

B.O.C.C. 12/15/98

Z-98-15 - ROBERT K. CONN

Request Approval of a Zoning Ordinance of the County of Manatee, Florida, amending the Official Zoning Atlas of Manatee County Ordinance 90-01, the Manatee County Land Development Code, relating to zoning within the unincorporated area of Manatee County; providing for the rezoning of certain land from A-1 (Suburban Agricultural, 1 dwelling unit per acre) to NC-S (Neighborhood Commercial - Small); providing an effective date. Located at the northwest corner of 69th Avenue East (Whitfield Avenue) and 36th Street East (Prospect Road) (+_1 11 acres).

<u>App Received</u>	08/26/98	<u>D.R.C.</u>	09/04/98
<u>P.C.</u>	12/03/98	<u>B.O.C.C.</u>	12/15/98

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to ADOPT Manatee County Zoning Ordinance No. Z-98-15, as recommended by the Planning Commission.

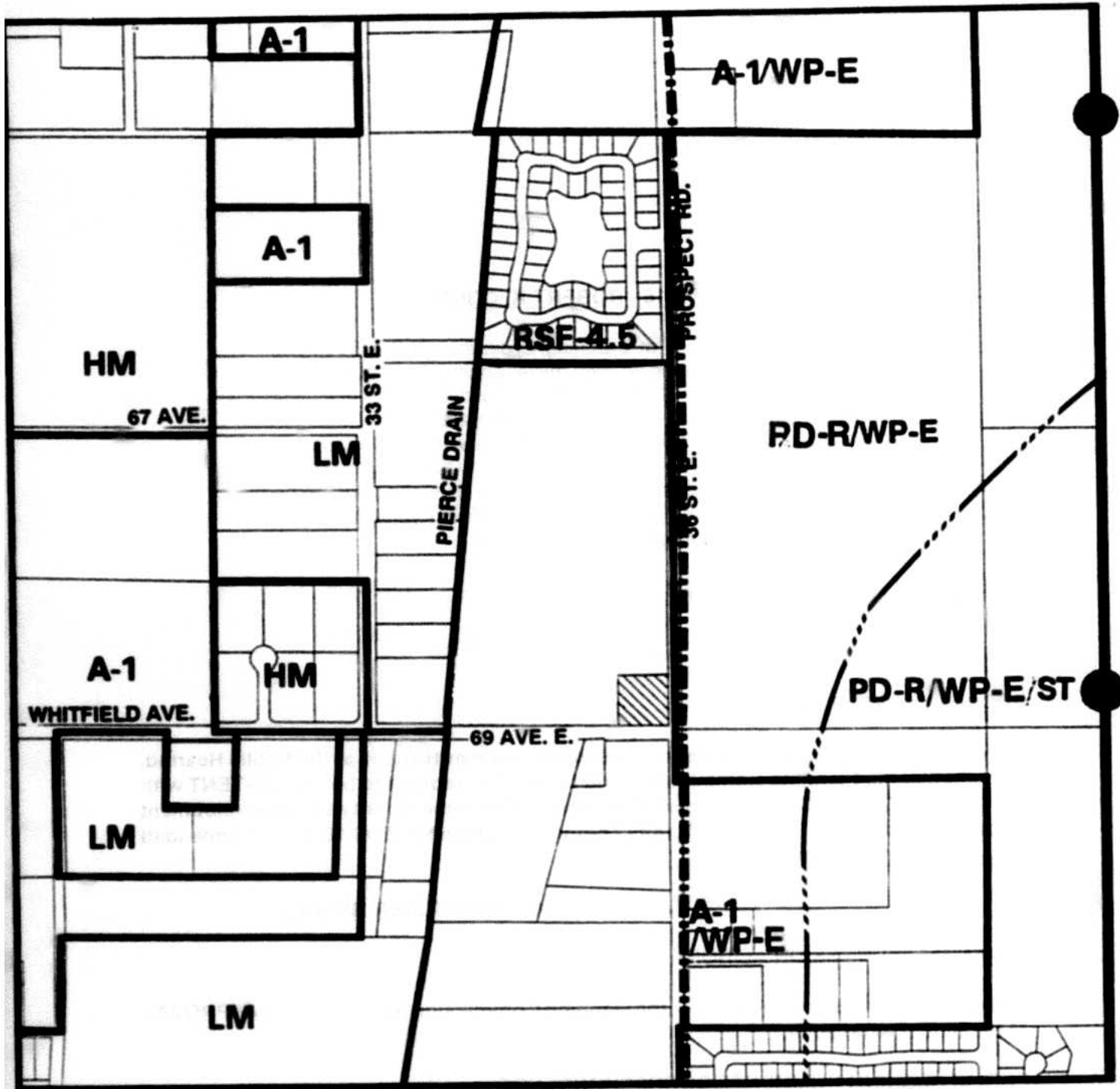
(COMMISSIONER BRUCE)

PLANNING COMMISSION ACTION:

On December 3, 1998, by a vote of 7-0, the Planning Commission recommended APPROVAL of the requested rezone.

PUBLIC HEARING COMMENTS/CORRESPONDENCE:

No public comment at the December 3, 1998 Planning Commission public hearing, and no correspondence was entered into the record.



Project Number: Z-98-15
 Proposed Use: N/A
 Existing FLUC: RES-6
 Existing Zoning: A-1
 Proposed Zoning: NCS
 Acreage: 1
 Flood Zone: X
 Drainage Basin: N/A
 Commissioner: BRUCE
 Map Prepared: 8/28/98
 Requested By: ²⁸ ROBERT K. CONN
 Section: 20 Township: 35 Range: 18

Tax I.D.: 187750000 (PART OF)

Manatee County
Staff Report Map
 1 inch = 600'



 Subject Property



CASE SUMMARY

CASE NO.: Z-98-15

APPLICANT: Robert K. Conn

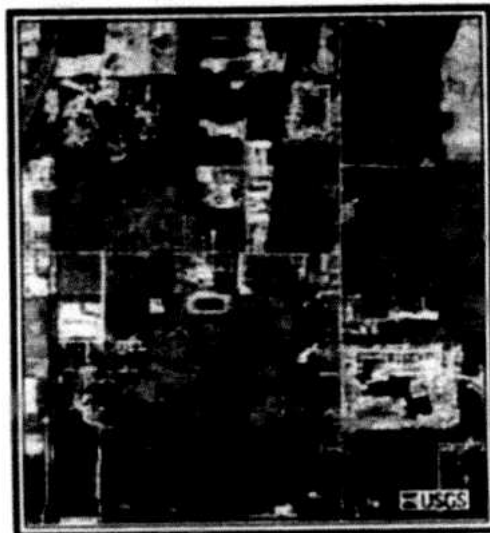
REQUEST: Rezone from A-1 (Suburban Agricultural, 1 d.u. per acre) to NC-S (Neighborhood Commercial - Small)

STAFF

RECOMMENDS: APPROVAL with Limited Issues

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- The request is for a rezone from A-1 (Suburban Agricultural, 1 d.u. per acre) to NC-S (Neighborhood Commercial - Small). The property is located on the northwest corner of the intersection of 69th Avenue East (Whitfield Avenue) and 36th Street East (Prospect Road).
- To the NORTH is pasture land which is zoned A-1.
- To the SOUTH, across 69th Avenue East, is a church on land zoned A-1.
- To the EAST, across 36th Street East, is vacant land zoned PDR (Planned Development Residential).
- To the WEST is a single-family home on property zoned A-1.



Z-98-15

Robert K. Conn

SUMMARY: (EB)

The request is to rezone approximately 48,000 square feet (\pm 1.11 acres) from A-1 to NC-S. The site is on the northwest corner of the intersection of 69th Avenue East (Whitfield Avenue) and 36th Street East (Prospect Road) and is currently developed with a single-family home and a fruit stand. Although the property is immediately adjacent to A-1 zoning on the north, east, and west, there is a significant amount of single-family home construction along Prospect Road to the north and south of the subject site. This area is transitioning from an agricultural area to one of primarily single-family development. The property to the east across Prospect Road, although currently pasture land, is zoned PDR (Planned Development Residential).

Staff has concerns about the compatibility of the range of potential uses in the NC-S zoning district with the adjacent residence. However, the Land Development Code requires enhanced buffers and setbacks for commercial uses when adjacent to residential uses. These requirements should mitigate incompatibilities between commercial and residential uses.

Staff finds the request to be appropriate due to the changing conditions of the area and recommends approval of this request with limited issues.

POSITIVE ASPECTS OF THE APPLICATION

- The rezone would allow commercial development at the intersection of two collector roadways.
- This area is transitioning from agricultural uses to single-family residential.

NEGATIVE ASPECTS OF APPLICATION

- An adjacent parcel is zoned A-1, and developed with a single-family residence.
- Sanitary sewer is not currently available to this site.

MITIGATING FACTORS

- The LDC requires enhanced buffers and setbacks and other conditional approval criteria for commercial uses when developed adjacent to residences.

DETAILED CASE REVIEW

PRIMARY REVIEWERS

Erika Barrett (EB)	Compatibility, Timing, Health, Safety and Welfare, Consistency with LDC and Comp Plan, Historic Resource Impacts, Site Design
Chris Mowbray (PD)	Impacts to Infrastructure (Public Utilities & Facilities)
Husham Abdulsattar (PD)	Impacts to Infrastructure (Transportation, Concurrency)
Bill O'Shea (EMD)	Environmental Resource Impacts

DETAILED STAFF REVIEW OF THE FACTORS FOR CONSIDERATION OF REZONING PURSUANT TO SECTION 504 OF THE LAND DEVELOPMENT CODE

1. COMPATIBILITY

The site is designated RES-6 by the Comprehensive Plan. The Comprehensive Plan states that it is the intent of the RES-6 FLUC is to identify areas which are established for low density urban, or clustered low-moderate density urban and also to provide for a complement of residential support uses normally utilized during the daily activities of the resident of these low or low-moderate density urban areas. The range of potential uses in RES-6 includes small and medium retail and office commercial uses, short-residential uses, lodging places, public or semi-public uses, schools, recreational uses, and short-term agricultural uses.

Many commercial uses are permitted in the NC-S district. However, the Land Development Code requires Final Site Plan approval by the Planning Department for all new buildings and uses, and Administrative Permits or Special Permits for those uses which could be incompatible with residences under certain circumstances. Section 704 of the Land Development Code describes the Conditional Approval Criteria for these uses, which are required for compatibility with adjacent residences. For example, some of these criteria include increased setbacks from residential uses, increased buffers along property lines, and other mitigation techniques. Staff finds that the requirements of the Land Development Code should provide sufficient protection to adjacent residences from possible commercial uses on this site.

The RES-6 FLUC allows up to a .23 Floor Area Ratio (FAR) without Special Approval. Therefore, a maximum building size of 11,120 square feet could be allowed on this parcel. This calculation is based on the current property size of 1.11 acres. Any right-of-way dedication would reduce the property size and reduce the potential building floor area.

A maximum height of 35 feet is allowed in NC-S zoning. This is the same maximum height as that permitted by single-family residential zoning districts. Increased side and rear yard

setbacks are required in NC-S when adjacent to residential districts (20 side yard and 20 foot rear yard).

2. TIMING, TRENDS, CHANGES TO EXISTING CONDITIONS

The subject site has been zoned A-1 (Suburban Agricultural) since 1975. The land to the east, across Prospect Road, is currently pasture, but was rezoned to PDR (Planned Development Residential) in 1988. Approximately ½ mile to the south, along Prospect Road, the most recent phase of The Trails Subdivision was developed in 1993. Staff finds the timing of this application to be appropriate.

3. IMPACTS TO INFRASTRUCTURE

There is an existing 8" waterline along Whitfield Avenue, and an 8" waterline along Prospect Road. This site is not served by sewer at this time. The nearest gravity sewer is over 1,200' to the west along Whitfield Avenue.

At this time, Whitfield Avenue (Between US301 and Prospect Road) has adequate capacity and is operating at or above the adopted level of service "D". Prospect Road (between Whitfield Avenue and Tallevast Road) has adequate capacity and is operating at or above the adopted level of service "D". However, the applicant is advised that capacity is not reserved at this stage, nor is capacity guaranteed as being available at time of actual development.

Additional on-site/or off-site improvements may be required as the property is developed.

4. GENERAL HEALTH, SAFETY & WELFARE CONCERNS

The proposed rezoning does not have any foreseen adverse impacts to the general health, safety, or welfare of the area or county as a whole.

5. ENVIRONMENTAL & HISTORIC RESOURCE IMPACTS

The proposed rezoning will not adversely impact historic resources or have an adverse environmental impact on the vicinity. There are no known historic resources on this site. Given that all development proposals are subject to the requirement of the Manatee County Comprehensive Plan and Manatee County Land Development Code, potential environmental impacts will be evaluated at the time of any application. Certain environmental constraints may restrict future development activities.

6. CONSISTENCY WITH LAND DEVELOPMENT CODE AND COMPREHENSIVE PLAN

The Comprehensive Plan designates the site R/O/R.

Policy 2.1.2.3 permits the consideration of new non-residential development with characteristics compatible with existing and future development.

Policy 2.1.2.4 limits urban sprawl through the consideration of new development in areas which are internal to, or are contiguous expansions of the built environment.

Policy 2.2.1.12.1 establishes the intent of the RES-6 FLUC.

Policy 2.2.1.12.2 establishes the range of potential uses in the RES-6 FLUC.

Policy 2.6.1.1 which requires developments that differ in use, intensity or height to mitigate potential incompatibilities with the use of buffers, screening, setbacks, design, limits of operation, noise attenuation, or limits on intensity.

Policy 2.10.4.1 limits establishment of all new commercial development to well-defined nodes, or compact groupings which meet locational criteria.

ATTACHMENTS

1. Development Review Committee Comments
2. Zoning Disclosure Affidavit

MANATEE COUNTY PLANNING DEPARTMENT
GROWTH MANAGEMENT SECTION
DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENTS
(941) 749-3070

DATE: SEPTEMBER 07, 1998

PROJECT NAME: ROBERT K. CONN
Z-98-15
REZONE FROM A-1 TO NC F/ RETAIL SALES AT EXSTG PRODUCE
STAND

SITE ADDRESS: CORNER OF WHITFIELD AVE & PROSPECT RD (NW QUADRANT)

PLANNER: ERIKA BARRETT (x) 6836
TRANSPORTATION

ENGINEER: HUSHAM ABDULSATTAR (x) 6863

CONCURRENCY: MICKI RYAN (X) 6904/PHYLLIS STRONG (x) 6865

[PLEASE NOTE: THESE COMMENTS ARE BASED ON INFORMATION SUBMITTED
AND ARE SUBJECT TO REVIEW AS APPLICABLE]
(FYI: THE ENGINEER ON THIS CASE IS CHRIS MOWBRAY)

CONCURRENCY/TRANSPORTATION RELATED COMMENTS:

I. This submittal may proceed when the comments listed below and the comments issued by the other DRC members are satisfactorily addressed.

N/A

II. We offer the following suggestions, comments and concerns for this proposal; however, these do not necessarily require a revision to your application at this time:

At this time, Whitfield Avenue (Between US 301 and Prospect Road) has adequate capacity and is operating at or above the adopted level of service "D". However, applicant is advised that capacity is not reserved at this stage, nor is capacity guaranteed as being available at time of actual development.

Pursuant to the "Concurrency Transportation Link Sheet" for this segment of Whitfield Avenue, the generalized tables (valid April 7, 1998 - July 6, 1998) reflect a pm peak hour base/existing count of 338 trips with 7 trips currently reserved. To maintain the required Level of Service Standard of "D", the total existing and reserved trips cannot exceed 1290 pm peak hour trips.

Robert K. Conn

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At this time, Prospect Road (Between Whitfield Ave and Tallevast Road) has adequate capacity and is operating at or above the adopted level of service "D". However, applicant is advised that capacity is not reserved at this stage, nor is capacity guaranteed as being available at time of actual development.

Pursuant to the "Concurrency Transportation Link Sheet" for this segment of Prospect Road, the generalized tables (valid April 7, 1998 - July 6, 1998) reflect a pm peak hour base/existing count of 800 trips with 146 trips currently reserved. To maintain the required Level of Service Standard of "D", the total existing and reserved trips cannot exceed 1290 pm peak hour trips.

Additional on-site and/or off-site improvements may be required as the property is developed.

III. General Information

A "Deferral and Acknowledgement of Eventual Requirement for Concurrency Certification" has been received. Applicant is advised that when seeking further development approval(s) for this project, the "Deferral" does not exempt applicant from the requirement for a Certificate of Level of Service Compliance.

All traffic control signage and pavement markings, if warranted, shall conform to FDOT and MUTCD standards.

If there are any questions pertaining to concurrency and/or transportation, please contact Micki Ryan at 749-3070 extension 6904.

RIGHT-OF-WAY RELATED COMMENTS:

- I. This submittal may proceed when the comments listed below and the comments issued by the other DRC members are satisfactorily addressed.

N/A

- II We offer the following suggestions, comments and concerns for this proposal; however, these do not necessarily require a revision to your application at this time:

N/A

Robert K. Conn

Z-98-15

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III. General Information

As designated on the Manatee County Right-of-Way Needs Map in this location, Whitfield Avenue requires a right-of-way of 120 feet (60' half-width right-of-way) and has a maintained right-of-way but no maps have been drawn per Doug Jones, Land Acquisition.

As designated on the Manatee County Right-of-Way Needs Map in this location, Prospect Road requires a right-of-way of 84 feet (42' half-width right-of-way) with the existing half width adjacent to this proposed development of 26 feet on the west half.

If there are any questions pertaining to the right-of-way comments, please contact Micki Ryan at 749-3070 extension 6904.

cc: Concurrency File #Z-98-15
Public Works and Transportation Concurrency Group
(Dave Branning, Wayne Roberts, Cia Mollanazar,)

DRC REVIEW COMMENTS

DATE: September 1, 1998

PROJECT NAME: COON, ROBERT K.

PLANNING NUMBER: Z-98-15

PLANNER: Barrett **REVIEW ENGINEER:** Mowbray

COMMENTS:

Branning / Mayer

No plans submitted, no comment at this time.

Earlhey / Andruzzi

No comment at this time.

Jones

Whitfield Avenue has a maintained right-of-way. No maps have been drawn.

Prospect Road has a maintained right-of-way of 55 feet total with 26 feet of half right-of-way on the west half.

Aliff / Lilly

No comment at this time - no plans to review.

SOUTHERN MANATEE FIRE CONTROL DISTRICT
1640 60 Avenue Dr. E., Bradenton, FL 34203-5020 #941/751-7676 Fax #941/751-7694

TRANSMITTAL #3152.

PLANNING

SEP 03 1998

DEPARTMENT

DATE: September 2, 1998

APPROVED
 **CONDITIONAL APPROVAL AS
SUBMITTED AND NOTED**
 **INSUFFICIENT DRAWINGS
FOR FULL REVIEW/DENIED**
 UNACCEPTABLE SYSTEM DRAWINGS/DENIED

TO: Zolle Najjar & Shroyer, Inc., Agent
P. O. Box 9448
Bradenton, FL 34206
Attn: Robert K. Conn

RE: Permit Application #Z-98-15

Project Name: Robert K Conn
N.W. Quadrant of Whitfield Ave. & Prospect Rd.

This department has reviewed the above referenced plans under the 1991 Edition of the N.F.P.A. Life Safety Code and related amendments; the Fire Prevention Code of Southern Manatee Fire Control District, Ordinance 93-01; the 1991 Standard Building Code, as related to life safety and fire protection; and the State Fire Marshal's Uniform Rules and Standards, as legislated.

The following comments and requirements are contingent for permit approval and Certificate of Occupancy by the Southern Manatee Fire Control District.

SITE PLAN REVIEW

Upon fire department review of referenced prints no noted problems or code violations were found.

Fire department review for code compliance shall not be construed as authority to violate, cancel alter or set aside any provisions of the adopted codes; nor shall such review prevent the Fire Marshal from thereafter requiring a correction of errors in plans, or in construction, or of violation of the codes.

If you have any questions, please contact this department.



Foster Gover, Deputy Fire Marshal
Southern Manatee Fire & Rescue District

FG/jsw

c: ✓ Manatee County Planning, Permitting and Inspections, Erika Barrett/Chris Mowbray
Robert K. Conn, 2520 Morgan Johnson Rd., Bradenton, FL 34208



MEMORANDUM

DATE: September 3, 1998

TO: Erika Barrett, Planner
Planning Department

FROM: William C. O'Shea, Environmental Manager *WCO*
Environmental Management Department

SUBJECT: Development Review Comments
Robert K. Conn Z-98-15

The Environmental Management Department has reviewed the above referenced application for rezone, and offers the following comments:

- This proposal is a request to rezone 1.0 acres from A-1 to NCS so that the applicant can sell crafts, plants and similar items at an existing permitted produce stand.
- No plan has been submitted as part of this request. It is our understanding that no new improvements are proposed.
- A comprehensive environmental review of this parcel cannot be conducted, based on the information provided.
- It is our understanding that all development proposals are subject to the requirements of the Manatee County Comprehensive Plan and Manatee County Land Development Code. The applicant should be advised that certain environmental constraints may restrict future development activities.

If you have any questions or comments, please call me at extension 5980.

WCO:hs

cc: Douglas D. Means

ENGINEERING DRC COMMENTS

(941) 749-3070; Fax: 749-3071; email: www.co.manatee.fl.us/

FLUC Res G ZONING A-1 FLOOD ZONE X LOCATION N/W CORN. WHITFIELD + PROSPECT
PROPOSAL REZONE TO NCSPREPARED BY: MIKE HARRISON DATE: 8/31/98 SITE PLAN # Z# 98-15
MIKE HARRISON-EXT. 6853/ CHRIS MOWBRAY, P.E. - EXT. 6840**WATER:**CP 11.5
LDC 722.1.8.2

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8" waterline exists within WHITFIELD AVE ROW
PROSPECT
 Water meter sizing calcs signed/sealed by AIA/PE. Show meter and backflow at ROW lines
 Potable well permitted thru HRS. Contact Gary Cochran at 748-0747, extension 1415.
 Backflow preventor required/not required.
 Construction plan processing for waterline extension required. (See Below Directions)
 Participation for oversized to be reviewed by Dave Branning at extension 5044.

SEWER:CP 11.1
LDC 722.1.8.1

1,000 G.P.D. OR LESS
 MAY EXEMPT YOU FROM
 CONNECTION REQ'S.
 IF SO →

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"Forcemain exists within _____ ROW. Connection shall be via pump station and forcemain.
 Gravity sewer is available within WHITFIELD AVE 1,200' TO THE WEST ROW. Show connection to existing sewer service on plan.
 Gravity sewer extension & construction plan processing required. (See Below Directions)
 Sewer Service Connection to existing man/manhole required. Show on plan w/notes to coordinate w/Bayshore Office at 755-1853.
 Sewer connection not mandatory permit thru HRS. Contact Gary Cochran at 748-0747, extension 1415.
 Participation for oversized to be reviewed by Dave Branning at extension 5044.

SOLID WASTE:

LDC 728

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Can service required. Show 5' x 8' concrete slab with 3' high opaque fence with gate on plans.
 Dumpster service required. Show 10' x 10' inside dimension w/6' high opaque fence and gates.
 Placement is to be accessible by a 40' truck w/minimal backing, not in front yard, not within 10' of property lines nor buildings. If placed within 10' of building, show sprinkler head mounted on outside wall above dumpster.
 Food service for the above required.
 LDC 737, entranceway criteria for siting and screening.

FIRE PROTECTION:CP 11.5
LDC 722.1.8.4. 730

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Fire Marshal written approval indicating type of protection required.
 2000 GPM from hydrant(s) required. Show FH, flow data obtained from fire marshal, and distance to front door. Maximum distance is 400'; or
 Fireline required w/1000 GPM flow rate from hydrant within 50' of fire department connection. Show flow w/backflow at ROW on plan and provide calculation by P.E. to support 1000 GPM.
 In non-residential building is less than 10,000 square feet, with fire marshal approval, the required fire protection is 1 gallon/10 s.f. but not less than 750 GPM and hydrant must be within 400'. Show FH, flow data obtained from fire marshal, calculation of required flow, and distance to front door on plan.
 Construction plan processing for waterline extension required. (See below directions)
 Coordination w/Public Work's Betty King for hydrant/fire line stub installation by County forces available. Call 748-4501, extension 5245.

EFFLUENT REUSE FOR IRRIGATION:

LDC 722.1.8.3.1

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Contact Jerry Cates at 792-8811, extension 5035 for availability. Where available, mandatory connection required.
 Time clock and rain sensor required.

NOTE: WE HAVE NO OBJECTION TO THIS PROPOSED REZONE.
 ALL NOTED/CHECKED ITEMS SHALL APPLY @ THE TIME
 OF FINAL DEVELOPMENT PLAN SUBMITTAL

Initial WJK
Date 8/31/98

Site Plan #: _____

SIDEWALKS:

LDC 722.1.4

- 4' wide required on all local roads north and west side, 5' on all sides of thoroughfare.
- Sidewalk required on all property lines abutting the street for development within 1 walking mile of any elementary or middle school, in PR, NC, GC, HC, LM, HM zoning districts, or in non-residential planned development districts.
- Exemptions are for local roads where sidewalks do not exist within 1000 feet to properties zoned A, A-1, LM, HM, or EX.
- Requests to defer sidewalk per LDC 722.1.4.7 directed to sidewalk coordinator Kathleen Thompson at extension 8841.

ACCESS

LDC 711, 712, 713

- FDOT response required.
- Driveways to be constructed to County standards, 2 maximum, setback from intersection per LDC 711.4.1, setback from property line per LDC 711.4.4, 25' radius or 3' x 8' flares for the returns, and 24' minimum/36' maximum widths.
- Agriculturally zoned or greater than 5 acres type projects may have more than 2 drives if a superior design and safety alternative is proposed and approved by the Planning Director.
- Smooth - dustless surface such as asphalt or concrete required.
- FDOT #57 rock, washed shell or crushed granite with Geoweb containment grid acceptable as driveway on private property.
- Show proposed elevations for swale drive, or culvert, culvert sizing calculations, location, distance from property line and intersection, and note that construction is per Manatee County standards.

DRAINAGECP 3.2, 11.3, 11.4
LDC 717

- Watershed/OFW standards apply. Water quality computations shall show an additional 50% more treatment.
- Open system - Positive outfall to be demonstrated with use of 25 year/24 hour, zone 6 (per SWFWMD), first 1/2" treatment, Qpost - Qpre balancing. Stormwater design by professional engineer. Show all computations for project size, Qpre, Qpost, narrative, treatment volume and elevation, stage/storage, 6" freeboard, underdrain, discharge geometrics, 12" between pond bottom and SHWL for dry retention, DHWL, NWL, 6' depth of normal pool (for wet detention) and SCS/soil test results.
- Closed system - No positive outfall. To be demonstrated with use of 100 year/24 hr, 12" of freeboard, Zone 6 (per SWFWMD). Stormwater design by professional engineer. Show emergency pop off, design, location and outfall.
- Qpost shall be reduced by 50% due to known flooding. Contact Sia Mollanazar, P.E. at 792-8811 extension 8222.
- Provide copy of SWFWMD application.
- Show on plan cut and fill balancing calculations by PE as required in "A" floodzones.
- Discharges to tidally influenced water body. No attenuation required, only water quality of first 3.4'

CONSTRUCTION PLAN**REVIEW**

LDC 722.2

*IF REQ'D FOR
SEWER CONNECTION
IF APPLICABLE!*

FEE SCHEDULE

- Submit to Chris Mowbray, P.E., of this office 4 sets of engineering plans, permits, calculations & construction drawing review fee. (See fee schedule below)
- 60 day review period maximum between submittal and sign-off of site plan.

Submit with application an \$85.00 Final Inspection Fee (PII) for each phase of construction requiring Certificate of Occupancy release. Note that each phase shall stand alone for engineering, planning zoning and landscape features.

Construction drawing review fee (CD) shall be submitted with Construction Plans. The amount shall be \$370.00 + \$12.50/unit and/or \$1.85/each 500 square feet of non-residential building area over 10,000 square feet.

- Fireline only construction drawing review fee (CD) shall be submitted with construction plans. The amount shall be \$110.00.

MISCELLANEOUS

- Manatee County Design Standards for water, wastewater, reclaim, and stormwater available for purchase either in book or Autocad format. Contact Sallie Vanostenbridge at 792-8811, extension 5020.

cc: _____

ZONING DISCLOSURE AFFIDAVIT

The Manatee County Land Development Code 90-01 as amended under Ordinance 91-29 requires that all applications for Zoning Atlas Amendments shall include public disclosure of applicants and their percentage of interest.

