIPTION:

PARCEL 1:

COMMENCE AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF AN 84 FOOT RIGHT OF WAY FOR U.S.41 (TAMIAMI TRAIL) WITH THE SOUTHERLY LINE OF PATRISON SUB., RECORDED IN PLAT BOOK 7, PAGE 91, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE SOUTH 01 DEG. 15' 02" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF U.S. 41 A DISTANCE OF 150.00 FEET FOR A POINT OF BEGINNING; THENCE NORTH 88 DEG. 32' 00" EAST, 300.00 FEET; THENCE SOUTH 01 DEG. 15' 02" EAST, 100 FEET; THENCE SOUTH 88 DEG. 32' 00" WEST, 300.00 FEET; THENCE NORTH 01 DEG. 15' 02" WEST ALONG EASTERLY RIGHT OF WAY LINE OF U.S. 41, 100.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

BEGIN AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF U.S. 41 (TAMIAMI TRAIL) BEING 84 FEET WIDE WITH THE SOUTHERLY LINE OF PATRISON SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 91, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE NORTH 88 DEG. 32' 00" EAST, ALONG SAID SOUTHERLY LINE OF PATRISON SUBDIVISION A DISTANCE OF 300 FEET TO THE POINT OF BEGINNING; THENCE GO SOUTH 01 DRG. 15' 02" EAST, 253 FEET, MORE OR LESS, TO THE NORTHERN BOUNDARY LINE OF PENNSYLVANIA PARK SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 3, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE GO EASTERLY ALONG SAID NORTHERN BOUNDARY OF PENNSYLVANIA PARK SUBDIVISION TO A POINT ON SAID NORTHERLY BOUNDARY LINE WHERE 12<sup>TH</sup> STREET WEST, IF EXTENDED 253 FEET, MORE OR LESS, TO THE SOUTH ALONG AND PAST LOT 7, BLOCK B, PATRISON SUBDIVISION, WOULD INTERSECT THE NORTHERLY BOUNDARY LINE OF PENNSYLVANIA PARK SUBDIVISION; THENCE GO NORTHERLY ALONG THE SAID WESTERLY BOUNDARY LINE OF 12<sup>TH</sup> STREET WEST EXTENDED 253 FEET, MORE OR LESS, TO A POINT WHERE SAID STREET EXTENDED INTERSECTS WITH THE SOUTHERLY BOUNDARY LINE OF PATRISON SUBDIVISION; THENCE GO WESTERLY ALONG SAID SOUTHERLY BOUNDARY OF PATRISON SUBDIVISION TO THE POINT OF BEGINNING.

TOGETHER WITH A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR THE PURPOSES OF INGRESS AND EGRESS WHICH BUYERS, THEIR HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, AND ASSIGNS SHALL SHARE IN COMMON WITH THE SELLERS, THEIR HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OVER AND ACROSS THE FOLLOWING PARCELS: (A) THE PARCEL SHOWN AS "RESERVED" LOCATED AT THE SOUTHERLY END OF 12<sup>TH</sup> STREET WEST AS SHOWN ON PLAT OF PATRISON SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 91, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. (B) THE ADJACENT PARCEL WHICH IS 50 FEET IN WIDTH (EAST-WEST) AND 75.0 FEET IN LENGTH (NORTH-SOUTH), THE NORTHERN BOUNDARY OF WHICH IS THE SOUTHERN BOUNDARY OF SAID RESERVED PARCEL, THE EASTERN AND WESTERN BOUNDARIES OF WHICH ARE THE EASTERN AND WESTERN BOUNDARY LINES OF SAID RESERVED PARCEL, EXTENDED A DISTANCE OF 75.0 FEET; AND THE SOUTHERN BOUNDARY OF WHICH IS A STRAIGHT LINE 50 FEET IN LENGTH DRAWN BETWEEN THE ENDING POINTS OF THE EASTERLY AND WESTERLY BOUNDARY LINES, WHICH LAST DESCRIBED PARCEL IS ADJACENT FOR A DISTANCE OF 75.0 FEET TO THE EASTERLY

BOUNDARY LINE OF THE PROPERTY BEING CONVEYED IN FEE SIMPLE UNDER THE TERMS  
OF THIS INSTRUMENT AT ALL POINTS.

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EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION