

# MEMORANDUM



**Building and Development  
Services**

1112 Manatee Avenue W  
Bradenton, FL 34205

**MANATEE COUNTY**  
FLORIDA

Phone: 941-748-4501 x 6878

Fax: 941-749-3071

[www.mymanatee.org](http://www.mymanatee.org)

**To:** Lisa Barrett, Planning Division Manager  
**From:** Bobbi Roy, Planning Coordinator  
**Date:** May 8, 2013  
**Subject:** Agenda Update for the May 9, 2013 Planning Commission

---

**Item #2**      **PDC-12-15(P) – U.S. 41 @ Pearl Avenue**  
Additional Public Comment letters see attached

**Item #4**      **PDRV-12-16(Z)(G) – The Cone Corporation/Cone and Graham, Inc. / McMullen Creek RV Park**  
Traffic Impact Analysis see attached

/br

cc: Planning Commissioners – 7  
Bob Agrusa, Transportation Systems Engineer  
Tom Gerstenberger, Stormwater Engineering Division Manager  
Doug Means, Planning Division Manager  
Sarah Schenk, Assistant County Attorney  
Susan Angersoll, Development Review Specialist  
Katie LaBarr, AICP, Principal Planner  
John Osborne, AICP, Planning and Zoning Official  
William Clague, Deputy County Attorney  
Shelley Hamilton, Planner  
Board Records  
Counter Copy



To:  
Cc:  
Bcc:  
Subject: Fw: clean up at Pearl and US 41

---

**From:** "Robin DiSabatino" <[robin.disabatino@mymanatee.org](mailto:robin.disabatino@mymanatee.org)>  
**Date:** May 2, 2013 1:28:09 PM EDT  
**To:** "daniel young" <[youngdx@hotmail.com](mailto:youngdx@hotmail.com)>  
**Cc:** "Shirley Talley" <[shirley.talley@mymanatee.org](mailto:shirley.talley@mymanatee.org)>, "Sarah Schenk" <[sarah.schenk@mymanatee.org](mailto:sarah.schenk@mymanatee.org)>, "Lisa Barrett" <[lisa.barrett@mymanatee.org](mailto:lisa.barrett@mymanatee.org)>  
**Subject: Re: clean up at Pearl and US 41**

I am forwarding to Shirley To send to all commissioners.

Robin S. DiSabatino  
Manatee County Commissioner  
District 4  
941-685-5368  
Sent from my iPhone

On May 2, 2013, at 12:55 PM, "daniel young" <[youngdx@hotmail.com](mailto:youngdx@hotmail.com)> wrote:

I have been away so I just got word of the finalized dates for planning board review and review by county commisioners for the proposed Circle K at this site.

In the mean time since its been pointed out in the Bradenton Herald what an eyesore the current building is can code enforcement on a priority basis get after them to clean up their trash and landscape debris all around the place.

Also since its been sitting idle and the roof is in poor shape could the building department inspect it to see if i the building is safe or should be condemned and torn down.

The fence around it has also fallen over and it is now accessable to vagrants.

there also has been no public announcement of any traffic study with regard to impact on traffic flow on US 41 or Whitfield ave which is now a through street all the way to University . Has one been done ? The previous Race Track study indicated 1720 daily trips in and out of US 41 . thats a lot.

Finally why can't our county economic development people find something that complies with the comprehensive plan and the character of our neighborhood for this site ?

Thank you for your consideration.

Dan Young



To:  
Cc:  
Bcc:  
Subject: Fw: PDC-12-15 Gas/Convenience Store at 41 and Pearl Avenue

---

Thanks,  
Bobbi Roy, Project Coordinator  
Manatee County Building and Development Services  
1112 Manatee Avenue West, 2nd Floor  
Bradenton, Florida 34205  
941-748-4501X6878  
Fax: 941-749-3071  
—— Forwarded by Bobbi Roy/MCG on 05/08/2013 12:43 PM ——

From: daniel young <youngdx@hotmail.com>  
To: "bobbi.roy@mymanatee.org" <bobbi.roy@mymanatee.org>  
Date: 05/08/2013 11:30 AM  
Subject: PDC-12-15 Gas/Convenience Store at 41 and Pearl Avenue

---

I respectfully request that you deny permission for the above proposal for a gas station and convenience store by Bonus Properties, as your predecessors did in 2009. Below are reasons, justifications and concerns.

