

**SPECIAL PERMIT NO. SP-11-03
INSURANCE AUTOMOBILE AUCTION**

Recorded with
Manatee County Florida Clerk
Access Official Records at
www.ManateeClerk.com

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER H. HAMILTON RICE, JR. ON BEHALF OF MANATEE COUNTY GRANTING A SPECIAL PERMIT NO. SP-11-03 TO ALLOW AN AUTO AUCTION. THE SITE IS ON THE NORTH SIDE OF 61ST AVENUE EAST APPROXIMATELY 420 FEET WEST OF 15TH STREET EAST; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (7.2 ± acres).

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, Insurance Auto Auctions Corp. requested a Special Permit to allow an auto in the HC (Heavy Commercial) zoning district; and

WHEREAS, on April 23, 2012, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant, and public comment, and argument regarding the proposed Special Permit to allow the auto auction.

NOW, THEREFORE, after consideration of the application for Special Permit No. 11-03 requested by Insurance Auto Auctions Corp., 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 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 7.2± acre site is in the IL (Industrial-Light) Future Land Use Category (FLUC).
- B. The request is to allow an auto auction in a site zoned HC (Heavy Commercial).
- C. The Manatee County Comprehensive Plan lists commercial uses as intensive commercial, wholesale commercial, neighborhood retail and warehouse/distribution in the Range of Potential Uses for the IL FLUC.

- D. According to the Land Development Code (LDC) Figure 6-1, auction houses (including auto auction) may be permitted in the HC zoning district with Special Permit approval.
- E. The site has frontage along 61st Avenue East. Ingress and egress are via a one hundred sixty (160) foot driveway that connects to an internal driveway.
- F. The site is in the Flood Zone A3 Category. There are no wetlands on the site.

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 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 the Comprehensive Plan Policies 2.2.1.18 which list intensive commercial, wholesale commercial, neighborhood retail and warehouse/distribution in the Range of Potential Uses for the IL FLUC and 2.1.2.7 which requires review of all proposed development for compatibility and appropriate timing.
- D. The applicant has met present requirements of the Manatee County Comprehensive Plan and present requirements for the issuance of a Special Permit pursuant to the Manatee County Land Development Code, Sections 505.2, 704.7, and 704.69.
- E. Adequate measures have been taken to ensure that the proposed use is consistent with the community character of the immediate neighborhood.
- F. There are no known archaeological, historical, or cultural resources on-site.
- G. Adequate provisions have been made for buffers, landscaping, public open space, and other improvements associated with the proposed use.
- H. The applicant has met its burden of proof by competent evidence and is entitled to the Special Permit.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Insurance Auto Auctions Corp. located on the north side of 61th Avenue East, approximately 420 feet west of 15th Street East and more particularly described in Exhibit "A" attached hereto and incorporated herein, to allow an auto auction in the HC (Heavy Commercial) zoning district, 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 Building and Development Services.
2. The site plan submitted with this application will be part of this approval. Administrative approval by Manatee County of a Final Site Plan will be required subsequent to the approval of this Special Permit.
3. Per LDC Section 704.7, no activities associated with the auto auction shall be conducted within 200 feet of the residential areas north and west of the site, and no speakers shall be used within the site premises.
4. The vehicular storage area shall comply with the applicable requirements of LDC Sections 704.69.
5. Restroom facilities shall be constructed at the same time as the employee and customer parking.
6. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Bowlees Creek/Oneco Drain. Modeling shall be used to determine pre- and post-development flows.
7. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
8. Any alteration to the existing building shall be reviewed at building permit application for floodplain management requirements.
9. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division for review prior to Final Site Plan approval.
10. Plant material species, quantities and sizes are not being approved with this Preliminary Site Plan. Staff will review and approve this information with the Final Site Plan.
11. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed

landscape buffer containing desirable native vegetation with the exception of limited crossings.


12. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. Tree protection methodology shall be approved with the Final Site Plan.
13. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.

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 Building and Development Services Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 21ST day of MAY, 2012.

MANATEE COUNTY, FLORIDA

BY: , as
Hearing Officer for Manatee County

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

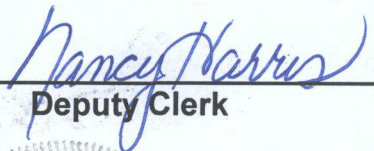
BY: 
Deputy Clerk



EXHIBIT "A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL #10 (1307 61ST Avenue East):

THE EAST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA LESS THE ROAD RIGHT-OF-WAY FOR 61ST AVENUE EAST.

PARCEL # 11 (1319 61ST Avenue East):

THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 35 SOUTH RANGE 17 EAST, MANATEE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NW CORNER OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SAID SECTION 13; THENCE EAST ALONG THE NORTH LINE OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SAID SECTION 13, 430 FEET; THENCE SOUTH 461.8 FEET MORE OR LESS TO A POINT WHICH IS 200 FEET NORTH OF THE CENTERLINE OF 61ST AVENUE EAST AND 430 FEET EAST OF THE WEST BOUNDARY OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SAID SECTION 13, THENCE WEST PARALLEL TO THE CENTERLINE OF 61ST AVENUE; EAST, 190 FEET; THENCE SOUTH PARALLEL TO THE WEST LINE OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SAID SECTION 13, 200 FEET TO THE CENTERLINE OF 61ST AVENUE EAST; THENCE WEST ALONG THE CENTERLINE OF 61ST AVENUE EAST, 40 FEET; THENCE NORTH PARALLEL TO THE WEST LINE OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SAID SECTION 13, 200 FEET; THENCE WEST PARALLEL TO THE CENTERLINE OF 61ST AVENUE EAST, 200 FEET TO THE WEST LINE OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SAID SECTION 13; THENCE NORTH ALONG SAID WEST LINE 462.6 FEET TO THE P.O.B.; LESS THE SOUTH 25 FEET FOR THE RIGHT OF WAY OF 61ST AVENUE EAST.

Clerk of the Circuit Court - Manatee County
R.B."Chips" Shore
P.O. Box 25400 Bradenton FL 34206
Visit our website: "www.manateeclerk.com"

RETURN TO BOARD RECORDS
ATTN: NANCY HARRIS

RECEIPT
#1 of #1

Thank You - Rec.# 410188727 -
410188727
Case No: 2012 RC 000005 - 2012 RC 000005
Bk./Pg./Doc.# 2422/2051/3030858 -
2422/2056/3030858

05/31/2012 10:23:45
jmoon RECORDING CASH BOOK
CHECK/MONEY 00423816 52.50
ORDER
Total 52.50
Receipt(s) Amount 52.50
Change 0.00

AR PAYOR: Book# Page#
DOC TYPE: GOV CALC AMOUNT: \$0.00
PAGES: 6 FILE#
Receipt: 410188727 5/31/12 9:35AM

By: AS

CODE	RECEIPT DESC.	FUND	ACCOUNT	QTY	FEES
R	RECORDING TRUST	199	000000341150	0	3.50
R	RECORDING FEES	001	000000341100	0	25.00
R	CLERK CT TECH FUND	199	000000341160	0	11.40
R	FL ASSOC COURT CLERK	001	000000208911	0	0.60
R	BD OF COUNTY COMM	001	000000208912	0	12.00



RECEIPT TOTAL: \$52.50
GRAND TOTAL: \$52.50

Receipt#
410188727 thru 410188727

OFFICE HOURS *****8:30 AM - 5:00 PM
"Pride in Service with a Vision to the Future"

THIS RECEIPT MUST BE VALIDATED BY CENTRAL CASHIERING