

FILED FOR RECORD
R. B. SHORE

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**SPECIAL PERMIT NO. SP-06-04
HONDA CARS OF BRADENTON**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER
MR. JOHN ROE ON BEHALF OF MANATEE COUNTY
GRANTING SPECIAL PERMIT NO. SP-06-04, TO ALLOW
AN EXPANSION AND REDEVELOPMENT OF AN
AUTOMOBILE DEALERSHIP AT 5515 14TH STREET WEST,
BRADENTON, 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, the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Bradenton Automotive Company has requested a Special Permit to allow expansion and redevelopment of an automobile dealership at 5515 14th Street West, Bradenton, in the GC (General Commercial) zoning district; and

WHEREAS, on October 4, 2006 and October 23, 2006, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for No. SP-06-04.

NOW, THEREFORE, after consideration of the application for Special Permit No. SP-06-04 requested by Bradenton Automotive Company, the Hearing Officer makes the 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, hereby makes the following Findings of Fact:

- A. The zoning of the site is GC (General Commercial). The Future Land Use Category is ROR (Retail/Office/Residential). Its adjacent land for off-site stormwater facilities is zoned RMF-9 (Residential Multi-Family) and has the Future Land Category of RES-16 (Residential 16 DU/GA).
- B. The property is composed of an existing automobile dealership and additional lands to the north. The expansion and redevelopment will consist of new buildings with less than 50,000 square feet gross floor area and other site improvements to serve the existing dealership.

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- C. To the south, west, and north are commercial land uses zoned GC. To the east are vacant land and a lake zoned RMF-9.
- D. The site will be accessed by improved driveways to 14th Street West.
- E. The applicant submitted a traffic study. Prior to Final Site Plan approval the applicant must submit a solid waste study and obtain a Certificate of Level of Service Compliance for potable water, sanitary sewer, solid waste, transit, drainage, fire flow and traffic.
- F. 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.
- G. There are no known archaeological, historical, or cultural resources on-site.
- H. Provisions have been made for buffers, landscaping, and other improvements associated with the proposed use.

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 Policy 2.2.1.17.2 which lists small and medium retail 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 Permit in Section 505.2 and complies with the conditional use criteria set forth in Sections 704.51 and 704.52 of the Land Development Code.
- E. The development and land use 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. The applicant submitted a traffic study. Prior to Final Site Plan approval the applicant must submit a solid waste study and obtain a Certificate of Level of Service Compliance for potable water, sanitary sewer, solid waste, transit, drainage, fire flow and traffic.
 - G. The proposed use meets all other applicable standards and requirements set forth in the Land Development Code and Comprehensive Plan.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Bradenton Automotive Company for the property at 5515 14th Street West, Bradenton, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for expansion and redevelopment of the automobile dealership for Honda Cars of Bradenton, subject to the following conditions:

- A. This Special Permit will take effect after its recording in the Public Records of Manatee County, Florida by the applicant and receipt of a copy of the Recorded Order by the Planning Department.
- B. The Preliminary Site Plan presented with this case at the public hearing constitutes a component of the approval only at the preliminary level. The applicant must obtain administrative approval of the Final Site Plan following approval of the Special Permit. The Final Site Plan shall meet the more restrictive requirements of the Land Development Code and this Preliminary Site Plan.
- C. The Final Site Plan shall satisfy all requirements for Concurrency established during the review of the Final Site Plan. Such requirements may include dedication of additional right-of-way for the expansion of 14th St. W. or an improved easement as determined by the Transportation Department.

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 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 by the Hearing Officer 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 15th day of November, 2006.

MANATEE COUNTY, FLORIDA

BY:

J. B. Ray, as
Hearing Officer for Manatee County

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

By: Vicki Lerner
Deputy Clerk



EXHIBIT "A"

Legal description of site as recorded in OR Bk 1422 Pg 5571, attached.
Includes development site and adjacent site for off-site stormwater facilities.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION

attached