If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties list all individuals or officers, if a corporation, partnership, or trust.

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State of another country.

NAME, ADDRESS, AND OFFICE

PERCENTAGE STOCK, INTEREST OR OWNERSHIP

Robert K. Conn

100%

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

X Signature: Robert K. Conn

(Applicant): Robert K. Conn

STATE OF FLORIDA
COUNTY OF MANATEE
Sarasota

X The foregoing instrument was acknowledged before me this 8-18-98 by Robert K. Conn
date name of person acknowledging

who is personally known to me or who has produced Florida driver's license as
(type of identification)

as identification and who (did/did not) take an oath.

Kerry Michelle Whiteman
Signature of Person Taking Acknowledgement

Kerry Michelle Whiteman
Name

_____ Title or Rank

_____ Serial Number, if any

My Commission Expires: _____

Commission No.: _____

05/26/93 REV

OFFICIAL NOTARY SEAL
KERRY MICHELLE WHITEMAN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC761242
MY COMMISSION EXP. JULY 20, 2002

BRADENTON HERALD

www.bradenton.com

P.O. Box 921
Bradenton, FL 34206-0921
102 Manatee Avenue West
Bradenton, FL 34205-8894

Bradenton Herald
Published Daily
Bradenton, Manatee, Florida

STATE OF FLORIDA COUNTY OF MANATEE;

Before the undersigned authority personally appeared Jill Headings, 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

Notice of Establishment...

_____ in the _____ Court,
was published in said newspaper in the issues of

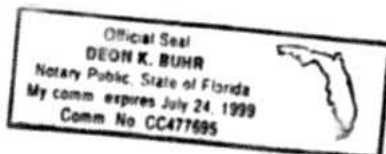
12/4/98

Affiant 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 1 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.

Jill Headings
(Signature of Affiant)

Sworn to and subscribed before me this
5th day of November, 1998

Deon K. Buhr
SEAL & Notary Public



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

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Manatee County, will conduct a Public Hearing on Tuesday, December 15, 1998 at 9:00 A.M. in the Chambers of the Board of County Commissioners, located at the Manatee County Administrative Center, 1112 Manatee Avenue West, 1st Floor, to consider and act upon the following matters:

PDR-98-07(Z)(P) Diamond Bar Partnership, Ltd./ Covered Bridge

(1) Approval of a Zoning Ordinance of the County of Manatee, Florida, amending the Official Zoning Atlas of Manatee County (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area of Manatee County, providing for the rezoning of certain land from RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) and RSF-2 (Residential Single-Family, 2 dwelling units per acre) to PDR (Planned Development Residential); providing an effective date; and (2) Approval of a Preliminary Site Plan to allow 735 dwelling units (582 single-family detached lots and 153 semi-detached zero lot line lots) at a gross density of 2.42 dwelling units per acre and a net density of 2.94 dwelling units per acre. Located north of Mendoza Road, west of Victory Road (+/- 301 acres, including 271 upland acres).

IF APPROVED, a planned development with 735 residential lots and a recreation center will be allowed. The current zoning allows, without a subdivision, about ten 5 acre lots along Mendoza Road.

Z-98-15 Robert K. Conn

Approval of a Zoning Ordinance of the County of Manatee, Florida, amending the Official Zoning Atlas of Manatee County Ordinance 90-01, the Manatee County Land Development Code relating to zoning within the unincorporated area of Manatee County, providing for the rezoning of certain land from A-1 (Suburban Agricultural, 1 dwelling unit per acre) to NC-S (Neighborhood Commercial-Small); providing an effective date. Located at the northwest corner of 89th Avenue East (Whitfield Avenue) and 36th Street East (Prospect Road) (+/- 1.11 acres).

IF APPROVED, a variety of commercial uses could be established. The current zoning allows one residential unit.

PDC-98-09(Z)(P) Edward Hurter/Richard Serino/ Carpet Depot

(1) Approval of a Zoning Ordinance of the County of Manatee, Florida, amending the Official Zoning Atlas of Manatee County Ordinance 90-01, the Manatee County Land Development Code, relating to zoning within the unincorporated area of Manatee County, providing for the rezoning of certain land from GC (General Commercial) to PDC (Planned Development Commercial); providing an effective date; and (2) Approval of a Preliminary Site Plan to allow a 5,900 square foot expansion to an existing carpet store. Located at 6823 14th Street West (+/- 108 acres).

IF APPROVED, the change will allow a 5,900 sq. ft. expansion to an existing carpet store. The existing GC zoning does not allow this amount of total square footage.

PDI-98-01(Z)(P)

Wen Y. Chung/ Whitfield Warehouse

(1) Approval of a Zoning Ordinance of the County of Manatee, Florida, amending the Official Zoning Atlas of Manatee County Ordinance 90-01, the Manatee County Land Development Code, relating to zoning within the unincorporated area of Manatee County, providing for the rezoning of certain land from LM (Light Manufacturing) and NC-S (Neighborhood Commercial-Small) to PDI (Planned Development Industrial); providing an effective date; and (2) Approval of a Preliminary Site Plan to allow four (4) warehouse buildings totaling 85,000 sq. ft. Located on the west side of 15th Street East and south of Kiewit Court at 7060 15th Street East (+/- 8.33 acres).

IF APPROVED, the change will allow a total of 85,000 sq. ft. of warehouse space. The current NC-S zoning does not allow warehouses, but allows a variety of commercial uses.

PDC-98-10(P) David Carlton Turner, Jr./Dustie Country Store

Approval of a Preliminary Site Plan to allow a convenience store in the PDC/WP-M/ST (Planned Development Commercial/Lake Manatee Watershed Protection or Special Treatment Overlay) zoning district. Located at the southwest corner of SR-62 and SR-39 (+/- 0.98 acre).

Resolution R-98-300 - Recission of Resolution R-97-63, the revised DRI Development Order for Cypress Banks (DRI #17)

The recission of R-97-63 will resolve an appeal filed by the Florida Department of Community Affairs on the Transportation Conditions attached to the revised Development Order for the Cypress Banks DRI (DRI #17), a project located on the south side of State Road 70, generally between the River Club Development and Lorraine Road containing +/- 1,790 acres. Rescinding of Resolution R-97-63 must be done in conjunction with the recission of Z-86-30(G)(R5) the Zoning Ordinance and General Development Plan approved for this DRI. If rescinded, the previous Development Order, R-95-220, for this DRI will be in full force and effect.

Ordinance Z-86-30(G)(R6) - Recission of Ordinance Z-86-30(G)(R5) the revised Zoning Ordinance and General Development Plan approval for Cypress Banks (DRI #17)

The recission of Ordinance Z-86-30(G)(R5) - Cypress Banks (DRI #17) will resolve an appeal filed by the Florida Department of Community Affairs on the Cypress Banks DRI Development Order, a project located on the south side of State Road 70, generally between the River Club Development and Lorraine Road containing +/- 1,790 acres. Rescinding the Zoning Ordinance, Z-86-30(G)(R5), must be done in conjunction with the recission of R-97-63, the Development Order for this DRI.

If rescinded, the previous Zoning Ordinance and General Development Plan approval for this development, Z-86-30(G)(R4), will be in full force and effect.

Rules of Procedure for this public hearing are in effect pursuant to Resolution 94-90. Copies of this Resolution are available for review or purchase at cost from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th floor, Bradenton, Florida.

