

**SPECIAL PERMIT NO. SP-19-03
GETTEL AUTOMOTIVE, INC./GETTEL PARKING LOT II
PLN1906-0067**

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

**FINAL ORDER OF MANATEE COUNTY HEARING
OFFICER KELLY FERNANDEZ ON BEHALF OF
MANATEE COUNTY GRANTING SPECIAL PERMIT
NO. SP-19-03 FOR THE EXPANSION OF PARKING
FOR EXISTING AUTOMOBILE DEALERSHIP
(VEHICLE REPAIR, MAJOR AND VEHICLE SALES,
RENTAL, LEASING) ON AN APPROXIMATELY 3.0-
ACRE SITE LOCATED AT 1016 63RD AVENUE
WEST, BRADENTON (±3.0 ACRES/±20.28 ACRES
TOTAL); PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code, Manatee County Ordinance 15-17, as amended; and

WHEREAS, pursuant to the Land Development Code, Manatee County Ordinance 15-17, as amended, the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Gettel Automotive, Inc. ("Applicant") requested a Special Permit for an existing automobile dealership (Vehicle Repair, Major and Vehicle Sales, Rental, Leasing) on an approximately 3.0-acre site zoned GC (General Commercial); and

WHEREAS, on November 20, 2019, the aforementioned Hearing Officer held a public hearing to receive the staff report, applicant, and public comment, and argument regarding the proposed Special Permit.

NOW, THEREFORE, after consideration of the application for Special Permit 19-03 requested by Gettel Automotive, Inc., 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 site is in the RES-9 (Residential 9 – dwelling units per acre) Future Land Use Category.
- B. The request is to approve a Special Permit for expansion of parking for an existing automobile dealership (Vehicle Repair, Major and Vehicle Sales, Rental, Leasing) on an approximately 3.0-acre site zoned GC (General Commercial) located at 1016 63rd Avenue West, Bradenton.

- C. The site is in the GC (General Commercial) zoning district.
- D. The overall site lies within Zone X per FIRM panel 12081C0312E effective 03/17/2014.
- E. There are no wetlands on the property and there are no proposed wetland impacts within the project area.

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 Cty 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 2.2.1.13.2, which allows complementary support uses normally utilized during the daily activities of residents of urban areas. It is also consistent with Policy 2.1.2.7 which requires review for 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 316.6 (Standards for Review and Approval of Special Permits), 511.8 (Standards for Outdoor Display, Sale and Storage of Merchandise and Equipment), and 531.57 (Standards for Specific Uses – Vehicle Sales, Rental, and Leasing).
- E. The proposed use will not be detrimental to or endanger the public health, safety or general welfare.
- F. The establishment of the use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.
- G. Adequate measures have been taken to provide ingress and egress to the site.
- H. Adequate measures have been taken to ensure that the proposed use is

compatible with the surrounding uses and the general desired character of the area.

- I. There are no known archaeological, historical, or cultural resources on-site and there will be no substantial adverse impact on a known archaeological, historical, or cultural resource located off the parcel proposed for development.
- J. Adequate provisions have been made for screening and buffers to improve compatibility and harmony of the proposed uses and structures with the uses and structures of adjacent and nearby properties.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Gettel Automotive, Inc. for the expansion of parking for an existing automobile dealership (Vehicle Repair, Major and Vehicle Sales, Rental, Leasing) on an approximately 3.0-acre site located at 1016 63rd Avenue West, Bradenton, as more particularly described in Exhibit "A" attached hereto and incorporated herein, 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 Department.
2. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County 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.
3. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
4. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the subsequent Final Site Plan and Construction Plan submittal(s) and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the FEMA 2014 FIRM 100-year floodplain, floodplain delineation identified through the Bowles Creek Watershed Management Plan (WMP), and post-development discharge of runoff.
5. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate

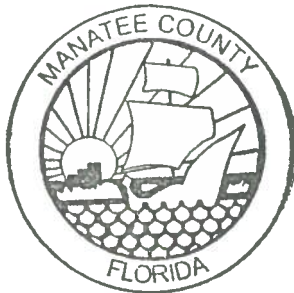
the allowable pre-development rate of discharge has been reduced by fifty (50) percent for Bowlees Creek Watershed.

6. All fill within the 100-year Floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table or drainage modeling shall utilize the preliminary data from Bowlees Creek Watershed Study (available from the Public Works Department) to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property.

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 19th day of December, 2019.



