

**SPECIAL PERMIT NO. SP-22-01
TRANSPORT MANASOTA INC
PLN2202-0104**

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER KELLY FERNANDEZ ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-22-01 FOR INTENSIFICATION AND REDEVELOPMENT OF THE EXISTING 2,170 SQUARE-FOOT STRUCTURE TO BE USED FOR OFFICE PURPOSES AND EXISTING 720 SQUARE-FOOT METAL BUILDING FOR MAJOR VEHICLE REPAIR, ONLY FOR THEIR OWN USE, AND NOT AS A PUBLIC SERVICE, FOR A SITE IN THE GC (GENERAL COMMERCIAL) ZONING DISTRICT LOCATED ON THE EAST SIDE OF 15TH STREET EAST AND 500 FEET NORTH OF 55TH AVENUE DRIVE EAST, COMMONLY KNOWN AS 5435 15TH STREET EAST, BRADENTON (MANATEE COUNTY) ON APPROXIMATELY 0.72 ACRES; SUBJECT TO STIPULATIONS OF APPROVAL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, Transport Manasota Inc. requested a Special Permit to allow an intensification and redevelopment of the existing 2,170 square-foot structure to be used for office purposes and existing 720 square-foot metal building for major vehicle repair, only for their own use, and not as a public service; and

WHEREAS, on December 6, 2023, 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 22-01 requested by Transport Manasota 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:

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- A. The site is in the GC (General Commercial) zoning district.
- B. The site is in the ROR (Retail/Office/Residential) Future Land Use Category.
- C. The request is to approve a Special Permit to allow an intensification and redevelopment of the existing 2,170 square-foot structure to be used for office purposes and existing 720 square-foot metal building for major vehicle repair, only for their own use, and not as a public service.
- D. The overall site lies in Zone X and AE 120810308E, eff. 3/17/2014.X-Zone, Panel#12081C0337E, effective 8/10/2021.
- E. The applicant has proposed fencing and landscape buffers to mitigate impacts to adjacent residential areas.

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 LDC.
- 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 the Manatee County Comprehensive Plan. The ROR (Retail/Office/Residential) Future Land Use Category allows for community services such as Major Vehicle Repair Services.
- D. The proposed use is in compliance with the Manatee County LDC, including Sections 316.6 (Special Permit Criteria), 531.61 (Office) and 531.56 (Vehicle Repair - Major). The GC (General Commercial) zoning district allows vehicular repair and office uses.
- E. The proposed use will not be detrimental to or endanger the public health, safety or general welfare.
- F. The proposed use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.

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- G. Adequate measures have been and will be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.
- H. The proposed use is compatible with the surrounding uses and the general desired character of the area (height, bulk, scale, intensity, traffic, noise, drainage, lighting, and appearance).
- I. The proposed use will not have a substantial adverse effect on a known archaeological, historical or cultural resource located on or off the parcel proposed for development as there are no known resources located on or near the subject site.
- 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.
- K. The proposed use will not have a significant adverse effect on the natural environment, including land, air, water, wetlands, minerals, flora, fauna, and ambient noise.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Transport Manasota Inc. to allow an intensification and redevelopment of the existing 2,170 square-foot structure to be used for office purposes and existing 720 square-foot metal building for major vehicle repair, only for their own use, and not as a public service, on approximately 0.72 acres located on the east side of 15th Street East and 500 feet north of 55th Avenue Drive East, commonly known as 5435 15th Street East, Bradenton (Manatee County), as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, subject to the following conditions:

A. DESIGN AND LAND USE STIPULATIONS

- 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 (FSP) will be required subsequent to the approval of this Special Permit.
- 3. As shown on the Preliminary Site Plan, adjacent to residential uses to the east and southeast, a 25-foot-wide setback and a 10-foot-wide landscape buffer with 1 canopy tree per 30 linear feet and 33 shrubs per 100 linear feet with a 6-foot-high opaque fence shall be provided.
- 4. No outdoor speakers shall be permitted on the subject property.

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5. At the time of FSP review, the project shall demonstrate compliance with Section 540 and 541.A, specifically Manatee County Noise Ordinance (Section 2-21, Article II, Code of Ordinances).

B. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Order.
3. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. 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.
4. 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.
5. In the event that landscaping is removed for roadway improvements, the applicant must replace it. Applicant to contact Environmental Planning within 30 days of improvement completion to coordinate replacement efforts.

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.

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ORDERED ON BEHALF OF MANATEE COUNTY this 4th day of January, ~~2023~~ ²⁰²⁴.



MANATEE COUNTY, FLORIDA

BY: Kerry S, as
Hearing Officer for Manatee County

ATTEST: ANGELINA COLONNESO,
Clerk of the Circuit Court

BY: Robin Tith DC
Deputy Clerk

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EXHIBIT "A"

LEGAL DESCRIPTION: PARCEL A: BEG AT THE NW COR OF THE NW 1/4 OF THE NW 1/4 OF SEC 18, TWN 35S, RNG 18E; TH GO S 1117.4 FT FOR THE POB; TH S 200 FT TO THE SW COR OF SD NW 1/4 OF NW 1/4 OF SEC 18; TH E 321 FT; TH N 200 FT; TH W 321 FT TO THE POB; LESS W 50 FT FOR R/W FOR 15TH ST E; ALSO LESS AND EXCEPT: FROM RR SPIKE FOUND IN PLACE AT THE NW COR OF SEC 18, TWN 35S, RNG 18E, RUN S ALG THE W LN OF SD SEC 18, A DIST OF 1122.91 FT (OLD DEED 1117.2 FT) TO THE NW COR OF THAT CERTAIN PARCEL OF LAND DESC IN A DEED FROM JAMES F MCKENZIE AND BEULAH MCKENZIE, HIS WIFE TO RONALD W BOND, A SINGLE MAN, AND DISBROW B PERRY, A MARRIED MAN, DTD 12/8/1972 AND REC IN OR BK 585 PG 90 PRMCF; TH S 88 DEG 46 MIN 03 SEC E, ALG THE N LN OF SD PARCEL, A DIST OF 50 FT TO INTERSECT THE E R/W LN OF 15TH ST E (OLD US HWY 301); TH S ALG SD E R/W LN, A DIST OF 87.79 FT FOR THE EPOB; TH E A DIST OF 270.87 FT; TH N 00 DEG 05 MIN 23 SEC W, A DIST OF 81.96 FT TO A CONCRETE MONUMENT; TH N 88 DEG 46 MIN 03 SEC W, A DIST OF 270.80 FT TO THE E R/W OF 15TH ST E (OLD US HWY 30.1); TH S, A DIST OF 87.79 FT TO THE POB (OR 2802/7550) PI #18271.0020/9