

FILED FOR RECORD
R. B. SHORE

**SPECIAL PERMIT NO. SP-07-01
SICILIANO'S RESTAURANT**

2007 OCT 12 PM 3: 16

CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

**FINAL ORDER OF HEARING OFFICER JOHN ROE
ON BEHALF OF MANATEE COUNTY GRANTING
SPECIAL PERMIT NO. SP-07-01 TO ALLOW 2-
COP SALES OF ALCOHOL AT SICILIANO'S
RESTAURANT ON A SITE IN THE GC (GENERAL
COMMERCIAL) ZONING DISTRICT, AT 6103 14TH
STREET WEST, BRADENTON (± 0.53 ACRES);
PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code (Ordinance 90-01, as amended); and

WHEREAS, pursuant to the Land Development Code, (Ordinance 90-01, as amended), the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Paul Amato, owner of Siciliano's Restaurant, requested a Special Permit to allow 2-COP sales of alcohol at Siciliano's Restaurant in the GC (General Commercial) zoning district to be on the property described in Exhibit "A" (the "Property"); and

WHEREAS, on September 26, 2007, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant, and public comment and argument regarding proposed Special Permit.

NOW, THEREFORE, after consideration of the application for Special Permit No. SP-07-01 requested by Paul Amato, owner of Siciliano's Restaurant, the Hearing Officer makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact. The aforementioned Hearing Officer, after considering comment, argument, evidence, documentation, staff report, and all other matters presented at the Public Hearing above referenced, hereby makes the following Findings of Fact:

- A. The business is currently operating as a restaurant.
- B. There are no proposed expansions to either the building or the parking areas. The applicant has agreed to provide a sidewalk along US 41 which will connect with existing sidewalks to the north and south.

OR BOOK 02234 PAGES 0059 - 0062
MANATEE COUNTY CLERK COURT
4 PAGES(S)
RECORDED; 11/5/2007 3:52:06 PM



- C. This property is zoned GC which allows alcoholic beverage sales on premises in association with a restaurant with approval of a Special Permit pursuant to Section 708.3.2.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, and the staff report presented, and a review of the applicable provisions of the Manatee County Comprehensive Plan and Manatee County Land Development Code, the 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 proposal is compatible with the area and is consistent with the Comprehensive Plan and the ROR Future Land Use Category.
- D. All requirements for issuance of a Special Permit pursuant to LDC Section 505 are met.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Paul Amato for the Property, subject to the following conditions:

- 1. 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.
- 2. No outdoor sales or consumption of alcoholic beverages shall occur on site.
- 3. The hours of operation shall be limited to Monday through Thursday 10:00 AM – 10:00 PM; Friday and Saturday 10:00 AM – 11:00 PM; and Sunday 10:00 AM – 10:00 PM.
- 4. Onsite beer and wine service are approved as accessory to the restaurant's food service operations. This Special Permit for a 2-COP alcoholic beverage license is approved for Siciliano's Restaurant and shall automatically terminate if the restaurant ceases operation.

5. A 6' high solid wood or PVC fence shall be installed along the portion of the eastern property line adjacent to the property zoned RSMH-6.

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 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 12 day
of October, 2007.

MANATEE COUNTY, FLORIDA

BY: [Signature], as
Hearing Officer for Manatee County

ATTEST: R. B. Shore,
Clerk of the Circuit Court

BY: [Signature]
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION:

LEGAL DESCRIPTION

Taco Bell Subdivision in the Northeast 1/4 of the Northwest 1/4 of Section 23, Township 35 South, Range 17 East, Manatee County Florida, according to the map or plat thereof recorded in Plat Book 20, Page 135 and more particularly described as follows Commencing at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of Section 23, Township 35 South, Range 17 East, Manatee County Florida; thence North 88°47'50" East, along the North line of said Northeast 1/4 of the Northwest 1/4 a distance of 42,00 feet to the East right of way line of State Road #45 (U.S. 41) for a Point of Beginning; thence North 88°47'50' East, 165,00 feet; thence South 01°16'02" East, 103,59 feet; thence South 88°43'51" West, 165,00 feet to the said East right of way line; thence North 01°16'02" West, along said right of way line 103.78' to the Point of Beginning; and also'

The South 20 feet (fronting on U.S. 41) of Lot 7 Block 2, corrected Plat of Spring Subdivision, according to the map or plat thereof recorded in Plat Book 8, Page 60, Public Records of Manatee County, Florida, Excepting from the aforementioned parcels of land the Right-Of-Way for S.R. 45 (U.S. 41)

EXHIBIT "B"

(Site Plan Submitted with Application)