

OR BOOK 02024 PAGES 6443 - 6448  
MANATEE COUNTY CLERK COURT  
6 PAGES(S)  
RECORDED; 6/1/2005 9:21:42 AM



**SPECIAL PERMIT NO. SP-98-02(R)  
ISHAK H. AOUDI/ISAAC'S SUPERCENTER**

FILED FOR RECORD  
R.B. SHORE

2005 MAY 27 AM 11:55

CLERK OF DISTRICT COURT  
MANATEE COUNTY FLORIDA

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER, MARK D. SINGER, ON BEHALF OF MANATEE COUNTY GRANTING REVISED SPECIAL PERMIT NO. SP-98-02(R), TO ALLOW: 1) THE ADDITION OF A MOTOR VEHICLE SALES, RENTAL, OR LEASING ESTABLISHMENT TO AN EXISTING SITE THAT IS DEVELOPED WITH A MOTOR VEHICLE REPAIR ESTABLISHMENT AND A CONVENIENCE STORE WITH GAS PUMPS. THE SITE IS IN THE GC (GENERAL COMMERCIAL) ZONING DISTRICT ON THE NORTH SIDE OF 57<sup>th</sup> AVENUE WEST, APPROXIMATELY 395 FEET EAST OF 14<sup>TH</sup> STREET WEST AT 1115 57<sup>th</sup> AVENUE WEST (±. 69 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, Manatee County Ordinance 90-01, as amended; and

**WHEREAS**, pursuant to the Land Development Code, Manatee County Ordinance 90-01, as amended, Mark D. Singer as Hearing Officer has the authority to grant Special Permits; and

**WHEREAS**, Ishak H. Aoudi/Isaac's Supercenter has requested a Revised Special Permit to add a Motor Vehicle Sales, Rental, or Leasing Establishment to an existing site that is developed with a Motor Vehicle Repair Establishment and a Convenience Store with Gas Pumps in the GC zoning district; and

**WHEREAS**, on May 5, 2005 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant, and public comment and argument regarding the proposed Revised Special Permit for Ishak H. Aoudi/Isaac's Supercenter.

**NOW THEREFORE**, after consideration of the application for Revised Special Permit No. SP-98-02(R), requested by Ishak H. Aoudi/Isaac's Supercenter, the aforementioned Hearing Officer makes the following 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 site is zoned GC (General Commercial) and is located in the R/O/R Future Land Use Category.
- B. The site has a 4,340 square foot building and received a Special Permit SP-98-02 in

1998 to add a community serving motor vehicle repair establishment and gas pumps to an existing convenience store. The applicant now proposes selling cars on this site.

- C. To the north is vacant land zoned GC (General Commercial). To the south, across 57<sup>th</sup> Avenue West, is a retail sales establishment (Auto Zone) zoned GC, and Swan Lake Mobile Home Park zoned RSMH-6 (Residential Single-Family Manufactured Home, 6 dwelling units per acre). To the East is vacant land zoned RMF-9 (Residential Multi-Family, 9 dwelling units per acre). To the west is a retail establishment (Staples shopping center) zoned GC.
- D. The site has two driveways off 57<sup>th</sup> Avenue West.
- E. The site plan shows 720 square feet for an auto sales display area.
- F. The applicant proposes perimeter and interior landscaping around the vehicle use area, as well as new landscaping in the required screening and roadway buffers.
- G. Adequate measures have been taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets. This site is currently developed with a convenience store with gas pumps and a motor vehicle repair establishment using two driveways off 57<sup>th</sup> Ave. W. No new access points are proposed or necessary.
- H. 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.
- I. The site is not within an area of moderate archaeological site potential. There are no known archaeological, historical, or cultural resources on-site.
- J. Adequate provisions have been made for buffers, landscaping, and other improvements associated with the proposed use.
- K. The 10-foot wide landscape buffer includes a six (6) foot high opaque fence and additional landscaping which will help to eliminate potential visual impacts. The prohibition of the outdoor speakers will help to minimize noise impacts. A stipulation is included to ensure that pole and building mounted lights adjacent to residential property are directed to the interior of the development using horizontal cut-off fixtures, and limited to twenty (20) feet in height.

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 aforementioned 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 intent of Comprehensive Plan Policy 2.2.1.17.1 that provides for a complement of residential support uses. The use is also consistent with Policy 2.1.2.7 that 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 Permits in Sections 505.2 and complies with the conditional use criteria set forth in Sections 704.51 of the Land Development Code.
- E. The Motor Vehicle Sales, Rental, Leasing Establishment should not have a detrimental effect to or endanger the surrounding properties or public health, safety, or general welfare.
- F. The Revised Special Permit meets the requirements of Section 510, Certificate of Level of Service Compliance. The Certificate of Level of Service Compliance for sanitary sewer, solid waste, traffic, and transit have been reviewed and will be approved if the Special Permit is approved. Concurrency for potable water may only be applied for at the time of Final Site Plan or Construction Drawings.
- G. The proposed use meets all other applicable standards and requirements set forth in the Land Development Code.

Section 3. Order. Based upon the foregoing, a Revised Special Permit is hereby approved and issued to Ishak H. Aoudi/Isaac's Supercenter for the property located at 1115 57<sup>th</sup> Avenue West, as more particularly described in Exhibit "A" attached hereto and incorporated herein, subject to the following conditions:

- A. This Revised Special Permit shall not be effective until the applicant has recorded it in the Public Records of Manatee County, Florida, and a copy of the recorded Order is

received by the Planning Department.

- B. The site plan submitted with this application shall be part of this approval.
- C. All repairs shall occur inside the service bays.
- D. There shall be no outdoor storage of vehicles awaiting repair unless screened from view by adjacent residential properties.
- E. Motor vehicle repair shall only occur between the hours of 8:00 a.m. and 6:00 p.m.
- F. No outdoor speaker system shall be utilized at this site.
- G. A 10 foot wide landscaped buffer shall be provided on the east side of the development adjacent to the residential property, prior to the commencement of the auto sales use.
- H. A 10 foot wide landscaped roadway buffer shall be installed along 57<sup>th</sup> Avenue West and shall contain 2 canopy trees and 33 shrubs per 100 linear feet prior to the commencement of the auto sales use.
- I. Prior to the commencement of the auto sales use, the design and shielding of on-site lighting shall comply with Sections 708.2.2, 709.2.3 and 709.2.4. In addition, pole and building mounted lights shall be limited to 20 feet in height and directed to the interior of the development using horizontal cutoffs. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan.
- J. Erosion and sediment control measures shall be installed in accordance with the approved plans, prior to the commencement of the auto sales use.
- K. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the commencement of the auto sales use. Existing plant communities designated to remain must be intact and undisturbed; noxious and exotic plants must be removed.
- L. Vehicle sales shall be limited to four cars to be parked in the designated display area only.

Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by courts of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Revised Special Permit, which shall remain in full force and effect.

Section 5. Effective Date. The effective date of this Revised Special Permit shall be upon the recordation of an executed copy of this Order with the Clerk of the Court in and for Manatee County and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 27<sup>TH</sup> day of MAY, 2005.

MANATEE COUNTY, FLORIDA

BY: [Signature]  
Mark D. Singer, as  
Hearing Officer for Manatee County

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

[Signature]  
Deputy Clerk

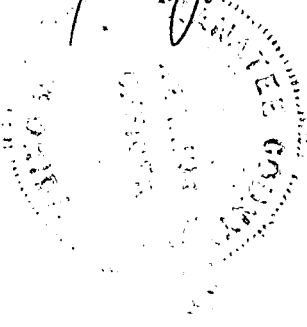


EXHIBIT "A"

LOTS 15, 16, 17, 18, 19, LESS 19244 SQ FT TO DOT FOR RD DESC AS FOLLOWS: THAT PART OF LOTS 17, 18, 19 LY WITHIN 158.00 FT OF SURVEY LN OF ST RD 64 SEC 1305, BEG ON W LN OF SEC 27 AT A PT 1037.83 FT; S 0 DEG 05 MIN 08 SEC W OF ½ INCH IRON PIPE MARKING NW COR OF NW ¼ OF SW ¼ OF SEC 27, SD PT BEING ON SD SURVEY LN; TH S 61 DEG 44 MIN 52 SEC E 402.28 FT ALG SD SURVEY LN TO BEG OF CURVE CONCAVE TO THE NLY HAVING A RADIUS OF 2864.79 FT; TH SELY ALG SD CURVE 1130.83 FT THRU C/A OF 22 DEG 37 MIN 00 SEC TO END OF CURVE; TH S 84 DEG 21 MIN 52 SEC E 2662.57 FT ALG SURVEY LN TO BEG OF CURVE CONCAVE TO THE SLY HAVING A RADIUS OF 5729.58 FT; TH SELY ALG SD CURVE 1021.67 FT THRU C/A OF 10 DEG 13 MIN 00 SEC TO END OF CURVE; TH S 74 DEG 08 MIN 52 SEC E 323.26 FT ALG SD SURVEY LN E LN OF SEC 27, AT A PT 601.98 FT; N 0 DEG 15 MIN 08 SEC E OF ¾ INCH IRON PIPE MARKING SE COR OF SEC 27 DESC OR 1139, P 3906 PRMCF BLK 4 FLORIANA COURT PI# 11143.0000/5