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 Planning Department will be heard and considered by the Board of County Commission, and entered into the record.

Interested parties may examine the proposed Ordinances, Official Zoning Atlas, the application and related documents and may obtain assistance regarding this matter from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 749-3070.

According to Florida Statutes, Section 288.0105, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at said 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 Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board'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 Rita Oralus at 742-5800, TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

Manatee County Board of County Commissioners
Manatee County
Planning Department
Manatee County, Florida
12/4/98

**AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND
NOTIFICATION BY U.S. MAIL TO CONTIGUOUS PROPERTY OWNERS**

STATE OF Florida

COUNTY OF Manatee

BEFORE ME, the undersigned authority, personally appeared Nov. 19, 1998, who, after having first been duly sworn and put upon oath, says as follows:

1. That he/she is the owner (owner, agent for owner, attorney in fact for owner, etc.) of the property identified in the application for Z-98-15 - Robert K. Conn, to be heard before the Manatee County Planning Commission at a public hearing to be held on December 3, 1998, and to be heard before the Manatee County Board of County Commissioners at a public hearing to be held on December 15, 1998 and as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein, and they are true to the best of his/her knowledge, information and belief.

2. That the Affiant has caused the required public notice sign to be posted pursuant to Manatee County Ordinance No. 90-01, on the property identified in said application, and said sign was conspicuously posted 1 feet from the front property line on the 19 day of Nov., 1998.

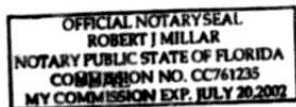
3. That the Affiant has caused the mailing of the required letter of notification to contiguous property owners pursuant to Manatee County Ordinance No. 90-01, by U.S. Mail, on the 17 day of Nov., 1998, and attaches hereto, as a part of and incorporated herein, a complete list of the names and addresses of the persons entitled to notice.

4. That Affiant is aware of and understands that failure to adhere to the provisions of Manatee County Ordinance No. 90-01, as it relates to the required public notice, may cause the above identified hearing to be postponed and rescheduled only upon compliance with the public notice requirements.

FURTHER YOUR AFFIANT SAITH NOT.

Robert K. Conn
Property Owner/Agent Signature

SIGNED AND SWORN TO before me on November 19, 1998 (date) by Robert K. Conn (name of affiant). He/she is personally known to me or has produced FL Dr. Lic (type of identification) as identification and who did take an oath.



Robert J. Millar
Signature of Person Taking Acknowledgment

Robert J. Millar Robert J. Millar
Type Name

Site Manager
Title or Rank

My Commission Expires: 7/20/2002

Serial Number, if any

Commission No: CC761235

MANATEE COUNTY PROPERTY APPRAISER ()
CODE [] PARCEL / ACCOUNT ID [18778.0000/1] 11/04/98 12:14

BASE - BASE PROPERTY DATA

OWNER NAME: LITWILLER, MILTON D *

LOCATION: 6850 PROSPECT RD SCT

**** ASSESSED VALUES ***

***** OWNER / ADDRESS ***** DOR: 0100 MAPID: 5CS20 LAND MKT TRUE 17,850
LITWILLER, MILTON D SEC/TWN/RNG: 20/35S/18E IMPRVMT TRUE 39,388
LITWILLER, BARBARA S TAX AUTHORITY: COUNTY CLASSIFIED USE 0
6850 PROSPECT RD 1998 AV TAX: 644.33 ASSESSED TRUE 57,238
SARASOTA, FL 34243 NON-ADVALOREM: ASSESSED CAP 57,238
TYPE: RESIDENT AGE: 37 - EXEMPTIONS 25,000
BUILT: 1982 EFF YR: TAXABLE TOTAL 32,238

*** SHORT LEGAL DESCRIPTION ***

BEGIN 1378.45 FT W & 250 FT N OF BEDROOMS: 3 BATHS: 1.0 SALE DATE:
THE SE COR OF SEC 20 FOR PLACE STRY: 1 GARAGE: GAR & CP SALE AMOUNT:
OF BEG; W 323.4 FT, HENCE N 0 CONSTRUCTION: SALE TYPE: IMP SALE
DEG 23 MIN 30 SEC E 135 FT; AIR: YES DESGN: INSTRUMENT:
POOL: NO FIREPLACE: NO OR BOOK/PAGE: /

PROPOSITION 10 CAP ELIGIBLE: YES ACREAGE +/- :
ZONE: A1 FLOOD: LAND MEAS & TYPE: 1 135X298 UNITS

SUBDIVISION # & NAME:
COMPARABLES: NONE YET AVAILABLE

* THIS INFORMATION IS BELIEVED CORRECT BUT IS SUBJECT TO CHANGE & NOT WARRANTED.

MANATEE COUNTY PROPERTY APPRAISER ()
CODE [] PARCEL / ACCOUNT ID [18783.0000/1] 11/04/98 12:13

BASE - BASE PROPERTY DATA OWNER NAME:MCCLURE PROPERTIES LTD
LOCATION:6705 PROSPECT RD SCT ***** ASSESSED VALUES ***

***** OWNER / ADDRESS ***** DOR:6001 MAPID: 5CS20 LAND MKT TRUE 816,000
MCCLURE PROPERTIES LTD SEC/TWN/RNG:20/35S/18E IMPRVMT TRUE 53,804
P O BOX 936 TAX AUTHORITY: COUNTY CLASSIFIED USE 32,320
PALMETTO,FL 34220 1998 AV TAX: 1849.40 ASSESSED TRUE 869,804
NON-ADVALOREM: ASSESSED CAP 86,124
TYPE: RESIDENT AGE: 35 - EXEMPTIONS 0
BUILT:1964 EFF YR: TAXABLE TOTAL 86,124

*** SHORT LEGAL DESCRIPTION *** LIVNG: 3005 AUX: 1278 ***** SALE DATA *****
E1/2 OF SE1/4 SEC 20, SUBJ TO BEDROOMS: 2 BATHS: SALE DATE: 12/29/95
EASMT DESC IN OR 228 P 484 STRY:1 GARAGE: SALE AMOUNT: 137,600
PI#18783.0000/1 CONSTRUCTION: SALE TYPE: IMP SALE
AIR:YES DESGN: INSTRUMENT: FEE SIMP
POOL:YES FIREPLACE: NO OR BOOK/PAGE: 1476/5962

PROPOSITION 10 CAP ELIGIBLE: NO ACREAGE +/- : 80.00
ZONE:PDR/WP FLOOD: LAND MEAS & TYPE:1 PDR88-04 ACRES
SUBDIVISION # & NAME:

COMPARABLES: NONE YET AVAILABLE
* THIS INFORMATION IS BELIEVED CORRECT BUT IS SUBJECT TO CHANGE & NOT WARRANTED.
8128 NOTE: HAS MORE LAND INFORMATION