1) As you are aware, a very similiar proposal was put forth in 2009 by Race Trac Corporation and this proposal was vigorously opposed by the Whitfield community on the grounds that it did not comply with the land development codes. This new proposal is very similar and in other ways worse. However. I hope you will understand that it is not easy to rally the troops, obtain signitures and oppose something that was rejected only four years ago. People are busy, tired and do not either have or take the time to voice public concerns. Also, people in the community not directly impacted sometimes take the position that something is better than nothing as the current building sits neglected and once again becomes a home for vagrants and abandoned trash.

## 2) Description

While Race Trac proposed 24 gas/diesel pumps, Bonus Properties is proposing 16 pumps Diesel and gas with an almost identical footprint, traffic pattern and same sized convenience store. In addition, it is proposing an additional 9000 square foot Retail Store with an operator to be named later. Sort of like an NFL player trade. It appears to call for more fuel storage tanks located next to US 41 with vent adjacent to the roadway. It does not propose like Race Trac to raise elevation for ingress and egress as Race Trac proposed and instead vehicles exit and entry would mostly be from a depression unless they use Pearl street. Much of this 2 acre site is at an 7.5 to 9 foot elevation. Drainage at this site will be, I assume, across their neighbor's

property under 41 and then into the Bowlees Creek inlet. This is problematic since during heavy rains it is not uncommon for their neighbor's property to flood, as storm drains can not handle the runoff. Adding fuel spillage runoff is an environmental problem .

### 3) Traffic

It is difficult to comprehend the Bonus Properties traffic analysis which seems to say that during peak hours there will be 132 new ingresses and egresses . The Race Trac study sites 94 exit/egresses during the AM peak and 142 during the PM peak with a total of 1720 daily new visits. To me the daily visits are also important since this intersection on a regular basis has traffic traveling 10 to 20 miles over the speed limit of 45mph, especially heading north. I cannot tell if any calculation is made for gas pricing which can increase or decrease the visits. It is also worth pointing out that Whitfield Ave, which runs directly into Pearl, is a restricted street to truck traffic. As a daily observer of this intersection cars going north fly along 41 to make the light, which is usually quite long, and will be suprised by new gas customers popping out of a depression just after the light. On Pearl Street a congestion problem easily occurs when one driver blocks the single lane designated to turnright onto US 41.

### 4) Anchor Store

I think the big concern of residents, particularly nearby residents however, is if Circle K, the proposed leasee, will be moving its previous Store at 53 and 41 to our neighborhood. Regrettably, we have had a small boom in massage parlors along 41 in the Whitfield area and the synergy between late-night convenience stores and crime, be it drugs, prostitution or robbery is a matter of public record. The current 7-11 has had its share of these problems but its size, lack of gas pumps and its management keep it under control. Expanding to two convenience stores at this intersection will split profits but expand trade and I am concerned that 7-11 will be driven out of busines and we will then have a new empty facility on that site. I am told there are over 9 convenience stores between Cortez road and University Parkway, so a big new one might easily drive the smaller ones out and consolidate in our neighborhood. It is also a bit unfair to 7-11 which was denied gas pumps back in 1985.

### 5) Development codes

I will not site or greatly discuss the development codes which make it clear that this type of proposed business is not compatible with our neighborhood, but simply remind you that proposals very similiar to this one have been denied by commissioners twice before. I will, however, attach a previous letter that lays out the case against Race Trac, as well as direct you to a letter sent to commissioners dated August 5, 2009, which regrettably I am unable to attach.

Thank you for your consideration.

Dan Young

7215 Broughton Street( Manatee County )

Sarasota 34243

From: youngdx@hotmail.com  
To: ron.getman@mymanatee.org  
Subject: Please, no Race Trac  
Date: Thu, 23 Jul 2009 14:21:54 +0000

Dear Commissioners:

On Thursday, August 6, after a public hearing the Manatee County Commissioners will vote on Project #PDC-09-07(P)/DTS #20090100 to allow Race Trac Corporation to build and operate a 24-pump (both gas and diesel) 24/7 gas station/convenience store on a two-acre site on the east side of US 41 and Pearl Street, directly in front of the airport runway, and at an elevation of 7.5 feet above sea level.

This building permit has already been reviewed and denied by the Planning Board on May 20, 2009.

I urge the Commissioners to also deny their building permit and will put forth below why I think it should not be allowed.

