

H.O. 07/17/02

**PDC-98-01/SP-02-03 - Market Place West 2-COP Permit**

Request: Approval of a Special Permit to allow three(3) 2-COP (Beer & Wine, Consumption on Premises) Alcoholic Beverage Licenses as accessory uses to restaurants within the shopping center. Market Place West is located at the southwest corner of 34<sup>th</sup> Street West and 53<sup>rd</sup> Avenue West the PD-C (Planned Development Commercial) zoning district (16.28+ acres).

App Received: 02/02/02

D.R.C.: 02/15/02

Hearing Officer: 07/17/02

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 Dave Gustafson, who, after having first been duly sworn and put upon oath, says as follows:

1. That he/she is the Agent (owner, agent for owner, attorney in fact for owner, etc.) of the property identified in the application for Special Permit No. PDC-98-01/SP-02-03 - Market Place West/COP, to be heard before the Manatee County Hearing Officer at a public hearing to be held on July 17, 2002, 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 3 feet from the front property line on the 28 day of June, 2002.

3. That the Affiant has caused the mailing of the required letter of notification to property owners within 500 feet of the project boundary pursuant to Manatee County Ordinance No. 90-01, as amended, by U.S. Mail, on the 28 day of June, 2002, and attaches hereto, as a part of and incorporated herein, a complete list of the names and addresses of the persons entitled to notice.

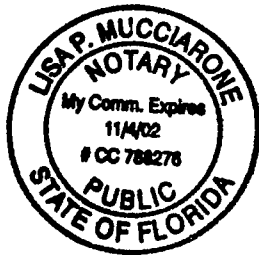
4. That Affiant is aware of and understands that failure to adhere to the provisions of Manatee County Ordinance No. 90-01, as it relates to the required public notice, may cause the above identified hearing to be postponed and rescheduled only upon compliance with the public notice requirements.

FURTHER YOUR AFFIANT SAITH NOT.

[Signature]  
Property Owner Agent Signature

SIGNED AND SWORN TO before me on 6/28/02 (date) by Dave Gustafson (name of affiant). He she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

SEAL



Lisa P. Mucciarone  
Signature of Person Taking Acknowledgment

Lisa P. Mucciarone  
Type Name

\_\_\_\_\_  
Title or Rank

\_\_\_\_\_  
Serial Number, if any

My Commission Expires: 11/4/02

Commission No.: 788276

38539759  
1ST NATIONAL BANK & TRUST  
5817 MANATEE AVE W  
BRADENTON FL 34209

5188540107  
BENNETT, BROOKE A  
3806 52ND DR W  
BRADENTON FL 34210

5188540057  
FOSTER, DONALD A  
3802 52ND DR W  
BRADENTON FL 34210

5188540206  
LAM, VICTOR  
391 TAMiami TRL S  
VENICE FL 34285 2423

5188510039  
NB/85 ASSOCIATES  
570 DELAWARE AVENUE  
BUFFALO NY 14202

6145550502  
SCHOOL BOARD OF MANATEE  
COUNTY  
P O BOX 9069  
BRADENTON FL 34206 9069

6145400109  
BENDERSON DEVELOPMENT  
COMPANY INC  
570 DELAWARE AVENUE  
BUFFALO NY 14202

5264700005  
BOYS CLUB OF MANATEE COUNTY  
INC  
PO BOX 315  
BRADENTON FL 34206

5188541808  
GERAGHTY, THOMAS J  
5149 39TH W  
BRADENTON FL 34210

5264300004  
MACRAE, DOUGLAS WHITNEY  
6405 APPLE ROAD  
SEBRING FL 33875 6166

5188540156  
SCHNEIDER, MARGARET W  
3904 52ND DR W  
BRADENTON FL 34210

5188541907  
TOLENTINO, STEPHEN M  
5157 39TH ST W  
BRADENTON FL 34210

6145400159  
BENDERSON DEVELOPMENT  
COMPANY INC  
570 DELAWARE AVENUE  
BUFFALO NY 14202

5264100008  
FITZPATRICK, PAUL  
3308 52ND AVENUE DR W  
BRADENTON FL 34207

5188540958  
HOUK, RICHARD L  
5158 39TH ST W  
BRADENTON FL 34210

5188541857  
METCALF, ROBERT L  
5153 39TH ST W  
BRADENTON FL 34210 3273

6100200002  
SCHOOL BOARD OF MANATEE  
COUNTY  
P O BOX 9069  
BRADENTON FL 34206

5188541956  
WEST GLENN HOME OWNERS  
501 BAYVIEW DR  
HOLMES BEACH FL 34217 2140

SARASOTA HERALD TRIBUNE  
PUBLISHED DAILY  
SARASOTA, SARASOTA COUNTY, FLORIDA

MANATEE COUNTY GOVERNMENT  
1112 MANATEE AVE W, 4<sup>TH</sup> FLOOR  
BRADENTON, FL 34206

STATE OF FLORIDA  
COUNTY OF MANATEE

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

NOTICE OF ESTABLISHMENT OR CHANGE

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

JULY 5, 2002

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 Moya Neville

SWORN TO AND SUBSCRIBED BEFORE ME THIS 5<sup>TH</sup> DAY OF  
JULY A.D., 2002 BY MOYA NEVILLE WHO IS  
PERSONALLY KNOWN TO ME.