MANATEE COUNTY, FLORIDA

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

ATTEST: ANGELINA COLONNESO,
Clerk of the Circuit Court

BY: [Signature]
Deputy Clerk

EXHIBIT "A"
Legal Description

W 300 FT OF N 960 FT OF E 1/2 OF SE 1/4 OF NW 1/4 LESS RD R/W DESC IN ORB 856 P 162 PRMCF P-30-N. LESS R/W DESC IN O.R. 1685/2773 AS FOLL: COM AT A 2 IN IRON PIPE AT THE SW COR OF LOT 120 OF VOGELSANG'S BRASOTA MNOR SUB, (PB9/7}, SD COR BEING THE CENTER OF SEC 23-35S-17E; TH N 00 DEG 21 MIN 33 SEC E ALG THEW LN OF SD PLAT (THE SAME BEING THEW LN OF THE SW 1/4 OF THE NE 1/4 OF SD SEC 23} FOR 1307.34 FT TO THE NW COR OF LOT 137 OF SD PLAT, SD PT BEING A 5/8 IN IRON ROD AND CAP, PLS 3141; TH CONT N 00 DEG 21 MIN 33 SEC E FOR 24.96 FT TO A PT OF INTERSEC WITH THE SURVEY BASE LN OF 63RD AVE; TH N 89 DEG 31 MIN 48 SEC W ALG SD SURVEY BASE LN FOR 364.17 FT; TH S 00 DEG 28 MIN 12 SEC W FOR 45.07 FT TO A PT ON THE EXISTING SLY R/W LN OF 63RD AVE AS REC IN O.R. 856/162 AND THE POB; TH S 00 DEG 27 MIN 16 SEC W FOR 225.53 FT; TH S 47 DEG 23 MIN 48 SEC W FOR 99.30 FT; TH S 24 DEG 31 MIN 43 SEC W FOR 18.26 FT; TH S 00 DEG 27 MIN 20 SEC W FOR 55.84 FT; TH N 85 DEG 47 MIN 58 SEC W FOR 186.00 FT; TH N 01 DEG 37 MIN 49 SEC E FOR 346.50 FT; TH N 36 DEG 42 MIN 36 SEC W FOR 27.58 FT TO A PT OF INTERSEC WITH THE EXISTING SLY MAINTAINED R/W LN OF 63RD AVE AS REC IN RD PB 5/110; TH S 89 DEG 59 MIN 09 SEC E ALG SD EXISTING SLY MAINTAINED R/W LN OF 63RD AVE FOR 125.12 FT; TH S 00 DEG 19 MIN 57 SEC W FOR 16.00 FT TO A PT OF INTERSEC WITH THE EXISTING SLY R/W LN OF 63RD AVE AS REC IN O.R. 856/162; TH S 89 DEG 40 MIN 03 SEC E ALG SD EXISTING SLY R/W LN OF 63RD AVE FOR 150.00 FT TO THE POB; LESS THAT PART INCL IN OR 2019/1635 OESC AS PARCEL 2 AS FOLLOWS: TOGETHER WITH THE FOLLOWING PARCEL: THE N 204.50 FT TO THE S 564.50 FT OF THEN 300 FT OF THE E 1/2 OF THE SE 1/4 OF THE NW 1/4 OF SEC 23, Pl#64846.0005/9

Legal description obtained from Manatee County property appraiser's office. Legal description shall be determined by survey of the property. or other source acceptable to buyer.

BRADENTON HERALD

Bradenton.com

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
663161	0004451000	NOTICE OF ESTABLISHMENT OR CHANGE OF	UTOMOTIVE INC./GETTEL PAR	\$132.21	1	11.30 In

Attention: Bobbi Roy

MANATEE CO PLANNING DEPT
PO BOX 1000
BRADENTON, FL 34206

**NOTICE OF ESTABLISHMENT
OR CHANGE OF A REGULATION
AFFECTING THE USE OF LAND
IN UNINCORPORATED
MANATEE COUNTY**

NOTICE IS HEREBY GIVEN, that the Hearing Officer for Manatee County, will conduct a Public Hearing on Wednesday, November 20, 2019 at 3:00 p.m. at the Manatee County Government Administrative Center, 1st Floor Honorable Patricia M. Glass Chambers, 1112 Manatee Avenue West, Bradenton Florida to consider and act upon the following matters:

SP-19-03 - GETTEL AUTOMOTIVE, INC./GETTEL PARKING LOT II PLN1906-0067

Approval of a Special Permit for the expansion of parking for existing automobile dealership (Vehicle Repair, Major and Vehicle Sales, Rental, Leasing) by approximately 3.0 acres, located at 1016 63rd Avenue West, Bradenton, Florida (3.0 acres/20.28 acres total).