Background. Race Trac officials presented their proposal to the Whitfield Ballentine Manor Association in May and then again held their own public presentations in June and July. I attended these presentations and talked with their officials, as well as attending county officials and still remain convinced that putting such a huge gas terminal and 24/7 liquor store at this site (virtually in the center of our community) is a bad idea. It's bad for our community's property values. It's bad for north-south traffic on US 41 and its bad east-west traffic on Whitfield Ave. as well as vehicles entering US 41 from Magellan and Montgomery It's also bad for late night crime in our neighborhood.

Race Trac officials have said that their proposal will create jobs, bring in taxes, is appropriate for the zoning and will have no impact on traffic on US 41, or that US 41 can handle it. I do not agree.

While on the surface the above assertions would seem to be true, we all need to look at these assertions more closely.

Create jobs. Will they build with local contractors, or bring in their own? Will they put other businesses (neighborhood gas stations/convenience stores) out of business as they offer low-price gas to lure customers to their site?

Bring in taxes. True, but taxes will also be lost from the other 17 gas stations/convenience stores (yes -- 17!) operating within a two-mile radius of this Pearl/US 41 site. Will this huge station's impact bring down property values in the neighborhood, particularly in the area directly behind them? Of course it will. Will Whitfield pick up a new moniker of being where the Race Trac is? Will it impact the Sarasota hotel across the street or the church on the corner

of Pearl and 41? Will the whole intersection need to be reconfigured ? Are they paying any impact fee?

Commercially Zoned? As for zoning, this site is commercially zoned. However, because of their size (24 pumps is 8 pumps larger than the largest gas station on I-95 outside New York City), this is not a gas station, it is a terminal. I think this is completely incompatible with a residential neighborhood which Whitfield has been since the 1920's -- 90 years since John Ringling sold land to L.S. Whitfield. and many historic homes which still exist were built about three houses behind the site.

No or slight traffic impact? This will only be true if you are driving north in the passing left lane, but make no mistake, adding a gas terminal at this intersection with 1700 visits per day means 1700 more opportunities for collisions with oncoming vehicles. According to Cedar Hammock Fire and Rescue there have been 104 accidents between 2004 and 2009 on the Trail between Bowlees Creek and Tallevast Road, many of them fatal. There are also 200 businesses around Old US 301 that may find it attractive to send their trucks down Whitfield Ave. (which is a no trucks route) to gas up their fleet. There are also delivery trucks, even semi rigs and of course trucks with boat trailers. There will be considerable growth at the Pearl /US 41 intersection and I am not an expert, but I rather expect to see a reduced speed limit on US 41, center traffic isles built, and an increase in the timing of the light on US 41. The net effect will be to decrease smooth traffic flow on US 41 and increase traffic accidents. Do you want the major road that connects downtown Bradenton to downtown Sarasota to constrict or to flow? This will all happen in the middle of our neighborhood.

Unfortunately, there are still other reasons a huge gas station in the center of a residential neighborhood should not be allowed.

Crime. Late night liquor sales, cash machines, ice and munchies, and proximity to a motel that advertises cheap rooms are the perfect environment for drug and prostitution crime. We already have a problem in our neighborhood with vagrants living under the Bowlees Creek bridge on US 41 and prostitutes and drug dealers hanging out and canvassing on the Trail. This past May, for example, a police sting arrested 11 persons for prostitution and 9 "Johns." Two years ago a murder originated at the 7/11 across the street. We appreciate the police department's efforts to fight this crime and we do not blame the convenience store industry for causing it, but seriously, who do you think is buying beer at 2 a.m.?

The site. As mentioned earlier, this site is 7.5 feet above sea level and is in a depression below the US 41 road elevation of 10 feet. Because it is already paved over, Race Trac plans to raise the elevation and put a perimeter drain around its pumps and parking and a small, very small retention pond. Although it will be SWIFT MUD (?) who reviews this, it's worth noting that both the Race Trac site as well as their neighbor, the Suburban Lodge, channel their runoff directly into Bowlees Creek and Sarasota Bay. Bowlees Creek is a serious snook fishing and spawning ground, as well as a manatee refuge in winter. Do we really want to risk further pollution? Also, this site is barely outside the runway crash zone. In 2006 a plane crashed on Old 301 at the foot of the runway near the Citgo gas station and I am told that 10 years ago another plane

landed in the bay just at the end of Pearl Ave. After all, this is an airport where people learn to fly.

About our neighborhood. The Whitfield Ballentine neighborhood was originally owned and subdivided by the Ringlings, then sold to L.S. Whitfield (see attached map) . The neighborhoods boundaries are from the Ringling's Ca d'Zan, along the bay to Bowlees Creek, around the Sarabay Golf Course and then along Tallevast Road to the airport. We are part of unincorporated Manatee and all our houses are deed restricted. Our Association boasts 350 members that voluntarily belong. We do not have a manmade pond but a real bay which we share with the public. While we have some expensive properties, we are also integrated with lower valued properties, as well as a large number of historic homes (particularly right behind the proposed Race Trac site) that are well cared for by their owners. Babe Ruth even used to play golf at the Sarabay Golf Course. Despite the encroachment of the airport we keep up our properties. Is it any wonder then how we find putting a huge gas station in the middle of our neighborhood completely unacceptable?

Finally, I would like to say that in the current economic climate there are numerous sites that Race Trac might consider for their business. I am told they already have approval for one near the intersection of US 41 and 53<sup>rd</sup> Ave. (Wasn't US 301 originally intended as the truck route?) I think their size is too big for this type of undivided highway and their 24-pump design lends itself to better limited access highways or inside large shopping areas where its traffic impact can be mitigated and mixed with other traffic and not be its own destination. When gas prices soar people do shop for the cheapest gas and as a 800-pound gorilla, Race Trac meets that demand. It will be Racetrac marketing that will influence the congestion on this highway and influence late night criminal activity in our neighborhood. We would not like our neighborhood to become a gas terminal or a possible drug/prostitution meeting point.

Please deny Race Trac's building permit at this site. I urge you on the basis of the Manatee comprehensive Plan with regards to Compatibility, Transition, Relationship to Adjacent Property, Access, Fence and Screening (setback waiver), Stormwater Management and relation to major transportation facilities to deny their building permit.

Sincerely,  
Dan Young  
7215 Broughton St.  
Sarasota 34243  
Email: [youngdx@hotmail.com](mailto:youngdx@hotmail.com)

Attachments:

- 1) Old Whitfield map
- 2) Fire Chief's email
- 3) Comprehensive Plan nos. 4, 5, 7, 8, 14, 22



4) Photo of Race Trac station Old Whitfield map.jpg Fire Chief's email.jpg Comprehensive Plan.jpg



Race Trac gas station.JPG

**Subject:** Accidents

**From:** "Capt. Mark Bandstra" <MBandstra@chfr.org>

**Date:** Wed, 17 Jun 2009 11:22:34 -0400

**To:** "Commissioner Michael Holderness Sr. External" <donzimike@sarabay.com>

Mr. Holderness,

My research shows that between ~~2004 and present~~, approximately 104 accidents have occurred on Tamiami Trail, south of Bowlees Creek and north of Tallevast Rd. These incidents include injury and non injury accidents, pedestrian accidents, and incidents involving extrication. I hope this information is helpful and if you need any more assistance, please feel free to contact me.

**Captain Mark Bandstra**

Cedar Hammock Fire Rescue  
5200 26th Street West  
Bradenton, FL. 34207  
941.751.7090  
mbandstra@chfr.org

**Nearly 20 arrested  
in prostitution sting**

SARASOTA — Nearly 20 people were arrested by undercover police officers who posed as prostitutes and johns during a sting on U.S. 41 early this week.

Detectives arrested seven men who tried to pick up a female officer acting as a prostitute on the north end of Tamiami Trail.

In the same part of the city, male officers made 11 arrests of women who reportedly offered sex for cash.

The sting was set up to curb street crimes on Tamiami Trail, say Sarasota police officials.

— Staff writers Justine Griffin, Bart Pfankuch and Anthony Cormier and correspondent Robert Winsler

6/09

Bradenton  
Herald  
June 9, 2009

From Manatee County Comprehensive Plan

\* 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.

\* 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.

6. **Design Quality.** All planned developments proposing specific approval of requirements for development under standard zoning district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.

\* 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.

\* 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.

Need to study this

\* 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.

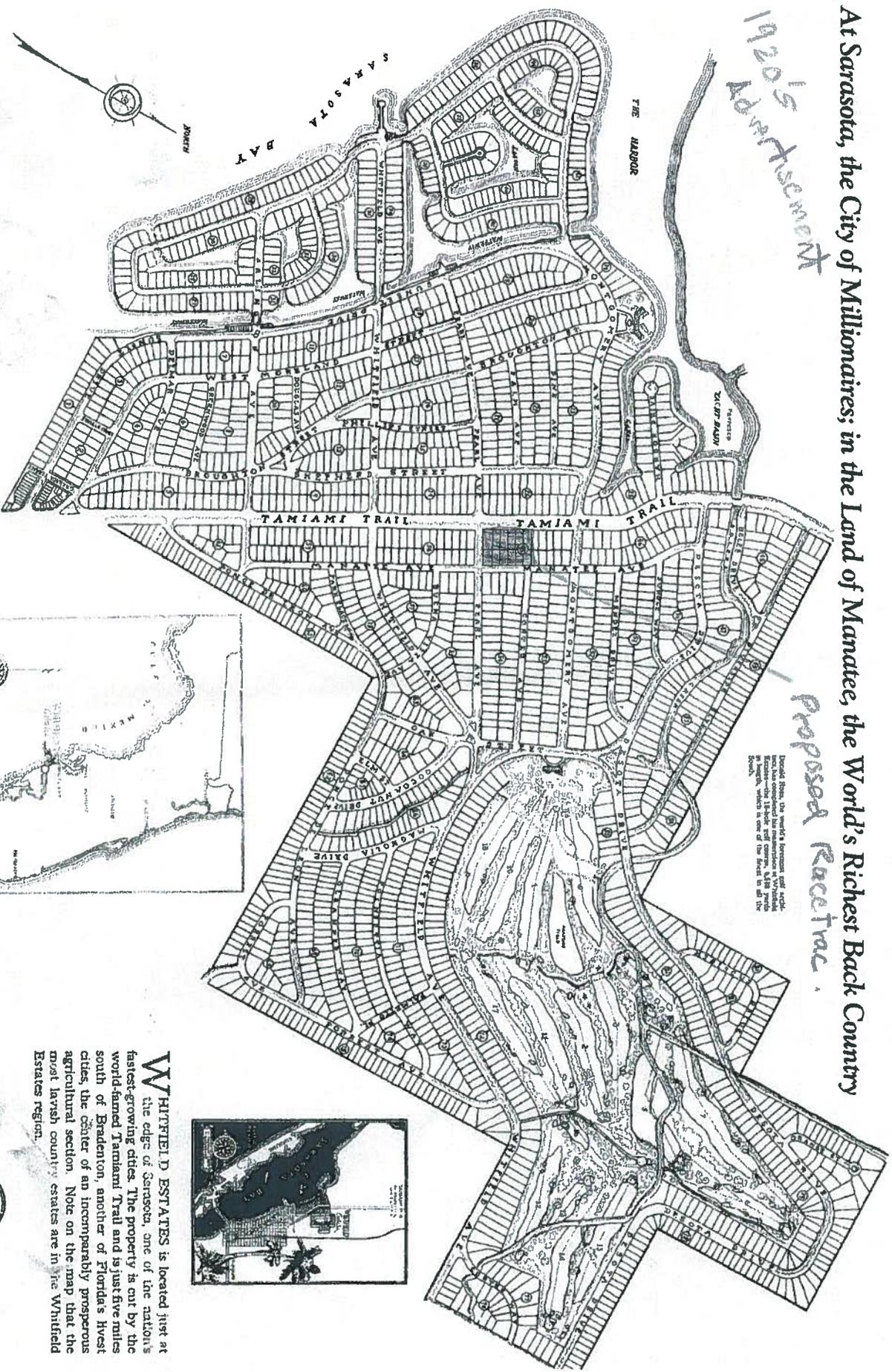
Lighting

\* 22. **Stormwater Management.** Stormwater Management facilities shall adhere to the requirements of Section 717, Stormwater Management and the Manatee County Development Standards.

At Sarasota, the City of Millionaires; in the Land of Manatee, the World's Richest Back Country

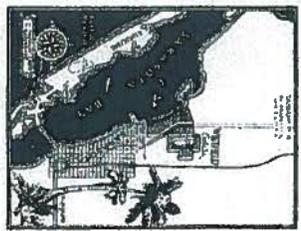
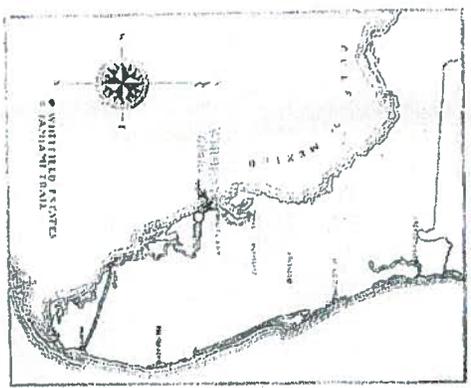
1920's Advertisement

Proposed Racetrack



Of Florida's western coast, Whitfield Estates is located in a region of unparalleled natural beauty and health. Facing Sarasota Bay, called the most beautiful body of water in the world, its great desirability is enhanced by the fertility of its back country—an area that grows in abundance the choicest fruits and vegetables which the American market procures.

Tracked along the world's famous golf links, this section has completed its construction at Whitfield Estates—the 18-hole golf course, 6,128 yards in length, which is one of the finest in all the South.



**WHITFIELD ESTATES** is located just at the edge of Sarasota, one of the nation's fastest-growing cities. The property is cut by the world-famed Tamiami Trail and is just five miles south of Bradenton, another of Florida's finest cities, the center of an incomparably prosperous agricultural section. Note on the map that the most lavish country estates are in the Whitfield Estates region.





Yvonne Tryon/MCG  
08/06/2009 09:05 AM

To bobbi.roy@mymanatee.org,  
debbie.bassett@mymanatee.org  
cc  
bcc  
Subject Fw: RaceTrac Letter

----- Forwarded by Yvonne Tryon/MCG on 08/06/2009 09:05 AM -----  
NormantheGreat77@aol.com

08/05/2009 03:54 PM

To gwen.brown@mymanatee.org  
cc  
Subject RaceTrac Letter

Commissioners

Please see attached letter.

Norm Luppino



NORM1.doc RaceTrac letter to BOCC.doc

August 5, 2009

Manatee County Board of Commissioners  
1112 Manatee Avenue West  
Bradenton, FL 34205

RE: PDC-09-07(P) Bank of Commerce/RaceTrac- Pearl Ave

Manatee County Commissioners:

As a resident of Whitfield, I respectfully request that the Board of County Commissioners DENY PDC-09-07(P), The Bank of Commerce/RaceTrac – Pearl Avenue because it is not compatible with the surrounding neighborhood, is inconsistent with the development trends along this segment of U.S. 41, and is inconsistent with various provisions of the Manatee County Land Development Code (LDC) and the Comprehensive Plan.

Below is an analysis of the proposal's inconsistencies with the LDC and Comprehensive Plan.

Land Development Code Requirements

A. *Section 603.11.4.3, PDC Yards and Setbacks*

*This section requires a minimum front yard setback of 35 feet along all local streets.*

The Site Plan shows a setback of only 20 from Manatee Street, a local street. In June, the applicant was provided an example of an alternative design for the project that complied with the setback requirement of the LDC. The applicant did not incorporate this design into their proposal. The 15' setback reduction, combined with the proposed increase in site elevation of at least three feet, creates an unacceptable impact on the residential properties to the east.

B. *Section 704.66.1, Service Station and other Gas Pump Location*

*This section states "A service station shall be so located to provide sufficient distance from any church, playground, playfield, park, hospital, public or private school public library, theatre, auditorium, stadium, public assembly hall or similar*

*facility to minimize hazards to pedestrians or vehicles, minimize congestion, and to protect the attractiveness of the immediate area of such facilities."*

Two churches and a daycare center are within close proximity of the proposed 24 gas pump dispenser station. The Midway Church of Christ is directly across the street (approximately 120' to the west) at 7266 N. Tamiami Trail and the Whitfield Presbyterian Church and Day Care Center is approximately 900' to the north at 7045 N. Tamiami Trail.

C. Section 603.4.3 - *Relation to Major Transportation Facilities.*

*Planned Development districts to 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.*

The proposal will have a significant increased in traffic on residential streets (specifically Pearl and Whitfield Avenues) and other minor streets as drivers find short cuts.

Because RaceTrac is noted for its inexpensive gas and diesel fuel, the Whitfield and Pearl Avenue link between 15<sup>th</sup> Street and U.S. 41 will become a conduit for traffic for the hundreds of commercial and industrial businesses east of 15<sup>th</sup> Street, and the residential area beyond. This traffic, which will include a large percentage of trucks, would have a severe impact on the viability of the residential neighborhood, which extends from U.S. 41 to beyond 9<sup>th</sup> Street East - more than a mile in length.

The traffic study, which *estimates* the number and distribution of trips, makes certain assumptions and is based on average industry standards. Several points can effect the validity of such study:

- ITE rates do not distinguish between a gas station/convenience store that is open 24 hours and one that is closed at night. Because RaceTrac would be open 24 hours, it is reasonable to expect a higher volume of traffic than an average station.
- ITE rates do not distinguish between stations based on their gas prices. Establishments noted for selling gas at a cheaper price can be expected to draw from a much larger market area and have a higher trip attraction rate than an average station.
- The sale of inexpensive diesel fuel and its proximity to the vast industrial area approximately 2 miles away can significantly skew the trip distribution and attraction rates.

RaceTrac sells diesel fuel for considerably less than establishments along 15<sup>th</sup>

St. A savings as small as a few cents per gallon is substantial when filling up a truck with a 60 - 100 gallon tank and makes an extra 2-mile drive inconsequential. This savings add up when a company maintains a fleet of trucks.

Evidence that RaceTrac is a high volume attracter is clearly reflected in the project design. To call RaceTrac the "Walmart of gas stations and convenience stores" is an understatement. This facility would have twice as many gas pumps as any other station on U.S. 41 and proposes 36% more parking spaces for the convenience store than is required by Code and that is provided for the 7-11 store across the street, based on parking ratios per square feet.

D. Section 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.*

Because of the far reaching implication associated with project traffic, the issue of compatibility must consider more than just the surrounding properties. As described above, residences that front Pearl and Whitfield Avenues would be subject to increased traffic, including large trucks. These two streets are the backbone of the Whitfield community and provide people with their first, and often only, impression of the neighborhood. If these homes are negatively affected, the image of our entire community will be affected.

Impacts to the surrounding residences would stem from the hours of operation and associated noise. Open 24/7, the gas pumps and convenience store would be a source of non-stop activity which will disturb nearby residents. Noise from cars and trucks and loud music from vehicle sound systems will be disruptive to nearby residents, day and night.

Because the proposed site development has been shifted closer to Manatee Street and the site elevated at least three feet to facilitate drainage, the minimal buffering fails to provide sufficient mitigation of impacts.

E. Section 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.*

This proposal is clearly inconsistent with the historically "low impact" character of

land uses along this segment of U.S. 41. The land uses between Bowlees Creek and the airport are primarily professional with a small percentage of low impact commercial.

Whitfield Estates was platted in 1925 and 26 and is unique from other subdivisions in that it is divided by a 7-lane major corridor. To lessen the division this roadway creates on the neighborhood, land uses along this segment of 41 have historically been restricted to those that are lesser in intensity, smaller in scale, and are mostly neighborhood serving. The two hotels are considered commercial uses, but in terms of actual usage are more similar to multi-family residential as they provide living accommodations for people. The introduction of this high impact community-serving gas station/convenience store, which has one of the highest trip attraction rates of any use, would be precedent setting and set the stage for similar requests. Such a shift in land use trend would cause a pronounced physical and psychological division of the Whitfield neighborhood and destroy its cohesion.

F. **Section 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.*

As described above, the setback along the property line that abuts the residential properties to the east is significantly less than what is required by the LDC. In addition, insufficient space is provided for trees within the buffer to effectively screen the site because they would be wedged between the proposed building and overhead power lines and eventually need to be cut severely in the future to prevent intrusion of the canopy into the building and overhead lines.

Because of the large volume of traffic and hours of operation of this business, the site design should be designed with significantly greater setbacks and buffers to mitigate the impacts, not less.

G. **Section 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.*

Because the site is proposed to be elevated at least three feet along the property

boundary adjacent to the residential neighborhood to the east, there will be additional impacts associated with the physical presence of the building and noise and lights from vehicles. The "see thru" fence and hedge along this property line provides a lesser degree of protection for these residents than a solid wall. In addition, to effectively screen the building and gas pump canopy, additional vertical screening is necessary. As stated above, because of the proximity of the overhead power lines and convenience store building to the buffer, insufficient width is provided for trees to realistically grow to maturity with full canopy in this buffer.

### Comprehensive Plan Policies

#### A. *Policy 2.2.1.17.2 Range of Potential Uses for ROR*

*(see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5) Retail, wholesale or office commercial uses which function in the market place as neighborhood, community, or region-serving. Also residential uses, lodging places, public or semi-public uses, schools, recreational uses, appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4), and short-term agricultural uses.*

Retail commercial is listed as a "potential" use in the ROR Future Land Use; however, this use is not an "entitlement" in this FLUC. Potential uses must be found to be in compliance with applicable Comprehensive Plans policies and Land Development Code requirements.

#### B. *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.*

There no other uses along this segment of U.S. 41 that are as intense in operation as the proposed RaceTrac. As stated above, uses that define the character of this segment of U.S. 41 are professional or low impact commercial in nature.

#### C. *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,*
- *approved development in the area*

Existing development patterns for this segment of U.S. 41 do not support this intense of a use on the subject site. Previous Manatee County Commissioners have re-affirmed the importance of maintaining the low impact character of this

section of U.S. 41 when the 7-Eleven Store at the intersection of Pearl and U.S. 41 was denied for three gas pumps in 1985 because 'they were not compatible with the residential community' (SP-85-35).

When the Comprehensive Plan was adopted in 1989, the segment of U.S. 41 between Bowlees Creek and Westmoreland Drive was changed from an "Intensive Highway Corridor" (designation in the prior Comprehensive Plan) to mostly OL (Office Light). Properties that were previously developed as commercial were provided an ROR designated to acknowledge established uses. However, given that these ROR designated sites are inconsistent with the prevailing designation and land uses in the area, they should be restricted to the potential ROR uses that are less intense, such as office or low impact commercial in order to maintain continuity with the established prevailing character.

- D. *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*

The site abuts an established residential area to the east, separated by a right-of-way. A convenience store/gas station has a very high trip attraction rate that will be open 24 hours will be a source of noise and activity day and night. Instead of providing additional setbacks and buffering, this proposal provides LESS and shifts the impact closer to the residences.

Whitfield Estates includes fifteen residences which are listed on the National Register of Historic Places. Five are on Lantana Avenue, which directly east of this proposal. It is important to foster an environment which is conducive for home owners to preserve the character of homes and the neighborhood for many years to come. The scale and operation of the RaceTrac project is not compatible with our neighborhood.

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

- 1) *any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses.*

- 
- 2) *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.*

Compatibility and site design issues have been discussed throughout this correspondence. The magnitude of the proposed use, site design, and stipulations recommended by the Staff do not address the far reaching impacts of this project.

In closing, while many of us would like to see this property redeveloped, the magnitude of this proposal, and its far reaching implications greatly outweigh the benefits.

Sincerely,

Norm Luppino  
Whitfield resident

cc: resume



# HOUGH ENGINEERING, INC. - CONSULTING ENGINEERS

1771 MANATEE AVENUE WEST, BRADENTON, FLORIDA 34205  
PHONE: (941) 747-4838 • FAX: (941) 747-4072

www.hougheng.com

December 12, 2012

Steve Kollar and/or Jason Utley  
Manatee County  
Building & Development Services  
1112 Manatee Avenue West  
Bradenton, FL 34205

**Re: McMullen Creek RV Park Rezone to PDRV to GDP Standards**

Dear Steve and/or Jason:

Please accept this as my **Traffic Impact Statement** pertaining to the subject project:

Project Location: Access off Bayshore Road

Link 2170: US 41S to US 41N  
**Existing LOS C satisfies LOS D Criteria 1**

(see site location map on GDP Plans)

Proposed Project: 93.35 acre site to be developed as 572 unit Recreational Vehicle Park

Proposed Traffic: per ITE 8<sup>th</sup> Edition, code 416 Recreational Vehicle Park (pg.702)

**PM Pk Hr:** (.37)(572 sites) = **212 PM Pk Hr** (more than 50 trips) **Criteria 2;**  
69% Enter = 146; 31% Exit = 66

**212 PM Pk Hr is more than 5% Pk Hr LOS of 55.6 Criteria 3**  
for project study area for the first concurrency-regulated roadway segment the project connects to.

Criteria One is satisfied for a Traffic Impact Statement, but Criteria 2 & 3 trigger a Traffic Impact Analysis requirement. Since this project is presently seeking a GDP which does not obtain concurrency, the TIA will be undertaken in the future when concurrency is pursued for the project.

Steve Kollar and/or Jason Utley  
December 12, 2012  
Page Two

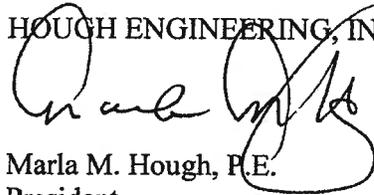
To summarize, the following items are attached:

1. Link 2170 Concurrency Sheet dated July 26, 2012
2. ITE page 702

Please let me know if you have any questions on the traffic impact statement.

Sincerely,

HOUGH ENGINEERING, INC.



Marla M. Hough, P.E.  
President

cc Bob Graham, Nick Easterling, Bob Greene, Esquire

C:/reception/documents/rv-r/trafficimpactstatement