(SEAL) [Signature]  
OFFICIAL NOTARY SEAL  
BOBBIE J CLARK  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC968394  
MY COMMISSION EXP. OCT. 11, 2004

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 Hearing  
Officer for Manatee County, will conduct a Public  
Hearing on Wednesday, July 17, 2002 at 3:00  
P.M. in the Chambers of the Board of County  
Commissioners, located at the Manatee County  
Administrative Center, 1112 Manatee Avenue  
West, 1st Floor, Bradenton, Florida to consider  
and act upon the following matter:

PDC-98-01/SP-02-03 - MARKET PLACE WEST  
2-COP PERMIT

Approval of a Special Permit to allow three (3) 2-  
COP (Beer & Wine Consumption on Premises)  
Alcoholic Beverage Licenses as accessory uses  
to restaurants within the shopping center. Market  
Place West is located at the southwest corner of  
34th Street West and 53rd Avenue West in a PDC  
(Planned Development Commercial) zoning  
district (± 16.28 acres).

SP-01-09 - PLS PROPERTIES/ACME TOWER -  
FT. GREEN SITE

Approval of a Special Permit for a 280 ft. tall  
lattice telecommunications structure in the A/WP-  
M/ST (General Agriculture, 1 dwelling unit per 5  
acres/Watershed Protection Manatee/Special  
Treatment Overlay) zoning district. The site is on  
the south side of S.R. 62, at 45055 S.R. 62,  
approximately 2.5 miles east of Duetta and 1.5  
miles west of the Hardee County line (± 113.4  
acre parent parcel and a 1.11 acre lease parcel).

VA-02-01 - KENNETH WALKER

Approval of a Variance to the minimum flood  
elevation requirements to allow an addition to an  
existing historic structure to match the existing  
finished floor elevation of 6.36' feet. The site is in  
the RSF-6/CH/HA (Residential Single Family - 6  
dwelling units per acre/Coastal High Hazard  
Overlay/Historical and Archaeological Overlay)  
zoning district. The existing structure is in an A-  
13 (E1 11') flood zone. The site is at 12007 45th  
Avenue West, Cortez (Lot Area = ± 10,902 sq.  
ft.).

VA-01-14 - MEIERS

Approval of a Variance to allow a six (6) foot high  
concrete wall along the front property line. The  
property is zoned RDD-6 (Residential Duplex-  
6 units per acre). The Future Land Use  
Designation is RES-6 (Residential Single-Family-  
6 dwelling units per acre). Located at 401 63rd  
Avenue West, Bradenton Florida (Lot Area  
26,000 sq. ft.).

Rules of Procedure for this public hearing are in  
effect pursuant to Sections 502.6.6 and 505 of  
the Manatee County Land Development Code.  
Copies of these sections of the Code are  
available for review at the Planning 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 Planning 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 Planning Department,  
1112 Manatee Avenue West, 4th Floor,  
Bradenton, Florida, telephone number (941) 749-  
3070. Anyone wishing to receive a copy of the  
Hearing Officer's Notice of Intent and Final Order  
on the Special Permit must request so in writing  
and furnish the Planning Department with two  
stamped, self-addressed envelopes.

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  
his meeting as provided for in the ADA, should  
contact Keycee Ellis at 742-5800; TDD ONLY  
742-5802 and wait 60 seconds; or FAX

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

MANATEE COUNTY HEARING OFFICER  
Manatee County Planning Department  
Manatee County, Florida  
Published: July 5, 2002

# BRADENTON HERALD

www.bradenton.com  
 P.O. Box 921  
 Bradenton, FL 34206-0921  
 102 Manatee Avenue West  
 Bradenton, FL 34205-8894  
 941/748-0411 ext. 7065

Bradenton Herald  
 Published Daily  
 Bradenton, Manatee, Florida

STATE OF FLORIDA  
 COUNTY OF MANATEE;

Before the undersigned authority personally appeared Sandy Riley, 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 OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND IN UNINCORPORATED MANATEE COUNTY** in the Court, was published in said newspaper in the issues of, 7/5'02 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.

*Sandy Riley*  
 (Signature of Affiant)

Sworn to and subscribed before me this  
 8th Day of July, 2002

DIANE S. BACRO  
 Notary Public - State of Florida  
 My Commission Expires Aug 15, 2003  
 Commission # CC963180

*Diane S. Bacro*  
 SEAL & Notary Public  
 Personally Known  OR Produced Identification \_\_\_\_\_  
 Type of Identification Produced \_\_\_\_\_

RECEIVED JUL 11

**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, July 17, 2002 at 3:00 P.M. in the Chambers of the Board of County Commissioners, located at the Manatee County Administrative Center, 1112 Manatee Avenue West, 1st Floor, Bradenton, Florida to consider and act upon the following matter:

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Rules of Procedure for this public hearing are in effect pursuant to Sections 502.6.6 and 505 of the Manatee County Land Development Code. Copies of these sections of the Code are available for review at the Planning 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 Planning 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 Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 749-3070. Anyone wishing to receive a copy of the Hearing Officer's Notice of Intent and Final Order on the Special Permit must request so in writing and furnish the Planning Department with two stamped, self-addressed envelopes.

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; TDD ONLY 742-5802 and wait 60 seconds, or FAX

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

MANATEE COUNTY HEARING OFFICER  
 Manatee County Planning Department  
 Manatee County, Florida  
 7/5/02