SP-19-02 GUARDIAN ANGELS COMPASSION CENTER PLN1905-0062

Approval of a Special Permit for a 12,665 square foot public community use on an approximately 9-acre site zoned A-1 (Suburban Agriculture); generally located on the southwest corner of the intersection of Ellenton Gillette Road and I-275, commonly known as 3410 Bouwer Ct, Palmetto, Florida (Manatee County).

Rules of Procedure for this public hearing are in effect pursuant to Section 312.8 of the Manatee County Land Development Code. Copies of this section of the Code are available for review at the Building and Development Services Department.

All interested parties are invited to appear at this Hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Hearing Officer and entered into the record.

Interested parties may examine the Official Zoning Atlas, the application, related documents, and may obtain assistance regarding this matter from the Manatee County Building and Development Services Department 1112 Manatee Avenue West 4th Floor, Bradenton, Florida, telephone number (941) 748-4501 ext. 6878 or email at: planning.agenda@mymanatee.org

THE STATE OF TEXAS

COUNTY OF DALLAS

Before the undersigned authority personally appeared AMBAR LIZARRAGA, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Public Notice**, was published in said newspaper in the issue(s) of

1 Insertion(s)

Published On

November 08, 2019

THE STATE OF FLORIDA

COUNTY OF MANATEE

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



(Signature of Affiant)

Sown to and subscribed before me this 8th day of November in the year of 2019





SEAL & Notary Public

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Hearing Officer with respect to any matter considered at the Public Hearing will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Americans With Disabilities:

The Hearing Officer of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Hearing Officer's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800 or FAX 745-3790.

THE PUBLIC HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY HEARING OFFICER

Manatee County Building and Development Services Department

Manatee County, Florida

AFFIDAVIT OF PUBLICATION

SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED JM MITCHELL, WHO ON OATH SAID SHE IS DIRECTOR OF ADVERTISING FOR THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN MANATEE COUNTEE DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT BEING A NOTICE IN THE MATTER OF:

Legal description documented below:

IN THE COURT WAS PUBLISHED IN THE MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

11/9 1x

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED

Jm Mitchell

SWORN OR AFFIRMED TO, AND SUBSCRIBED BEFORE ME THIS 12 DAY OF November A.D., 2019
BY JM MITCHELL WHO IS PERSONALLY KNOWN TO ME.

[Signature]
Notary Public



NOTICE OF ESTABLISHMENT OR
CHANGE OF A REGULATION
AFFECTING THE USE OF LAND IN
UNINCORPORATED MANATEE COUNTY

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PENDING ADJOURNMENTS

MANATEE COUNTY HEARING OFFICER
Manatee County Building and
Development Services Department
Manatee County, Florida

Date of pub November 9, 2019

Angelina "Angel" Colonnese

Clerk of the Circuit Court

Manatee County

P.O. Box 25400
Bradenton, FL 34206

Official Records Receipt Recording

Username: FGERNS

Changed By: cwelke

Receipt#: 900246361 Payee Name: HUGH E MCGUIRE

Receipt Date: 12/20/2019

Instrument: 201941127901 - BK2818/PG7973 GOVERNMENT RELATED

001000000341100	RECORDING FEE \$5/\$4	\$21.00
199000000341150	PRMTF \$1/\$.50	\$3.00
001000000208911	PRMTF FACC \$.10	\$0.50
199000000341160	PRMTF CLERK \$1.90	\$9.50
001000000208912	PRMTF BCC \$2	\$10.00
001000000341400	INDEXING NAMES	\$0.00

Instrument Total: \$44.00

Receipt Total: \$44.00

Amount Tendered: \$44.00

Overage: \$0.00

MFC \$44.00 26732269

Amount Paid:



Central Cashier - Receipt

Your payment has been successfully processed

Central Cashier Receipt Number: 26732269

12/20/2019 10:38 AM

Service Information

Receipt Number: 248626

Comment: 9417134950

Cardholder DL ST & #: 105489116SC

Last Name: MCGUIRE

First Name: HUGH

Payment Amount

Amount: \$44.00

Service Fee: \$1.54

Total: \$45.54

Credit Card Info

Name on Card: HUGH MCGUIRE

Card Number: *****1276

There is a non-refundable 3.5% fee per transaction to provide this service.

This service fee is charged by MyFloridaCounty.com.

Your Credit Card Statement will display the vendor name of MyFloridaCounty.com for billing details.

For Information on refunds or for general inquiries, please call customer support on (877) 326 8689.