INQ MANATEE COUNTY PROPERTY APPRAISER ()
 CODE [] PARCEL / ACCOUNT ID [19614.0000/7] 11/04/98 12:15
 BASE - BASE PROPERTY DATA OWNER NAME:UNIVERSITY PARKWAY CHRISTIAN
 LOCATION:6960 PROSPECT RD SCT ***** ASSESSED VALUES ***
 ***** OWNER / ADDRESS ***** DOR:7100 MAPID: 5CN29 LAND MKT TRUE 83,475
 UNIVERSITY PARKWAY CHRISTIAN SEC/TWN/RNG:29/35S/18E IMPRVMT TRUE 299,649
 CHURCH INC TAX AUTHORITY: COUNTY CLASSIFIED USE 0
 6960 PROSPECT RD 1998 AV TAX: 0.00 ASSESSED TRUE 383,124
 SARASOTA,FL 34243 NON-ADVALOREM: ASSESSED CAP 383,124
 TYPE: COMM/IND AGE: 14 - EXEMPTIONS 383,124
 BUILT: EFF YR:1985 TAXABLE TOTAL 0
 ***** SHORT LEGAL DESCRIPTION ***** LIVNG: 3440 AUX: 504 ***** SALE DATA *****
 BEG AT THE NE COR OF NW1/4 OF BEDROOMS: BATHS: SALE DATE: 06/22/89
 NE1/4 OF SEC 29, SD COR BEING STRY:1 GARAGE: SALE AMOUNT: 325,000
 THE NE COR OF FARM 8 OF NEW CONSTRUCTION: CHURCH SALE TYPE: IMP SALE
 PEARCE VEGETABLE FARMS (PB 2 P AIR:YES DESGN: CHURCH INSTRUMENT: DEEDS
 POOL:NO FIREPLACE: NO OR BOOK/PAGE: 1263/0206
 PROPOSITION 10 CAP ELIGIBLE: NO ACREAGE +/- : 3.71
 ZONE:A1 FLOOD: LAND MEAS & TYPE:3.71 ACRES
 SUBDIVISION # & NAME: 1958000 PEARCE VEGETABLE FARMS
 COMPARABLES: NONE YET AVAILABLE
 * THIS INFORMATION IS BELIEVED CORRECT BUT IS SUBJECT TO CHANGE & NOT WARRANTED.
 8116 NOTE: PROPERTY HAS MORE BUILDINGS

MANATEE COUNTY PROPERTY APPRAISER ()
CODE [] PARCEL / ACCOUNT ID [19619.0000/6] 11/04/98 12:14
BASE - BASE PROPERTY DATA OWNER NAME: GREEN, CECIL V *

LOCATION: 3480 WHITFIELD AVE SCT
***** OWNER / ADDRESS *****
GREEN, CECIL V & YVONNE J
3480 WHITFIELD AVE
SARASOTA, FL 34243
DOR: 6001 MAPID: 5CN29 LAND MKT TRUE 137,875
SEC/TWN/RNG: 29/35S/18E IMPRVMT TRUE 10,669
TAX AUTHORITY: COUNTY CLASSIFIED USE 15,308
1998 AV TAX: 75.21 ASSESSED TRUE 148,544
NON-ADVALOREM: ASSESSED CAP 25,667
TYPE: RESIDENT AGE: 69 - EXEMPTIONS 25,000
BUILT: 1930 EFF YR: TAXABLE TOTAL 667

*** SHORT LEGAL DESCRIPTION ***
BEG AT NE COR OF NW1/4 OF NE1/4
SEC 29, SD COR BEING NE COR OF
FARM 8 OF NEW PEARCE & PEARCE
VEGETABLE FARMS (PB 2 P 15);
LIVNG: 972 AUX: 224 ***** SALE DATA *****
BEDROOMS: 2 BATHS: 1.0 SALE DATE:
STRY: 1 GARAGE: SALE AMOUNT:
CONSTRUCTION: SALE TYPE: IMP SALE
AIR: NO DESGN: INSTRUMENT:
POOL: NO FIREPLACE: NO OR BOOK/PAGE: /

PROPOSITION 10 CAP ELIGIBLE: YES ACREAGE +/- : 11.03
ZONE: A1 FLOOD: LAND MEAS & TYPE: 10.03 ACRES
SUBDIVISION # & NAME: 1958000 PEARCE VEGETABLE FARMS
COMPARABLES: NONE YET AVAILABLE

* THIS INFORMATION IS BELIEVED CORRECT BUT IS SUBJECT TO CHANGE & NOT WARRANTED.
8128 NOTE: HAS MORE LAND INFORMATION

MANATEE COUNTY PROPERTY APPRAISER ()
CODE [] PARCEL / ACCOUNT ID [18780.0015/5] 11/04/98 12:14

BASE - BASE PROPERTY DATA
LOCATION: 6831 E 33RD ST SCT

OWNER NAME: MILLS, WALTER G

**** ASSESSED VALUES ****

***** OWNER / ADDRESS *****
MILLS, WALTER G
3301 WHITFIELD AVE
SARASOTA, FL 34243

DOR: 4000	MAPID: 5CS20	LAND MKT TRUE	63,750
SEC/TWN/RNG: 20/35S/18E	IMPRVMT TRUE		4,478
TAX AUTHORITY: COUNTY	CLASSIFIED USE		0
1998 AV TAX: 1256.06	ASSESSED TRUE		68,228
NON-ADVALOREM:	ASSESSED CAP		68,228
TYPE: COMM/IND AGE: 8	- EXEMPTIONS		0
BUILT: 1991 EFF YR:	TAXABLE TOTAL		68,228

*** SHORT LEGAL DESCRIPTION ****

TRACT 2 PROSPECT INDUSTRIAL PARK
PI#18780.0015/5

LIVNG: AUX: ***** SALE DATA *****
BEDROOMS: BATHS: SALE DATE: 04/25/88
STRY: 1 GARAGE: SALE AMOUNT: 1
CONSTRUCTION: SALE TYPE: VAC SALE
AIR: NO DESGN: INSTRUMENT: DEEDS
POOL: NO FIREPLACE: NO OR BOOK/PAGE: 1218/3310

PROPOSITION 10 CAP ELIGIBLE: NO ACREAGE +/- :
ZONE: LM FLOOD: LAND MEAS & TYPE: 51000 SQ FT
SUBDIVISION # & NAME: 1878000 PROSPECT INDUSTRIAL PARK

COMPARABLES: NONE YET AVAILABLE
* THIS INFORMATION IS BELIEVED CORRECT BUT IS SUBJECT TO CHANGE & NOT WARRANTED.

Q 21
2928
ST

7888

328.00'

PD-R/WP-E/

10417

RATTLE SNAKE SLOUGH

330'

