

SPECIAL PERMIT NO. SP-98-02

APR 14 10 04 AM '98 LAWRENCE F. DICKSON/ISAAC'S SUPERCENTER

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER JAMES A. PAULMANN ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-98-02 TO ALLOW THE ADDITION OF A COMMUNITY-SERVING MOTOR VEHICLE REPAIR FACILITY AND GAS PUMPS TO A CONVENIENCE STORE. LOCATED EAST OF 57TH AVENUE WEST AND US 41 IN THE GC (GENERAL COMMERCIAL) ZONING DISTRICT AT 1115 57TH AVENUE WEST (± 0.69 ACRE); 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, the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Lawrence F. Dickson/Isaac's Supercenter has requested a Special Permit to allow the addition of a Community-Serving Motor Vehicle Repair facility and gas pumps to a convenience store located east of 57th Avenue West and US 41 in the GC (General Commercial) zoning district at 1115 57th Avenue West (± 0.69 acre); and

WHEREAS, on April 2, 1998 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for Lawrence F. Dickson/Isaac's Supercenter.

NOW, THEREFORE, the Final Order regarding Special Permit No. SP-98-02 requested by Lawrence F. Dickson/Isaac's Supercenter states 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. This request is for a Special Permit to allow the addition of a Community-Serving Motor Vehicle Repair facility and gas pumps to a convenience store.

B. The facility is located on a $\pm .69$ acre parcel located east of 57th Avenue West and US 41 at 1115 57th Avenue West.

C. The site is zoned GC (General Commercial). The Future Land Use Designation of the property is R/O/R (Retail/Office/Residential).

D. To the north is vacant property zoned GC; to the south is a retail sales business zoned GC; to the east is vacant property zoned RMF-9; and to the west is a retail sales business zoned GC.

E. Gas pumps and community-serving motor vehicle repair in the GC zoning district require Special Permit approval.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation and the staff report presented, the above referenced Hearing Officer hereby makes the following Findings of Law:

A. This Hearing Officer has jurisdiction over the parties and subject matter in this

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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 Policy 2.2.1.16.2 of the Manatee County Comprehensive Plan, which allows for retail commercial use in the ROR (Retail/Office/Residential) Future Land Use Category.

D. The proposed use is consistent with Policy 2.6.4 of the Manatee County Comprehensive Plan, requiring compatibility between adjacent land uses.

E. The establishment of the proposed use will not be detrimental or an endangerment to the public health, safety, or general welfare because the proposed additions will be required to meet the Conditional Use Criteria in Section 704.66 of the Land Development Code for service stations and other facilities with fuel pumps. In addition, the service bays will be located adjacent to nonresidential uses to mitigate potential incompatibilities such as noise, fumes, and lights.

F. The establishment of the proposed use will not impede the normal and orderly development of the area.

G. Adequate ingress and egress has been provided for this site in a manner that minimizes traffic congestion on public streets. The site plan depicts two one-way driveways to intersect 57th Avenue West (which is classified as collector -urban).

H. The proposed use, as conditioned herein, is consistent with the community character of the immediate neighborhood, which is developed with varied commercial uses and vacant residential to the east.

I. The proposed landscaping, buffering, and conditions herein, mitigate any potential adverse visual and noise impacts on the adjacent residential zoned property.

J. Adequate provisions have been made to provide landscaping and buffers in association with this proposed use.

K. This request meets all the standards set forth in the Manatee County Land Development Code, Section 704.66, Conditional Use Criteria for Service Stations and Other Gas Pump Locations.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Lawrence F. Dickson/Isaac's Supercenter for the property located at 1115 57th Avenue West, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a Special Permit to allow the addition of a Community-Serving Motor Vehicle Repair facility and gas pumps to a convenience store, subject to the following conditions:

A. This Special Permit will 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.

B. The Site Plan submitted with this application shall be part of this application.

C. All repairs shall occur inside the service bays.

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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 AM and 6:00 PM.

F. No outdoor speaker system shall be utilized at this site.

G. A 10' wide landscape buffer shall be provided on the east side of the development adjacent to the residential property prior to Certificate of Occupancy.

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 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 14 day of April, 1998.

MANATEE COUNTY, FLORIDA

BY:



James A. Paulmann, as
Hearing Officer for Manatee County

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



OFFICE OF THE CLERK
HEARING OFFICER
Deputy Clerk

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EXHIBIT "A"

LEGAL DESCRIPTION:

COMMENCE AT THE S.W. CORNER OF THE S.E. 1/4 OF THE N.W. 1/4 OF SECTION 14, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE ALONG THE SOUTH LINE OF THE AFORESAID S.E. 1/4 OF THE N.W. 1/4, S 89°58'13" E, A DISTANCE OF 634.09 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL TO THE WEST LINE OF THE S.E. 1/4 OF THE N.W. 1/4, N 00°04'16" E, A DISTANCE OF 175.00 FEET; THENCE PARALLEL TO THE SOUTH LINE OF THE S.W. 1/4 OF THE N.W. 1/4, N 89°58'13" W, A DISTANCE OF 200.00 FEET; THENCE PARALLEL TO THE WEST LINE OF THE S.E. 1/4 OF THE N.W. 1/4, S 00°04'16" W, A DISTANCE OF 175.00 FEET; THENCE S 89°58'13" E, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING, LESS THE SOUTH 25.00 FEET FOR LITTLE PITTSBURG ROAD RIGHT-OF-WAY. BEING AND LYING IN SECTION 14, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION