

P.C. 01/08/04

PDC-00-11(P)(R4) - UNIVERSITY PARK CENTER

Request: Approval of a Revised General Development Plan to Preliminary Site Plan Standards for a 203,456 square foot discount supercenter with an attached 22,291 square foot garden center, a 5,000 square foot fire station, a 4,364 square foot bank, and an 11,700 square foot retail store. This project is on the north side of University Parkway on both sides of Honore Avenue. Present zoning: PDC/WP-E/ST (Planned Development Commercial/Watershed Protection - Evers/Special Treatment Overlay Districts) (±34.52 acres).

App Received: 08/09/02

D.R.C. 08/09/02

P.C.: 07/10/03, 09/11/03
10/09/03, 11/06/03,
12/11/03, 01/08/04

B.O.C.C.: 12/8/03, 01/22/04

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be INCONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to RECOMMEND DENIAL of the amended Preliminary Site Plan PDC-00-11(P)(R4).

PLANNING COMMISSION ACTION:

On July 24, 2003 PDC-00-11(G)(R-4) was continued to September 11, 2003.

On September 11, 2003, by a vote of 7 - 0, the Planning Commission CONTINUED the public hearing for PDC-00-11(G)(R-4) to October 9, 2003.

On October 9, 2003, by a vote of 6 - 0, the Planning Commission CONTINUED the public hearing for PDC-00-11(G)(R-4) to November 6, 2003.

On November 6, 2003, the public hearing for PDC-00-11(G)(R4) was CONTINUED to December 11, 2003.

BOARD OF COUNTY COMMISSION ACTION:

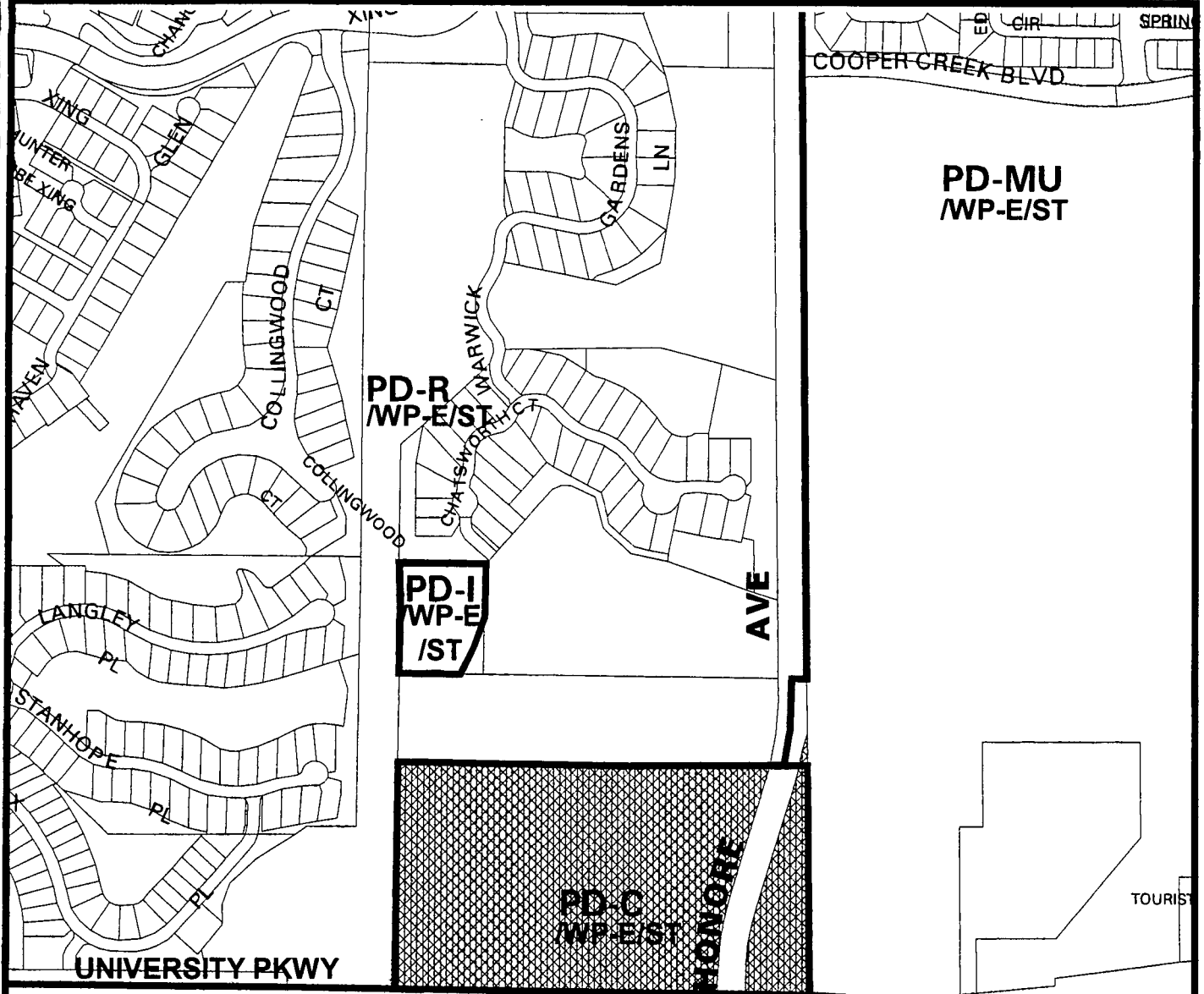
On December 8, 2003, the public hearing for PDC-00-11(G)(R4) was CONTINUED to January 22, 2004.

PUBLIC COMMENT/CORRESPONDENCE:

There was no public comment and no correspondence was entered into the record for this case at the July 24, 2003, September 11, 2003, October 9, 2003, and

November 6, 2003 Planning Commission and December 8, 2003 Board of County Commission public hearings.

The following people spoke in opposition to the project at the December 11, 2003 Planning Commission public hearing: Ms. Patricia Petruff, Mr. Jarvis Lynch, Mr. Robert Fulp, and Mr. Darren Stowe representing SAEVN; Mr. Rohan Andrew; Mr. Joe McNeill; Mr. Ron Hyatt; Mr. Arnold Kneitel; Mr. Robert Goldschmidt; Ms. Mary McFate; Mr. Philip Marblestone; Mr. Tom Dolsan; Ms. Alice Muehlbach; Mr. Donald Goodman; Ms. Gloria Case; Ms. Wilhelmina McFee; Mr. Lowell Carlson; Ms. Glenda Auxier; Mr. Henry Mosler; Mr. Anthony Coco; Mr. Bill Grimwald; Mr. David Levy; and Mr. Ben Bachulis. The following people spoke in favor of the project: Mr. Ray Korsch and Mr. Joe Moniz.



SARASOTA COUNTY

Project Number: PDC-00-11(G)(R4)
Proposed Use: PRELIMINARY SITE PLAN APPROVAL
Proposed Zoning: N/A
Existing Zoning: PD-C/WP-E/ST
Existing FLUC: MU
Flood Zone: AE,X,X5
Floodway: NO
Acreage: 34.52
Drainage Basin: CEDAR CREEK, COOPER CREEK
Commissioner: Jonathan Bruce
Map Prepared: May 21, 2003
Requested By: UNIVERSITY PARK CENTER/WALMART
Section: 0,35,36 Township: 0,35 Range: 0,18

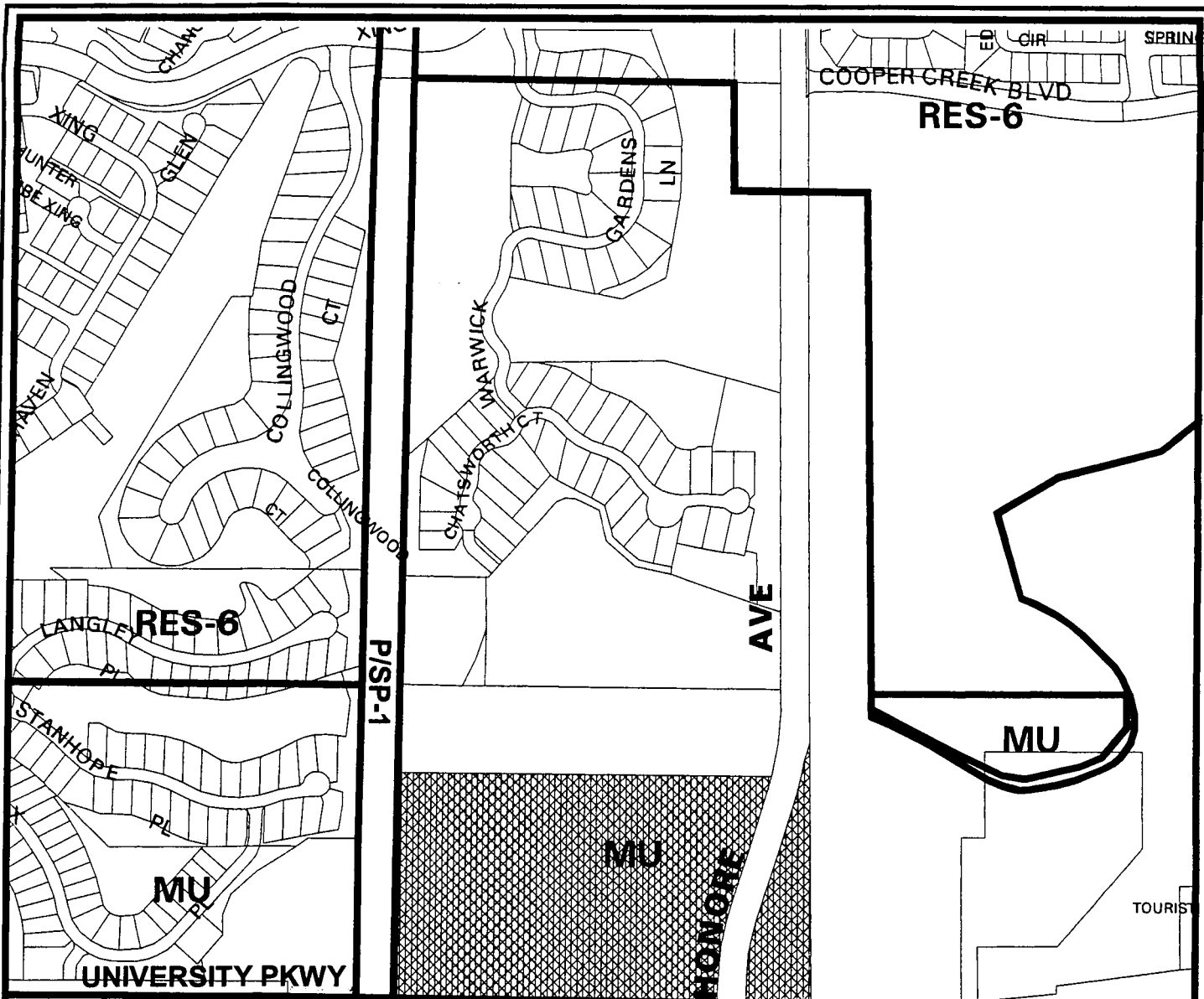
Tax I.D.: 205410014
 205410025
 205410011

**Manatee County
 Zoning
 Staff Report Map**

1 inch = 620'

Overlays:
 ST, AI, HA, WR, RV, ST
 Watershed: WP-E
 Coastal Hazard: Not Available
 Special Areas: NONE
 State? NO
 Coastal High Hazard Line





SARASOTA COUNTY

Project Number: PDC-00-11(G)(R4) **Tax I.D.:** 205410014
Proposed Use: PRELIMINARY SITE PLAN APPROVAL **205410025**
Proposed FLUC: N/A **205410011**
Existing Zoning: PD-C/WP-E/ST
Existing FLUC: MU
Flood Zone: AE,X,X5
Floodway: NO
Acreage: 34.52
Drainage Basin: CEDAR CREEK, COOPER CREEK
Commissioner: Jonathan Bruce
Map Prepared: May 21, 2003
Requested By: UNIVERSITY PARK CENTER/WALMART
Section: 0,35,36 **Township:** 0,35 **Range:** 0,18

Manatee County
Future Land Use
Staff Report Map
1 inch = 620'

Overlays:
 ST, AI, HA, WR, RV, ST
Watershed: Evers
Coastal Hazard: NO
Special Areas: NONE
State? NO
Coastal High Hazard Line

CASE SUMMARY

CASE NO.: PDC-00-11(P)(R4)

APPLICANT: FBBT Associates, V.E. Associates Inc., & Ranger I-LCC
/University Park Center

REQUEST: Approval of a revised General Development Plan to Preliminary Site Plan standards.

STAFF
RECOMMENDS: Denial

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- The applicant seeks a Revised Site Plan for a 203,456 square foot discount supercenter with an attached 22,291 square foot open garden center, a 5,000 square foot fire station, a 4,364 square foot bank, and an 11,700 square foot retail store. The project is at the northeast and northwest corners of University Parkway and Honore Avenue.
- To the NORTH is vacant land approved for multi-family residences zoned PDR/WP-E/ST and an FP&L substation zoned PDI.
- To the SOUTH is University Parkway. Across University Parkway is vacant land in Sarasota County.
- To the EAST is a developing shopping center named University Consumer Square (Part of the Cooper Creek DRI) zoned PDMU/WP-E/ST.
- To the WEST are FP&L transmission lines, a herbaceous wetland, and single-family residences in University Park Golf and Country Club (UPCC) (Unnamed Exclusive DRI) zoned PDR/WP-E/ST.

UPDATE:

The site plans provided in the Planning Commission's agenda packets were modified to:

- accurately depict the location of reinforced pavement in the parking lot and drive aisles;
- identify 50 foot radiuses at corners for truck turning;

- **increase foundation landscaping to achieve 40 sq.ft. per 1,000 sq. ft. of gross floor area;**
- **identify more loading spaces; and**
- **increase the truck well wall from 10 to 16 feet.**

A noise study was submitted to the Planning Department and has received preliminary review by staff and the county's consultant. Additional information was requested, and as of January 2, 2003, this information has not been provided by the applicant. It is anticipated that the information will be submitted prior to the January 8th hearing date.

Modified stipulations, if the project is approved, are identified in strike thru and underline format.

REQUEST: (NL)

The request is to revise the approved site plan for University Park Center. University Park Center is a 34.52 acre parcel on the north side of University Parkway and on both sides of Honore Avenue.

Site History

This site is part of the property that was approved as the Arvida DRI in 1986.

The Arvida DRI was abandoned in 1995, pursuant to Manatee County Resolution 95-24. 164.23 acres of Arvida were incorporated into the adjoining Unnamed Exclusive Golf and Country Club DRI through a NOPC and subsequently developed as the residential subdivisions of Warwick Gardens, Stanhope Gate, and Lennox Gardens.

At the same time, the remaining 51.46 acres of Arvida received General Development Plan approval for a sub-DRI threshold development called Arvida Corporate Park. That site plan showed 200,000 square feet of commercial and 40,000 square feet of office near the intersection of University Parkway and Honore Avenue, and multi-family residential and hotel/short term seasonal rentals on the northern and western portions of the site, abutting UPCC and the FP&L easement.

On March 27, 2001, Manatee County approved two new site plans on the 51.46 acre Arvida Corporate Park GDP and 13.8 acres extracted from the Unnamed Exclusive Golf and Country Club DRI. These plans included:

Colonial Trace, a 264 unit multi-family development on the northern 28.8 acres (15 acres from the 1995 Arvida GDP and 13.8 acres from the Unnamed Exclusive Golf and Country Club DRI) .

University Park Center, a 223,000 square foot commercial shopping center on the southern 34.52 acres. This plan included a 177,550 square foot linear shopping center on the northern portion of the site, with 5 outparcels west of Honore Avenue and 2 outparcels east of Honore Avenue.

There were two driveways approved to Honore Avenue. Additionally, there was a third driveway approved from the site through Colonial Trace which extends north to Honore Avenue (approximately 1/4 mile north of University Parkway). On University Parkway, a right-turn in and out only access was approved near the western boundary of the project.

A Preliminary Site Plan (PDC-00-11/PSP-01-40) for the shopping center was administratively approved on June 29, 2001. This plan included minor shifts in building area on the site.

Final Site Plans have been approved for two outparcels:

A 4,553 square foot Republic bank (PDC-00-11/FSP-02-22) on Outparcel B (west of Honore Avenue) on November 6, 2002.

A 11,200 square foot Eckerd's (PDC-00-11/FSP-02-42) on Outparcels A and G (east of Honore Avenue) on September 6, 2002.

On July 30, 2002, the Board denied a request to amend Stipulation 14 of the Zoning Ordinance. The request was to change the timing for completion of the required transportation improvements prior to the first Certificate of Occupancy to Certificate of Occupancy for the main shopping center.

On February 4, 2003, The Board approved a request to change the timing for completion of the required transportation improvements prior to the first Certificate of Occupancy, excluding Out-Parcels A, B, or G, and require the improvements be guaranteed with performance security. See stipulations for status of improvements.

The current request is to modify the approved site plan on the 31.13 acre parcel on the west side of Honore Avenue. Essentially the applicant's proposal is to replace the linear shopping center with a "Big Box" retail establishment. Substantial issues associated with this request include the bulk and mass of the structure as viewed from University Parkway and adjacent residential uses, noise impacts associated with loading and truck maneuvering areas, and parking. Because a noise study has not been provided for staff to evaluate potential impacts to adjacent properties, staff recommends denial based upon the information submitted by the applicant. Staff is unable at this time to find the request to be consistent with Policies ~~2.1.2.1~~, 2.1.2.7, and 2.6.1.1 of the Comprehensive Plan.

2.1.2.1

POSITIVE ASPECTS OF THE APPLICATION

- **The building and parking maintain significantly greater setbacks from the western property line.**
- **The main loading areas are further from residences to the west.**

NEGATIVE ASPECTS OF APPLICATION

- **The big box building is closer to University Parkway.**
- **The building, service, and loading area is closer to the multi-family site to the north.**
- **Open space is being decreased and building area is being increased.**
- **This proposal will increase the number of trips generated to and from the site.**
- **Inadequate documentation has been provided to assess noise impacts.**
- **The introduction of an outdoor garden center on the west side of the building may create noise impacts on adjacent residential properties.**
- **Three parking areas for a single user building may cause confusion.**
- **Traffic associated with the proposed 24-hour facility which shares access with a proposed multi-family development to the north creates compatibility concerns, especially at night.**

MITIGATING FACTORS

- **Enhanced architectural design is proposed and increased street frontage buffering is stipulated.**
- **A six foot wall above the existing berm to the north may partially mitigate the impact to the north.**
- **A revised traffic study and an amended CLOS is required prior to FSP approval.**
- **The Garden Center will maintain a distance of almost 423 feet from the closest residence in University Park Country Club.**

- **To mitigate noise and traffic impacts, staff recommends reduced hours of operation.**

STIPULATIONS:

If approved, staff recommends the following stipulations (underlining and strike thru represents new and deleted language since the December 11, 2003 hearing):

1. Use and Operation Restrictions

- A. Outparcel uses shall be limited to retail sales establishments, banks (including drive-thru), business service establishments, offices, personal service establishments, and a fire station.
- B. Exhaust and other filtering systems in Food Service Establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the Environmental Management Department Air Quality Section with each Final Site Plan containing a Food Service Establishment or use. At its option the applicant may defer compliance with this stipulation to receipt of a building permit, following approval by the Planning Department.
- C. Exterior (which includes the outdoor garden center) loud speakers, bells, or similar audio-communication shall not be permitted west of Honore Avenue provided, however, directed (non broadcast) communication devices and intercoms shall not be restricted. "Directed (non broadcast)" shall mean not plainly audible to a person greater than 10 feet from the source.
- D. Tractor trailer or semi-trucks involved in deliveries on the west side of Honore Avenue shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. ~~For the property located west of Honore Avenue, and~~ During the period of time between 10:00 p.m. and 7:00 a.m., there shall be no:
 - delivery, loading or unloading of tractor trailer or semi-trucks;
 - use of forklifts or other loading or unloading devices; and
 - running of truck or trailer motors, or other refrigeration devices installed thereon.

Tractor trailer or semi-trucks shall not be permitted to utilize the driveway through the Colonial Trace project to the north. Prior to Certificate of Occupancy for the Big Box store the Developer shall install signage at the property line indicating this restriction.

- E. The hours of operation for the discount super center shall be limited between 7:00 a.m. and 11:00 p.m.
- F. No storage facilities or trailers, except those associated with active loading, shall be allowed on site.

- G. Recycling facilities shall not be visible from any street or residential property.
- H. The display and sale of vehicles shall not be permitted.
- I. The overnight parking of recreational vehicles is not permitted.

2. Design Related

- A. The architectural design of the main building and perimeter walls shall be substantially consistent with the elevations and perspective entered into the record at this hearing (Attachment A).
- B. All rooftop mechanical equipment shall be screened from view from abutting roadways or adjacent residential properties. Screening shall be provided by materials consistent with the building. Details, including a roof plan showing the location of such equipment, shall be shown prior to Final Site Plan approval and verified prior to any Certificate of Occupancy for the corresponding building.
- C. One freestanding pole sign, in compliance with Section 737.5.3.3 shall be allowed along University Parkway and one along Honore Avenue for the entire project. Any additional signs that may be permitted along these street frontages shall be limited to ground signs, in compliance with Section 737.5.3.3, and all other signs permitted by the Land Development Code.
- D. All external lights shall be "box lighting," directed downward to the ground. Lighting directly west of the big box building and garden center and on the north side of the big box shall not be in excess of 20 feet high. Lighting on the balance of the shopping center site shall be limited to 35 feet in height. There shall be no more than 1 foot candle of spill light measured in the horizontal or vertical plane at a point 5 feet inside the adjacent residential property. The applicant shall submit a Photometric Plan at time of Final Site Plan approval which shall include the proposed design of all lighting. Building security lighting shall be mounted and directed downward.
- E. No truck loading, service areas, and outside storage shall be visible from University Parkway or Honore Avenue.
- F. Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade.
- G. A continuous walkway shall be provided from the store's main entranceways to the northern most parking field on each side of the building. The specific location and design shall be determined with the Final Site Plan approval.

3. Landscape and Buffer Related

- A. Unless otherwise approved by the Planning Department, existing native trees, shrubs, and ground covers within the buffers along University Parkway (for the outparcels) and Honore Avenue shall be preserved. Sufficient area around the trees and appropriately designed tree wells shall be required as determined by a registered Landscape Architect to reasonably guarantee their survival.
 - B. A six foot high wall shall be erected on top of the berm on the adjacent site to the north prior to any Certificate of Occupancy for the big box store. If the adjacent property owner does not grant the applicant an easement or permission to accomplish this, then the applicant shall provide an eight ten foot high wall along the north property line from the FP&L substation to the cross access drive to the north.
 - C. The 50 foot wide landscape buffer along University Parkway west of Outparcel 1 shall contain an earthen berm a minimum of three feet (3') in height, as measured from the edge of pavement adjoining University Parkway west bound travel lanes. This buffer shall be planted with two rows of canopy trees (4 - 5" caliper at least 12 feet in height and 4' spread) spaced 50' on-center. The two rows will be offset from each other to give the appearance of trees located 25' on-center. The earthen berm shall be located adjacent to University Parkway.
 - D. The oak trees along the western property line shall be a minimum of 5-inch caliper at time of planting. In order to increase the screening between the UPCC residences and proposed building, a second row of trees shall be planted between the 2.22 acre retention pond and the parking lot west of the building. Beginning at the east-west drive aisle on the south side of the big box store, a row of 5-inch caliper oak trees, spaced 40 feet on center shall be installed prior to Certificate of Occupancy. The row of trees shall wrap around along the north side of the parking lot to the loading area.
 - E. The wall along the western property line shall be consistent in design with the plans submitted (Attachment B). The wall shall be reduced to 6 feet in height along the southern 250 feet of the western property line. The wall shall be setback a minimum distance of 15 feet from the property line and all required landscaping shall be on the outside of the wall. In lieu of the 6 foot high wall along the southern 250 feet of the western property line, the Planning Director or designee may approved a landscape buffer consisting of Wax Myrtle trees.
 - F. Any chain link fence visible from Honore Avenue or University Parkway shall be completely screened by landscaping.
4. Transportation Related
- A. Prior to and as part of Final Site Plan approval, the driveway extending north from this site to Honore Avenue at a location approximately one fourth (1/4) mile north of University Parkway, shall be included in the Final Site Plan approval, or as part of a Final Site Plan approval for the pending residential projects to the north. Prior to June 30, 2003, this driveway shall be constructed to Honore Avenue and a cross-access easement recorded. (Completed)

- B. An ingress/egress easement extending from the driveway in the multi-family parcel located north of this site to Honore Avenue through this project shall be recorded prior to the first Certificate of Occupancy west of Honore Avenue. (Completed)
- C. The southern-most access on Honore Avenue and the access on University Parkway shall be limited to right-turn in and out only.
- D. The following transportation improvements shall be completed prior to June 30, 2003:
 - (1). The intersection of University Parkway & Honore Avenue:
 - (a) Dual eastbound left-turn lanes. (Completed)
 - (b) Westbound right-turn lane. (Completed)
 - (c) Dual southbound left-turn lanes. (Completed)
 - (d) Exclusive southbound right-turn lane. (Completed)
 - (e) Southbound through lane. (Completed)
 - (2). The intersection of Honore Avenue and the northern-most access (shared with the approved Colonial Trace project):
 - (a) Signalize when warranted.
 - (b) Northbound left-turn lane.
 - (3). The intersection of Honore Avenue and the second access (approximately 720 feet north of University Parkway) may remain as a full access intersection until such future date as it shall meet one of the following criteria:
 - (a) five or more correctable type vehicular crashes within any consecutive 12 month period, or
 - (b) meets the FDOT/MUTCD intersection delay signal warrant, as determined by Manatee County, or
 - (c) where a traffic conflict study indicates a significant number of conflicts occurring at the intersection.

Upon meeting one of the above warrants, median access restrictions shall then be installed, at the discretion of Manatee County, in lieu of other types of traffic control devices.

The applicant shall notify all purchasers that this access may be restricted in the future by recording a Notice to Buyers of this stipulation in the public records of Manatee County. Closure of full access movements and removal of any improvements that utilize full access shall not be considered a taking.

 - (4). The proposed right in/out only access driveway on University Parkway
 - (a) Provide a westbound right-turn lane.
 - (b) Provide a westbound acceleration lane.

No Building Permits, except for Outparcels 1 or 2 (formerly Outparcels A, B, and G), shall be issued until these improvements are complete.

The Certificate of Occupancy for Outparcels 1 or 2 shall only be issued after the Environment Resource Permits necessary for these improvements are issued by the Southwest Florida Water Management District. A Temporary Certificate of Occupancy may be issued for stocking purposes for these outparcels.

Prior to Certificate of Occupancy for Outparcels 1 or 2, these transportation improvements (4.A thru D) shall be guaranteed with performance security pursuant to Manatee County standards.

- E. Prior to Final Site Plan approval for the Discount Super center, the applicant shall provide a revised traffic analysis and obtain a new CLOS.
- F. If the traffic study demonstrates that the southbound queuing on Honore Avenue blocks the first driveway, the applicant shall redesign the interior circulation in order to re-direct more of the exiting traffic to the second driveway.
- G. ~~Prior to the division of property west of Honore Avenue, Prior to next Certificate of Occupancy west of Honore Avenue,~~ cross access easements shall be recorded to allow all parcels to gain access to each driveway on Honore Avenue (including the one to the north through the Colonial Trace property) and University Parkway.

5. Environmental Related

- A. A Wetland Buffer Restoration Plan for should be submitted to the EMD for review with the Final Site Plan in accordance with Section 719.11.2.1. of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
- B. The developer shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a "Conservation Area". The type and location of such signs shall be shown and approved by the EMD with the Final Site Plan.
- C. A Water Well Construction Permit must be obtained from the EMD prior to construction of any proposed well(s).
- D. Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and/or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans/Construction Plans are approved.
- E. Documentation demonstrating additional treatment of stormwater or compliance with OFW criteria shall be submitted to the EMD for review prior to Final Site Plan approval.

DETAILED CASE REVIEW

PRIMARY REVIEWERS

Norm Luppino (PD)	Compatibility, Timing, Health, Safety and Welfare, Consistency with LDC and Comprehensive Plan, Site Design
Mike Harrison (PD)	Impacts to Infrastructure (Public Utilities & Facilities)
Michel Tenney (PD)	Impacts to Infrastructure (Transportation, Concurrency)
Bill O'Shea (EMD)	Environmental Resource Impacts

DETAILED STAFF REVIEW OF THE PRELIMINARY SITE PLAN STANDARDS:

The **SITE PLAN** has addressed the Preliminary Site Plan standards of the Land Development Code, Section 603.4, as follows:

1. SITE DESIGN

The project concept is being changed from a "retail strip center" to a "big box" type of development. The number of out parcels is being reduced from 7 to 3. The number east of Honore are reduced from 2 to 1 and west of Honore from 5 to 2. The permitted uses on the remaining outparcels will now include a fire station. The "big box" includes a 200,816 square foot retail building and a 22,291 square foot attached outdoor garden center on the west side of Honore Avenue. In terms of development totals, the project is being changed as follows:

Enclosed Building Area	Approved PSP	Proposed PSP	Change
Main Building	180,000 sq.ft.	203,456 sq.ft.	+23,456 sq.ft.
Outparcels	43,000 sq.ft.	21,064 sq.ft.	-21,936 sq.ft.
Total	223,000 sq.ft.	224,520 sq.ft.	+1,520 sq.ft.
Open Building Areas			
Garden Center	0	22,291 sq.ft.	+22,291 sq.ft.
Overall Total	223,000 sq.ft.	246,811 sq.ft.	+23,811 sq.ft.
Parking Totals	1,264 spaces	1,152 spaces	-112 spaces
Open Space	40%	37.87%	- 5.3%

The building faces University Parkway with loading and service areas primarily at the rear of the building, facing the Colonial Trace site. The garden center is at the southwest corner of the building. The public entrances for the big box store are centrally located on the front facade.

The "big box" maintains setbacks of:

388 feet from University Parkway (346 feet for the garden center);
300 feet from the FP&L easement (263 feet for the garden center);
111 feet from Colonial Trace (multi-family) to the north.

The front facade height will be 29'- 4" feet with a 35 foot entrance vestibule and a rear facade height of 24'-8".

Parking and Circulation

The primary access points remain the same as the prior approval - three access points on Honore Avenue and 1 access point on University Parkway. Access on Honore Avenue consists of:

1. A right-turn in and out only, 250 feet north of University Parkway;
2. A full median access, 720 feet north of University Parkway; and
3. A full median access that will be shared with Colonial Trace, 1/4 mile north of University Parkway.

Because the second access on Honore Avenue is in close proximity to University Parkway, restricted access was contemplated at the time of original approval. The future traffic signal is to be at the northern most access that is shared with Colonial Trace.

The right-turn in and out driveway on University Parkway is located as approved pursuant to the Inter-local Agreement between Sarasota and Manatee Counties and LDC Section 741.

A new access for the fire station is shown just north of the 2nd access drive on Honore Avenue. This access may have an emergency signal.

1055 parking spaces are provided for the big box. This is a ratio of 1 space per 214 square feet of gross floor area, including the garden center. Parking for the big box store is divided into 4 areas. The primary parking lot in front of the building contains 455 spaces or 43% of the total. The remaining spaces are on both sides of the building, behind the front face of the building where the entrances are located and in an area north of Outparcel 1. The parking on the sides of the building are separated from the primary parking field by the main east-west drive aisle in front of the building and the parking north of Outparcel 1 is separated from the primary parking by a north-south drive aisle. Although these areas are visible from the main drive aisle, the separated parking areas on the sides of the building may pose some confusion.

Staff believes that the project provides adequate parking based on case studies for similar Wal Mart projects in Manatee County.

Parking requirements of LDC

General Retail Sales: 1 space/250 sq. ft. of gross floor area.

Grocery Store: 1 space/200 sq. ft. of gross floor area.

A parking ratio for a garden area is not defined in the Code. However, the definition of gross floor area references the horizontal areas of the buildings on a lot. The definition of building includes any structure that encloses a space used for sheltering any occupancy. This would include a garden center.

Parking at S.R. 70 Wal Mart 188,212 sq. ft. building area
16,972 sq. ft. garden center

Parking ratio on plan: 1 space/250 sq. ft. including garden center = 821 spaces required.

Parking provided: 961 spaces including 10 for cart corral. **Equates to 1 space/213 sq. ft.**

Parking at S.R. 64 Wal Mart 210,398 sq. ft. building area
15,655 sq. ft. garden center

Parking ratio on plan: 1 space/250 sq. ft including garden center = 904 spaces required.

Parking Provided: 1,061 spaces including 10 for cart corral. **Equates to 1 space/213 sq.ft.**

Parking at Cortez Rd Wal Mart 200,072 sq.ft. building area
9,252 sq.ft. garden center

Parking ratio on plan: 1 space/200 sq. ft for 1st 10,000 sq. ft; 1 space/250 sq.ft. for remainder = 827 spaces required. Note: No parking was calculated for outside garden center.

Parking Provided: 1,000 spaces. **Equates to 1 space/209 sq.ft.** Note: Includes garden center area.

Parking for proposed
U-Parkway Wal Mart 203,456 sq.ft. building area
22,291 sq.ft. garden center

Parking Provided: 1,055 provided. **Equates to 1 space/214 sq.ft.** Note: includes garden center area.

If this proposal utilizes the 1 space/250 sq.ft. (including garden center) ratio, the required parking would be: $225,747 \text{ sq.ft.} / 250 = 903 \text{ spaces}$.

If this proposal utilizes the 1 space/213 sq.ft. (including garden center) ratio as provided with the S.R. 70 and S.R. 64 Wal Marts, the required parking would be: $225,747 \text{ sq.ft.} / 213 = 1,060 \text{ spaces}$. As stated above, 1055 spaces are proposed. This is a deficit of only 5 spaces.

Service and Loading

The service and loading area is primarily between the building and north property line.

This area consists of 7 truck wells, trailer and pallet storage, lay away storage containers, and circulation, including a truck turn around area. At the closest point, the service area is setback 26 feet from the north property line. This will create greater impacts to the future residences to the north. The existing plan provided a 105 foot setback. Another loading zone facing the FP&L easement is next to the garden center.

Outparcels

Four outparcels, one east of Honore Avenue and two west of Honore Avenue are shown. On the east side of Honore Avenue, the one outparcel has been developed as an Eckerd's. On the west side of Honore Avenue, one of the parcels has been developed as a Republic Bank. The remaining outparcel north of Republic Bank will contain a 5,000 square foot fire station with a height of 25 feet. Each out parcel will provide its own parking.

Buffers

Buffers consist of:

50 feet along University Parkway, consistent with the prior approval. A two foot berm is proposed within the buffer.

131 feet along the western property line. This includes a 104 foot wide storm water retention pond. An eight foot high wall and oak trees are proposed within a 20 foot wide buffer along this property line.

A minimum of 26 feet along the north property line adjacent to the proposed multi-family project. Within the buffer is a retention area and a 20 foot wide upland buffer with a row of trees and an 8 foot wall. A 15 foot wide buffer is required by Section 715 between a retail commercial use and multi-family residential use.

A 30 foot buffer along Honore Avenue consistent with the prior approval.

The majority of the site is within a designated Entranceway. Because the proposed big box building is bigger and significantly closer to University Parkway than the approved shopping center, it is important that this project to project a high quality image. The applicant proposes an architectural design that breaks up the building to exhibit a strip shopping center appearance instead of a big box. In addition, staff recommends enhanced landscaping within the 50 foot buffer along University Parkway.

2. COMPATIBILITY

Transitioning and compatibility are issues of concern relative to this proposal.

Transitioning

The Future Land Use Map designates this site MU, which is the designation that is generally assigned to areas adjacent to or near Interstate intersections where more intense development is anticipated. This site is near the westernmost portion of the MU designation, approximately 1 mile from the Interstate. It serves, along with the adjacent 160 foot wide FP&L easement, as a transitional area between the more intensive commercial development to the east and the lower density residential developments to the west and north. This project will be the only site west of Honore Avenue developed for commercial between Honore Avenue and Palm Aire. All other development is residential. The next commercial parcel is located at the northeast corner of University Parkway and Whitfield Avenue. The parcel north of this site is approved for the Colonial Trace multi-family development.

With this request:

The main building is being converted from a multi-tenant to a single user (Big Box) design. This type of use typically draws from a bigger geographic area. Pursuant to ITE standards, average trip lengths are greater. The passerby trips for a freestanding discount store is about half that of a shopping center.

The increased area and dimensions of the building which will give the project a more massive appearance.

Compatibility

The proposed Big Box store maintains the following setbacks compared to the existing approval:

Location	Proposed	Approved	Difference
University Parkway	388 feet *	570 feet	-182 feet
FP&L Easement	300 feet **	70 feet	+230 feet
Colonial Trace Site	111 feet	180 feet	-69 feet

* The garden center maintains a setback of 346 feet.

** The garden center maintains a setback of 263 feet.

Impacts to UPCC

The Unnamed Exclusive Golf and Country Club DRI (a.k.a. UPCC) is a 1 d.u. per acre residential and golf course development to the west and separated from this site by a 160 foot wide FP&L easement with major overhead transition lines. A herbaceous wetland is on the southern most portion of the UPCC site, adjacent to the FP&L easement. Residential lots north of the wetland in Stanhope Gate are separated from the FP&L easement by a manmade berm within a 70 foot wide buffer on the UPCC property.

The closest residential lot in UPCC is setback 230 feet from this site, 493 feet from the garden center, and 530 feet from the "big box" store.

The overall depth of the "big box" is 435 feet compared to 190 for the approved plan. The buffer along the western property line consists of an eight foot high wall and a row of oak trees. The garden center and building are setback 263 and 300 feet respectively from the western property line at their closest points. However, the largest portion of the building maintains a setback of about 380 feet. The height of the rear of the building is 24'-8" to the top of the parapet. The front of the building (the facade facing from University Parkway) is 35 feet in height at the entrance towers and 29'-4" for the remainder of the building.

Lighting, noise, and the visual impact of the large building are important issues when reviewing this application for compatibility.

Lighting

The parking lot setback from the western property line has increased from 20 to 131 feet. However, more parking is located on the north side of the site facing UPCC. The loading and service area setback from the northern property line has decreased from 105 to 26 feet. Both areas are lighted. Two light poles are where retention was approved on the north side.

The existing approval's Stipulation 17 limits external lighting within 200 feet of the western property line of the shopping center site to 20 feet in height. A 35 foot height is permitted on the balance of the site. No more than 1 foot candle of spill light

measured in the horizontal or vertical plane at a point 5 feet inside the adjacent residential property is allowed. A provision was included in this stipulation to allow the planning staff to permit external lights to be up to 35 feet high if sufficient canopy trees and other landscaping along the western boundary demonstrates comparable performance.

The applicant does not propose to modify this stipulation. However, since there are greater impacts associated with more lighting being located on the northern portion of the site, staff recommends that the stipulation be modified to restrict all lighting directly west of the big box building and garden center and north of the big box building be restricted to 20 feet in height (Stipulation 2.D).

Noise

Noise impacts to the adjacent UPCC and the Colonial Trace site are a concern. The current approval restricted tractor trailer or semi-trucks involved in deliveries on the west side of Honore Avenue to the hours between 7:00 a.m. and 10:00 p.m. During the period of time between 10:00 p.m. and 7:00 a.m., there shall be no:

- delivery, loading, or unloading of tractor trailer or semi-trucks;
- use of forklifts or other loading or unloading devices; and
- running of truck or trailer motors, or other refrigeration devices installed thereon.

To evaluate the additional noise impacts associated with the current request, staff requested the applicant provide a noise study to determine the noise levels from trucks idling, loading, and unloading. In addition, noise from brakes releasing, hooking and unhooking trailers, dropping loading ramps, and flaps on lifts hitting trucks need to be considered. Staff requested that these impacts be evaluated as single events and not just averaged over an extended period. A prior analysis for the Wal-Mart Supercenter at U.S. 301 and State Road 70 yielded significant differences between single-event and "averaged" noise readings.

The property to the north is vacant and approved for a multi-family development (Colonial Trace). The buildings and loading/service areas maintain 111 and 26 foot setbacks respectively, from the northern property line. An 8 foot high precast concrete wall is proposed. The Colonial Trace site plan was approved with a 6 foot high berm and landscaping within a 60 foot wide buffer. Staff's analysis indicates that this will not effectively screen the buildings or service areas from the future Colonial Trace residences. As an alternative, staff recommends Stipulation 3.B which requires a six foot high wall on the berm. This significantly increases the buffering between the two uses.

The applicant has not provided a noise analysis. However, they have indicated that they intend be presented such an analysis to the Planning Commission. Staff has not been given an opportunity to review this analysis.

Visual Impacts

As stated earlier, the proposed big box is bigger than the approved shopping center building and significantly closer (570 vs. 346 feet) to University Parkway, a designated entranceway. The structure will be closer to the rear property line adjacent to Colonial Trace. A berm is proposed with enhanced tree plantings adjacent to University Parkway. In addition to the wall, a row of oak trees are proposed along western property boundary.

On September 3, 2003 the applicant conducted a balloon test to determine if and how much of the building would be visible from adjoining properties. Two helium filled balloons, raised to a height of 42 feet, were stationed to correspond with the south facade of the building where the entranceway gable peaks are proposed. Eight helium filled balloons, raised to a height of 28 and 29 feet, were stationed to correspond with the west and north facades of the building.

Staff drove thru several neighborhoods in UPCC to determine if the balloons were visible from any right-of-way and private property. These are the neighborhoods and what was observed:

Lennox Gardens	No visibility
Stanhope Gate	Visibility from street and several lots
Langley Park	Visibility from several lots
Richmond Park	Visibility from lots
Warwick Gardens	Visibility from lots
Marlow	No visibility

In conclusion, visibility was minimal. The visibility from Warwick Gardens will be eliminated when the multi-family development (Colonial Trace) is constructed. The visibility of the building from the other subdivisions will be further reduced or eliminated when the trees in the parking lot mature. Staff recommends more trees, larger trees, and change in tree specie to enhance this landscaping.

Impacts to proposed Colonial Trace project

This project may have greater impacts to the proposed multi-family site to the north than the existing approval. The building setback is reduced from 180 to 111 feet. The loading and service area is also closer.

Staff conducted a line of sight analysis and found that the 8 foot wall proposed by the applicant is insufficient to screen the proposed use. However placing a shorter wall

(6 foot) on a proposed berm on the Colonial Trace project significantly increases the screening between the two uses.

Another issue of concern is the noise from traffic associated with the shared access to the north. Multi-family units are proposed within close proximity to this shared drive. This request is for a 24-hour discount super center. Although there is not a prohibition of nighttime hours of operation with the existing approval, it is extremely rare for commercial businesses to remain open 24 hours. Those that do, such as some restaurants, are considerably smaller and would have significantly less impacts than the proposed discount center.

3. PUBLIC UTILITIES/FACILITIES

The site abuts two functionally classified arterial roadways. University Parkway is a 6 lane divided roadway with limited access. A right-turn in and out is approved as shown on the site plan. Honore Avenue is a 4 lane divided roadway in front of this site and then narrows to a 2 lane divided roadway further to the north. Honore Avenue is being extended northward and scheduled to be completed to the northern terminus of Cooper Creek DRI by December 31, 2003. The Villages at Lockwood Ridge project is committed to constructing the remaining segment of Honore Avenue from Mote Ranch to the eastern terminus of 63rd Avenue East. Timing will depend on how quickly Barrington is developed.

To avoid future congestion on Honore Avenue north of the University Parkway intersection, staff required this project and the University Consumer Square project (across Honore Avenue) to be designed so that their signalized access (when warranted) would be 1/4 mile north of University Parkway. Thus, although the middle driveway is being shown as a full median access with a signal, a stipulation limits this intersection in the future.

4. PRESERVATION/CONSERVATION

The site is a pasture with scattered trees, mostly pines. A wetland encroaches on the northeastern portion of the project adjacent to Honore Avenue. The required 30 foot wetland buffer is provided. Because this site is in both the Evers Watershed and Entranceway, 35 percent open space is required. The site plan indicates 37.87%.

Comments from the City of Bradenton Review Team requests a 20 percent reduction in parking spaces of since the project is located in the watershed. In this instance, staff does not support this request since it would diminish the viability of the project.

5. CONCURRENCY

A Certificate of Level of Service (CLOS) was approved with the prior approval which expires June 30, 2004. The applicant has not submitted an application to amend their

Certificate application for this proposal. If this project is approved, they will need to do this prior to Final Site Plan approval since the characteristics of the project are changing.

Manatee County staff conducted a preliminary study to estimate future traffic. Here is a comparison of the traffic counts:

	Daily Trips	P.M. Peak Hour	Passerby Trips	New Trips on external network
Existing Approval	11,271	1,168	392	776
Proposed (ITE Rates)	12,691	1,220	370	850
Cortez Rd Wal Mart rates	18,374	1,590	455	1,135
SR 70 Wal Mart Rates	16,200	1,385	408	977

Depending whether ITE rates or the case study is used, the number of new P.M. peak hour new trips is being increased by 74 or 359 from the current approval. This is somewhat of a concern because based on generalized county traffic tables and current reservations, University Parkway between Lockwood Ridge Road and I-75 is operating at Level Service F. The adopted Level of Service is D. A detailed traffic analysis will be required prior to Final Site Plan approval to determine if this project can maintain the adopted level of service.

6. CONSISTENCY WITH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE

The proposed Preliminary Site Plan must be in strict compliance with the Manatee County Comprehensive Plan. The following policies were considered in preparing this Staff Report and are important policies to review and consider in evaluating the proposed amendment:

Policy 2.10.3.3 Require that all proposed large commercial uses exceeding 150,000 square feet can be directly accessed from at least one roadway shown on the Roadway Functional Classification Map as arterial, at time of review for issuance of a development order. Furthermore, require that all access points be limited to:

- a highway
- highway or arterial frontage roads
- arterial roadways
- collector roadways

Policy 2.10.4.1 Limit the location of all new commercial development to well-defined nodes, or compact groupings, to:

- provide a reasonable compromise of predictable, yet flexible, commercial locations for all residents and business interests in Manatee County.
- increase safety and maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development and the multiple access points which are likely to accompany such linear commercial development.
- facilitate compliance with the commercial project access criteria contained in Objective 2.10.3.
- maximize the accessibility and viability of commercial development by using location and grouping to maximize the number of trips to the commercial site.
- establish conveniently located commercial uses for residents of Manatee County.

Policy 2.1.2.3 Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.

Policy 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include:

- consideration of existing development patterns,
- types of land uses,
- transition between land uses,
- density and intensity of land uses,
- natural features,
- approved development in the area,
 - availability of adequate roadways,
- adequate centralized water and sewer facilities,
- other necessary infrastructure and services.
 - limiting urban sprawl
 - (See also policies under Objs. 2.6.1 - 2.6.3)

Policy 2.2.1.21 MU Establish the Mixed-Use future land use category as follows:

Policy 2.2.1.21.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Map, areas which are established as major centers of suburban/urban activity and are limited to areas with a high level of public facility availability along expressways. Also, to provide incentives for, encourage, or require

the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

Policy 2.2.1.21.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Small, medium and large retail, wholesale, office uses, light industrial uses, research/corporate uses, warehouse/ distribution, suburban or urban residential uses, lodging places, recreational uses, public or semi-public uses, schools, hospitals, short-term agricultural uses, other than special agricultural uses, agriculturally-compatible residential uses, and water-dependent uses.

Policy 2.2.1.21.3 Range of Potential Intensity:

Maximum Floor Area Ratio: 1.0

Policy 2.2.1.21.4(b) Non-Residential uses exceeding 150,000 square feet of gross building area (large commercial uses) are subject to requirements for such uses described in Objective 2.10.4, and in the Operative Provision of this element.

- (d) Access between these uses shall be provided by roads other than those shown on the Major Thoroughfare Map Series of this Comprehensive Plan or alternative vehicular and pedestrian access methods acceptable to the County.

Policy 2.2.2.2.5 WO Development Restriction/Conditions

- (f) Require that the preservation of indigenous vegetation within the Watershed Overlay District be accomplished through careful site planning and the use of native, naturalized or drought-hardy species for new or replacement plantings (see also policy 2.9.4.6)
- (f) Require minimum percentages of upland area on projects within the Watershed Overlay District be maintained, during the course of development, as undisturbed or landscaped areas. These minimum percentages shall exceed those required outside the Overlay District (see also policy 3.3.2.1 and 2.9.4.6).

Policy 2.6.1.1 Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development review)
- appropriate building design
- limits on duration/operation of uses
- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Policy 2.6.1.2 Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conformance with the special approval process in order to achieve compatibility between these large projects and adjacent existing and future land uses.

Policy 2.10.1.1 Encourage the development of new commercial uses as "infill" development and discourage the "expansion" of existing commercial areas not meeting commercial locational criteria contained in Objective 2.10.4.

Policy 2.10.1.2 Promote the development of commercial uses in planned commercial centers, and discourage scattered, incremental commercial development.

Policy 2.10.2.1 Maintain limits, for future land use categories, on the range of commercial uses, intensity of commercial uses, and gross building square footage of commercial projects which may be considered for approval to ensure that "scale" of commercial development is generally consistent with surrounding residential character.

Types of commercial projects shall be defined as:

- (1) Small commercial projects limited to 30,000 square feet of gross building area.
- (2) Medium commercial projects limited to 150,000 square feet of gross building area.
- (3) Large commercial projects limited to 300,000 square feet of gross building area. Commercial projects in excess of the 300,000 square foot limit may be considered for projects which

contain primarily office uses, or for other projects in high access locations as described in Policy 2.10.3.6.

These limits shall permit consideration of the type and amount of commercial uses necessary to provide for the needs of the resident, and other, population which can be reasonably expected to utilize the commercial uses. Table 2-2, which follows, lists the category of commercial use eligible for consideration in each future land use category. In using this table, where a particular category is eligible, all "lesser" categories shall also be considered as eligible.

Policy 2.10.2.2 Maintain the following commercial project size thresholds, which may be exceeded only through the special approval process, to ensure that the increased impacts generally associated with larger commercial projects are adequately evaluated and mitigated. Table 2-3 below identifies these maximum gross building square footages, by category of commercial use, not requiring special approval.

TABLE 2-3

Maximum Commercial Project Square Footages
Which May be Considered With Special Approval
and Without Special Approval

Category of Commercial Use	Maximum Gross Building Square Footage Per Project Without Special Approval	Maximum Gross Building Square Footage Per Project With Special Approval
Small	3,000	30,000
Medium	30,000	150,000
Large	50,000	300,000

Policy 2.10.3.1 Require that access to commercial uses be established on at least one roadway, operating at, or better than, the adopted level of service. Access which is limited only to roadways that carry traffic within residential neighborhoods shall be considered unacceptable for commercial uses. An exception shall be made for neotraditional projects that have commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher. An exception shall be made for DRI's and Large Project developments that have mixed uses with a residential component and meet.

Policy 2.10.3.3 Require that all proposed large commercial uses exceeding 150,000 square feet can be directly accessed from at least one roadway

shown on the Roadway Functional Classification Map as arterial, at time of review for issuance of a development order. Furthermore, require that all access points be limited to:

- a highway
- highway or arterial frontage roads
- arterial roadways
- collector roadways

Policy 2.10.4.1 Limit the location of all new commercial development to well-defined nodes, or compact groupings, to:

- provide a reasonable compromise of predictable, yet flexible, commercial locations for all residents and business interests in Manatee County.
- increase safety and maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development and the multiple access points which are likely to accompany such linear commercial development.
- facilitate compliance with the commercial project access criteria contained in Objective 2.10.3.
- maximize the accessibility and viability of commercial development by using location and grouping to maximize the number of trips to the commercial site.
- establish conveniently located commercial uses for residents of Manatee County.

Policy 2.10.4.3 Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:

- . any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses.
- . any proposed commercial site must be configured and sized to allow for orientation of structures, site access points, parking areas, and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential use.
3. no proposed commercial site shall represent an intrusion into any residential area. As used in this standard, "intrusion" means located between two residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed commercial use meets the definition of "infill commercial development," demonstrated through evaluation of existing

- land use patterns in this vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the operative provisions of this Element. Permitted exceptions listed in Policy 2.10.4.2 shall not be required to meet this development standard. No such intrusion shall be found in neotraditional developments approved as such by the County, as a mixture of uses are encouraged within those projects. No such intrusion shall be found in DRI and Large Project developments where commercial uses are internal to neighborhoods, approved as such by the County, as a mixture of uses are encouraged within those neighborhoods.
4. Commercial nodes meeting the requirements specified in the operative provisions of this Element shall, additionally, be spaced at least one-half mile apart, as measured between the center of two nodes. However, where two commercial nodes have been established by the development of commercial uses prior to plan adoption, and are spaced less than the minimum required one-half mile, then a waiver of this commercial development standard may be considered. Preferentially, in instances where previous development has not established a pattern of land uses inconsistent with commercial locational criteria or development standards, nodes shall be spaced no less than one mile apart. Neotraditional projects shall be exempt from this requirement. DRI and Large Project developments that have mixed uses with a residential component that receive approval to locate commercial uses internal to neighborhoods shall be exempt from this requirement.

The following sections of the Planned Development Review Criteria of the Land Development Code were considered in preparing this Staff Report and in evaluating the proposed amendment:

- 603.4.3. *Relation to Major Transportation Facilities.* Planned Development districts, where appropriate because of the size or intensity of the proposed district, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along minor streets in residential neighborhoods outside the district.
- 603.4. 4. *Compatibility.* Planned Development districts shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.

603.4. 5. *Transitions*. Planned Development districts shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.

603.4. 7. *Relationship to Adjacent Property*. The Planned Development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.

603.4. 8. *Access*. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need.

Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.

Pedestrian access shall, where practical, be separated from vehicular access points in order to reduce congestion, friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movement safety.

603.4. 9. *Streets, Drives, Parking and Service Areas*. Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and general facilities. Commercial and office uses shall be grouped in relation to parking areas so after visitors arrive by automobile, establishments can be visited with a minimum of internal automotive movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic. Loading zones where customers pick up goods shall be located and arranged as to prevent interference with pedestrian movement, fire lanes, and other vehicular travel ways.

603.4.13. *Height*. Height in a specific Planned Development district shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.

- 603.4.14. *Fences and Screening.* Fences or vegetative screening at periphery of Planned Development district shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining districts from similar adverse influences. When adjacent development is of either similar use or intensity, such screening may be reduced at the discretion of the Planning Director.
- 603.4.19. *Special Guidelines for Review of Projects with Mixed Use Plan Designations and Projects at Designated Entranceways.* The Comprehensive Plan establishes interstate interchange as critical gateways to Manatee County. In these areas, additional scrutiny shall be given to the potential visual impacts of the proposed projects, per Section 737.
- 603.4.23. No Planned Development shall be approved if it is inconsistent with the Comprehensive Plan.

7. SPECIFIC APPROVAL

Section 603.3 of the Land Development Code allows the Board of County Commissioners to make specific modifications to the general zoning and subdivision regulations, where the Board of County Commissioners makes a written finding that the public purpose of the regulations are satisfied to an equivalent or greater degree.

Request 1:

Pedestrian Safety Zones

Section 710.1.5.3.1 requires that within parking areas over 100 spaces for commercial uses, paved pedestrian walkways at least six (6) feet in width shall be provided at 200 foot intervals.

The parking field in front of the building is approximately 1,000 feet wide. Depending where the intervals begin, four (4) or five (5) pedestrian walkways are required though this field. The plan shows three (3) walkways.

The parking areas on the two (2) sides of the building provide some pedestrian access, but they don't cover the entire areas. For instance, on the both sides, customers on the northern portion of the parking lot are not provided the benefit of a walkway to access the store's entranceway.

Staff Analysis and Recommendation:

As of the date that this staff report was sent to the Planning Commission, a formal specific approval request by the applicant was not received.

It is staff's opinion that, although the number of walkways in the parking area in front of the store are not in strict compliance with the requirements of the code, they are located in such a manner to adequately serve this project. In reviewing other similarly sized developments, it was found that this regulation has not been rigidly enforced, instead it has been applied where they were deemed to be practical.

Within the parking areas on both sides of the building, staff believes more attention needs to be provided to pedestrian safety. Staff recommends a new stipulation to require a continuous walkway from the store's main entranceway to the northern most parking field on each side of the building.

If this project is approved, staff recommends approval of the request for Specific Approval for the parking area in front of the store only.

Finding:

The Board finds that the public purposes of Section 710.1.5.3.1 of the Land Development Code, as proposed by the applicant in front of the building, are satisfied to an equal or greater degree by the specific locations of the sidewalks as they relate to anticipated pedestrian circulation.

Request 2:

Number of required loading spaces

Section 710.2.17.1.2 requires that, based on building area, 15 loading spaces be provided for the discount super center. The site plan shows 10 spaces, 9 at the rear of the building and one on the side adjacent to the garden center.

Staff Analysis and Recommendation:

As of the date that this staff report was sent to the Planning Commission, a formal specific approval request by the applicant was not received.

Finding:

No findings are available at this time.

Request 3:

Access in an entranceway

Section 737.5.2 requires projects in an entranceway gain access by means of indirect access, such as cross-access agreement and consolidated driveways. Unless inconsistent with state law, no project shall gain direct access to any road designated as a minor arterial or higher, but such project shall make use of frontage roads or cross-access easements to access through local roads or lower classified thoroughfare facilities.

The plans show a right-turn in and out on University Parkway at a location consistent with Section 741. University Parkway is designated as a minor arterial roadway on the Existing Roadway Functional Classification Map.

Staff Analysis and Recommendation:

As of the date that this staff report was sent to the Planning Commission, a formal specific approval request by the applicant was not received.

The proposed access on University Parkway allows for a more even distribution of traffic into and out of the site, reducing traffic congestion at the intersection of Honore Avenue and University Parkway. This access is consistent with the Land Development Code and was approved with the prior site plan.

Finding:

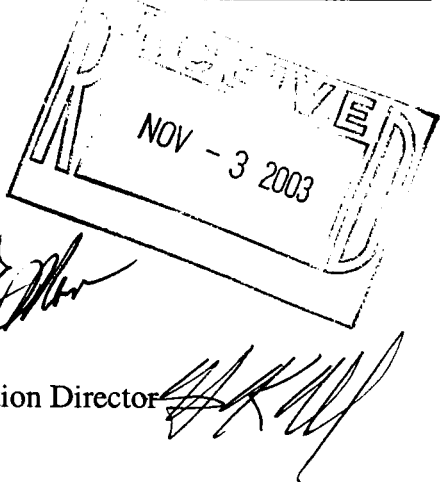
The Board finds that the public purposes of Section 737.5.2 of the Land Development Code as proposed by the applicant, are satisfied to an equal or greater degree by the specific locations. Allowing the access directly on University Parkway allows for a more even distribution of traffic, reducing traffic congestion at the intersection of Honore Avenue and University Parkway. This access is also consistent with the Section 741 of the Land Development Code and was approved with the prior site plan.

Attachments:

1. Comments of Reviewing Departments
2. Letters from Ed Vogler dated 12/10/03
3. Letters from Patricia Petruff dated 12/23/03 and 12/31/03
4. Public comment e-mails received after 12/11/03 Planning Commission public hearing (5 in favor/41 opposed)

MANATEE COUNTY GOVERNMENT

DATE: October 30, 2003
TO: Norman Lupino, Planning Manager
THRU: Larry R. Mau, P.E., Transportation Director
FROM: Harry K. Mendenhall, P.E., Assistant Transportation Director
SUBJECT: University Park Center - PDC-00-11(G)(P)(R4)



Red Childs, Traffic Division Manager and I have reviewed the plans received October 16, 2003, as submitted by cph Engineers for the University Park Center. The following comments are submitted for your consideration in the preparation of the approval stipulations for this project;

1. The full access location: A, as shown on Honore Avenue is located too close to University Parkway to be signalized in the future. The future signalized intersection location was to be approximately 1,320 feet north of University Parkway at the rear property access point to the east side of Honore Avenue, not the 750 feet shown as location A. This 1/4 mile location was mutually agreed upon by Neal Communities, Benderson Development, Dale Weidemuller, Growth Management, and Transportation several years ago.
2. The addition of the fire station on the corner of intersection A does not change the above. I have discussed the fire station emergency operations signals with Southern Manatee FC&RD. The full median access at location A is closed, and the fire emergency signals will remain in place with directional median modifications for the fire station driveway.
3. The southbound left turn lane on Honore Avenue at University Parkway should be expanded into a dual left turn lane for its full length. The appropriate traffic signal modifications should be submitted to the Sarasota County Public Works Business Center for review and approval.

If you have any further questions, please contact me at ext. 7478.

LRM/hkm

xc: Red Childs, P.E., Traffic Division Manager
H. W. Roberts, P.E., Engineering Division Manager/DRC Coordinator

TRANSPORTATION DEPARTMENT



MEMORANDUM

DATE: December 8, 2003

TO: Norm Luppino, Planning Manager
Planning Department

FROM: Joel D. Christian, Environmental Specialist
Environmental Management Department

SUBJECT: **Development Review Comments**
University Park Center
PDC-00-11(G)(P)(R4)

The Environmental Management Department has reviewed the above referenced amendment to the approved General Development Plan. Please include the following **bold-face** comments as proposed stipulations in your approval letter:

1. A scrub-jay survey was performed for this project in conjunction with Republic Bank @ University Park Center PDC-00-11/FSP-02-22(R). The survey provided indicates that scrub-jays are not utilizing this property and this property contains no suitable scrub habitat.
2. **A Wetland Buffer Restoration Plan for should be submitted to the EMD for review with the Final Site Plan in accordance with Section 719.11.2.1. of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.**
3. The developer shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a "Conservation Area". The type and location of such signs shall be shown and approved by the EMD with the Final Site Plan.
4. **A Water Well Construction Permit must be obtained from the EMD prior to construction of any proposed well(s).**
5. **Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and/or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans/Construction Plans are approved.**

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

JDC:hs

University Park Center/PDC-00-11(G)(P)
December 8, 2003
Page 2

cc: project file

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MANATEE COUNTY HEALTH DEPT.

410 6th Ave. E., Bradenton, FL. 34208

ENVIRONMENTAL HEALTH SERVICES DEVELOPMENT REVIEW COMMENTS

Norm

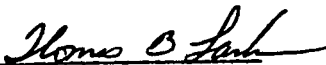
DATE 7-31-03

PROJECT NO: PDC-00-11(G)(P)-R

PROJECT NAME: University Park Center

- XX 1. County Water - County Sewer.
- XX 2. Permit for Water Distribution System is required prior to start of construction.
- XX 3. Adequate sanitary facilities shall be provided on a business per business basis.
- XX 4. Adequate sanitary facilities shall be/have been provided for employees/patrons
- XX 5. To facilitate handling and maintenance, dumpster shall be placed on concrete pads, the locations to be reviewed by Manatee County Public Works Dept.

Signed:


Thomas B. Larkin
Environmental Specialist II

(DRC)

MANATEE COUNTY GOVERNMENT
INTEROFFICE MEMORANDUM

DATE: November 25, 2003

TO: Norm Luppino, Planning Department

FROM: Sandy Tudor, Floodplain Investigator, CFM

SUBJECT: University Park Center, PDC-00-11(G)(P)(R4)

1. Project site falls in Zones X and AE with the base flood elevation between 19-21' MSL per FIRM Panel 120153 0365C, revised 7/15/92
2. At building permit application a Floodplain Management Permit will be required for each structure in the 100-year floodplain. A sealed survey with FIRM Panel, Flood Zone(s), Base Flood Elevation(s) and existing grade will be required for each structure in the 100-year floodplain. The surveyor may need to interpolate the base flood elevation. The lowest floor needs to meet Base Flood Elevation plus a 1' freeboard for Flood Protection Elevation. On a multiple zone lot, if any part of the structure is in the Flood Zone, then the structure is considered a flood zone structure and the proper paperwork depending on the zone will be required. (Two out-parcels partially in Zone AE.)

MANATEE COUNTY GOVERNMENT

MEMORANDUM

DATE: NOVEMBER 17, 2003

TO: MIKE HARRISON, ENGINEER II, PLANNING DEPARTMENT

FROM: THOMAS R. GERSTENBERGER, ENGINEER I, STORMWATER
MANAGEMENT

SUBJECT: UNIVERSITY PARK CENTER (PDC-00-11(G)(P)(R4))
(UNIVERSITY PARKWAY/HONORE AVENUE)(WEST COUNTY)

Stormwater Management has reviewed the Revised Preliminary Site Plan dated November 12, 2003, for the subject project and we have no objections.

cc: Sia Mollanazar, P.E., Stormwater Division Manager
John A. Norrie, Stormwater Management Coordinator
Robert G. Wenzel, III, Plan Implementation Division
Norm Luppino, Case Planner
DRC Files

**TRANSPORTATION DEPARTMENT
STORMWATER MANAGEMENT DIVISION**

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

DATE: December 8, 2003

PROJECT NAME: UNIVERSITY PARK CENTER
PDC-00-11(G)(R5)

ADDRESS: N OF UNIVERSITY PKWY AND W OF HONORE AVE, SCT

PLANNER: NORM LUPPINO (x) 6834

GROWTH MGMT: BROCK AYERS (X) 6828

**[PLEASE NOTE: THESE COMMENTS ARE BASED ON INFORMATION SUBMITTED
AND ARE SUBJECT TO REVIEW AS APPLICABLE]**

UTILITIES/ACCESS/DRAINAGE RELATED COMMENTS:

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

No objection to this proposal.

SUBMIT FUTURE PLANS ON STANDARD 24" X 36" SHEETS

- 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:**

Plans must state that "All construction shall be completed in accordance with Manatee County Development Standards".

Streets - Private

Utilities - Private

FSP and Construction Drawings must indicate all Phasing intentions.

Irrigation is provided through re-use system.

Construction plans and permits must be reviewed and approved by the Growth Management division prior to Final Site Plan approval (LDC 722 and 904).

III. General Information

If there are any questions pertaining to the utilities or drainage comments, please contact Brock Ayers at 749-3070.

cc: Public Works and Transportation
(Linda Petersen, Wayne Roberts, Sia Mollanazar)

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

DATE: SEPTEMBER 22, 2003

PROJECT NAME: UNIVERSITY PARK CENTER
PDC-00-11(P)(R4)
REVISION FOR SUPER WALMART
INCREASE OF 3699 SQ FT

ADDRESS: N OF UNIVERSITY PKWY AND W OF HONORE AVE, SCT

PLANNER: NORM LUPPINO (x) 6834

TRANSPORTATION

ENGINEER: MICHEL TENNEY (x) 6863

CONCURRENCY: MR MICKI RYAN (X) 6904/SUSAN BARFIELD (x) 3842

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

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.**

The addition of the gas pumps require a traffic study to be submitted. Please refer to Michel Tenney's letter of December 18, 2002 regarding this issue.

- 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

III. General Information

Applications for Certificate of Level of Service Compliance for potable water, sanitary sewer, solid waste and transit have been approved.

Drainage design intent shall be indicated on the preliminary site plan. Final engineering drainage design must be approved prior to final site plan approval.

Prior to final site plan approval, the Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow per Section 11.5.1.4 of the Comprehensive Plan.

Intersection A on Honore Avenue may potentially be a right in/right out only in the future.

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

III. General Information

As designated on the Manatee County Right-of-Way Needs Map in this location, Honore Avenue requires a right-of-way of 120 feet (60' half-width right-of-way) with the existing half width adjacent to this proposed development of 60 feet and is acceptable as shown on the site plan.

As designated on the Manatee County Right-of-Way Needs Map in this location, University Parkway requires a right-of-way of 200 feet (100' half-width right-of-way) with the existing half width adjacent to this proposed development of 100 feet and is acceptable as shown on the site plan.

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

cc: Concurrency File #PDC-00-11 (G)(R4)
Public Works and Transportation Concurrency Group
(Linda Petersen, Wayne Roberts, Sia Mollanazar)

S:\GROWTH\DRC-CONCURRENCY\UNIVERSITY PARK CENTER\WALMART PSP RE3.wpd



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

December 18, 2002

CPH Engineers, Inc.
Attention: Javier E. Omana
1117 East Robinson Street
Orlando, FL 32801

RE: **University Park Center (Proposed WalMart & Outparcels)**

Dear Mr. Omana:

After reviewing your last proposed preliminary site plan, it has been concluded with the addition of the proposed gasoline pumps to the previous submittal that a new concurrency traffic study is necessary for the proposed development.

Contact me at (941) 749-3070, extension 6862, to schedule a traffic methodology meeting for the proposed development. If you need any additional information or have any questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michel Tenney", is written over a horizontal line.

Michel Tenney, Transportation Engineer, AICP
Growth Management Division
Planning Department

cc: Jerome Gostkowski, Growth Management Administrator
Norm Luppino, Planning Manager
Micki Ryan, Senior Concurrency Analyst
Susan Barfield, Development Review Technician

DRC REVIEW COMMENTS

DATE: November 1, 2002

PROJECT NAME: UNIVERSITY PARK CENTER

PLANNING NUMBER: PDC-00-11/PSP-01-40

PLANNER: Luppino **REVIEW ENGINEER:** Harrison

COMMENTS:

Distribution

No water or sewer details.

Utility Engineering

All concerns of this division have been addressed for this General Development Plan/Preliminary Site Plan. Please note that the proposed water main shown on the west side of Honore Ave. was not accepted.

Solid Waste

What type of compactor is to be used at location? No details on plans. Where is dumpster pad and enclosure for garden center yard waste. No location or details on plans.

Survey

No comment.

Inspections

The two 6" sewer services going to the building need to come off of the sewer main with an 8"x6" wye, not out of the two proposed manholes.

From where the water main tap is located to the 3" water meter, needs to be designated "Public Utility Easement".

MEMORANDUM
Department of Development Services

TO: Norm Luppino, Planning Manager
Manatee County Planning Department

FROM: Jeff Burton, Planning Manager
Seth Kohn, P.E., Special Projects Engineer

DATE: September 21,,2003

RE: University Park Center / Walmart ((PDC – 00 – 11 (G) (R4))

Dear Mr. Luppino:

The City of Bradenton Watershed Review Team has reviewed the above referenced project with regard to protection measures pursuant to Watershed Overlay District standards and guidelines.

As acknowledged by the Engineer's response to comment # 18 of the DRC review, regulatory constraints regarding stormwater treatment limit the availability of land to be used for parking spaces. This is made evident by a 3.48% reduction in parking spaces depicted on the revised GDP and preliminary site plan. The City recognizes this effort to limit the amount of impervious area and correspondingly, vehicular use.

However, the City of Bradenton continues to respectfully request that the entire 20% reduction in parking spaces be applied for this project as allowable pursuant to Manatee County Land Development Code Section 710.1.4.6.

Respectfully,

Seth Kohn

Seth Kohn, P.E.
Special Projects Engineer

Jeff Burton

Jeff Burton
Planning Manager

Cc: Mr. John Cumming, P.E., Director of Public Works

SOUTHERN MANATEE FIRE & RESCUE DISTRICT
1640 60th Ave. Dr. E., Bradenton, FL 34203-5020 • (941) 751-7675 • Fax (941) 751-7694

TRANSMITTAL #3965.SR11.R.2

PLANNING

DATE: November 25, 2003

X **APPROVED**

CONDITIONAL APPROVAL AS
SUBMITTED AND NOTED

INSUFFICIENT DRAWINGS
FOR FULL REVIEW/DENIED

UNACCEPTABLE SYSTEM DRAWINGS/DENIED

TO: Manatee County Building
Department

NOV 25 2003
DEPARTMENT

RE: Permit Application #: PDC-00-11(G)(P)(R4) Project Name: University Park Center/Wal-Mart
(GDP & Preliminary Site Revision) N. of University Parkway & W. of Honore Ave.

This department has reviewed the above-referenced plans under the 2000 Edition of the N.F.P.A. Life Safety Code and related amendments; the Fire Prevention Code of Southern Manatee Fire & Rescue District, Ordinance 02-01; the 2001 Standard Building Code, as related to life safety and fire protection; and the State Fire Marshal's Uniform Rules and Standards, as legislated.

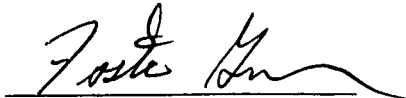
In accordance with SMFR Resolution 2002-04, all plans submitted to the Southern Manatee Fire & Rescue District for review shall be assessed a user service fee (also known as a plans review fee). The User Service Fee for this project is \$0.00.

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

* All concerns of this department pertaining to this permit have been properly addressed and/or corrected. We have no problem with the issuance of this permit.

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
Division Chief/Fire Marshal

FG/cs

cc: Manatee County Planning Department, Norm Luppino, P.O. Box 1000, Bradenton, Florida 34206-1000
Frank Pohl, CPH Engineers, Inc., Two Urban Centre, 4890 West Kennedy Blvd., Suite 450, Tampa, Florida 33609

SCHOOL BOARD OF MANATEE COUNTY DEVELOPMENT REVIEW COMMENTS

THE INFORMATION BELOW IS PROVIDED BY THE SCHOOL DISTRICT OF MANATEE COUNTY. THESE COMMENTS PERTAIN TO THE SPECIFIC DEVELOPMENT APPLICATION IDENTIFIED HEREIN.

CASE NAME: University Park Center/Walmart

APPLICATION NUMBER: PDC-00-11 (G)(R2)

SCHOOL PLANNING SECTOR (S): See Comment

PROPOSED DWELLING UNITS		PROJECTED STUDENTS BASED ON APPLICATION			
		ELEM	MIDDLE	HIGH	TOTAL
SINGLE FAMILY (SF)	<u>See Comment</u>	_____	_____	_____	_____
MANUFACTURED HOME (MH)	<u>See Comment</u>	_____	_____	_____	_____
OTHER (MF/TH/DUP)	<u>See Comment</u>	_____	_____	_____	_____

CURRENT DISTRICT SCHOOL		EXISTING / PROJECTED / TOTAL			SCHOOL CAPACITY	CAPACITY AVAILABLE
		STUDENTS	STUDENTS	STUDENTS		
ELEM:	_____	_____	_____	_____	_____	<u>See Comment</u>
MIDDLE:	_____	_____	_____	_____	_____	<u>See Comment</u>
HIGH:	_____	_____	_____	_____	_____	<u>See Comment</u>

	YES	NO
SCHOOL SITE DESIRED WITHIN DEVELOPMENT	_____	<u>X</u>
COMPATIBLE ISSUES WITH NEARBY SCHOOLS	_____	<u>X</u>
SIDEWALK/BIKEWAY LINKS TO NEARBY SCHOOLS REQUESTED	_____	<u>X</u>
SCHOOL TRAFFIC SIGNALIZATION REQUESTED	_____	<u>X</u>
TRAFFIC CIRCULATION NEGATIVELY AFFECTS SCHOOL	_____	<u>X</u>
INTERNAL SCHOOL BUS TURNAROUND REQUESTED	_____	<u>X</u>

ADDITIONAL COMMENTS: This general development plan allows commercial use in an area that will not impact any schools. Approval of this application would have a deminimus impact on local schools. Current data indicates that no students would be generated from this development approval.

QUESTIONS OR COMMENTS PERTAINING TO MATTERS ON THIS CHECKLIST CAN BE DIRECTED TO MIKE PENDLEY AT 708-8800 EXT. 1056.

SIGNATURE: 

DATE: 10/31/03

LAW OFFICES

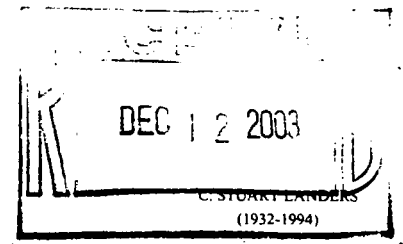
BLALOCK, LANDERS, WALTERS & VOGLER, P. A.

802 11th STREET WEST
BRADENTON, FLORIDA 34205-7734

TELEPHONE (941) 748 - 0100

FAX (941) 745 - 2093

E-MAIL evogl@bradentonlaw.com



EDWARD VOGLER II
OF COUNSEL

PLEASE REPLY TO:
POST OFFICE BOX 469
BRADENTON, FLORIDA 34206-0469

KIMBERLY D. ASHTON
LISA E. BAGWELL
ROBERT G. BLALOCK
LISBETH P. BRUCE
JONATHAN D. FLEECE
DANA C. GENTRY
BARBARA ANN HELD
CHARLES F. JOHNSON III
KAREN L. KUSKIN
MARY FABRE LEVINE
JOHN D. PIERCE
WILLIAM C. ROBINSON, JR.
CLIFFORD L. WALTERS
JAMES R. WHITE

December 10, 2003

VIA FACSIMILE (708-6151)

Norman Luppino, Senior Planner
Manatee County Planning Department
1112 Manatee Avenue West
Bradenton, FL 34205

Re: University Park Center – PDC-00-11(P)(R4)

Dear Norm:

In connection with the above-captioned matter, please allow this letter to summarize substance of our discussions regarding the following matters:

1. **Loading Spaces.** The Applicant believes that fifteen (15) loading space areas exist within the proposed Preliminary Site Plan. Seven (7) are located in the truck well loading area, four (4) are adjacent to the garden center, and four (4) are located at the rear loading area behind the building. Consequently, specific approval is not required. We will be happy to specifically identify the areas discussed.

2. **Entranceway Access.** Section 741 of the Land Development Code identifies with great specificity the areas of connection to University Parkway. Section 741.3.2 specifically provides that “[a] Right Turn Intersection shall be permitted... [b]etween Conservatory Drive and Honore Avenue beginning at one thousand one hundred forty (1,140) feet west of the center line of Honore Avenue and extending an additional one hundred (100) feet westward.” A careful review of the Preliminary Site Plan will confirm that the Right Turn Intersection is located precisely in the area permitted by Section 741 of the Land Development Code. Please also note that Section 741 implements Comprehensive Plan policy 5.2.2.3 and the Interlocal Agreement existing between Manatee and Sarasota Counties regarding access to University Parkway. For these reasons, we do not believe that specific approval is required as the specific approval is afforded by the Land Development Code.

Thank you for your kind attention to this matter. If you have any questions, please feel free to call at any time.

Sincerely yours,

Edward Vogler II

EV/ch

LAW OFFICES

BLALOCK, LANDERS, WALTERS & VOGLER, P. A.

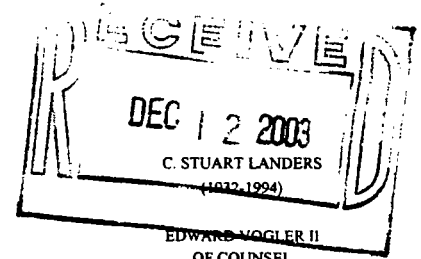
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JAMES R. WHITE



PLEASE REPLY TO:
POST OFFICE BOX 469
BRADENTON, FLORIDA 34206-0469

December 10, 2003

VIA FACSIMILE (708-6151)

Norman Luppino, Senior Planner
Manatee County Planning Department
1112 Manatee Avenue West
Bradenton, FL 34205

Re: University Park Center – PDC-00-11(P)(R4)

Dear Norm:

We have recently learned of your inquiry regarding additional pedestrian safety zones for the Preliminary Site Plan presented in connection with the above-captioned matter. It would appear that four (4) such pedestrian safety zones are contemplated by LDC requirements, and only three (3) are shown on the proposed Preliminary Site Plan.

Please consider this letter the Applicant's request for specific approval to allow three (3) pedestrian safety zones providing direct connection to University Parkway and the pedestrian sidewalk constructed within existing right of way. The Applicant believes that the spacing of the proposed pedestrian safety zones is adequate to meet the needs of pedestrians attempting to access the store from University Parkway. Specifically, two (2) such pedestrian safety zones immediately in front of the proposed building provide direct access to the building entry areas. An additional such pedestrian safety zone is located near the western boundary of the property, and additional sidewalks exist throughout other project roadways within the project. Under the circumstances, the proposed pedestrian zones appear sufficient to adequately accommodate anticipated pedestrian activity.

Thank you for your kind consideration of this request. If you have any questions, please feel free to call at any time.

Sincerely yours,

Edward Vogler II

EV/ch

DYE, DEITRICH, PRATHER, PETRUFF & ST. PAUL, P.L.

Attorneys at Law
The Riverview Center, Suite 300
1111 Third Avenue West
Bradenton, FL 34205
www.dyefirm.com

David K. Deitrich *
James D. Dye †
Stephen R. Dye
Richard G. Groff **
Michele S. Hall ‡
Patricia A. Petruff ††
Alan Hardy Prather †
Alexandra St. Paul **

*Certified Circuit Civil Mediator

Board Certified:

† City, County And Local Government Law

‡ Wills, Trusts And Estates Law

Reply To: P. O. Box 9480
Bradenton, FL 34206
Telephone: (941) 748-4411
Facsimile: (941) 748-1573
(941) 746-4302
Email: ppetruff@dyefirm.com
ldebona@dyefirm.com

Also Admitted In:

¹California

²Colorado

³Louisiana

Of Counsel:

Robert L. Scott ‡

December 31, 2003

Mr. Norm Luppino
Manatee County Planning Department
P.O. Box 1000
Bradenton, FL 34206

Re: PDC-00-11(P)(R4)-University Park Center

Dear Mr. Luppino:

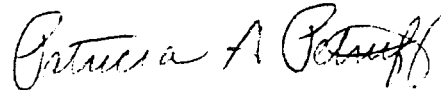
At the December 11th public hearing on the above referenced matter, Mr. Vogler testified under oath that there were fifteen truck loading bays at the site and special approval to reduce the number of loading bays would not be necessary. He then described the location of the "missing" loadings bays. Since fifteen bays were not graphically shown on the site plan, the staff report presented to the Planning Commission correctly indicates that the provisions of Section 710.2.17.1.2. had not been met. No request for special approval was submitted and the staff report makes no finding as to whether or not any special approval should be granted.

To the best of my knowledge, no revised site plan has been submitted which clearly delineates the location of these "missing" loading bays. As I indicated in earlier correspondence, the location of these bays is critical especially when noise issues are considered. If the applicant does not provide the appropriate graphic information to allow the Planning Department to review and analyze this issue prior to the January 8th Planning Commission meeting, it is my opinion that the department is obligated to advise the

Mr. Norm Luppino
12/31/2003
Page 2

commission that the plan should be denied based upon failure to comply with the above referenced LDC section.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia A. Petruff".

Patricia A. Petruff

PAP/lrd

Cc: Client

Carol B. Clarke, Director

Jeffrey Steinsnyder, Esquire

I:\Docs\SAEVN\correspondence\ltr Luppino 12.31.doc

DYE, DEITRICH, PRATHER, PETRUFF & ST. PAUL, P.L.

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Also Admitted In:

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2Colorado

3Louisiana

Of Counsel:

Robert L. Scott 2

December 31, 2003

Mr. Norm Luppino
Manatee County Planning Department
P.O. Box 1000
Bradenton, FL 34206

Re: PDC-00-11(P)(R4)-University Park Center

Dear Mr. Luppino:

It has come to my attention that the county intends to close an unsignalized section on Lockwood Ridge Road adjacent to the plaza where the WalMart is currently located because the county has determined that it is unsafe. The intersection which is being closed appears to be quite similar to the second of the access points for the proposed WalMart on Honore Avenue. When the neighborhood shopping center was initially approved at this location, enough concern was raised with this intersection that a stipulation was placed in the approval document which required closure of the intersection if five reportable accidents occurred. It is the position of my client that if the proposed WalMart is approved that this intersection will carry significantly more traffic than the one on Lockwood Ridge Road and more traffic than what caused the initial concern.

With the additional traffic which will be generated by a regional shopping center, it would appear that closure of this intersection is substantially likely due to added the congestion and traffic conflicts which will result. It is my opinion that Manatee County should learn from past

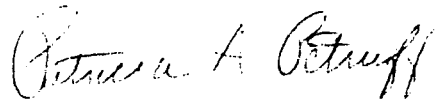
Mr. Norm Luppino
12/31/2003
Page 2

mistakes and not repeat them. The addition of the amount of traffic that a WalMart Super Center will generate causes a compatibility issue at this intersection which is unwarranted and unnecessary. Restricting left turns at this intersection will not control the problems inherent in this design.

The owners of this property already have a reasonable use approved which complies with both the Land Development Code and the Comprehensive Plan. There is no legal requirement for the county to grant a property owner a more intense use just because it is being requested. All involved in the land development process in Manatee County understand that a future land use category provides for a range of potential uses. In the instant case, the existing approved use is consistent with the Mixed Use Future Land Use Category and is more compatible with surrounding land uses and the other goals, policies and objectives of the Comprehensive Plan. Unlike the proposal now before the county, the approved shopping center did not require the numerous special approvals to waive code requirements. Further, the fact that staff has so many concerns all of which must be "mitigated" to make the project compatible should be a red flag that this is an inappropriate location for a project of this size. In addition, the fact that the staff report noted eight negative aspects of the application as compared to only two positive aspects is also be an indicator that this location is an inappropriate one.

I trust that staff will consider these comments during its continuing review of the application.

Sincerely,



Patricia A. Petruff

PAP/lrd

Cc: Client

Carol B. Clarke, Director

Jeffrey Steinsnyder, Esquire

DYE, DEITRICH, PRATHER, PETRUFF & ST. PAUL, P.L.

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David K. Deitrich *
James D. Dye †
Stephen R. Dye
Richard G. Groff **
Michele S. Hall ‡
Patricia A. Petruff ††
Alan Hardy Prather †
Alexandra St. Paul **

*Certified Circuit Civil Mediator

Board Certified:

† City, County And Local Government Law

‡ Wills, Trusts And Estates Law

Reply To: P. O. Box 9480
Bradenton, FL 34206
Telephone: (941) 748-4411
Facsimile: (941) 748-1573
(941) 746-4302
Email: ppetruff@dyefirm.com
ldebona@dyefirm.com

Also Admitted In:

¹California

²Colorado

³Louisiana

Of Counsel:

Robert L. Scott †

December 23, 2003

Mr. Norm Luppino
Manatee County Planning Department
P.O. Box 1000
Bradenton, FL 34206

Re: Noise Issues; PDC-00-11(P)(R4); University Park Center

Dear Mr. Luppino:

The purpose of this letter is to bring to the Planning Department's attention my client's concerns with respect to potential noise to be generated if a Wal-Mart Super Center is constructed at the corner of University and Honore. In my estimation, the county must consider the various types of sounds generated by eighteen wheelers including engine noise, flap lowering, air brake releases and back-up signals. The generators on refrigeration units will also result in additional noise. Noise will also be generated by forklifts which will be moving merchandise from one location to another, especially within the vicinity of the garden center. All heavy equipment such as forklifts contain safety back-up signals. Finally, research on the internet of noise problems generated by super centers such as Wal-Mart emphasize problems from the noise generated by accelerating trucks and motorcycles as well as the noise from customers' car radios.

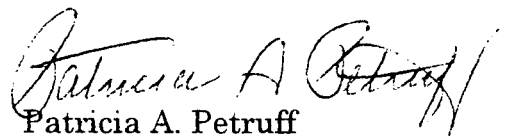
Since it is likely that the signalized intersection on Honore will become the preferred route for much of the traffic, it is my opinion that the impact of noise from the Colonial Trace Road to the adjacent residential units should

Mr. Norm Luppino
12/24/2003
Page 2

be considered during this site plan approval process. In addition, the truck turn-around as shown on the preliminary site plan which is only 26 feet from the property boundary should also be a particular source of concern. Also of concern is the acceleration lane which will be required on University Parkway for the right-in, right-out access point. It should be assumed that tractor trailers will use this access point. The length of the acceleration lane and the impact of the noise generated in that acceleration lane on adjacent residential neighborhoods should be considered.

Finally, in my initial review of the consultant's noise study, I noted that much is made of a 16 foot concrete barrier adjacent to the loading bays at the locations studied. It appeared to me that unless this concrete wall was in place, the noise generated by those trucks would clearly exceed the county's noise ordinance. With that barrier in place, although the noise levels still exceeded the county's standards, the degree of exceedence was not as great. It should be noted that the wall proposed on this site plan is ten (10') feet high not sixteen (16') feet. This significantly affects the validity of the study. Of major concern is the location of the eight "undesigned" loading bays which Mr. Vogler indicated would be at the rear of the store and adjacent to the garden center. None of these loading areas will be buffered by a similar 16 foot high concrete wall. Therefore, I can only assume that the noise generated by trucks unloading and parking at these locations would clearly violate Manatee County Noise Ordinance. Before any action is taken on this site plan, the location of these loadings bays should be clearly marked so that staff can analyze whether the county's noise requirements can be met and whether the LDC's requirements for screening, setbacks and buffering have been adequately addressed.

Sincerely,


Patricia A. Petruff

PAP/lrd
Cc: Carol B. Clarke, Director

RECEIVED

JAN 02 2004

Board of County Commissioners

Manatee County

"John D. Zyznomysky"
<smt.inc@ix.netcom.com>

01/01/2004 08:52 AM



YJB only
all
atty.
P.D.

To <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject Wal-Mart Superstore

CAC
Norm
Bob
Jerome
File

H.D.
Wal-Mart

Jon:

My father, Zenon Zyznomysky M.D., resident 6611 Copper Ridge Trail and I, John Zyznomysky, resident at 6017 Chaparral Ave., do not want or need a Wal-Mart Superstore in our area. You know all the reasons why at your Planning Commission meetings. I would just like to remind you that there are enough influential people in this area to turn elections for public officials who support Wal-Mart Superstore. For the people who are not elected, we will have their bosses replaced.

John Zyznomysky

President

Sarasota Medical Technologies, Inc.

RECEIVED

JAN 02 2004

Board of County Commissioners

Manatee County
valupeg@aol.com

01/01/2004 05:20 PM



To jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject Walmart

P.D. Wal-Mart

JLB/Dmely
all
atty
P.D.

Dear Sir,

As a Mote Ranch resident, I am in favor of the Walmart. There is no difference in the Walmart and all the other stores going up on the other corner of Honore. They all bring the traffic and Walmart will certainly help the elderly for shopping. Approve it!

Valerie Serpi
Mote Ranch

RECEIVED

DEC 30 2003

Board of County Commissioners
Linda Lee Theis@aol.com

12/29/2003 10:24 PM



JB3/only
all
Atty
P.D.

To jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject Costs of Wal-Mart to Local Taxpayers

Norm Jerome
Boris Kim
Carol

P.D. Wal-Mart

Last Friday night the Bill Moyers program featured a segment on how local communities and taxpayers subsidize Wal-Mart. The people who work for Wal-Mart are paid very low wages and such a low percentage have health insurance that they have to turn to public assistance. A Wal-Mart manager showed a large rolldex file that he used to refer people to free public agencies. I was unaware of these hidden costs to local communities and I would guess that most people are not aware of it. There are already two Wal-Marts close to the proposed Hono/University intersection. With so much resident opposition to it, I hope you will vote it down. Thank you.

RECEIVED
12/28
Board of County Commissioners
Manatee County



SyGo100@aol.com
12/28/2003 09:31 PM

JB/Dmly
all
Atty.
P.D.

Norm Jerome
Michel Bob
Carol Kim
To jonathan.bruce@co.manatee.fl.us

P.D.

cc

bcc

Subject Walmart Proposal On University Parkway

I recently found out by watching the Plan Commission meeting that included the consideration, once again, of the incomplete submittal for the proposed WalMart on University Parkway and Honore, that the Commission does not look at traffic studies from applicants. That review seems to take place much later in the process. For a traffic generation study not to be done up front when a development is being proposed seems to really somehow want to hide from bad news. With traffic having become such an extreme problem in our County for quite a few years now, something needs to immediatly be changed with the application process.

The traffic situation is especially a critical condition in the area of the WalMart now under consideration on University Parkway. The system for the traffic problem consideration should be changed immediatly and nothing should move forward on the approval until that very important issue is presented, analyzed, and looked at by the Plan Commission so that they can make a proper recommendation to pass on to the County Commissionners.

Simon B. Golden, PE
7939 Whitebridge Glen
University Park, FL 34201



<adgovernile@comcast.net>
12/23/2003 01:44 PM

To <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject University Park traffic

RECEIVED

DEC 23 2003

Board of County Commissioners
Manatee County

Dear Commissioner Bruce the best to you and your family this holiday season.

I listened with interest to the day long hearing on the University Park /Wall Mart hearing. My concern is the added traffic to UP Blvd. I would like to relate two incidents I experienced last week. Recognizing that traffic is extra heavy at this time of year I expected delays at the Lockwood/UP intersection. However at around 2:00p.m. on a weekday last week it was exceptionally bad and scary. The cause was an 18 wheel Coke truck making a U-turn on UP changing from West bound to East bound. It stopped three lanes of East bound as well as 3 lanes of Lockwood North bound traffic. It delayed all other turns for two light cycles. Traffic traveling South on Lockwood was frustrated and a number of left turners ran the light change nearly causing an accident by colliding with starting West bound UP traffic. It was apparent that this truck had made a delivery and needed to get back to I-75. I thought of the Wall Mart right in right out issues that were discussed and could see this truck U-turn issue becoming a rule not and exception. A second problem occurred at the Honore/ UPBlvd light. Traveling West on UP there are two left turn lanes onto Honore. Once on Honore there is a very short piece, maybe four car lengths, before you turn onto the frontage road leading to Eckerds, Stonewall Grill, Atlantic Bread etc. Two left turn lanes feed into this short piece and regardless of which lane you turn from everyone merges into this frontage road turn. Although I was the second car in my turn lane, because of the feed from both lanes, I wound up stuck in the middle of UPBlvd when the light changed. We were held up by a driver being extra cautious trying to make this short, tight turn on to the frontage road. Add the many thousands of Wall Mart shoppers and we have another poorly planned dangerous traffic pattern.

Commissioner Bruce, please look very carefully at these traffic patterns and consider what a high volume Super Center will add and oppose the addition of Wall Mart to the University Park Blvd. problems. Thank you, Anne Governile (resident Manatee County)



PKMMRM@aol.com
12/22/2003 03:32 PM

To jonathan.bruce@co.manatee.fl.us
cc Gauxier1@aol.com, res04art@gte.net
bcc
Subject Re: Wal-Mart super center

RECEIVED

DEC 23 2003

CBC
Norm
Bob
Jerome
R.F. Le

Dear Commissioner Bruce:

We again are writing to you and all the commissioners to request that you vote against the proposed Wal-Mart super center at University Parkway and Honore. The site is too small for a super center. If approved, the residents of Manatee County will be the losers and Wal-Mart will be the only winner.

There is no plausible reason for the Planning Department's exception to the code requirement that there be an access road, except total ignorance of the reason for the requirement, to alleviate traffic congestion for developments near interstate highways. In addition, as a "shopping center", the code requires one parking space for every 200 square feet of building space. No exceptions should be allowed.

Traffic and noise studies should have been required at the outset. Only a noise study has been required. Finally, the Planning Department and the Commission is already aware of the fact that the existing approved developments on University Parkway will result in a level of service F without the Wal-Mart. Unacceptable traffic congestion, increased crime and noise as well as common sense dictate that a Wal-Mart super center is inappropriate for this site and should not be approved.

This is the time for the Board of County Commissioners to demonstrate to the voters of Manatee County who elected them that you are truly concerned about the community and the welfare of all of us that live there.

VOTE NO.

Very truly yours,

Philip and Mary Marblestone
4731 88th Street East
Bradenton, FL 34211



"david rossin"
<adrossin@msn.com>

12/22/2003 12:30 PM

Please respond to
ADRossin@msn.com

To jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject Super Walmart

DRB
Law
attys
PD

PD
Wal-Mart

RECEIVED

DEC 23 2003

Board of County Commissioners
Manatee County

Dear Comm. Bruce - -

I attended the recent Public Meeting with many if my neighbors. Watched with interest from in the 4th floor Conf Room.

I've been watching the traffic flows in the vicinity of the proposed Super Walmart. University Parkway is already very busy with lots of semis and delivery trucks. One day I sat at the Lockwood Ridge traffic light for three lights, and was impressed by the number of heavy trucks.

At the Honore light I saw a lot of trucks emerging at mid-day. Some were coming from deliveries at Home Depot and other stores and restaurants. Now Honore is open to the back gate iof University Park. Not many people are aware of it yet, but the soon will be. Honore will soon have to be widened to a full four lanes. Trucks will take most of the time of each light at Honore and University Parkway.

I the is a Super Walmart, the County will soon get complaints demanding that deliveries be scheduled at night to alleviate the congestion caused during the day!

The proposed "right turn only" exit from the parking lot will be used to get to the nearest U-turn (Medici) and trucks will try to cut accross lanes to get to the left side of University. Soon it would be necessary to put a full traffic light with a protected right turn to get trucks and cars out and over to make that U-turn.

We just don't need a Walmart at every exit from I-75!

- - Dave Rossin

ADRossin@msn.com

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Rmc7209@aol.com
12/21/2003 09:23 PM

To jonathan.bruce@co.manatee.fl.us, Board of County Commissioner,
barbara.tyler@co.manatee.fl.us
cc
bcc
Subject Super Wal-Mart On University Parkway & Honore

Handwritten: DUB
attor
PD

Handwritten: FID
RECEIVED Wal-Mart
DEC 22 2003
Manatee County

Dear Ms. Tyler/Chairman Bruce:

Thank you for your e-mail of 12/18. In order of the points you make 1/my comment on Lockwood Ridge traffic problem was made simple to demonstrate that the same situation will occur on Honore Ave. north of University Parkway. My wife and I drove into the winding roads now there, and a/it will be tough for trucks to negotiate these and b/the lower entrances will be clogged with traffic and force trucks to go north to the planned light. This will take them into the development planned just north of the Super Walmart. I feel sorry that the residents of that new development will have to suffer that traffic. Shouldn't the county require frontage roads to reduce truck traffic through developments and parking areas of the store?

2/The Honore link is now complete through the University Park area. Traffic is beginning to build as people hear about it. I'm sure that you are aware that once this road gets overcrowded, you will need additional lanes. Unfortunately, most of the space available to ameliorate conditions are gone. There is no median left for about 100 yards to the west of the intersection, and precious little left to the East.

3/We are appreciative that you have asked the sheriff to step up enforcement on University Parkway because of the speeding and unsafe lane changing. We have noted no change for the better to date, but will hope for the best. This observer thinks that it gets worse by the month.

Lastly, having driven into the area yesterday, I feel most deeply that the space is too small for the large development planned. Please have every member of the planning commission drive into the area before deciding whether it can handle a maximum volume store with all the attendant traffic and noise. Up until now I have tried to discourage the development because of its impact on University Park. I believe now that while that could be very bad, that the impact on the condominium complex to the north of the rear loading area will be extremely negative. Since their area hasn't been built up yet, they have no one to defend them against the mega development.

Thank you for listening,

Handwritten: R.M. Colwell

P.D. - Wal-Mart



"arnie kneitel"
<dietdocny@msn.com>

12/19/2003 12:15 PM

JB/Only
All
PD
Atty.

To "Jonathan Bruce" <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject Fw: East County Observer letter to the editor

Sorry - I forgot the attachment, so here it is. Thanks again.

----- Original Message -----

From: arnie kneitel

To: jonathan.bruce

Sent: Friday, December 19, 2003 12:13 PM

Subject: East County Observer letter to the editor

Dear Commissioner Bruce: I don't know if you read the East County Observer, but they were kind enough to print a letter I wrote about Ed Vogler's persistent bad behavior at PC and BOCC meetings. I have attached it here and I hope that you will take the time to read it. Thank you. Arnold Kneitel, MD



Planning Comm Behavior.doc

RECEIVED

DEC 19 2003

Board of County Commissioners
Manatee County

JR Borden
Law
att
PD

Lawrence B. Sullivan
1118 E. Campbell Street
Arlington Heights, IL 60004

PD
Wal-Mart

CBC
Dorm
Bob
Jerome
R.F.ile

Commissioner Jonathan R. Bruce December 18, 2003

Manatee County

1112 Manatee Ave W

Bradenton FL 34205

Dear Commissioner Bruce

Re Super Wal-Mart 24-7 Honore
at University Parkway

In receiving the tape of the Planning
Commission recent meeting, I had the impression
that traffic was not to be presented at the next
Planning Commission meeting in January.

I understand from University Park residents
that at a recent East Manatee County Coalition
meeting you expressed that traffic is Manatee
County "Number One" problem.

I understand that the current County Planning
Commission procedures do not require an examination
of traffic which you indicated is the "Number One"
County problem.

I hope the Commissioners reassess the Planning
Commission procedure and make sure before the
Planning Commission votes that they and the Board
of Commissioners consider traffic and its effect on
East Manatee County

Sincerely
Lawrence Sullivan
6644 St James, Chicago

Board of County Commissioners
Manatee County



"Dr. Cindy Bean"
<cindybean@mindspring.com>
m>

12/18/2003 10:33 AM

Please respond to
<cindybean@mindspring.com>
>

To <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject WalMart Super Center - Noise and Traffic issues must be addressed

Dear Commissioner Bruce

I write once again to urge consideration of safety and quality of life issues in the matter of Wal Mart's current attempts to plant a SuperCenter in our midst.

The proposed SuperWalMart at University Parkway and Honore must not be allowed given the unacceptable traffic and noise it will create.

I stand firmly against this SuperWalMart proposal and urge you and the county governance to deny the corporation this location for such purposes. A SuperWal Mart at that location is simply untenable.

Best regards,
Cynthia J. Bean, Ph.D.

YRB/Only
all
Atty
P.D.

P.D.
Wal-Mart

RECEIVED

DEPT. OF

County of Manatee



John tefft
<jltefft@yahoo.com>

12/17/2003 04:53 PM

JTB Only
all
Atty.
P.D.

P.D. Wal-Mart

CBC
Bob
Norm
Jerome
R.F.1e

To jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject Wal-Mart SUPER Center at Honore and University Parkway

Dear Commissioner Bruce,

Please do not allow Wal-Mart to avoid the County Planner's requirement for Wal-Mart to submit an acceptable noise study before any vote on whether to allow Wal-Mart to build this HUGE store on this small lot on and already VERY heavy traffic street.

Why should they either not submit such a study or be made to submit it in such a way that concerned citizens like my wife and I have no opportunity to see their study and offer our rebuttal points?

Please don't allow this final vote to be delayed and delayed as Wal-Mart hopes the strong opposition to this use of this property will get exhausted and give up. We are not going to give up ... we are going to get due process on this matter.

We need your help and leadership to keep this property from being used in this WRONG manner. Thank you, John and Dr. Linda Tefft 7313 Barclay Court, University Park, FL 34201 941-358-8046

Do you Yahoo!?

Protect your identity with Yahoo! Mail AddressGuard



KDKramer@aol.com
12/17/2003 02:16 PM

JEB only
all
atty
P.D.

P.D.
Wal-Mart

To Jonathan.bruce@co.manatee.fl.us
cc jawbreaker3@comcast.net, devildog10@comcast.net
bcc
Subject Proposed Wal-Mart at Honore and University Parkway

Dear Commissioner Bruce:

I have been a Manatee County resident in University Park for 5 years. When I attended the Planning Commission hearing on the Wal-Mart subject last week, I was shocked to find out that the Planning Commission does not require a traffic study until final site plan approval. All the time and money spent on this project by both proponents and opponents appears to be wasted if our county government really cares about traffic problems in this area. University Parkway has major traffic congestion problems now, a situation that will undoubtedly be made exponentially worse if a super Wal-Mart is constructed at this site.

My in-laws used to live off of highway 19 in Palm Harbor, Pinellas County. Over the years, underscrutinized development along that corridor made the traffic situation so bad that it became an area to be avoided. If you continue allowing unplanned traffic growth to clog our area, this gateway to Manatee and Sarasota Counties will be equally as bad. If I were a County Commissioner or on the Planning Commission, I would hate to look back over my government career and think that this was the legacy I left to my fellow residents. Please vote against this project and encourage your fellow Commissioners to do the same.

Sincerely,

Kim D. Kramer



*JB/only
all
atty
PD*

"Hank Mosler"
<hmosler@comcast.net>

12/17/2003 12:29 PM

To <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject Proposed Walmart Hours of Operation

Dear Commissioner Bruce

I am a full time resident of Manatee County and live in University Park Country Club. I am writing to you with a question regarding the noise and compatability issues of building a large commercial 24 7 big box store (Walmart) next to our existing residential community. The site is located at the corner of Honore and University

At the recent Manatee Planning Commissioners meeting (Dec 11, 2003), the Planning Commissioners said they were looking for recommendations from the Manatee Planning Staff regarding this proposed project. The Manatee Planning staff (Mr. Norm Lupino) recommended at that meeting that a stipulation be included requiring that the proposed store be closed during the night time hours of 11pm to 7 am. I support this recommendation for limiting the hours of operation for the proposed big box store located next to our existing residential community.

Could you please advise me as to will this Manatee Planning Staff recommendation be included in the site stipulations? I did not hear the Planning Commissioners response to this recommendation by the Manatee Planning Staff.

Thank you.

Henry A. Mosler
816 Collingwood Court
University Park, FL 34201
email: hmosler@comcast.net
(941)-360-3666



"Jeanie Blazey"
<jeanieb@comcast.net>

12/17/2003 07:47 AM

Please respond to
"Jeanie Blazey"
<jeanieb@comcast.net>

To <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject: Propsed Wal-Mart

P.D.
Wal-Mart

Dear Mr. Bruce:

As a resident of University Park Country Club, I attended the The County Planning Board's meeting last week. I was very disappointed to learn that Traffic is not something they consider when making a decision of this magnitude. I travel University Parkway every day. The traffic issue is already a very serious one. Last week, leaving Albertson's, I was unable to go east until I reached Tuttle. I waited through several lights at each intersection. Even when I got to Tuttle, I still was unable to move into the left turn lane, so I had to turn into the shopping center on the right, go to the back of that, make a right out of the shopping center and then a U-turn and finally wait at the light to make a left onto University. I then had to wait through many red lights as I traveled back to my home. This quick errand took me over an hour of travel time. Much of this delay was due to the traffic from the current Wal-mart. Can you imagine the traffic if we put a Super Wal-mart to the East.

Thank you for your consideration of this vital issue.

Jean Blazey



"rvswainson"
<rvswainson@comcast.net>
12/16/2003 07:13 PM

To <jonathan.bruce@co.manatee.fl.us>
cc
bcc
Subject Super Walmart at Honoree and U.P.

Mr. Bruce,

After attending the last Manatee Planning commission on this issue I have really only two questions:
One do the Planning Commission plan to demand that the lawyers for Walmart come close to telling the truth about the issue?

Second and more important!! If in fact the number one problem with Manatee county approving this site for a

"Blimp" in a gardensite!"

Where is the Traffic study and noise study!!!

Thanks,

Ralph Swainson

JOB Smiley
all
atty
P.D.

P.D.
Wal-Manat

CBC
Norm
Bob

Jerome
R.F.12



"GAIL FILIPELLI"
<g_filipelli@yahoo.com>

12/16/2003 01:43 PM

To <jonathan.bruce@co.manatee.fl.us>

cc <upchsl@comcast.net>

bcc

Subject Is Wal-Mart Too Powerful.txt

Dear Commissioner Bruce,

Please read this article. It spells out our concerns at University Park. Wal-Mart will run over us. During a similar objection to Wal-Mart in a GA neighborhood, Wal-Mart informed the residents that, if given any more opposition, they would not even landscape their building. I will try to find the article from The Atlanta Journal Constitution. The GA commissioners were weak. They allowed Wal-Mart to abandon a perfectly good building a few miles away, and allowed a super-center with lots more traffic closer to the residential area. We want to believe that our commissioners in Manatee county will have our best interests in mind. An upscale shopping center, with a good choice of stores not currently close by, will also provide tax revenue and will not have such a negative effect on the community. Please ... please ... please hear our requests and stop the tanker from taking over the boat basin! Regards, Dr. and Mrs.



Louis Filipelli, University Park BW Online October 6, 2003 Is Wal-Mart Too Powerful.txt

Handwritten: JRB Only
all
atty
P.D.

Handwritten: P.D.
Wal-Mart



JEB/Dmly
all
atty
PD
Dsbrowningct@aol.com

12/16/2003 12:26 PM

To jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject Traffic, Manatee County and Wal-Mart

A.D.
Wal-Mart

Dear Commisisoner Bruce, based on what we have heard about the recent hearing regarding the proposed Wal-Mart project at University Parkway and Honore, I am very concerned that one of Manatee County's main problems--traffic--is not being sufficiently taken into account during the Commission's consideration of this proposal. Because the traffic situation is a fundamental and severe problem with this proposal, we respectfully suggest that the Commission thoroughly consider this at an early stage. If the project is approved, the resulting increase in traffic will have a significant adverse effect upon residents of Manatee County.

Sincerely, Judith and David Browning, 8187 Abingdon Court, Bradenton



"Jerry Bernstein"
<mjbern@mindspring.com>

12/15/2003 02:58 PM

To <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject Traffic Study:

I was watching the proceedings of the last meeting on television and listened very intently to the findings of the traffic expert from SAVON and couldn't agree more with his conclusion. I also do not understand why the County procedure is such that a traffic study only has to be made just prior to the Final Site Plan approval. It seems to me that it is counterproductive because if the study shows an unacceptable level of traffic then the process should not be carried forward any further unless revisions were made. If they can not correct the problem, abandon the plan and save everyone a lot of time and money.

Morris J Bernstein

JJB only
all
Atty
PD

PD
cBe
Norm
Jon
Ryle



Wilverness@aol.com
12/15/2003 02:59 PM

JBB/only
all
Atty.
P.D.

To jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject Fwd: A confused, frustrated Manatee County resident and voter

P.D. - Wal-Mart

----- Message from Wilverness@aol.com on Mon, 15 Dec 2003 14:51:32 EST -----

To: jonathan.bruce@co.manatee.fl.us

Subject: A confused, frustrated Manatee County resident and voter

Dear Commissioner

I attended the Planning Commission meeting Thursday, December 11, regarding the application by Wal-Mart. After considerable testimony by the applicant's lawyer and concerned residents against the project; one Commissioner excused himself early but stated before leaving that he was inclined to vote for denial because of his concerns for noise, traffic, safety, and turn in, turn out problems. Another Commissioner had concerns about the traffic and safety within the parking lot, another with the noise, another about the closeness to the townhouse project adjacent to the Wal-Mart. No one seemed inclined to vote FOR the project.

Then the lawyer for the applicant reminded the Commissioners that all of these concerns were "administrative" and should be evaluated by staff. The initial staff presentation recommended denial based on several issues, noise being one of them.

In addition, the lawyer for the applicant stated that the concerns of the group of residents attending the meeting should not influence their decision. He asked why this was different from the approval for the Wal-Mart on SR 70. A big difference is that there is a large group of Manatee residents who do not want this big box on the site.

In the end, one Commissioner made a motion for continuance and at this point it seemed to me that the Chairman "browbeat" staff members concerning their expertise to evaluate the noise aspects of the project. It has been continued until early in January.

The resident group, SAVE, spent time and money (contributed by the concerned residents) to obtain expert advice and counsel and it appeared to have no impact on the evaluation process. The many e-mails that were sent were in a binder which the Chairman referred to by saying that were too many of them to make a copy for each Commissioner but they could read them by reviewing the book.

Overall, I walked away with the feeling that approval was a done deal. Hopefully, this will not be the case when the Manatee Commissioners meet. Hopefully you will have read the e-mails from the concerned residents, you will be concerned about the increase in traffic on University Parkway, the increase in noise, the truck traffic and how they enter and leave the site, the closeness of the proposed Walmart to residential areas, and the safety within the parking lot.

If this project is approved, and the Walmart is built, then none of these concerns, if they prove correct, can be changed or improved.

Wayne Wilver
7314 Chatsworth Court
Bradenton, FL 34201



"Ben Jordan"
<jordan44@tampabay.rr.com>
>

12/15/2003 10:13 AM

To <jonathan.bruce@co.manatee.fl.us>
"Leslie Simms " <zakynos@tampabay.rr.com>, "Bob DuPuy"
<bobandmarie@allvantage.com>, "Cindy Chin"
<nepandas@tampabay.rr.com>, "Doug Mohl "
<dmohl@tampabay.rr.com>, "Ed Vehling "
cc <evhling@direcway.com>, "Gordon Wardell "
<wgwardell@yahoo.com>, "Joan Hodges "
<joanahodges@aol.com>, "Pat Witt"
<patdixonwitt@yahoo.com>, "David Cole"
<people@tampabay.rr.com>

bcc

Subject Traffic

Wal-Mart

Mr. Bruce-

I noticed that one of the issues at the Walmart hearing last week was the traffic issue and the admitted fact that the County's staff found level of service F along University Parkway. While this is not currently as serious an issue in the Parrish area as it is in the University Park area we are concerned it soon will be. The practice of not requiring the applicant to submit a traffic survey until the Final site plan phase just doesn't make sense. If traffic is in fact -- as you put it so well recently --- "the number one problem in Manatee County" why shouldn't the amount of additional traffic the new development will cause be the number one consideration when looking at any new development? To delay the traffic concerns as an issue until Final site plan phase invites the argument "well we've already come this far what's a little more traffic between us guys". Problems are not fixed unless they are addressed and I ask you to address this one.

Ben Jordan
Chairman Rural Development Committee
Parrish Civic Association

RECEIVED

DEC 15 2003

Handwritten notes: "JMS", "law", "att", "PD"

PD

PD

Handwritten:
DUS
law
att
PD

RECEIVED



Dpgirvin@aol.com
12/15/2003 10:26 AM

To jonathan.bruce@co.manatee.fl.us
cc
bcc
Board of County Commissioners
Manatee County
Subject Wal-Martization of Manatee County

Commissioner Bruce:
You and your fellow commissioners surely don't believe there is a NEED for a Wal-Mart Supercenter at University Parkway and Honore. Any person shopping at this proposed location would have to drive to the supercenter. They could just as easily drive to the existing Wal-Mart at Lockwood Ridge or approximately 4 miles further to the supercenter on Highway 70.

This isn't about community need, this is nothing but corporate greed! Wal-Mart wants to be the only retailer, and in the process they don't care how many locally owned businesses they will destroy.

The proposed location is too small for a Wal-Mart Supercenter. The neighborhood demographics aren't representative of the "typical" Wal-Mart customer. The strategy for building a University Park store is to attract customers from SARASOTA County since SARASOTA COUNTY had the intelligence to TURN DOWN their attempt to expand their Cattleman's store into a supercenter.

Wal-Mart will claim they will bring a bonanza of property and sales tax revenues to Manatee County. 87 percent of their sales will come from EXISTING retailers and result in little, or no actual gain. The property taxes paid by the thousands of residents in University Park are far more than those generated from a Wal-Mart.

A Wal-Mart Supercenter in this location makes no sense. Please deny this application and allow the already approved lifestyle center to be built.

Dick Girvin
University Park

RECEIVED

DEC 15 2003

PD



"SYBIL BERKWITS"
<SYBILBERK@msn.com>
12/15/2003 06:53 AM

Board of County Commissioners
Manatee County
cc
bcc
Subject: Re: Super Walmart

I have been a Manatee County resident for over ten years. As a retired real estate agent I have seen the progress made in the real estate here in the last few years BUT I was able to view the last meeting in its entirety that was held on this subject and must tell you that I side with those who would recommend denial. Not only would there be much more noise (trucks etc. coming and going - it was estimated that there might be as many as ten deliveries daily ! -, and without drastic road changes many traffic and safety hazards would just be waiting to happen. The county infrastructure as it exists just isn't in place to support a giant project of this size. If a go ahead is given to the proposed super Walmart project it would definitely have a negative effect on the environment. All the negative aspects were clearly brought up in the debate at the meeting (it is simply too big to be built on this site) with a number of commissioners advocating denial, yet not one of the commissioners came forth with a good reason for acceptance. For the sake of fairness and an attempt at ending this go nowhere debate, the commission voted for a continuance, and unless the size, egress and access to that property, the expected noise the project would bring, the parking and dangerous traffic conditions on University Parkway itself, I have to hold to my opinion that a vote for denial be forthcoming.

Yours truly, Sybil Berkwits

RECEIVED

DEC 15 2003

*JB
law
attr
PO*

PO



"Joyce Bozich"

<joycebozich@comcast.net>

12/15/2003 08:53 AM

Board of County Commissioners

To: <Jonathan.Bruce@co.manatee.fl.us>

Manatee County

cc

bcc

Subject: Wal-Mart

Mr. Bruce,

I attended the Planning Commission hearing last week concerning whether or not Wal-Mart will build at University Park and Honore Ave. I don't feel like the Commissioners even listened to the residents fears and complaints about having Wal-Mart as our neighbor.

Someone has to pay attention to the traffic that will be a major problem on University Park. It's too late to do it just before they start building. That makes absolutely no sense. Why in the world does Manatee County need another Wal-Mart....especially one the size they are trying to build?

Joyce Bozich

7655 Heathfield Court

University Park, FL 34201



Stan Muessle
<stan_muessle@juno.com>

12/15/2003 11:11 AM

To jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject Wal Mart

JB Only
all
P.D.
Atty

P.D.
Wal-Mart

We just read that traffic is not considered by the commission in your planning process for the University Parkway Wal-Mart. This is a HUGE issue. Is our information incorrect?

Stan and Betty Muessle



RSperandio@aol.com

12/15/2003 01:24 PM

JRB/only
all
P.D.
att
ec
bcc

To jonathan.bruce@co.manatee.fl.us

Subject (no subject)

P.D.
Wal-Mart

Mr. Bruce,

Regarding the Wal Mart issue. Traffic is a number one problem on University Parkway. You can't in good faith leave that issue to the end of the process. It must be addressed now for the safety of all who live near and use University Parkway on a regular basis.

R. Sperandio



JHMEROLLA@aol.com
12/15/2003 10:33 AM

Handwritten: JLB/only
all
P.D.
attys
cc

jonathan.bruce@co.manatee.fl.us

bcc

Subject Fwd: Wal-Mart Super Center at University Parkway and Honore

Handwritten: P.D.
Wal-Mart

----- Message from JHMEROLLA@aol.com on Mon, 15 Dec 2003 10:23:38 EST -----

To: jonathan.bruce@manatee.fl.us

Subject: Wal-Mart Super Center at University Parkway and Honore

Dear Mr. Bruce:

I am a resident of Palm Aire Country Club.

This past week, although I was unable to attend the Planning Commission meeting regarding the above matter, I was able to watch the proceedings on television in the evening.

There were several people who addressed the Planning Commissioners with many concerns about the Wal-Mart Super Center being placed adjacent to two residential communities. These concerns addressed compatability, noise, environmental change in neighborhood, statistically higher crime rate, pedestrian safety within the parking lot and the severe strain to traffic on University Parkway which would cause an "F" rating by the year 2005.

The Planning Commissioners have allowed Ed Vogler, attorney for Benderson, the applicant for the Super Center, to submit no less than 7 renderings of the site plan. You might think that after 1, 2 or even 3 submissions the Planning Commission would recognize that Wal-Mart can't seem to get it right. It's as if the Planning Commission will allow them to keep submitting until they get it close enough for approval.

Planning Commissioner David Weinicke voted to deny the applicant, saying that he felt this was not the right site for this project. He unfortunately had to leave the meeting early.

Mr. Norm Lupino, project manager, had requested a noise study in writing from the applicant. He did not receive a written study and was not satisfied with the verbal comments regarding noise, and therefore would have to recommend denial of the application.

Ignoring the compatability, safety, crime issues and, most importantly, the traffic impact to University Parkway the Commissioners chose to focus on the "noise" issue, voting for a continuance to January 8, 2004 to allow Mr. Vogler a second chance to come up with a written study (which Mr. Vogler balked at).

The person heading up the Commission started to ask Mr. Vogler if this would allow him enough time and then corrected himself, recognizing that this wasn't his decision.

It appears the Planning Commission is hell bent on giving the applicant an approval.

I sincerely hope that the County Commissioners can be more objective and take into consideration all the issues that have convinced tax paying citizens of Manatee County that this site is not the proper site for a 24 hour - 7 day a week Wal Mart Super Center.

John Merolla
6156 Misty Oaks Court



"Richard Haney"
<HaneyRJ@prodigy.net>
12/14/2003 03:36 PM

To "Jonathan Bruce" <jonathan.bruce@co.manatee.fl.us>
cc
bcc
Subject Planning Meeting Dec 11th

RECEIVED

DEC 15 2003

Wal-Mart

Board of County Commissioners
Manatee County

Dear Commissioner Bruce:

I am writing to you about a situation that occurred during the County Planning meeting on Thursday December 11th.

I am a full time Manatee county resident and a registered voter who lives in University Park

As you are probably aware, we had many of our residents show up for this most important meeting. In fact we had more residents show up than the room could accommodate. Therefore the Chairman indicated that some would have to sit in the lobby while others would have to be placed in a conference room. While metal chairs were being placed in the lobby for our residents, some of the county staff brought in padded chairs for Ed Vogler and his group, and placed them at the back of the room. All had chairs even though some of them never talked during the meeting. I thought this was wrong. Our attorney (the SAEVN attorney) and her support team got there early enough to get seats in the general audience. If Mr. Vogler needed a place, then he should have been provided with the same accommodations as our residents. I do not object to his chair being placed in the room, but his non speaking staff should have been placed with our residents.

The most blatant example of favoritism and impropriety demonstrated by the county employees occurred after lunch. Our attorney again returned from lunch in time to secure a seat in the general audience. However when Ed Vogler and his crew returned from lunch, rather than taking the few remaining chairs proceeded to seat themselves in the "STAFF ONLY" section of the room which is located right behind the microphone for the presenters to use. At a break I walked down and asked Norm Luppino and Rhonda (I think this is her name, she is the staff person who handles the swearing in of the speakers) just why Ed Vogler and this crew be allowed to sit in the section for "STAFF ONLY". I was told that it was okay, because there were no other chairs. I suggested to them both that I thought it was favoritism, and that it appeared that they (the staff) must consider Mr. Vogler part of their staff.

It is apparent from the conversations he and them were having that the county staff is very close to Mr. Vogler.

While I am not suggesting that anyone on the county staff gives Mr. Vogler a break on any of the county requirements, I would think it would be prudent to ensure that our county employees project the image of fairness at all times. A developers representatives should not be treated any different than the general public.

Richard H. Haney
7907 Warwick Gardens Lane
University Park, FL 34201



Hild1000@aol.com

12/14/2003 09:22 AM

JB Only
all
PB
atty
To jonathan.bruce@co.manatee.fl.us
cc devildog10@comcast.net

bcc

Subject Is Anyone Out There Listening?

P.D.
Wal-Mart

As a resident of University Park, I am in support of a shopping center, as previously approved, on the northwest corner of Honore and University Parkway. I am adamantly opposed to a Super WalMart with its attendant safety issues.

Having observed the December 11th Planning Commissioners meeting, I am convinced the site is not large enough for a Super WalMart. I am confounded that some of the commissioners overlook:

1. The proposed plan does not include a perimeter road(s). Each and every shopping site along University Parkway has some type of ring road to enable safe traffic flow. This includes:

HomeDepot - University Parkway
Lakewood Ranch - University Parkway
WalMart - University Parkway and Lockwood Ridge
Publix - University Parkway & Tuttle
Kash & Karry - University Parkway & Lockwood Ridge

Why doesn't the proposed Super WalMart have one? Because there is not enough space. The site is too small.

2. Why will customers be forced to back out of parking spaces onto shared access with 18 wheelers. Because there is not enough space. The site is too small.

3. Why doesn't the plan include pedestrian walkways to all areas of the parking lot? Because there is not enough space. The site is too small.

4. Why do the 18 wheelers have shared access with the entrance road to the condominiums of the north end of the site? Because there is not enough space. The site is too small.

5. How can allowing a known "unsignalized intersection" be considered good planning. Why would it be allowed? Again, there is not enough space. The site is too small.

There is no room for safety when you force fit a liquid quart into a pint jar. Please take an active stance in opposition to the WalMart plan.

Respectfully,

Joan Hardwick
7817 Wilton Crescent Circle
University Park, FL 34201

CBC
Bob
Norm
Jerome
R. File

December 13th, 2003

Ms. Mary Sheppard, County Planner
Manatee Cnty. Planning Dept.
Manatee County Administrative Ctr.
1112 Manatee Ave. W
Bradenton, FL 34205

RE: Wal-Mart Planning Mtg. 12/11/03

My dear Ms. Sheppard,

I am very admiring of the firm and logical commentary you provided at the above referenced meeting. The decision to write to you directly was made in the hope that I can add some further support for the position you appear to be taking re: traffic, noise and hazard problems inherent in this proposal.

I am part of a Warwick Gardens Comm. working with Ms. Dorothy Rainey, who is Cnty. Planner for Colonial Trace, the property now owned by Pulte developers. I'm including a copy of a memo I wrote to Ms. Rainey immediately after the meeting where Mr. Vogel declared a liaison with Colonial Trace for joint use of the entrance to this residential community...to my mind, it clearly underscores a number of points you made.

You correctly pointed out the pile-ups that will occur when cars make the right or left turns from University into Honore and then attempt an almost immediate left into the first Wal-Mart entrance...if a tractor-trailer is added to that mix, it could be a catastrophe beyond description. Certainly, we can assume since Mr. Vogel talks of 10 Tractor-Trailers that will use the 3rd entrance on Honore, better known as the residential entry to Colonial Trace, Wal-Mart is more than aware that they must direct their vehicles/deliveries away from the likely problems at entrance #1.

Mr. Vogel assumed all these 18 wheelers will exit to the front but truckers wanting to get back to I-75 may well go back the way they entered in order to catch a light at Honore & University. Therefore, my example in the memo attached of a possible 20 Tractor-Trailer trips together with traffic of 116 families on a daily basis is a valid one.

I believe it was Benderson, Mr. Vogel's other client, who prepared the land for this road since Pulte has not yet had approval of a final site plan. In so doing, Benderson tore out about a third of the natural treeline which is the only separation between the road and Warwick Gardens...we were working with Ms. Rainey to attempt to stop further denuding and none of us were made aware of the plans as presented by Mr. Vogel just a couple of days ago. I have felt for awhile that Pulte was holding back on their site plan improvements/disclosures and I think we now know why. Quite a group we have attempting to pull all the strings back there and impose their will with little regard to existing Codes or Officials.

If my memory serves me, it was Mr. Burke who stated that he was for denial of the Wal-Mart Big Box because the County infrastructure just can't support it. The data I bring forth was glossed over by Wal-Mart because it jeopardizes 116 families and Warwick Gardens residents directly as well as Manatee County residents who don't yet know they are at risk.

Please share my mailing with your colleagues to highlight the complicity that only shows Wal-Mart putting forth benefits to all of us without disclosure of the many risks.

Respectfully,



Alice M. Muehlbach
(941) 358-6264

Bob and Alice

From: "Bob and Alice" <Millstream73@comcast.net>
To: <dorothy.rainey@co.manatee.fl.us>
Sent: Saturday, December 13, 2003 11:09 AM
Subject: Colonial Trace PDR-OO-09/FSP-03-55

Dear Dorothy,

I attended the Wal-Mart Planning Comm.Mtg. on 12-11-03 and felt you should be made aware of the public statements made by their Attny., Mr. Ed Vogel.

He claims that there is an understanding/agreement in place between Wal-Mart and Colonial Trace (Pulte?) that will allow tractor-trailers to share the entrance to the latter's residential community of 116 Town Homes.

Further, he stated that they estimate 10 (we'll accept they offer the barest minimum!) tractor-trailers to enter daily, 7 days weekly, between the hours of 7AM to 10PM.

Consequently, we can expect a minimum of 20/TWENTY 18 wheeler trips each day as they travel in and out together with the traffic, both cars and deliveries, for 116 families!

a) I hope you will now be comfortable confronting Pulte with this public record.

b) Surely, there is a code to protect/limit the use of entry to a residential community on such a hazardous basis?

c) Given these conditions, what further responsibility to adjacent property owners can be mandated/stipulated? Do they still get to remove more of the tree line so we get additional exposure to commercial traffic and pollution?

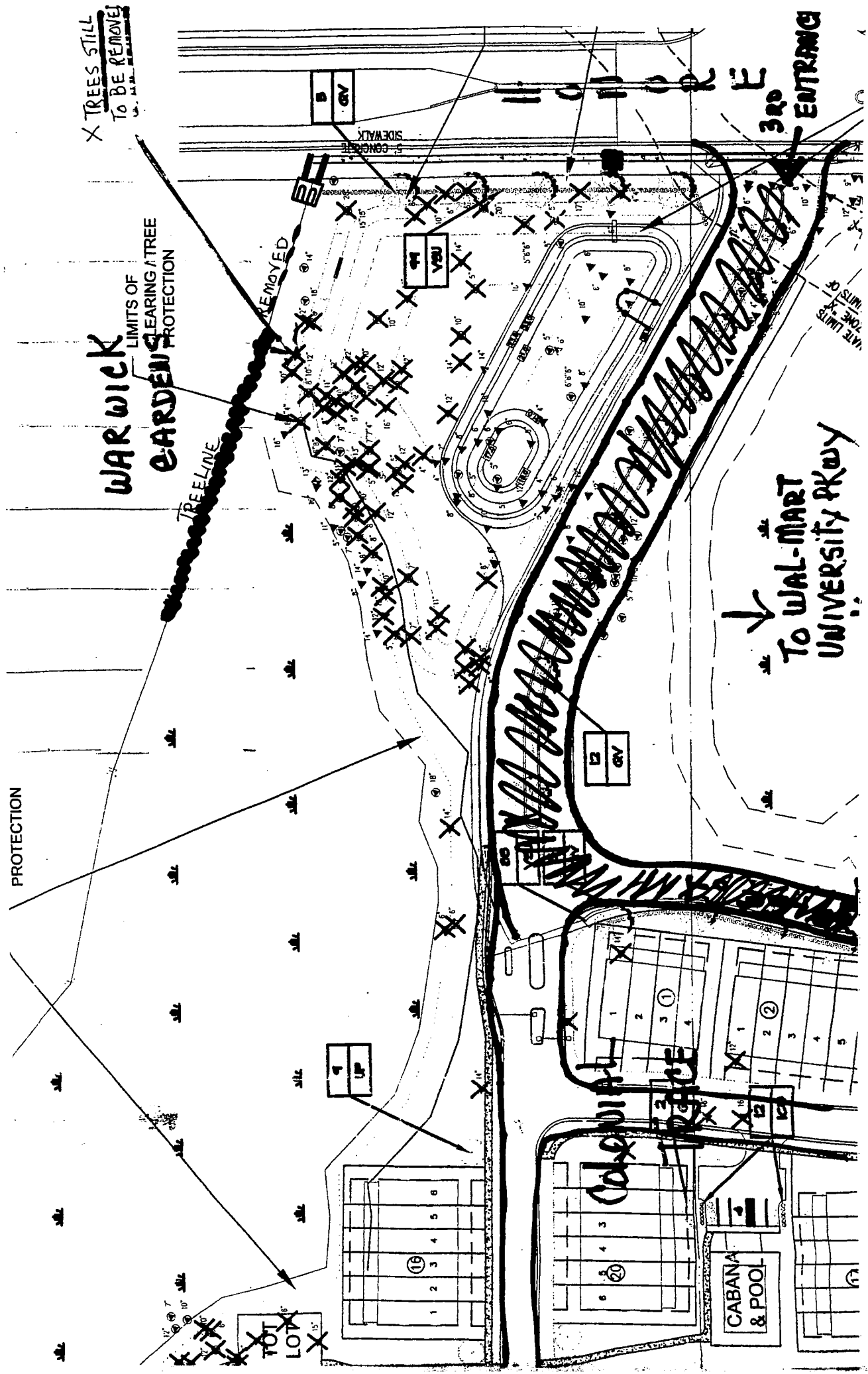
d) Wal-Mart is surrounding their "Big Box" with 8 ft. walls and large trees but that will offer nothing to Warwick Garden residents! Pulte and Wal-Mart appear to be partners in the use of this entrance road so shouldn't they be required jointly to share the expense of shielding us too if the Wal-Mart proposal gets approval?

Respectfully,

Alice Muehlbach
Warwick Gardens
Committee

Please respond to millstream73@comcast.net
at your convenience.

12/13/2003





"Charles F. Murphy"
<Highlob@Comcast.net>

12/13/2003 12:15 PM

JEB Only
all
PD
Atty
To: Jonathan.bruce@co.manatee.fl.us

cc "J.D. Lynch, Jr." <devildog10@Comcast.net>

bcc

Subject: WalMart Meeting

P.D.
Wal-Mart

Mr. Bruce (and other Board members):

I observed your 12/11 meeting with great interest. While the meeting was run in a competent manner, and Mr Lupino's staff reports were exceptionally well presented. I was rather dismayed by a number of important issues which the Board chose to treat with some combination of benign neglect and intentional non recognition, as follows:

- It seems almost beyond reason that this particular decision (in this particular location) should be addressed unilaterally -- without collaboration with Sarasota County planners.
- While everyone in the room was aware of the plans by the same developers to also place a major shopping center less than a mile east on University Parkway, your Board had absolutely no discussion of the combined impact of these two projects on the HORRENDOUS traffic problems on University Parkway.
- And the issue of where these low wage employees would live, and how they would find transportation was basically brushed off. Why could you not have provided the honest answer: Most will live in Sarasota, and be dependent upon Sarasota mass transit.

Bottom line: the proposed project will have a far greater (negative) impact upon Sarasota than upon Bradenton. Please do the right thing, and give those who have most at stake a greater voice.

And one final observation: Mr Lupino gave well thought out explanation of the planning theory associated with making the transition from dense business use adjacent to an interstate highway to lighter use as residential areas are approached. But it just doesn't fit with that theory (or make good sense) to end the transition by force fitting a really big box into a really small parcel.

Resectfully,

Charles F. Murphy
7829 Wilton Crescent Circle
University Park, FL 34201



"Bob Oberlin"
<oberlinre@comcast.net>

12/12/2003 04:25 PM

To <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject Walmart Proposal

I was very disappointed in the 12/11/03 Planning Commission meeting from a number of standpoints. They focused in on the noise issue, which although important, does not compare to the magnitude of the traffic and safety problems this Walmart will create. This issue (traffic) was left up in the air with no plans for resolving.

Both sides have their own point of view on the traffic and noise issues but it seems to me that the Planning Commission must take the responsibility to resolve the differences, and, if necessary, develop their own capability (either in-house or contract) to conduct traffic or noise studies vs. relying on outside groups who have their own axe to grind.

I was also disappointed to hear one of the commissioners state that "if the Walmart plan meets county codes, it should be approved". What about considering the needs of local residents whose property values will be reduced and those who bought in Colonial Trace with the understanding that the original site plan (which provided for a lower scale commercial development) would be adhered to? Shouldn't these considerations be part of the planning process?

In my opinion, which is also supported by many of my neighbors, the major increase in car/truck traffic congestion (and related safety problems) that will occur is the main reason the Walmart SuperCenter proposal should be voted down. Please consider this issue carefully when voting on the Walmart proposal. Thank you, Bob Oberlin, UPPC.



RECEIVED
DE 12 13
Board of County Commissioners
Manatee County

"Ronni Loundy"
<ronni70@comcast.net>

12/12/2003 10:32 AM

JRB / Only
all
atty
PD

To <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject Wal Mart

P.D.

CBC
Norm
Bob
Jerome
Readen
File

Dear Mr. Bruce,

As a concerned University Park resident, I eagerly attended the Planning Commission hearing yesterday. While I did not relish sitting in the court room for seven hours, I felt that both your staff, Mr. Vogler's team, and our representatives did an excellent job of presenting their respective views. What I left with from that meeting, however, was a gut wrenching feeling of despair. Here is the point as I see it: Mr. Vogler and the Wal Mart team had more than adequate time to submit the required noise abatement study. In fact, the study has already been done. What Mr. Vogler stated in the meeting was that he was unwilling to share the requested report because he was concerned that the SAEVN group would submit a noise study that was contradictory. That is their right. Your planning department was suggesting denial because the report had not been submitted as required. That was their obligation. However, Instead of denying their request the commission offered him another chance to submit his study once again.

Mr. Bruce, in my opinion, Mr. Vogler attempted to bypass SAEVN's right of rebuttal and he has succeeded. He has challenged the planning commission by holding back requested information. Rather than denying his application due to his arrogance, the Planning Commission allowed him another chance. By scheduling another meeting they have inconvenienced over 500 people who have done nothing except expect the laws to be applied equally and fairly to both parties.

Yesterday was an example of democracy at it's worst.

Sincerely,
Ronni Loundy
University Park



Board of County Commissioners
Manatee County

"Anthony Cocco"
<anthonycocco@comcast.net>

12/12/2003 10:25 AM

To <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject University Park Wal-Mart

Dear Commissioner Bruce,

I write you to voice my disappointment in the Dec 11, 2003 Planning Commission meeting not only in the outcome but in what I heard during the proceedings.

First my disappointment in the outcome. The applicant made a wonderful sales presentation highlighting all the cosmetic features Wal-Mart has agreed to and will provide, if approved. Not once did I hear any benefits the county and its residents would gain from this approval over the current approved plan. I did hear lots of risks; e.g. traffic, noise, transition issues, compatibility etc. Despite this the commissioners voted to continue rather than deny. One could argue the applicant claimed gains in jobs, tax revenues etc, but more often than not the below poverty level paying jobs are simply transferred from one retail business to another as is the tax revenue generated. There is only a finite amount of money the population can spend. But this was not the issue at this hearing. This was a land issue hearing and still no benefits or advantages were presented to the commissioners to support the application.

Second and more importantly I felt the Commission was operating in a vacuum when some very important issues that were raised. Namely the issues of traffic and safety. Several of the commissioners said the issue of traffic was an administrative issue and not one for consideration at this hearing. This is disturbing and very short sighted. I had the opportunity to hear you speak at Tuesday's East Manatee County Coalition Meeting and you acknowledged that traffic is one of the county's greatest concerns at this time!! I don't see how the Planning Commission can ignore the service level F condition that will occur on University Parkway with or without the Wal-Mart.

I don't know what the final outcome of the planning Commission will be, but regardless of their decision I hope the that you and your colleagues on the BOCC will have a greater and better vision for Manatee County and a concern for the welfare and safety of the individuals traveling on University Parkway. I encourage you and your colleagues to outright deny the application for such increased intensity that this super Wal-Mart will bring to University Parkway users.

Respectively,

Anthony Cocco
7215 Chatsworth Court
University Park, FL 34201



Board of County Commissioners

"Dick Woodall"

<dick@ad-vance.com>

12/12/2003 08:42 AM

Please respond to
<dick@ad-vance.com>

To <dick@ad-vance.com>

cc

bcc

Subject In favor of the Walmart Supercenter on University Pkwy

I am an active registered voter in manatee county and I would just like to let you know that I am in total support of allowing a Walmart Supercenter to be built on University Pkwy and Honore. I truly believe that it is appropriate for this major thoroughfare and it would assist the local residents (other than those that have raised \$83K) with a low cost solution to buying food and other products.

I believe that if you decline Wal-Mart's request you will set a precedent that all it takes to override the Commission is to raise enough money so you can force the Commission's hand. Please follow your rules and regulations and allow Walmart to proceed.

Thank you so much for your time,

Dick Woodall
Account Executive

Ad-VANCE Personnel Services
Southwest Florida's Premiere Staffing Agency
6513 14th St. W.
Bradenton, Florida 34207
941-739-8883 fax-941-753-8346
www.ad-vance.com



Board of County Commissioners
Manatee County

"Rohan S Andrew"
<mercator@comcast.net>

12/11/2003 08:21 PM

To <Jonathan.Bruce@co.manatee.fl.us>
cc "Jarvis Lynch" <devildog10@comcast.net>

bcc

Subject

To Commissioner Jonathan Bruce:

SIR:

At today's Planning Commission hearing on the Wal-Mart application for a site on University Parkway, the applicant's attorney - Mr. Ed Vogler - used the proposed Fire Station on at this location as a two by four to threaten the Commissioners. Not once, not twice, but on three separate occasions he stated, in the bluntest of terms, that if the Commissioners did not go along with certain shortcomings of his client's proposal then he would remove the Fire Station from the plans - leaving the County to find another location at its own expense.

It is regrettable that Mr. Vogler felt it necessary to threaten the County Planning Commissioners in this fashion. Unfortunately, the Planning Commissioners sat still for these threats - registering no protest against this unnecessary belligerence. Perhaps it would be timely to tell Mr. Vogler that Manatee County is not his personal playing field and if he wants to "take his marbles and go home" he should so.

I can assure you that the County will be far better off controlling its own destiny in Fire Station site selection than to be "blackmailed" into accepting Wal-Mart and all the nuisances in traffic, parking, noise, public safety and environmental blight that will result from this store.

Sincerely,
ROHAN S. ANDREW

12/11/03.

I OPPOSE THE REVISED SITE PLAN
FOR A SUPERCENTER ON UNIVERSITY
PARKWAY

I MAY NOT BE ABLE TO SPEAK TO
THE QUESTION AS I, BECAUSE OF A PRIOR
SCHEDULED APPOINTMENT CANNOT REMAIN
AT THE HEARING BEYOND 10:30 AM

I RESIDE AT 642 ADDINGTON PLACE
IN UNIVERSITY PARK.

LEON H. KLINGER, ESQ

all
attys
PO

PO

WAL★MART

STORES, INC.

(479) 273-4314 • www.walmartstores.com/news/

December 11, 2003

The Honorable Jonathon Bruce *all*
Manatee County Board of Commissioners
P. O. Box 1000, Bradenton, FL 34206-1000

Dear Commissioner Bruce:

The holiday season is upon us. It's a time when people think about the people they love and extend an extra helping hand to their neighbors, their community and those less fortunate. At Wal-Mart, we believe that it is important to give back to our communities all year, and especially during the holidays. I'm writing today to let you know about our Holiday Grant program, which further reflects our commitment to giving back in the local communities we serve.

Throughout December, associates at more than 2,900 Wal-Mart stores, nationwide, will make \$6.6 million in check presentations ranging from \$500-\$5,000 per store. Associates at each store will select the worthy causes in their local area to receive the grant. Your area Wal-Mart associates are donating \$16,500 to local organizations such as Salvation Army, Our Daily Bread, and Adopt a Family. This brings to a close a year in which your Wal-Mart stores have donated over \$250,000 to local non-profit organizations.

In addition, the Wal-Mart/SAM'S CLUB Foundation will donate an additional \$13 million between the months of November and January as part of its support of local organizations. *Forbes* magazine recently recognized Wal-Mart as the nation's "Largest Corporate Cash Giver" to charities, relief efforts, and other non-profit organizations.

Wal-Mart is proud to be part of this business community. If you have any questions about Wal-Mart's charitable giving in the community, or if I can provide you with additional information, please don't hesitate to call me at 256-217-0296 or e-mail me at Daphne.Moore@wal-mart.com.

Sincerely,

Daphne Davis Moore

Daphne Davis Moore
Wal-Mart Community Affairs
702 SW 8th Street
Bentonville, AR 72716-0150

RECEIVED

DEC 11 2003



"Grandpa's Trading Co. \Jim
Nelson)"
<grandpas@earthlink.net>

12/10/2003 04:21 PM

Board of County Commissioners
To: <jonathan.bruce@co.manatee.fl.us>
Manatee County

cc

bcc

Subject: Wal-Mart proposed facility University & Honore

PD
CBC
Norm
Bob
Jerome
R.F.

Good Afternoon,

We would like to go on record as being in favor of the new Wal-Mart Supercenter proposal for University Pkwy and Honore Avenue. We will be saddened by the loss of our current, smaller, local Wal-Mart at the corner of Lockwood Ridge and University as it is convenient and enjoyable to shop in. We do have concerns as to the anchor of this shopping center as Publix has already vacated and possibly Walgreens will as well.

But, on the plus side..... the jobs this new, larger store would create, the increased tax base and boost to our economy in Manatee County, would certainly be to Wal-Marts favor. We have concerns that Wal-Mart, if denied by the Manatee County Commission, would then look at Sarasota County as their location for the placement of their Super Wal-Mart on University with the new shopping area planned for the South side of University at present. This would bring the same traffic and similar noise that those who oppose the project are concerned about, just on the OTHER side of the street, with Sarasota County receiving all the tax and economic benefits!

Also, the value of Wal-Mart's proposal to contribute space for a fire station is certainly commendable and should not be overlooked as a bonus as well.

As Manatee County Master Gardeners, have spoken to the commission on land use issues in the past. And, while generally not in favor of increasing development, feel the benefits outweigh the negatives in this particular issue.

We do reside in the 34243 zip area of Manatee County and hope that you will consider approval of the Super Wal-Mart when it comes before you, even though the Planning Board has apparently suggested denial.

In closing, we would like to thank the county commission as a whole for the recognition given to us at the county commission last week as new graduates of the Citizens Academy. We were pleasantly surprised not only by the scope of the classes, the professionalism and sincere enthusiasm of the Manatee County employees who came forward to help educate us about the county but especially by their dedication to both their jobs and the county. Thank you for offering this very educational and enjoyable experience. We have resided in Manatee County for nearly 50 years and were amazed at the things we did NOT know about our own county!

Sincerely,
Jim & Barbara Nelson

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DEC 11 2003



Curranpj@aol.com
12/10/2003 12:11 PM

To: jonathan.bruce@co.manatee.fl.us
Board of County Commissioners
Manatee County
chsl@comcast.net

bcc

Subject: Wal-Mart Supercenter at Honore and University Parkway

Dear Commissioner Bruce,

Tomorrow, December 11th, the Planning Commission will hold a public hearing for the proposed Wal-Mart Supercenter at the corner of Honore and University Parkway. I feel it is very important for you and the entire Board of Commissioners and the Planning Commissioners hear clearly what the residents of the surrounding communities are requesting of you. This proposal is not appropriate for this location. Environmental, traffic, and building codes established should not be violated because of overzealous, aggressive developers or deep-pocket retailers.

The residents of Manatee county elected each of you to preserve and protect our community, to maintain our land and to create an environment where we feel safe. We already have enough traffic congestion, Our safety and our property must be protected. We don't need or want Wal-Mart at the corner of Honore and University Parkway. The Planning Board must be accountable to all those who reside in this county. They should not be swayed by developers persuasion methods. Please, DO NOT APPROVE the proposed Wal-Mart Supercenter. Just say NO to Wal-Mart.

I am unable to attend this important hearing and It is extremely important you consider this message in my absence.

Sincerely,
Polly Curran
6951 Cumberland Terrace, Henley
University Park, FL 34201

RECEIVED

*PLS
law
attys
PD*

PD

DEC 11 2003



BuckeyeLM@aol.com
12/10/2003 11:35 AM

To: jonathan.bruce@co.manatee.fl.us
Board of County Commissioners
Manatee County
bcc
Subject: Wal-Mart

Does a plan of compliance exist?

Tell us that the rumor isn't true. The rumor is that you are allowing Wal-Mart to build without compliance to the country traffic and building codes. Show the plan.

We are accountable to live by the rules of our county and YOU are even more accountable. You represent us so do what the LAW requires pertaining to building codes and traffic. You are not representing Wal-Mart, you are representing US.

**Jim and Lynne Marlow
7112 Prestwick court
University Park, FL 35201
355-5065**

RECEIVED

DEC 11 2003



RFTThom@aol.com
12/10/2003 10:25 AM

Board of County Commissioners
Manatee County
cc
To: Jonathan Aruce@co.manatee.fl.us
law
att
PD

bcc
Subject: Wal-Mart and University Parkway Planning

Dear Commissioner:

I am a resident of University Park but do not live in an area adjacent to the parcel that Wal-Mart and its developer are contemplating for a Super Center. I shop at Wal-Mart but am indifferent as to whether I would shop at a Super Center, they seem to be chaotic but perhaps you get used to it.

Earlier in this process, it came to my wife's and my attention that the parcel in question had been rezoned with the reluctant support of University Park residents. In this rezoning process, they were grossly misinformed by the various parties as to the consequences of this rezoning. To put it bluntly, they were blatantly lied to. I am newer to the issue but had I been involved, I would have raised the warning that in the world of developers, unless you have it in unequivocal writing, lying is virtually a given. This one seems a case in the extreme. On this point alone, I believe that you and your fellow commissioners should oppose this project. You certainly are aware of this betrayal of trust and unless you condone the developers abuse of the citizens of the county, I would think you are obligated to provide no variance that would enable it to proceed. But perhaps my sense of the obligations of honor of your body is not in tune with these circumstances. You witness that behavior so frequently that you put my challenge in the category of idealistic, but impractical. In other words, if you were intolerant of this behavior nothing would get accomplished.

My wife and I are now opposed to this project in this location because of the traffic volume and patterns it will create. I am dumbfounded by traffic management used in the developments of the shopping plazas along University Parkway. In the case of the development of the new Publix Plaza at Tuttle, all Westbound traffic is forced (almost by default) a remarkable distance through a maze of short streets through the plaza to the west. There is no or poor signage directing this flow or even informing of the necessity of the pattern. If you exit on Tuttle, to get back to westbound University Parkway, you have to illegally U-turn or turn in some poor soul's driveway. If you elect the intended route through the maze of streets, you end on exiting on Lockwood Ridge. That is perhaps the worst traffic intersection I've ever seen. I thought Massachusetts held the record for putting drivers into confrontational, "go forward if you dare" traffic intersections. They are amateurs.

Then you have the other Publix Plaza off University in Lakewood Ranch. It seems to have been designed by a videogame maker as a challenge to newcomers. See if you can figure this one out. You can see the stores, now can you get to them without hitting another car or pausing so much that traffic backs out on the Parkway? How could anyone have thought that there wouldn't be unacceptable traffic congestion caused by this?

Which leads back to the proposed Super Wal-Mart. The purpose of planning is to manage development so that it benefits the community to the maximum extent possible. It is not possible to insert a store that will generate that kind of traffic volume for that intersection without causing dangerous and delaying congestion. I am also extremely concerned that some equally naive "solution" similar to the ones above will be accepted in an attempt to convince someone otherwise. You are trying to pound an enormous peg in a little hole. No truly feasible solution is available. We live the consequences, not the developer. It is also inappropriate to have that amount of commercial activity inserted immediately adjacent to an established residential community. People living there have a right to be outraged. That was never intended in the rezoning for good reason. It would be the essence of poor planning.

We are asking you to oppose this project. It simply is not right for this location. Thank you.

Sincerely,
Robert and Sharon Thompson

RECEIVED

DEC 10 2003

Board of County Commissioners
Jonathan.Bruce@co.manatee.fl.us
Manatee County

cc

bcc

Subject Super Wal-Mart Proposal



Rmc7209@aol.com
12/09/2003 07:14 PM

P.D.
CSC
Dorm
Bob
Jerome
Reading
File

Dear Commissioner Bruce:

I have written before advocating rejection of the Super Wal-Mart proposal. They are an experienced group, and to require seven applications is probably indicative of the fact that this huge project doesn't belong on a relatively small piece of retail property. (As just one example they don't have enough space for parking according to your own codes.)

More importantly, we do know from traffic studies that the impact on traffic will be extremely negative--as a matter of fact that level "F" service will arrive in the season of 2005 even without it. I've mentioned before that my wife avoids University Parkway on every possible occasion. It has been level F for her for over a year.

We have also learned that the unsignalized intersection on Lockwood Ridge, between Albertsons (Checkers, Taco Bell, etc.) and the old Publix (Wal-Mart, Robb & Stucky, some new Publix) has posed significant problems and that the county will have to work to revise it.

It should come as no surprise that the very same situation will occur between the proposed Super Wal-Mart on the west side of Honore, and the Home Depot, Staples, etc. to the east. You may also know that the situation will shortly be exacerbated by the opening of the University Park link of Honore. Many people to the north end of Palm-Aire will prefer to come straight down Honore rather than wait for traffic and lights at Whitfield, Park Blvd., and Medici. Presumably they will return the same way. If that situation gets too crowded, there is unfortunately no divider left to ease traffic. It has been eaten up for turning lanes in both directions from Honore for about 100 yards in each direction. The chickens have already come home to roost.

Lastly, and it may only bear tangentially on this proposal, my wife and many others here in University Park...and I'm sure those like her to the north, can't wait for the last Honore link to open. It will allow them to get to B.J.s and the shopping center without even getting on University Parkway. (Honore to Cooper Creek). The county will probably have to widen Honore and Cooper Creek Drive in short order with all the houses, offices, workers therein, and defensive drivers.

Lastly, and it's just a personal thing. I don't know why my wife has to be so scared of driving on University Parkway. If the speed limit were lowered to something realistic, and if the police were to enforce the laws, I don't think it would be so scary for my wife. But the lack of enforcement has led to lots of speeding, weaving in and out and aggressive driving. We could use camera boxes to good end in this kind of a situation. Anything you can do to bring back a little sanity to the traffic situation would be appreciated.

Thank you, Richard M. Colwell
7209 Churston Lane
University Park, FL 34201

RECEIVED

DEC 10 2003

Board of County Commissioners
Manatee County

*DOB
law
att
PD*

PD

From: KCurlin@aol.com
Recipients: jonathan.bruce@co.manatee.fl.us
Subject: Super Walmart
Date: 08:39:59 AM Today

We are very concerned that the County Planning Department must not ignore the building codes they are responsible for enforcing and the impact and danger of the dramatic increase in traffic.

We expect the Board to deny this outrageous proposal and insure that this property be developed in accord with County Codes and not be swayed by big business at the expense of taxpayer well-being and safety.

thank you. Roger and Karen Curlin

RECEIVED

DEC 10 2003

*DB
100
att
PD*

PD



LOCOALG@aol.com
12/09/2003 10:00 PM

Board of County Commissioners
Manatee County
To: barbara.tyler@co.manatee.fl.us,
jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject: University Parkway Wal-Mart Super Center

Dear County Commissioner,

It appears that the Manatee County Planning Department has ignored the very same building codes you are responsible for enforcing and ignoring the impact and danger of the dramatic increase in traffic. Frankly, I am shocked at how egregious the violations of the code are. It appears that our SAEVN group has done the job the County should have been doing all along but failed to do.

We expect you to deny this outrageous proposal and insure that this property be developed in accordance with County Codes and not ignore the dangerous traffic impact as they seem to be doing.

Once again I am OPPOSED to the Wal-Mart Super Center!!! We have enough of them in Mantee County already!!!!

Thank-you
Amy L. Glasow

Toys of Misery

We could look at any of the sweatshop buyers, but why not the biggest . . . and the worst? Charlie Kernaghan of the National Labor Committee reports, "In country after country, factories that produce for Wal-Mart are the worst," adding that the bottom-feeding labor policy of this one corporation "is actually lowering the standards in China, slashing wages and benefits, imposing long mandatory overtime shifts, while tolerating the arbitrary firing of workers who even dare to question factory conditions."

Let's focus on toys. Wal-Mart does not want America's buying public—especially our children—to know that its famous low prices are the product of human misery, so while it loudly proclaims that its global suppliers must comply with a corporate "code of conduct" to treat workers decently, it strictly prohibits disclosure of any factory addresses that would allow independent sources to witness the "code" in operation.

However, Kernaghan's National Labor Committee, widely acclaimed for its factual reports on global working conditions, didn't wait for a corporate invitation (how rude!). In 2001, NLC's investigators visited several Chinese factories that make the playthings that Americans buy for their children at Wal-Mart. Seventy-one percent of toys sold in the U.S. come from China, and Wal-Mart now sells one out of five of the toys Americans buy. NLC interviewed workers in China's Guangdong Province who toil in factories making popular action figures, dolls, etc. sold at Wal-Mart and other stores.

Just before Christmas NLC issued a stunner of a report, titled "Toys of Misery." You might have missed it, since our diligent friends in the establishment media chose to ignore it, even though it was newsworthy, well-documented, timely, visually gripping, and had a great story hook to the holidays. (SMALL DIGRESSION: Is it too cynical of me to think that perhaps, just perhaps, the media conglomerates do not want to offend major advertisers with such unpleasantness, or perhaps that media conglomerates such as Disney [ABC], Viacom [CBS], GE [NBC], and AOL Time Warner [CNN] don't want to focus their cameras inside these sweatshops because—omigoodness—their own conglomerate's

logos will be found on the boxes being filled by the workers? I hope I've not offended you with such a cynical turn.)

If it's "reality TV" that the media powers want, here's some reality NLC investigators found in Chinese factories under contract to Wal-Mart that make "hellhole" seem like a nice place:

- Thirteen- to sixteen-hour days molding, assembling, and spray-painting toys—8 A.M. to 9 P.M. or even midnight, seven days a week, with some twenty-hour shifts in peak season.
- Even though China's minimum wage is 31 cents an hour, which wouldn't begin to cover the basic subsistence-level needs of a person, these production workers are paid 13 cents an hour. That would be an abysmal \$11.83 for a ninety-one-hour week, except that they are routinely cheated on wages: "No worker had any idea how their wages would actually be calculated," notes the NLC report, since piece rate, total production, and overtime are not listed on their pay stubs.
- Workers typically live in squatter shacks, 7' x 7', or jammed in company dorms with more than a dozen sharing a cubicle costing \$1.95 a week for rent. They pay about \$5.50 a week for lousy food. They also must pay for their own medical treatment and are fired if they are too sick to work. They have no money left for education, savings, or even a little entertainment.
- The work literally is sickening, for there's no health and safety enforcement. Workers suffer constant headaches and nausea from paint dust hanging in the air; the indoor temperature tops 100 degrees; protective clothing is a joke; repetitive stress dis-

A MESSAGE TO THE BOSS

Remember the old joke (or was it?) about getting a fortune cookie with a message that read: "Help, I'm being held captive in a fortune cookie factory"?

Well, in a twist on that, a Canadian couple got a startling message from a talking toy that they bought at Wal-Mart. Sold under the store's Kid Connection brand, the toy said in a tiny voice: "I hate you."

I hope the CEO got one of those.

orders are rampant; and there's no training on the health hazards of handling the plastics, glue, paint thinners, and other solvents in which these workers are immersed every day.

As for Wal-Mart's highly vaunted "code of conduct," NLC could not find a single worker who had ever seen or heard of it. These are not rogue factories in remote backwaters, but the plants of one of Hong Kong's top five exporters contracting with Wal-Mart, employing some twenty thousand workers, mostly young women and teenage girls.

Wal-Mart, renowned for its obsession with knowing every detail of its global business operations and for calculating every penny of a product's cost, knows what goes on inside these places. Yet, when confronted with the facts NLC uncovers, corporate honchos claim ignorance, feign outrage, blame the contractors, and wash their hands of the exploitation. Says CEO Lee Scott, *"There will always be some people who break the law. It is an issue of human greed among a few people."*

SWEATX

One day a couple of years ago, Susan DeMarco and I were doing our talk radio show, *The Chat & Chew*, on the topic of sweatshops, when a lady from Anniston, Alabama, called to say that whenever she goes into a store to shop for clothing, she seeks out the manager and asks: "Can you tell me where your made-in-the-USA section is?"

Good question. Check the labels at even such high-dollar stores as Nordstrom, Lord & Taylor, Neiman Marcus, Talbots, and Abercrombie & Fitch—and you'll find that many of these pricey goods are also made in China and other low-wage exits on the global highway. Just like Wal-Mart and the cheapie stores, the tonier salons pay a pittance to those "faraway people" who cut and sew the goods, which the stores sell for, say, \$50, \$100, or \$1,000—the price bears no relation to the cost of making the thing. More than 80 percent of our clothing now comes from overseas plants, most from countries paying less than a buck an hour, and most likely made by a young woman or child.

But even a made-in-the USA label on your blouse or shirt doesn't

RECEIVED

JAN 06 2004

Board of County Commissioners

Manatee County Johnmmassey@aol.com



01/06/2004 06:29 AM

To jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject Proposed Super Wal-Mart on University Parkway

P.D. Wal-Mart

Dear Mr Bruce,

I have not written to you before but I have become increasingly concerned about the above proposal. The principal reasons for my concern are:

- 1.that the proposed Big Box is far too big for the site.
- 2.that the resulting traffic chaos on University Parkway will be absolutely horrendous
- 3.that the noise and air pollution will be way above any reasonable, and sensible standards

I understand that a proposal is being considered by the Planning Department whereby there will be a junction without signals for the entrance/exit from the Wal-Mart site. Surely this cannot be approved when the County is just about to close, because it is unsafe, a similar junction just 100 yards north of University Parkway, on Lockwood Ridge Road.

I also understand that an application for a Super Wal-Mart in Oviedo, Florida was recently rejected by their Board of County Commissioners because it would have created too much adverse impact on local traffic and adjacent neighbourhoods.

I should declare my interest in that I am a resident of University Park Country Club.

I urge you to consider the above issues, as well as any others which are presented to you in the meantime, and to please reject the application by Wal-Mart at the County Commissioners Hearing on January 22, 2004

Yours sincerely,
John M. Massey

12-12-04
JAN 05 2004

Board of County Commissioners
Manatee County



CDW7116@aol.com

01/05/2004 08:25 PM

To jonathan.bruce@co.manatee.fl.us

cc devildog10@comcast.net

bcc

Subject The Continuing WalMart Fiasco

P.D. Wal-Mart

Ladies and Gentlemen:

I continue to be amazed at the time, effort and expense that the residents of University Park are compelled to expend with regard to this seemingly never ending issue of a WalMart Superstore being built immediately adjacent to University Park Country Club.

As you will recall, we discussed the future of this parcel of land with you in good faith over a year ago with the final result being your agreement to zone that parcel of land for a Neighborhood Shopping Center. Although we had hoped for the land to be zoned as more residential housing, we agreed that a neighborhood Shopping Center might also fit as part of the transition coming west from the I-75 intersection. After all, it would fit into the space, it might not overtax the already complex traffic situation, the noise level it would create would probably be acceptable, and it would certainly be more appropriate and more in concert with our residential development. Now, however, the threat of a huge WalMart Superstore being placed on this relatively small parcel, with its massive negative effect on both the traffic situation as well as the noise levels, continues to hang over us, forcing us to continue to raise funds to try to protect our property values.

This simply is not fair!!! You people are supposed to be protecting us, part of your constituency, from large corporations bullying their way in and creating havoc with the existing plans for the community. And why would you consider allowing small businesses who create profits to be spent in this county to be squeezed out, their profits to be replaced with profits which are sent daily to another state? I can't imagine any gross increase in sales revenues within the county just because the name WalMart is on the front door.

This project should have been scuttled by you several months ago, based simply upon the projected results from the traffic studies. The appropriate action now by your governing body is to reject this project before any more of either your or our time and money have been wasted.

Thank you in advance for your attention to this matter.

Sincerely,

C. David Wilson
7408 Mayfair Court
University Park, FL 34201
(941) 351-7958

RECEIVED

JAN 05 2004

Board of County Commissioners
Manatee County
"Fran Lambert"
<mommafran@comcast.net>



01/05/2004 12:16 PM

To: <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject: Fw: Proposed Super-WalMart Store

P.D. Wal-Mart
c3c
Norm
Bob
Jerome
File

----- Original Message -----

From: Fran Lambert

To: jonathanbruce@co ; Jonathan Bruce

Sent: Monday, January 05, 2004 11:29 AM

Subject: Proposed Super-WalMart Store

Dear Commissioner Bruce,

I am writing to beg you to strongly deny the proposed Super Wal-Mart on Honore for several reasons.

The first is what will become an even more unacceptable traffic condition. Until now I have not written you because I could not justify a complaint. Now I can. This morning at 7:45 I left UPCC to go to Honore. It took me TWO LIGHTS to get to the corner and make my turn. Right now, we are only just "in season", there is not a big 24 hr. superstore in our area to increase the "F" traffic even more. I understand growth and I am all for it, but not to the detriment of an area.

The second reason I feel a NO answer is the responsible one is noise. Again, I had not reference to write you until last week. I was sitting in the library of my home which is in the back of the house. The weekly sanitation truck came rumbling by and with great noise they proceeded to pick up the garbage that was outside my home and my neighbors. At that moment I realized what a terrible affect the noise of haulage companies and delivery trucks would have on our area if they were allowed to come in 24 hours a day. Most haulage companies service large customers either late at night or VERY EARLY in the morning.

I am sure the noise and traffic studies are all done very scientifically, but I do believe that they cannot be realistic if one truck in the front of my house can make enough disturbing noise and a Super Wal-Mart would have many trucks.

PLEASE, PLEASE, make the only responsible recommendation and vote no for the Super Wal-Mart.

Thank you for taking the time to read my request.

Frances Lambert
7921 Wyndham Court
University Park, FL 34201

RECEIVED

JAN 05 2004

Board of County Commissioners
Manatee County

To: Jonathan R. Bruce" <jonathan.bruce@co.manatee.fl.us>

cc

bcc

Subject: Walmart



"Sandra Rossin"
<sandrar@comcast.net>

01/05/2004 10:21 AM

PD

all
att's
PD

Wal-Mart

CBC
Dann
Bob
Jaime
File

As the new year kicks off, I'll put one of my resolutions into play and send you greetings. My husband and I would like to remind you that the determination of this community is still strong. We are not opposed to Walmart stores, but we are most assuredly opposed to the Walmart planned for the Honore plot of land! Traffic, traffic, traffic. Need I say more? You know the facts -- there's no need to re-quote all the statistics that make this an extremely poor location for such a traffic intense installation!! Every time I try to get out onto Lockwood Ridge from the shopping malls on either side, I renew my vow to keep fighting the new Walmart. Happy New Year.

Sincerely,
Sandra H. Rossin
7110 Victoria Circle
University Park, FL 34201
SandraR@comcast.net
941-358-6902

RECEIVED

JAN 05 2004

*law paper
Wal-Mart*



"Gary Kleiman"
<Gary.Kleiman@businessobjects.com>

01/05/2004 09:57 AM

To <jonathan.bruce@co.manatee.fl.us>
Manatee County

cc

bcc

Subject Please vote NO on the Super Wal-Mart on University Parkway...

Traffic, Traffic, Traffic... a nightmare will be born there... Wal-Mart is much too large for that site. Thanks.

* Gary Kleiman
Area Sales Director
Great Lakes Region

* Business Objects Americas
Web @ www.businessobjects.com
39555 Orchard Hill Place, Ste 600
Novi, MI 48375
248-465-8617

RECEIVED

JAN 05 2004

Board of County Commissioners

Manatee County
To Jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject Walamart-university parkway



Valupeg@aol.com

01/04/2004 03:12 PM

Mr. Bruce

Dear Sir,

As a resident of the Mote Ranch for 9 years, we welcome the new proposed Wal-mart.

I do ,however. question whether the adjoining stores at Home Depot were under the same scrutiny as to traffic, noise, height etc. as you are imposing on the Wal Mart only because of a few residents in University Park. They were aware of the vacant land on the highway when they purchased their homes.

Yours truly,
Jack Serpi

RECEIVED

JAN 05 2004



"Richard Gabriel"
<r_gabriel@msn.com>
01/03/2004 12:18 PM

To: <jonathan.bruce@co.manatee.fl.us>
Board of County Commissioners
Manatee County

bcc

Subject: Proposed Wal-Mart Supercenter

Wal-Mart

Dear Commissioner Bruce:

First, please accept our best wishes for a Happy & Blessed New Year. We appreciate the work you and your colleagues are doing to keep our County planning on the right course.

We noted that the Planning Commission will be meeting on Thursday, January 8, to consider again the proposed Wal-Mart Supercenter siting at the intersection of University Parkway and Honore. Please note that we are homeowners whose home is located within 500 feet of the proposed development, so we certainly have a stronger interest in this issue than many others. However, we also realize that your decisions have to be based on the interests of the whole community and we'll trust your judgement. (If you could squeeze in a thought or two about us, though, we sure would appreciate it.)

We have grave concerns as members of the broader community as well as individual homeowners. We've written before about worsening traffic conditions and our fears of noise and light pollution. Based on knowledge we have gained since, we have also become sensitized to the increase in crime rates that seem to occur after the arrival of a development such as the one proposed. For example, in Orlando, in a 5-mile radius of a Wal-Mart there, the local police blotter indicated a 70 percent increase in crime. Traffic accidents rose 31 percent, property crimes 110 percent and car thefts 56 percent. (This information was published back in February in the Manatee Herald Tribune).

We are also concerned about the further deterioration of the presentation of our county when it is entered from the University Parkway exit of I-75. The landscaped median & the well-designed entry signs create a very inviting greeting into Manatee and Sarasota counties. Bear in mind, that many visitors use this approach to our airport, the Ringling Museum, the Asolo Theatre, the Auto Museum, the Crosley Museum and the University of South Florida campus. It would be a travesty to turn this pleasant gateway into a tawdry shopping causeway. This is not meant to discourage further commercial development of the area. It's just that an oversized (for the site) bustling discount supercenter is totally out of place for the proposed site. We're sure something commercially successful can be found which would be much more suitable to the surroundings.

The residents in the area have invested considerable time, effort and portions of their wealth to maintain an exceptionally beautiful environment. It speaks well of the County that such people are proud to be its citizens, (as we certainly are), and want to continue to contribute to its beauty and wholesomeness. Please help us to do that by disallowing the proposed development.

Thank you in advance for what we know will be a fair and balanced decision.

Best regards.

Lucy & Richard Gabriel
7034 Langley Place
University Park, FL 34201

RECEIVED

JAN 02 2004



Jawex@aol.com

Manatee County Commissioners
01/02/2004 04:17 PM

P.D.

To jonathan.bruce@co.manatee.fl.us

cc

bcc

Subject Commissioner Bruce . . .

P.D. Wal-Mart

Commissioner Bruce:

1/2/2004

I am opposed to a permit for a super sized Wal-Mart on University Parkway at Honore. As a taxpayer and a resident in an adjacent residential community, I do not feel that our Planning Committee or our County Commissioners should approve a 24/7 Big Box for this site.

In testimony on Dec. 11, 2003 before the Planning Commission, legal representatives for Wal-Mart explained how trucks will be serviced at this Big Box location, if approved. They showed 7 loading bays in the rear, but failed to account for the remaining 8 bays for a total of 15 loading bays which are supposed to be included in this design. They pointed out a small area for trucks to turn, but that will never be adequate for a store of this size. They also failed to address my major concern which is that all trucks will have to exit either on Honore or University Parkway. Many of those will continue on to I-75. This will create horrible congestion as 18 wheelers try to negotiate a left turn onto University Parkway at Honore or perhaps further west at Medici or Longwood Run. Think about that congestion on University Parkway which shortly will become an unacceptable Level F state road, even without the additional cars which will result from a Wal-Mart Super Store in this location.

I also believe that the amount of noise generated by this constant flow of trucks and passenger cars will be untenable to the residents living nearby. I know that Wal-Mart has been asked to furnish a noise study before the next meeting of the Planning Commission on Jan. 8th. I hope that you will review that issue carefully also, as an honest appraisal will show that excessive noise will be generated for this type of residential area.

It is now public knowledge that Benderson Development Corp. will move their headquarters to Manatee County shortly because of their growth in southwest Florida. I'm sure that the Commissioners work closely with officials of their company to plan future growth in the county, but this proposed Big Box is too large for the area; too noisy for the residential area into which it is being

squeezed; and certainly will dramatically increase the traffic problems on University Parkway now and in the future.

I hope that you will consider the best interests of the residents and taxpayers of the county and deny this permit.

Thank you,

Jerrold A. Wexler
7610 Heathfield Court
University Park, FL 34201
941-360-8861
FAX-941-360-8961
e-mail: jawex@aol.com

RECEIVED

JAN 06 2004

Board of County Commissioners
Manatee CountyJTB
law
att'y
PDSANFORD DANZIGER
5929 JAVA PLUM LN
BRADENTON, FL 34203
753-1738

PD

Wal-Mart

CBC
Norm
Bob
Jerome
File

1-1-04

CH. COMMISSIONER JON BRUCE
MANATEE COUNTY ADMIN. BLDG.
FAX 745-3790

Subject: Ltr. To the Editor 1-1-04 Wal-Mart economic negative-article enclosed

Dear Chairman Bruce:

At the bottom of this letter I have included a copy of the article on Wal-Mart. I have for the long time come to agree that Wal-Mart, in my opinion, has become a retail piranha to the local retail business community. Bill Moyers of PBS a week back in his weekly program "Now" ran an interesting program on the ill effects of Wal-Mart. Check it out on www.pbs.org. The facts stated below should cause the County to review what is going on here in Manatee. I read for every new Wal-Mart there are two Super Market closings.

If you allow a Super Wal-Mart on Honorare & University, you bet your dollar they will close the their store on Lockwood Ridge. This has been their pattern over the entire country. In New England, one state made them use a existing empty store instead of letting them build one outside the community with its devastating effects. You are already planning another one on State Road 64. What will happen is that you will have a plethora of Wal-Marts and little retail diversification. Sure its easy for you look the other way & pass on it. In my opinion. You are setting the taxpayers up for a future disappointments when they hop-scotch to other areas leaving behind their usual plethora of empty stores and the no services for the area residents.

There comes a time when you have to really consider the wishes & desires of the citizens of this county. Because of poor planning, you end up with strong public opposition and in many cases rightfully so. The tragedy is that the County doesn't require a environmental impact investigation and as a result pristine land is being consumed at the public welfare. You are setting us up with high real estate taxes down the road as a result.

Sincerely,



Sanford Danziger

SARASOTA HERALD TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

MANATEE CO. PLANNING DEPT.
ATTN: KIM SPARKS
1112 MANATEE AVENUE W, 4TH FLOOR
BRADENTON, FL 34205

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:

ZONING CHANGES
PDC-00-11(G)(R4))

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

JULY 13, 2003

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 13TH DAY
OF JULY A.D., 2003 BY MOYA NEVILLE WHO IS
PERSONALLY KNOWN TO ME

(SEAL)

BOBBIE J CLARK
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC968394
MY COMMISSION EXPIRES OCT. 11, 2004

NOTARY PUBLIC

NOTICE OF ZONING CHANGES IN
UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, July 24, 2003, at 9:00 A.M. at the Manatee County Government Administrative Center, 1st Floor Chambers, to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

PDC-00-11(G)(R4) - UNIVERSITY PARK CENTER
Approval of a Revised General Development Plan and Preliminary Site Plan for a 200,816 square foot grocery/department store with an attached 22,291 square foot garden center, a 5,000 square foot fire station, a 4,364 square foot bank, a 11,700 square foot retail store, and 8 gas pumps under a 5,152 square foot canopy. This project is on the north side of University Parkway on both sides of Honore Avenue. Present zoning: PDC/WP-E/ST (Planned Development Commercial/Watershed Protection - Evers/Special Treatment Overlay Districts) (+/- 34.52 acres).

Rules of Procedure for this public hearing are in effect pursuant to Resolution 94-104(PC). Copies of this Resolution are available for review or purchase at cost, from 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 Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the application, and related documents, and may obtain assistance regarding these matters from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 749-3070; e-mail to: planning.agenda@co.manatee.fl.us

Americans With Disabilities: The Board of County Commissioners of Manatee County 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 Kaycee Ellis 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 PLANNING COMMISSION
Manatee County Planning Department
Manatee County, Florida
Published: July 13, 2003

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;

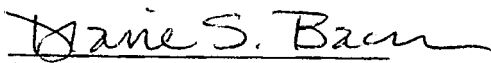
Before the undersigned authority personally appeared Sheila Sechler, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter **NOTICE OF ZONING CHANGES** in the Court, was published in said newspaper in the issues of **OCTOBER 24, 2003**.

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.


(Signature of Affiant)

Sworn to and subscribed before me this
28th Day of October, 2003

DIANE S. BACRO
Notary Public, State of Florida
My comm. exp. Aug. 15, 2007
Comm. No. DD 206531


SEAL & Notary Public

Personally Known ☒ OR Produced Identification _____
Type of Identification Produced _____

NOTICE OF ZONING
CHANGES IN
MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, November 6, 2003, at 1:30 P.M., or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, 1st Floor Chambers, to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

PDC-00-11(P)(R4) -
UNIVERSITY PARK
CENTER

Approval of a Revised Preliminary Site Plan for a 200,816 square foot discount supercenter (retail sales) with an attached 22,291 square foot garden center, a 5,000 square foot fire station, a 4,364 square foot bank, and an 11,700 square foot retail store. This project is on the north side of University Parkway on both sides of Honore Avenue. Present zoning: PDC/WP-E/ST (Planned Development Commercial/Watershed Protection Evers / Special Treatment Overlay Districts) (±34.52 acres).

Rules of Procedure for this public hearing are in effect pursuant to Resolution 94-104(RC). Copies of this Resolution are available for review or purchase at cost, from 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 Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the application, and related documents, and may obtain assistance regarding these matters from the Manatee County Planning Department, 1112 Manatee Avenue West 4th Floor, Bradenton, Florida. Telephone number (941) 749-3070; e-mail to: planningagenda@co.manatee.us

Americans. With Disabilities: The Board of Manatee County Commissioners of Manatee County 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 Kaycee Ellis 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
PLANNING
COMMISSION
Manatee County
Planning Department
Manatee County,
Florida
10/24/03

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 ZONING CHANGES** in the Court, was published in said newspaper in the issues of, 11/28,'03

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.


(Signature of Affiant)

Sworn to and subscribed before me this
3rd Day of Dec., 2003

DIANE S. BACRO
Notary Public, State of Florida
My comm. exp. Aug. 15, 2007
Comm. No. DD 206531


SEAL & Notary Public

Personally Known ☒ OR Produced Identification _____
Type of Identification Produced _____

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, December 11, 2003, at 9:00 A.M., or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, 1st Floor Chambers, to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

PDC-00-11(P)(R4) - UNIVERSITY PARK CENTER

Approval of a Revised General Development Plan to Preliminary Site Plan Standards for a 203,456 square foot discount supercenter (retail sales) with an attached 22,291 square foot garden center, a 5,000 square foot fire station, a 4,364 square foot bank, and an 11,700 square foot retail store. This project is on the north side of University Parkway on both sides of Honora Avenue. Present zoning: PDC/WP-E/ST (Planned Development Commercial/Watershed Protection Evers/Special Treatment Overlay Districts) (±34.52 acres).

Rules of Procedure for this public hearing are in effect pursuant to Resolution 94-104(PC). Copies of this Resolution are available for review or purchase at cost, from 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 Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the application, and related documents, and may obtain assistance regarding these matters from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 749-3070; e-mail to: planning.agenda@co.manatee.fl.us

Americans With Disabilities: The Board of Commissioners of Manatee County 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 Kaycee Ellis 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
PLANNING COMMISSION
Manatee County
Planning Department
Manatee County,
Florida
11/28/2003

BRADENTON HERALD

CLASSIFIED ADVERTISING

Legal Advertising

Order #	191111214	Class #	4995	Rate	
Phone #	(941) 745-4501	Start Date	11/28/2003	Rate	LE
Advertiser	11950	Stop Date	11/28/2003	Charges	\$ 0.00
Agency	n/a,	Insertions	1	Cost Price	\$ 171.36
Product	MANATEE CO PLANNING	Lines	146	Revisions	\$ 0.00
Est	11/28 1x	Pages	13.212	Revised	\$ 171.36

EX

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, December 11, 2003, at 9:00 A.M., or as soon thereafter as same may be heard at t

102 Manatee Avenue West
 Bradenton, FL 34205
 Classified Dept. (941) 746-SELL (7355)
 Classified Legal and Official Advertising (941) 745-7064
 Fax: (941) 745-7090 E-mail: bhclassified@bradentonherald.com

SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

MANATEE COUNTY GOVERNMENT
KIM SPARKS
1112 MANATEE AVENUE W, 4TH FLOOR
BRADENTON, FL 34206

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED
MOYA NEVILLE, WHO ON OATH SAYS SHE IS 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 ZONING CHANGE
PDC-00-11(P)(R4)

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

NOVEMBER 28, 2003

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 _____

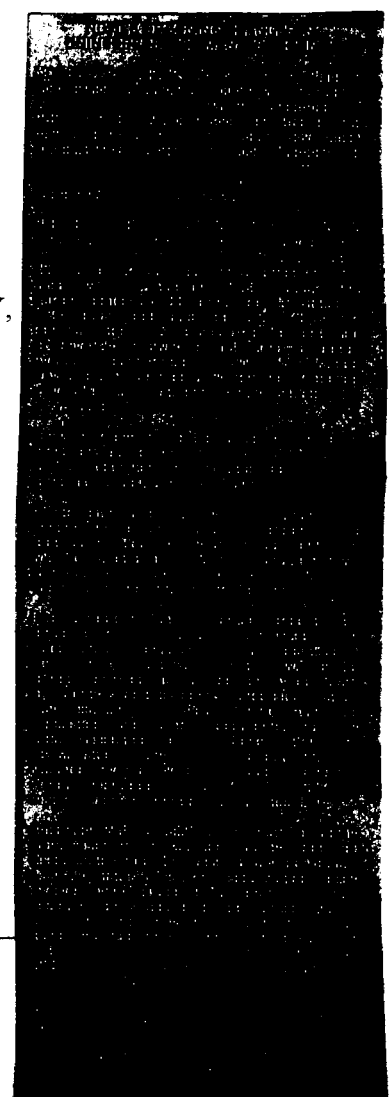
Moya Neville

SWORN TO AND SUBSCRIBED BEFORE ME THIS 28TH DAY OF
NOVEMBER A.D., 2003 BY MOYA NEVILLE WHO IS PERSONALLY
KNOWN TO ME.

(SEAL)

Bobbie J. Clark
OFFICIAL NOTARY SEAL
BOBBIE J CLARK
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC968394
MY COMMISSION EXP. OCT. 11, 2004

NOTARY PUBLIC



**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 Kimberly Ashton, Esq who, after having first been duly sworn and put upon oath, says as follows:

1. That he/she is the Attorney / Agent for the owner (owner, agent for owner, attorney in fact for owner, etc.) of the property identified in the application for PDC-00-11(P)(R) - University Park Center, to be heard before the Manatee County Planning Commission at a public hearing to be held on December 11, 2003 and to be heard before the Manatee County Board of County Commissioners at a public hearing to be held on January 22, 2004 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 (10) Ten feet from the front property line on the November 26 day of 2003.

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 24th day of November, 2003, 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.

Kimberly Ashton

Property Owner/Agent Signature

SIGNED AND SWORN TO before me on November 26, 2003 (date) by Kimberly Ashton (name of affiant). He/she is personally known to me or has produced (type of identification) as identification and who did take an oath.

Susan K. Babcock
Signature of Person Taking Acknowledgment

SEAL



Susan K. Babcock
MY COMMISSION # CC996485 EXPIRES
January 25, 2005
BONDED THRU TROY FAIR INSURANCE, INC.

Type Name Susan K. Babcock

Title or Rank

My Commission Expires:

Serial Number, if any

Commission No.:

Parcel Owners in 500 Foot Buffer Around a Parcel

Parcel ID	Site Address	Unit	Owner	Mailing Address	Mailing Address2	Mailing Address3	City State Zip	PostCd Country
1 2054100259	NO ASSIGNED ADDRESS		VE ASSOCIATES LLC	8441 COOPER CREEK BLVD			UNIVERSITY PARK FL 34201	
2 2054110059	5115 UNIVERSITY PKY		FLORIDA POWER & LIGHT COMPANY	P O BOX 14000			NORTH PALM BEACH FL 33408 0420	
3 2054110159	UNIVERSITY PKY		PULTE HOME CORPORATION	33 BLOOMFIELD HILL PKWY 200			BLOOMFIELD HILLS MI 48304	
4 2054120169	NO ASSIGNED ADDRESS		PACIFIC EQUITY ASSOCIATES	8210 LAKEWOOD RANCH BLVD			BRADENTON FL 34202	
5 2054121009	NO ASSIGNED ADDRESS		PULTE HOME CORPORATION	33 BLOOMFIELD HILLS PKWY 200			BLOOMFIELD HILLS MI 48304	
6 2054129909	NO ASSIGNED ADDRESS		FLORIDA POWER & LIGHT COMPANY	ATTN: PROPERTY TAX DEPARTMENT	P O BOX 14000		JUNO BEACH FL 33408	
7 2054151859	7034 LANGLEY PL		GABRIEL, RICHARD A	7034 LANGLEY PLACE			UNIVERSITY PARK FL 34201	
8 2054152759	NO ASSIGNED ADDRESS		PACIFIC EQUITY ASSOCIATES	8210 LAKEWOOD RANCH BLVD			BRADENTON FL 34202	
9 2054155359	NO ASSIGNED ADDRESS		PACIFIC EQUITY ASSOCIATES	8210 LAKEWOOD RANCH BLVD			BRADENTON FL 34202	
10 2054156359	7043 STANHOPE PL		THOMAS, JAMES	1000 S CEDAR			NEW LENOX IL 60451	
11 2054156409	7047 STANHOPE PL		SIMPSON, JOHN N	1458 W FLINT LN			ROMEOVILLE IL 60446	
12 2054156459	7051 STANHOPE PL		PRODEHL, EDWARD T	104 AMBRIANCE CT			BURR RIDGE IL 60527	
13 2054156509	7052 STANHOPE PL		PACIFIC EQUITY ASSOCIATES	8210 LAKEWOOD RANCH BLVD			BRADENTON FL 34202	
14 2054156559	7048 STANHOPE PL		BAILEY, STEPHEN T	7048 STANHOPE PL			UNIVERSITY PARK FL 34201 2274	
15 2054156609	7044 STANHOPE PL		HORNBLOW, JOHN T	7044 STANHOPE PL			UNIVERSITY PARK FL 34201	
16 2054156659	7040 STANHOPE PL		EPSTEIN, DONALD C	7040 STANHOPE PL			UNIVERSITY PARK FL 34201	
17 2054157359	NO ASSIGNED ADDRESS		PACIFIC EQUITY ASSOCIATES	8210 LAKEWOOD RANCH BLVD			BRADENTON FL 34202	
18 2054157559	NO ASSIGNED ADDRESS		PACIFIC EQUITY ASSOCIATES	8210 LAKEWOOD RANCH BLVD			BRADENTON FL 34202	

Parcel Owners In 500 Foot Buffer Around a Parcel

Parcel ID	Site Address	Unit	Owner	Mailing Address	Mailing Address2	Mailing Address3	City State Zip	PostCd Country
19 2054157709	NO ASSIGNED ADDRESS		PACIFIC EQUITY ASSOCIATES	8210 LAKEWOOD RANCH BLVD			BRADENTON FL 34202	

REVISED GENERAL DEVELOPMENT PLAN AND PRELIMINARY SITE PLAN SUBMITTAL FOR GROCERY AND DEPARTMENT STORE BUILDING AND OUTPARCELS UNIVERSITY PARK CENTER UNIVERSITY PARKWAY AND HONORE AVENUE MANATEE COUNTY, FLORIDA

OWNER/DEVELOPER

VE ASSOCIATES, L.L.C.
RANGER-1, L.L.C.
FBST ASSOCIATES

C/O: BENDERSON DEVELOPMENT COMPANY, INC.
8441 COOPER CREEK BLVD
UNIVERSITY PARK, FLORIDA 34201
(941) 359-8303
ATTN: DAVE GUSTAFSON

ENGINEER/LAND PLANNER/AGENT

CPH ENGINEERS, INC.
4890 W. KENNEDY BLVD.
TAMPA, FLORIDA 33609
(813) 288-0233
ATTN: FRANK V. POHL, P.E.
ATTN: JAMER E. OMANA

SURVEYOR

CPH ENGINEERS, INC.
500 W. FULTON STREET
SANFORD, FLORIDA 32771
(407) 322-6841
ATTN: WILLIAM ELLIOTT, P.L.S.

SOILS CONSULTANT

UNIVERSAL ENGINEERING SCIENCES, INC.
1205-D ELIZABETH STREET
PUNTA GORDA, FLORIDA 33950
(941) 637-8488
ATTN: LINDSEY N. WEAVER, P.E.

LEGAL COUNSEL

BLALOCK, LANDERS, WALTER AND VOGLER, P.A.
802 11th STREET WEST
BRADENTON, FLORIDA 34205-7734
(941) 748-0100
ATTN: EDWARD VOGLER II, ESQUIRE

TRAFFIC CONSULTANT

LUKE TRANSPORTATION CONSULTANTS
P.O. BOX 941556
MAITLAND, FLORIDA 32794
(407) 423-8055
ATTN: J. ANTHONY LUKE, P.E.

ENVIRONMENTAL CONSULTANT

LOTSPEICH AND ASSOCIATES, INC.
422 W. FAIRBANKS AVENUE, SUITE 201
WINTER PARK, FLORIDA 32789-5079
(407) 740-8482
ATTN: RENEE L. THOMAS, M.S.

ELECTRIC SERVICE

FLORIDA POWER AND LIGHT
1851 WHITFIELD AVENUE
SARASOTA, FLORIDA 34243
(941) 739-3305
ATTN: MR. LARRY RUSSO

WATER & SEWER SERVICE

MANATEE COUNTY PUBLIC WORKS
4422B 66TH STREET
BRADENTON, FLORIDA 34210
(941) 792-8811
ATTN: LINDA PETERSEN

TELEPHONE SERVICE

VERIZON FLORIDA, INC.
6414 14TH STREET WEST
BRADENTON, FLORIDA 34207
(941) 752-8070
ATTN: MR. STANLEY TODD

GAS SERVICE

TECO PEOPLES GAS
8261 WCO COURT
SARASOTA, FLORIDA 34240
(941) 342-4030
ATTN: RAY BRAND

PERMITTING AGENCIES

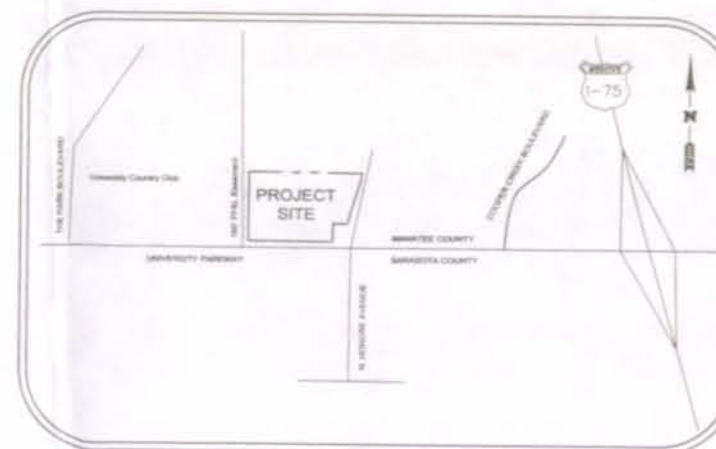
MANATEE COUNTY PUBLIC WORKS
1112 MANATEE AVENUE WEST
BRADENTON, FLORIDA 32405
(941) 746-3090
ATTN: MR. GEORGE DAVENPORT

MANATEE COUNTY PLANNING
1112 MANATEE AVENUE WEST
BRADENTON, FLORIDA 32405
(941) 749-3070
ATTN: MR. NORM LUPPING, AICP

MANATEE COUNTY HEALTH DEPARTMENT
410 6TH AVENUE EAST
BRADENTON, FLORIDA 34208
(941) 748-0747
ATTN: BILL PRIESTMEYER
POTABLE WATER

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
3804 COCONUT PALM DRIVE
TAMPA, FLORIDA 33619
(813) 744-6100
ATTN: ED SNIPES, P.E.
SANITARY SEWER

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
6750 FRUITVILLE ROAD
SARASOTA, FLORIDA 34240-9711
1-800-320-3503
ATTN: TANASE BUDE, E.I.



VICINITY MAP

1" = 1000'

INDEX OF SHEETS

C-1	COVER SHEET
SP-1	PRELIMINARY SITE PLAN
C-2	PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN
L-1	PRELIMINARY LANDSCAPE PLAN
LT-1	PRELIMINARY LIGHTING PLAN

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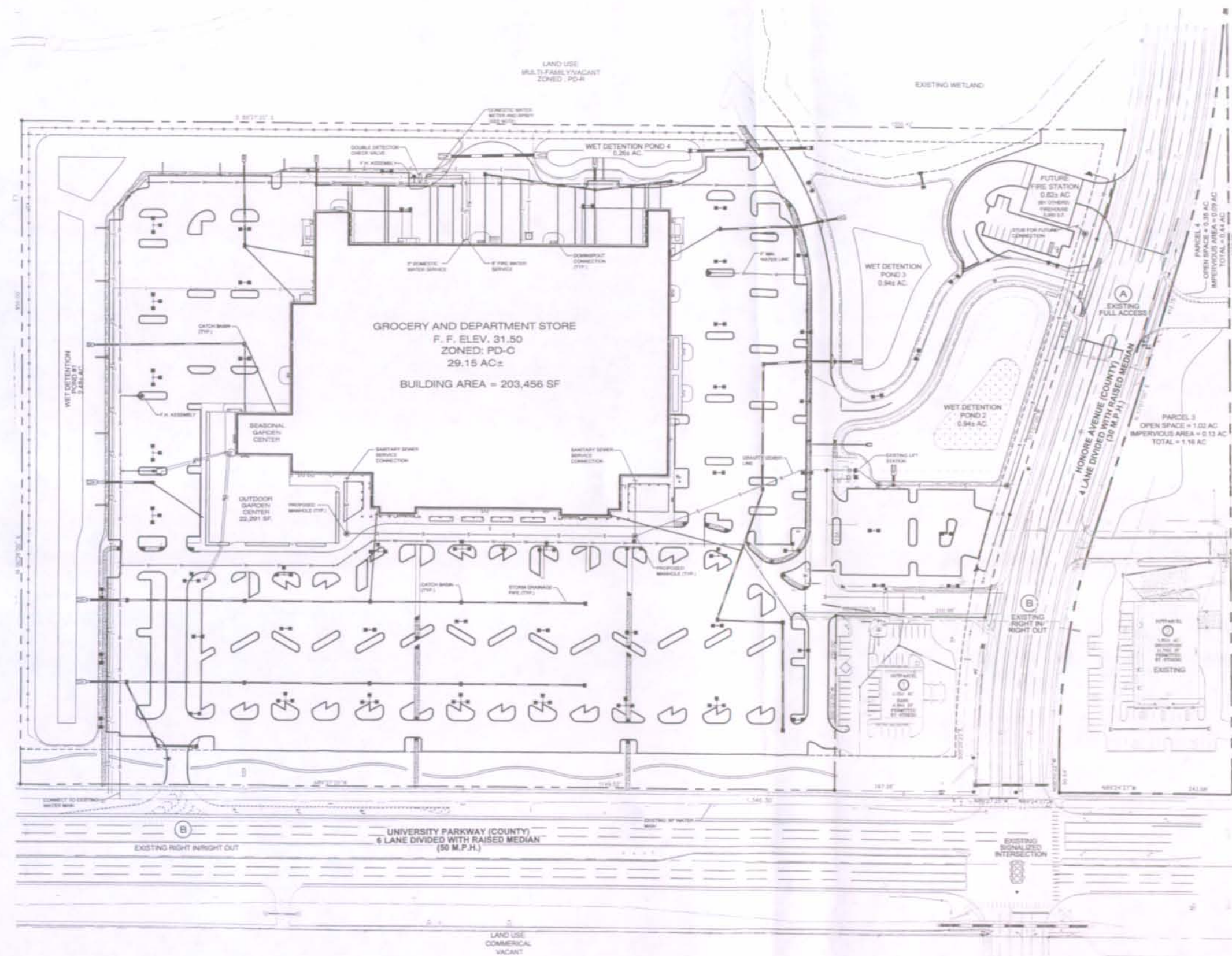
cph ENGINEERS
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LANDSCAPE ARCHITECTS
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CONSTRUCTION MANAGEMENT
WWW.CPHENGINEERS.COM
The Central Office, 4890 W. Kennedy Blvd., Suite 201, Tampa, FL 33609
Phone: (813) 288-0233 Fax: (813) 288-0400

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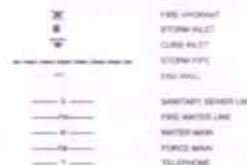
ACTIVITY	NAME	DATE	NO.	DATE	REVISION	APPROVED
DESIGNED BY:	JCO	8/28/2003	1	8/28/2003	DRG COMMENTS	
CHECKED BY:	IMP	8/28/2003	1	8/28/2003	DRG COMMENTS	
APPROVED BY:	FRANK V. POHL, P.E.	8/28/2003	1	8/28/2003	DRG COMMENTS	
REGISTRATION NO.:	54736	8/28/2003	1	8/28/2003	DRG COMMENTS	

SCALE: AS SHOWN	SHEET NO.
DATE: JULY 16, 2002	C-1
JOB NO.: WJ3228	SHEET 1 OF 5
FILE: COVER	

DEC 3 2003

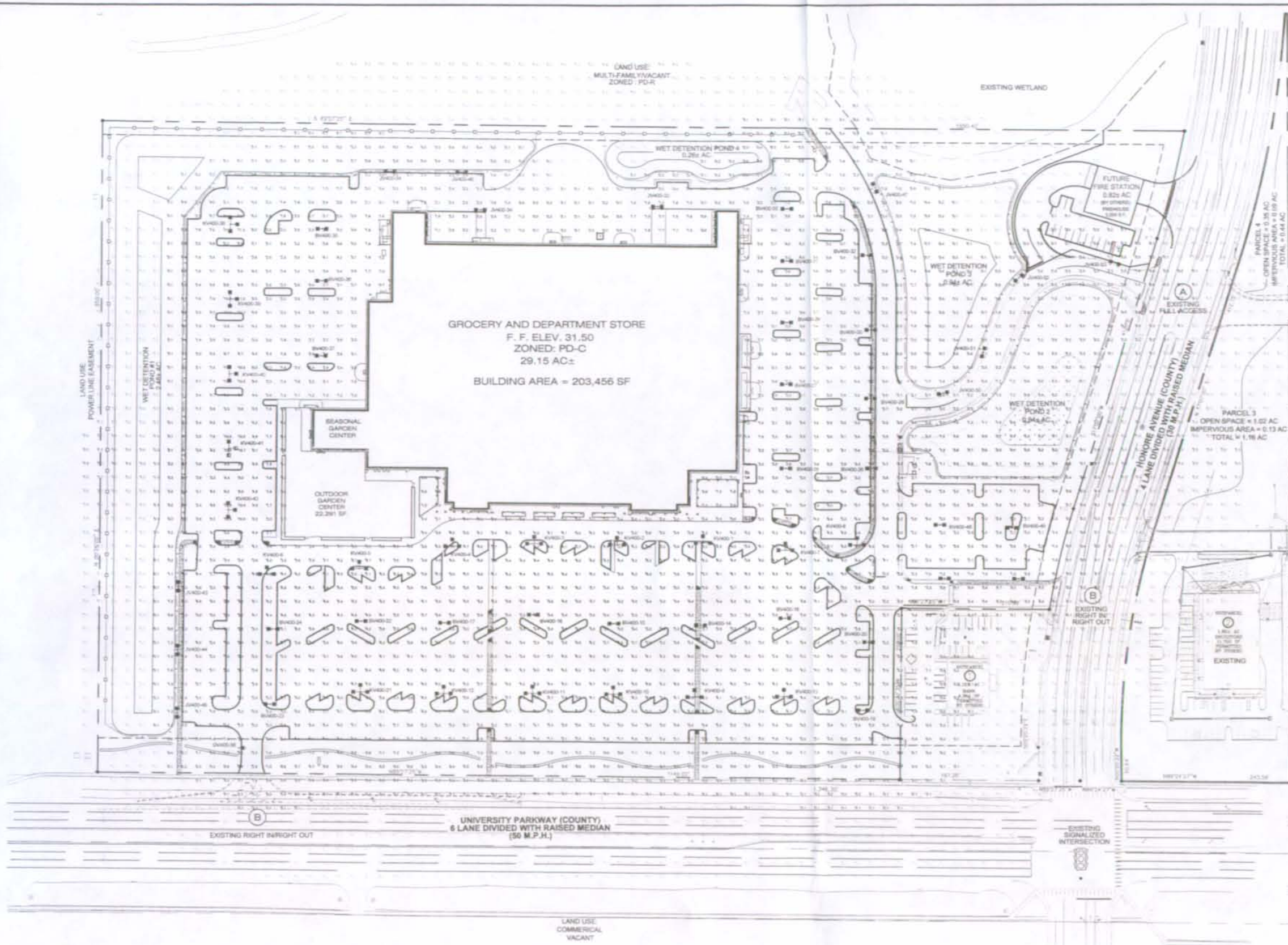


LEGEND



NOTES:
1. UTILITY EASEMENT WILL BE GRANTED TO THE COUNTY FOR WATER MAIN ACCESS.
2. DRIVE EASEMENTS SHALL BE SPACED AT 10' MAX SPACING.

Sheet No. C-2	PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN GROCERY/DEPARTMENT STORE BUILDING AND OUTPARCELS UNIVERSITY PARK CENTER MANATEE COUNTY, FLORIDA		Activity Design: CPM Drawn by: FHC/JB Checked by: FVP Approved by: Frank V. Field Registration No. 54738	Name CPM FHC/JB FVP Frank V. Field	Date 8/20/02 8/20/02 8/20/02 8/20/02	DRG COMMENTS 8-25-02 DRG COMMENTS 7-22-02 REVISED LAYOUT 7-20-02 DRG COMMENTS 7-18-02 DRG COMMENTS 7-18-02 MODIFICATIONS PER MANATEE COUNTY REVIEW COMMENTS	Revision No. Date 1 8/20/02
	Scale: 1" = 40' Date: JULY 18, 2002 Job No.: W113228 File: UTILITY PLAN © 2003						
	Engineers: Landmark Architects Manatee County Construction Management 1000 1st St. N.E. # 200 St. Petersburg, FL 33701 Phone: 813.244.0207 Fax: 813.244.0207						
	Professional Engineer: License No. 10000 State of Florida						



LUMINAIRE LOCATIONS

No.	Label	X	Y	2	WPI	Comments	TS
1	W4000	721.9	400.0	30.0	30.0	400.0	0.0
2	W4000	690.0	400.0	30.0	30.0	400.0	0.0
3	W4000	658.0	400.0	30.0	30.0	400.0	0.0
4	W4000	626.0	400.0	30.0	30.0	400.0	0.0
5	W4000	594.0	400.0	30.0	30.0	400.0	0.0
6	W4000	562.0	400.0	30.0	30.0	400.0	0.0
7	W4000	530.0	400.0	30.0	30.0	400.0	0.0
8	W4000	498.0	400.0	30.0	30.0	400.0	0.0
9	W4000	466.0	400.0	30.0	30.0	400.0	0.0
10	W4000	434.0	400.0	30.0	30.0	400.0	0.0
11	W4000	402.0	400.0	30.0	30.0	400.0	0.0
12	W4000	370.0	400.0	30.0	30.0	400.0	0.0
13	W4000	338.0	400.0	30.0	30.0	400.0	0.0
14	W4000	306.0	400.0	30.0	30.0	400.0	0.0
15	W4000	274.0	400.0	30.0	30.0	400.0	0.0
16	W4000	242.0	400.0	30.0	30.0	400.0	0.0
17	W4000	210.0	400.0	30.0	30.0	400.0	0.0
18	W4000	178.0	400.0	30.0	30.0	400.0	0.0
19	W4000	146.0	400.0	30.0	30.0	400.0	0.0
20	W4000	114.0	400.0	30.0	30.0	400.0	0.0
21	W4000	82.0	400.0	30.0	30.0	400.0	0.0
22	W4000	50.0	400.0	30.0	30.0	400.0	0.0
23	W4000	18.0	400.0	30.0	30.0	400.0	0.0
24	W4000	-14.0	400.0	30.0	30.0	400.0	0.0
25	W4000	-46.0	400.0	30.0	30.0	400.0	0.0
26	W4000	-78.0	400.0	30.0	30.0	400.0	0.0
27	W4000	-110.0	400.0	30.0	30.0	400.0	0.0
28	W4000	-142.0	400.0	30.0	30.0	400.0	0.0
29	W4000	-174.0	400.0	30.0	30.0	400.0	0.0
30	W4000	-206.0	400.0	30.0	30.0	400.0	0.0
31	W4000	-238.0	400.0	30.0	30.0	400.0	0.0
32	W4000	-270.0	400.0	30.0	30.0	400.0	0.0
33	W4000	-302.0	400.0	30.0	30.0	400.0	0.0
34	W4000	-334.0	400.0	30.0	30.0	400.0	0.0
35	W4000	-366.0	400.0	30.0	30.0	400.0	0.0
36	W4000	-398.0	400.0	30.0	30.0	400.0	0.0
37	W4000	-430.0	400.0	30.0	30.0	400.0	0.0
38	W4000	-462.0	400.0	30.0	30.0	400.0	0.0
39	W4000	-494.0	400.0	30.0	30.0	400.0	0.0
40	W4000	-526.0	400.0	30.0	30.0	400.0	0.0
41	W4000	-558.0	400.0	30.0	30.0	400.0	0.0
42	W4000	-590.0	400.0	30.0	30.0	400.0	0.0
43	W4000	-622.0	400.0	30.0	30.0	400.0	0.0
44	W4000	-654.0	400.0	30.0	30.0	400.0	0.0
45	W4000	-686.0	400.0	30.0	30.0	400.0	0.0
46	W4000	-718.0	400.0	30.0	30.0	400.0	0.0
47	W4000	-750.0	400.0	30.0	30.0	400.0	0.0
48	W4000	-782.0	400.0	30.0	30.0	400.0	0.0
49	W4000	-814.0	400.0	30.0	30.0	400.0	0.0
50	W4000	-846.0	400.0	30.0	30.0	400.0	0.0
51	W4000	-878.0	400.0	30.0	30.0	400.0	0.0
52	W4000	-910.0	400.0	30.0	30.0	400.0	0.0
53	W4000	-942.0	400.0	30.0	30.0	400.0	0.0
54	W4000	-974.0	400.0	30.0	30.0	400.0	0.0
55	W4000	-1006.0	400.0	30.0	30.0	400.0	0.0
56	W4000	-1038.0	400.0	30.0	30.0	400.0	0.0
57	W4000	-1070.0	400.0	30.0	30.0	400.0	0.0
58	W4000	-1102.0	400.0	30.0	30.0	400.0	0.0
59	W4000	-1134.0	400.0	30.0	30.0	400.0	0.0
60	W4000	-1166.0	400.0	30.0	30.0	400.0	0.0
61	W4000	-1198.0	400.0	30.0	30.0	400.0	0.0
62	W4000	-1230.0	400.0	30.0	30.0	400.0	0.0
63	W4000	-1262.0	400.0	30.0	30.0	400.0	0.0
64	W4000	-1294.0	400.0	30.0	30.0	400.0	0.0
65	W4000	-1326.0	400.0	30.0	30.0	400.0	0.0
66	W4000	-1358.0	400.0	30.0	30.0	400.0	0.0
67	W4000	-1390.0	400.0	30.0	30.0	400.0	0.0
68	W4000	-1422.0	400.0	30.0	30.0	400.0	0.0
69	W4000	-1454.0	400.0	30.0	30.0	400.0	0.0
70	W4000	-1486.0	400.0	30.0	30.0	400.0	0.0
71	W4000	-1518.0	400.0	30.0	30.0	400.0	0.0
72	W4000	-1550.0	400.0	30.0	30.0	400.0	0.0
73	W4000	-1582.0	400.0	30.0	30.0	400.0	0.0
74	W4000	-1614.0	400.0	30.0	30.0	400.0	0.0
75	W4000	-1646.0	400.0	30.0	30.0	400.0	0.0
76	W4000	-1678.0	400.0	30.0	30.0	400.0	0.0
77	W4000	-1710.0	400.0	30.0	30.0	400.0	0.0
78	W4000	-1742.0	400.0	30.0	30.0	400.0	0.0
79	W4000	-1774.0	400.0	30.0	30.0	400.0	0.0
80	W4000	-1806.0	400.0	30.0	30.0	400.0	0.0
81	W4000	-1838.0	400.0	30.0	30.0	400.0	0.0
82	W4000	-1870.0	400.0	30.0	30.0	400.0	0.0
83	W4000	-1902.0	400.0	30.0	30.0	400.0	0.0
84	W4000	-1934.0	400.0	30.0	30.0	400.0	0.0
85	W4000	-1966.0	400.0	30.0	30.0	400.0	0.0
86	W4000	-1998.0	400.0	30.0	30.0	400.0	0.0
87	W4000	-2030.0	400.0	30.0	30.0	400.0	0.0
88	W4000	-2062.0	400.0	30.0	30.0	400.0	0.0
89	W4000	-2094.0	400.0	30.0	30.0	400.0	0.0
90	W4000	-2126.0	400.0	30.0	30.0	400.0	0.0
91	W4000	-2158.0	400.0	30.0	30.0	400.0	0.0
92	W4000	-2190.0	400.0	30.0	30.0	400.0	0.0
93	W4000	-2222.0	400.0	30.0	30.0	400.0	0.0
94	W4000	-2254.0	400.0	30.0	30.0	400.0	0.0
95	W4000	-2286.0	400.0	30.0	30.0	400.0	0.0
96	W4000	-2318.0	400.0	30.0	30.0	400.0	0.0
97	W4000	-2350.0	400.0	30.0	30.0	400.0	0.0
98	W4000	-2382.0	400.0	30.0	30.0	400.0	0.0
99	W4000	-2414.0	400.0	30.0	30.0	400.0	0.0
100	W4000	-2446.0	400.0	30.0	30.0	400.0	0.0

STATISTICS

Description	Symbol	Avg	Min	Max	Max/Min	Aug/Min
Ball Light Summary	+	1.0	1.0	1.0	1.0	1.0
Fixed Light Summary	x	2.0	2.0	2.0	2.0	2.0

NOTES

1. Readings shown are based on a 100' x 100' grid.
2. Please refer to Luminaire Locations for mounting heights.
3. Readings shown are in units of foot-candles.
4. These lighting calculations are not a substitute for engineering analysis of lighting system suitability and safety.
5. Luminaire information can be obtained at www.celanese.com

LUMINAIRE SCHEDULE

Symbol	Label	Qty	Mounting	Description	Label	Qty	Lumens	LPF
W4000	W4000	100	100'	REQUIRE AREA LIGHT SYMMETRIC DISTRIBUTION PLAT LENS	W4000	100	4000	0.75
W4000	W4000	100	100'	REQUIRE AREA LIGHT SYMMETRIC DISTRIBUTION PLAT LENS	W4000	100	4000	0.75
W4000	W4000	100	100'	REQUIRE AREA LIGHT SYMMETRIC DISTRIBUTION PLAT LENS	W4000	100	4000	0.75
W4000	W4000	100	100'	REQUIRE AREA LIGHT SYMMETRIC DISTRIBUTION PLAT LENS	W4000	100	4000	0.75

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Planners
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1100 N. W. 11th St., Suite 100
Fort Lauderdale, FL 33304
Phone: (954) 561-1100
Fax: (954) 561-1101
www.cphinc.com

Scale: 1" = 60'

Date: JULY 18, 2022

Job No.: W-1225

File: LIGHTING PLAN

© 2022

Activity: PRELIMINARY LIGHTING PLAN

Designed by: JIM E. AOS

Drawn by: T. HARRIS

Checked by: F. V. P.

Approved by: Frank V. P.

Registration No.: 54735

Revision

No.	Date	Description
1	10-11-03	DRG COMMENTS
2	8-26-03	DRG COMMENTS
3	7-22-03	REVISED LAYOUT
4	12-30-02	DRG COMMENTS
5	10-23-02	DRG COMMENTS
6	7-18-02	MODIFICATIONS PER MANATEE COUNTY REVIEW COMMENTS

Sheet No.

LT-1

GROCERY/DEPARTMENT STORE BUILDING AND OUTPARCELS
UNIVERSITY PARK CENTER
MANATEE COUNTY, FLORIDA

SIEBEIN ASSOCIATES, INC.
Consultants in Architectural Acoustics
625 NW 60th Street, Suite C Gainesville, Florida 32607
Telephone - (352)-331-5111 Facsimile - (352)-331-0009

January 7, 2004

Mr. Norm Luppino, Case Planner
Planning Department, Manatee County Government
P.O. Box 1000
Bradenton, FL 34206

Dear Norm:

This letter contains a punch list of the items requested in our letter of December 22, 2003 that have not been provided to date by the Engineers regarding potential noise impacts of a proposed Walmart Supercenter store in Sarasota, Florida on surrounding properties. We will be pleased to proceed with our review of the report once the requested information is provided. The numbered items listed below are the items from our original request for information. The items received to date are noted in bold, all caps text below each item. Items not provided to date are listed in bold, all caps text at each item where appropriate.

1. We did not receive the Appendices to the report.

RECEIVED

2. Please have the Consultants forward a full size printed site plan and neighborhood plan to us as part of their submittal once the items requested below are added to the drawings.

RECEIVED

3. Please provide the heights of the microphones when recording data and mounting method. Were windscreens used?

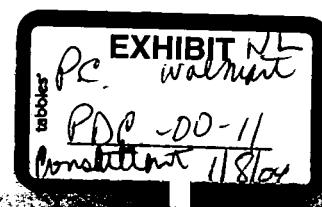
RECEIVED

4. Please ask the Consultants to document truck ingress and egress paths as well as traffic patterns such as turns on a site plan.

TURNING PATHS OF TRUCKS NOT SHOWN ON PLAN

5. Please ask the Consultants to label the loading dock area on the plan, the 16 ft high wall, the locations where sound levels were projected and the acoustical measurement locations on the site plan.

Members of the Acoustical Society of America, the Institute of Noise Control Engineers and the National Council of Acoustical Consultants



Manatee County Government
Planning Department
Manatee County

January 7, 2004
Proposed Walmart Noise Impact
Florida

RECEIVED

6. Please ask the Consultants to note the number (both average and maximum projected) per day of truck operations such as entering, leaving, turning, idling at dock, as well as number of impacts from ramp drops, and other activities noted in the acoustical report. Please have the locations of each activity noted on the site plan.

RECEIVED EXCEPT THE TIME IDLING AT DOCK OR IN PARKING LOT NOT DOCUMENTED ESPECIALLY FOR REFRIGERATION UNITS

7. Please ask the Consultant to document sound levels and descriptions for the individual acoustic events listed in the report as separate items rather than lumped together as a range of data. Please document the analysis methods used to assess the "noise impacts associated with single-event noise impacts" noted on page 12 of the report.

RECEIVED

8. Please ask the Consultant to provide plan and section sketches of sound paths calculated from the proposed site to locations in the surrounding neighborhoods and proposed residential properties. Please also label horizontal distances such as the stopping and starting points of the barriers. Please label distances from the truck operations to the barriers and from the barriers to the measurement locations on the drawings. Please also label the heights of the activities measured, the height of the barriers and the height of the microphone and/or calculation point.

SECTION SKETCHES FOR EACH MEASUREMENT SITUATION AT THE EXISTING SITES AND AT THE PROPOSED SITE FOR THE SOUND PATHS STUDIED WERE NOT PROVIDED.

THE BERM THAT WAS VERBALLY DESCRIBED HAS NOT BEEN SHOWN IN PLAN OR SECTION.

9. Please describe how diffraction around the edges of the barriers was accounted for in the analysis.

RECEIVED

10. Please ask the Consultant to provide plan and section sketches showing the measurement locations, trucks, loading docks, barriers, etc. for the measurements made at facilities used as supporting evidence in the report.

SECTION SKETCHES WITH ITEMS SHOWN WERE NOT PROVIDED.

11. Please provide photographs of the sites used in the study showing the acoustical variables mentioned.

Manatee County Government
Planning Department
Manatee County

January 7, 2004
Proposed Walmart Noise Impact
Florida

PHOTOGRAPHS NOT PROVIDED. THESE SHOULD BE KEYED TO THE PLANS AND SECTIONS PROVIDED.

12. The type II meters used have a ± 1.5 dB measurement tolerance. Please add the measurement tolerances to the data and conclusions stated.

RECEIVED

13. Please provide summaries of any calculations used in arriving at results stated in the report.

CALCULATION SUMMARIES WERE NOT PROVIDED

14. Please describe the time periods used for the L_{Aeq} data listed in the tables. Were the time periods, sampling rates, etc. the same for all data collected or were different time periods used for different measurements. Were additional data collected and not reported such as L_p , L_{peak} , L_{05} , L_{10} , etc.

RECEIVED

15. Please describe how the impact noises of short duration were measured and how the impacts from these noises was assessed. For example were peak sound levels, L_{max} or L_{05} 's etc., measured?

RECEIVED

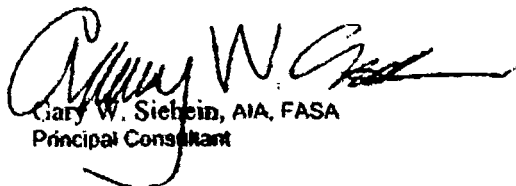
16. Please explain why measurements to determine base line sound levels in the residential communities and future residential properties were made on the Walmart site rather than at the locations of interest.

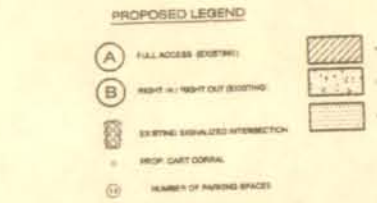
THE EXPLANATION IN THE CONSULTANT'S RESPONSE DID NOT ADDRESS HOW THE EXISTING AMBIENT SOUND LEVELS IN THE RESIDENTIAL NEIGHBORHOODS BEHIND THE BERM ARE ACCOUNTED FOR IN THE STUDY AND HOW THESE LEVELS ARE THE SAME AS OR DIFFERENT FROM EXISTING AMBIENT LEVELS ON THE WALMART SITE.

Please do not hesitate to call us if you have any questions in this regard.

Sincerely,

SIEBEIN ASSOCIATES, INC.


Gary W. Siebein, AIA, FASA
Principal Consultant

[illegible]

PDC-00-11(G)(R4) – UNIVERSITY PARK CENTER

**APPLICANT'S PROPOSED REVISIONS TO RECOMMENDED
STIPULATIONS.**

1. Delete Stipulation 1E.
2. Add new Stipulation number 5 to read as follows:

“5. Prior to Certificate of Occupancy, the Applicant shall demonstrate that the walls and other mitigation/abatement measures will be sufficient to limit noise impacts to the limits established in the Manatee County Noise Ordinance.”

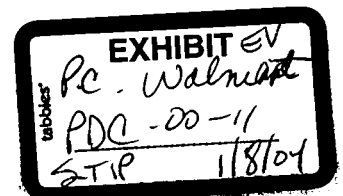


EXHIBIT H.M.
P.C. Walnut
PDC-00-11
023105 11/8/04
tabbler

Questions for the Manatee Planning Commissioners
Regarding the Wal-Mart Project Proposal at University and Honore

- 1) Noise and incompatibility of the proposed project with the existing residential communities adjacent to the site are a major concern. The Planning Commission indicated that the evaluations and recommendations by the Manatee Planning Staff are very important in making the Planning Commission recommendation. At the last Planning Commission meeting in December 2003, the Manatee Planning Staff (Mr. Norm Luppino) recommended a stipulation be included that the shopping center operations be closed for the period 11pm to 7am each day. Will the stipulation be included in the stipulations recommended by the Manatee Planning Commission?
- 2) Noise and environmental pollution can be a serious problem if traffic capacity exceeds University Boulevard capabilities. We understand that Manatee County has conducted traffic studies at other Wal-Mart locations and is projecting some 17,000 trips/day to and an equivalent number from this proposed Wal-Mart on University. We understand that this would result in overcapacity on University from Lockwood Ridge to I-75 with significant traffic delays and associated noise and pollution. We note that the intersection of University and Lockwood Ridge currently requires two traffic light cycles to pass through this intersection. Please state the current Planning Commission understanding on the traffic projections, and please explain why this project should not be denied based on significant excess traffic problems on University.
- 3) Noise, environmental pollution, and safety problems can result if insufficient parking is available for the proposed Wal-Mart project. Insufficient parking would result in traffic backing up at the Wal-Mart shopping center entrances onto University and Honore and would result in significant noise and safety hazards. We understand that this proposed Wal-Mart project would result in significantly less parking being available compared to other equivalent Wal-Mart super centers in Manatee County. Please explain the current parking analysis and explain the parking capacity comparisons for this project. If traffic is projected to back onto University and Honore due to insufficient parking, please explain why this project should not be denied based on insufficient available parking during peak hours and times of year as this would result in significant hazards.
- 4) Significant excess noise will result from the changes in this project basis from the earlier commitment by the developer to the current residents. Two years ago, the project developer came to the existing residents and requested their support for his request to the Manatee Planning Commission for rezoning of the property from mixed use to commercial. As a part of these negotiations, the developer's representative (Mr. Ed Vogler) committed verbally to the existing residents that stores like Beall's would be constructed at the proposed site. Please note that a Beall's store or equivalent do not operate throughout the night and these types of store generate a significantly smaller customer base with an associated reduced level of noise, traffic, and pollution. Please explain why the current project developer should not be held to these earlier commitments. The current residents feel betrayed by this significant change in project basis after giving their support for a totally different type of retail establishment. We are not against retail development of this site. We are against a big box, high capacity, and 24-hour store with the resulting noise, pollution and major traffic problems that will result.



EXHIBIT N
P.C. Wainwright
PDC-00-11
Aerial 12/11/03

EXHIBIT EV
P.C. Univ. Pkwy
Walmart
PDC-00-11
Aerial 12/11/03

Traffic Impacts on Honore Avenue

Accessing the site from Honore Avenue is a concern due to restrictions on northbound left turns.

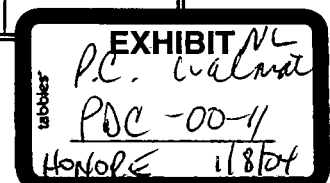
Based on storage capacity available on Honore Avenue, dual left turn lanes at the second driveway will be required when the number of left turns reach 300 per hour. However, because the second driveway is subject to access restrictions (including possible closure) and will not be signalized, if the number of left turns reach 300, the median will have to be closed and all the left turns will be diverted to the northern-most driveway through the Colonial Trace project.

Based on preliminary data prepared by staff, **using the average of the existing two Wal-Mart Supercenters in Manatee County**, the projected number of p.m. peak hour northbound left turns into the site from Honore Avenue, prior to the completion of Honore Avenue from Mote Ranch to Lockwood Ridge Road, is 325. During the peak hour on Saturday (12:00 to 2:00 p.m.) the number of projected left turns increases to 436. Thus, under this scenario, the median at the second access will have to be closed and the trips diverted to the northern driveway when the store is complete. As a result, the northern driveway will require immediate signalization to accommodate the dual left turn lanes for the discount supercenter.

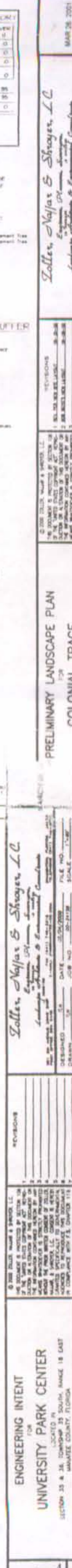
However, after Honore Avenue is extended to Lockwood Ridge Road, the number of p.m. peak hour north-bound left turns is reduced to 225 and these turns can be accommodated at either the second or the northern-most driveways without the need for dual left turn lanes. During the peak hour on Saturday (12:00 to 2:00 p.m.) the number of projected left turns increases to 302, which requires closure of the median at the second driveway.

The numbers of left turns per hour increases when modeling only the Cortez Road store. The following chart summarizes the various scenarios:

Scenario	When dual left turns required	P.M. peak (Honore not extended)	P.M. peak (Honore extended)	Weekend peak (Honore not extended)	Weekend peak (Honore extended)
Proposed Request (Using Avg. of Cortez Rd. & SR 70)	300/hour	<u>325/hour</u>	225/hour	<u>436/hour</u>	<u>302/hour</u>
Proposed Request (Using Cortez Rd. only)	300/hour	<u>348/hour</u>	240/hour	<u>467/hour</u>	<u>322/hour</u>
Approved Shopping Center	300/hour	225/hour	155/hour	<u>323/hour</u>	223/hour



Pursuant to an executed Reimbursement Agreement between Manatee County, Manatee Fruit Company, Wilmington Land Company, and Centex Homes, the segment of Honore Avenue between Mote Ranch and Lockwood Ridge Road will be constructed prior to Final Plat approval of the 120th lot on the abutting Villages of Lockwood Ridge property or possibly sooner if permits and right-of-way are obtained. A Final Plat (Mandalay) for 119 lots is currently pending county approval.



ENGINEERING INTENT
FOR
UNIVERSITY PARK CENTER
LOCATED IN
SECTION 35 & 36, TOWNSHIP 35 SOUTH, RANGE
18 EAST, MANATEE COUNTY, FLORIDA