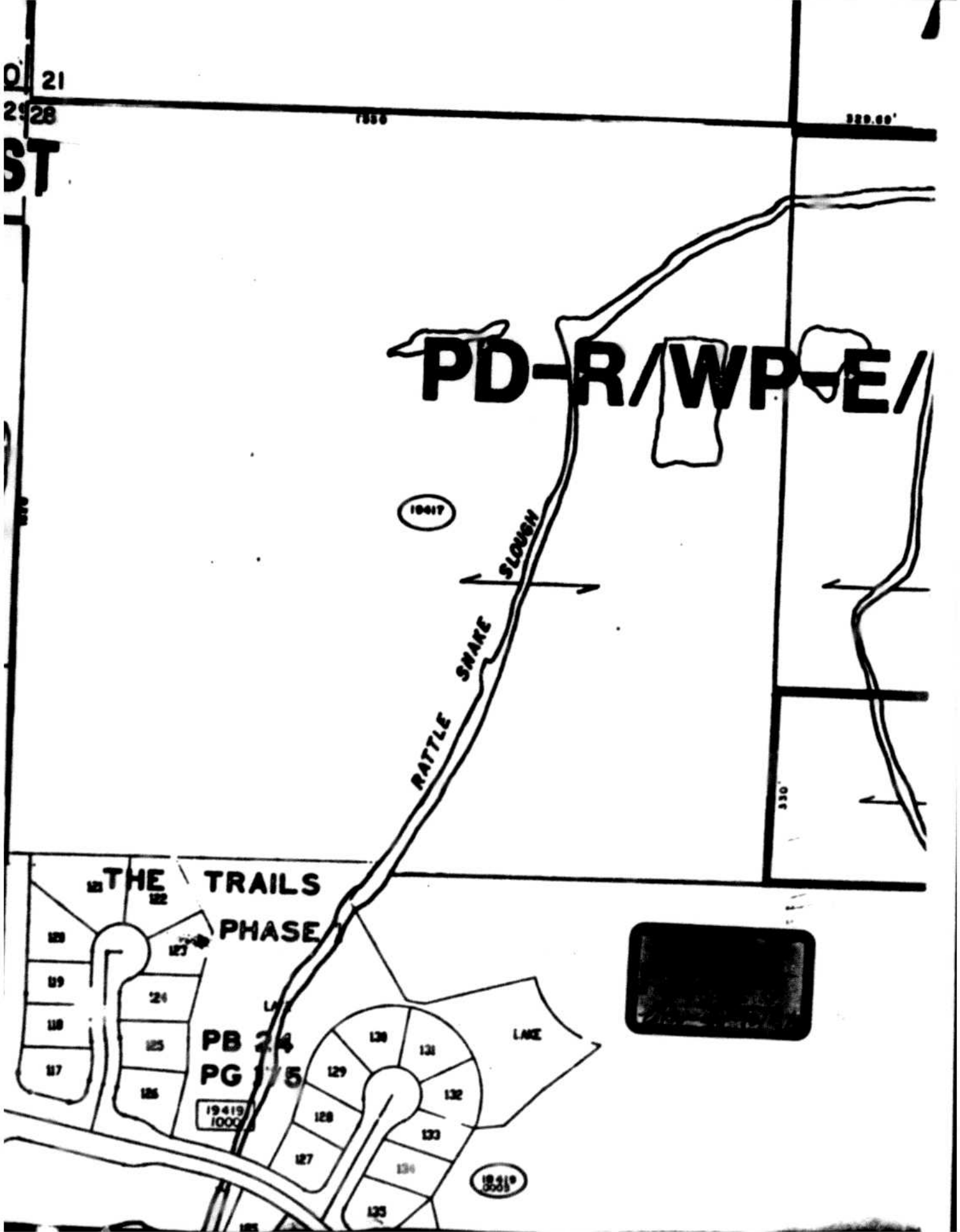
THE TRAILS PHASE

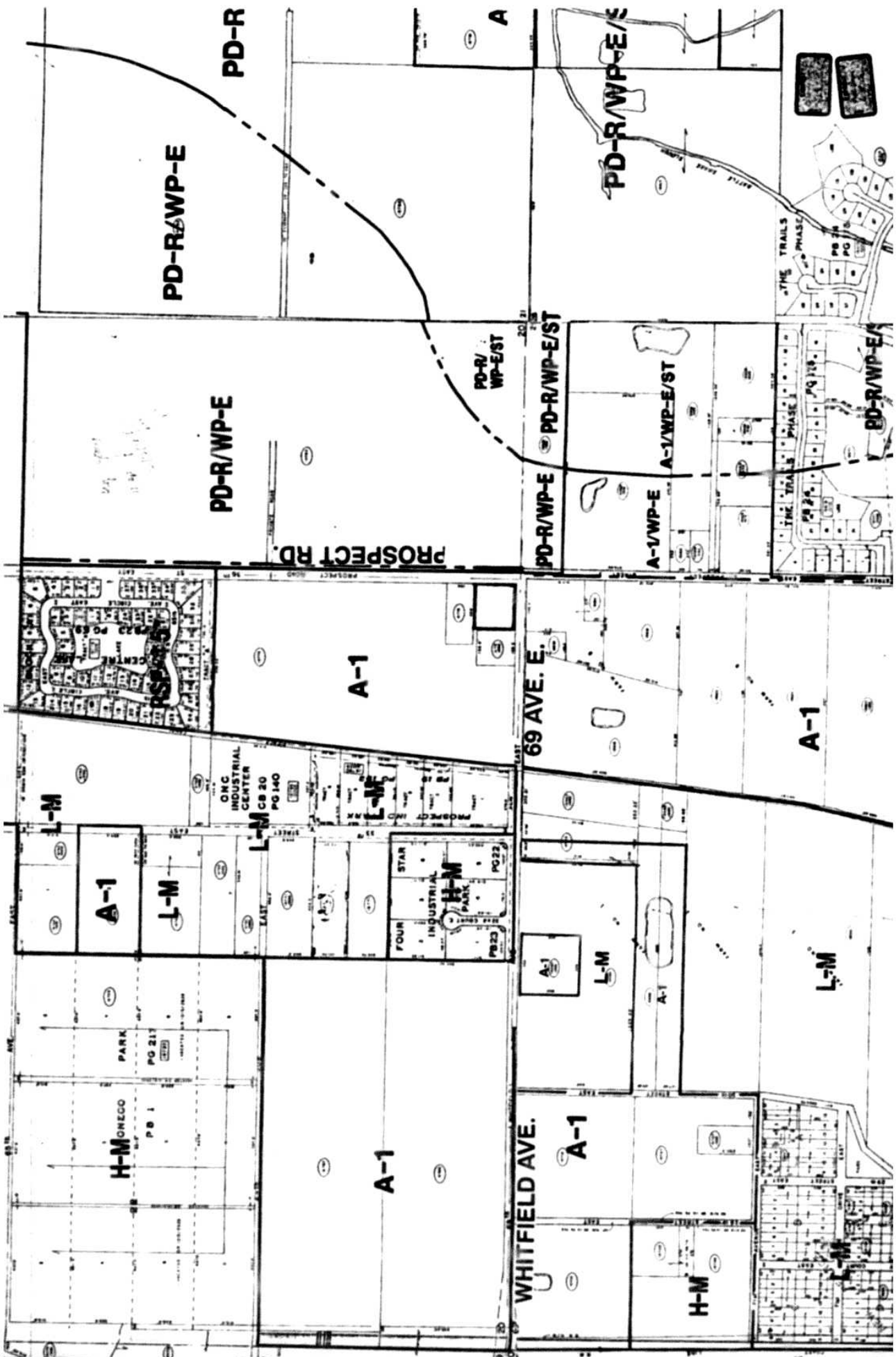
PB 24
PG 175

19419
1000

LAKE

18519
3551





PD-R/WP-E

PD-R/WP-E

PROSPECT RD.

A-1

PD-R/WP-E/ST

PD-R/WP-E

A-1/WP-E

A-1/WP-E/ST

PD-R/WP-E/E

69 AVE. E.

A-1

L-M

A-1

L-M

ONC INDUSTRIAL CENTER
CG 20
PG 140

L-M

STAR INDUSTRIAL PARK
H-M
PG 222
PG 223

A-1

L-M

A-1

L-M

H-M
MORRIS PARK
PG 217
PG 218

A-1

WHITFIELD AVE.

A-1

H-M

