

ABBREVIATED MINUTES
 PLANNING COMMISSION MEETING
 MAY 16, 2007

The City of Bradenton Planning Commission met on Wednesday, May 16, 2007 at 2:00 p.m. in City Hall Council Chambers.

ATTENDANCE

Planning Commission Members (Shaded area indicates absence, *Indicates non-voting):

Chairman Diane Barcus	Richard Barnhill	Carlos Escalante	Vice-Chair Lucienne Gaufillet
Lisa P. Jones	Allen Yearick	Allen Prewitt	
Alternate Brady Cohenour	Alternate O.M. Griffith		Alternate Joseph Thompson

City Staff:

Development Services	Public Works	Fire	Police
Director Tim Polk	Arlan Cummings	Kenny Langston	
Assistant Director Tom Cookingham			
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

PRELIMINARIES

Meeting called to order by Chairman Diane Barcus at 2:03 p.m.

- 1) The Chair advised that with the exception of variance requests, all items being considered at this meeting would be heard by City Council at its regularly scheduled meeting on Wednesday, June 13, 2007 at 8:30 a.m. unless otherwise announced.
- 2) The Chair expressed appreciation for the thoughts and prayers during her recent surgery.
- 3) Pledge of Allegiance at 2:04 p.m.
- 4) Ms. Gaufillet moved, with a second by Mr. Thompson, to approve the Minutes of March 21, 2007. Motion carried unanimously.
- 5) Ms. Kahl swore in all those wishing to speak before the Commission.

OLD BUSINESS

RV.06.0014 WARD 4 NEIGHBORHOOD 7.02A RS

Request of E. Blake Melhuish, Esquire, agent for Manatee Property Investments, LLC, owner, for Right-of-Way Vacation of Hubbel Road and removal of bridge for a project known as Hidden Lagoon Subdivision located at 701 Oak Street (Zoned PDP)

Ms. Seewer read the request advising that it had been continued from the January 17, 2007 Planning Commission Meeting. Ms. Seewer advised that the public had been re-notified, and the Public Hearing had been re-advertised.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor and no one appeared. The Chair opened the public hearing for those wishing to speak against and no one appeared. The Chair closed the public hearing.

Public Works -

Mr. Cummings stated that he had no objections to the vacation with the one understanding that it would not take place until the new road was opened and approved by Public Works.

Fire Department -

Fire Marshal Langston stated that he had no issues.

Staff Report -

Ms. Seewer stated that there had been several meetings with Mr. Munn and Manatee County. She commented that Manatee County had a neighborhood meeting. Ms. Seewer remarked that the City would not move forward unless it had the County's endorsement. She advised that the County held a public meeting, and the County Commission was not opposed. Ms. Seewer recommended approval with the stipulation that all asphalt be removed from the west side of the bridge to the intersection of Tropical Drive.

The Chair requested that it be stipulated that it would be done at the applicant's expense.

Mr. Munn remarked that 15 feet had to be left for a driveway for one of the resident's house.

Ms. Seewer stated she should have said the east side; it was the resident's driveway on the west side.

Mr. Escalante moved, with a second by Mr. Thompson, to accept Staff's recommendation and approve RV.06.0014 with the stipulation that the asphalt shall be removed from the east side of the Bridge to the intersection of Tropical Drive at the applicant's expense. Motion carried unanimously.

NEW BUSINESS

CP.07.0019 WARD 3 NEIGHBORHOOD 6.01 RS

Request of Stamatis and Sharon Zeris, et al, owners, for an amendment to the Comprehensive Plan from Res-10 to UCBD for property located at 1503-1625 9th Avenue West (Zoned R-3A)

LU.07.0036 WARD 3 NEIGHBORHOOD 6.01 RS

Request of Stamatis and Sharon Zeris, et al, owners, to change the Land Use Atlas Amendment from R-3A to C-1/UCBD for property located at 1503-1625 9th Avenue West (Zoned R-3A)

Mr. Cookingham read the requests.

Ms. Gaufilllet recused herself and left the dais advising that she was working on this issue.

Lucienne Gaufilllet, Arborscape Studio, Inc., advised that she was present with Stamatis Zeris and Kimberly Mills, realtor, requesting that the nonconforming uses be brought into conformity with the Comprehensive Plan and the appropriate zoning. Ms. Gaufilllet advised that the neighborhood was economically mixed. She said that Mr. Zeris was unable to receive financing to improve his property because it was nonconforming and could not be rebuilt as it presently existed if more than 50% of the structure were damaged. Ms. Gaufilllet advised that at the suggestion of the City Mr. Zeris spoke with his neighbors along 9th Avenue from 15th and 17th Streets West who were in the same situation and who joined in the application. She commented that the duplexes and multi-uses were conforming to the codes at the time of construction, but as the City progressed and new codes were enacted, they were no longer in compliance. Ms. Gaufilllet requested that the properties be brought in conformance by changing the Comprehensive Plan and Land Use Atlas designations. She said that no development was proposed at this time; it was a paper amendment which would allow the applicants a financial structure. Ms. Gaufilllet stated that any redevelopment would have to go through the normal process before the Planning Commission and City Council.

Public Hearing:

The Chair opened the public hearing. No one appeared to speak in favor or in opposition, and the Chair closed the public hearing.

Public Works -

Mr. Cummings stated that he had no comments.

Fire Department -

Not present, but Ms. Seewer noted that the Fire Department did not normally comment on Comp Plan and Land Use Amendments.

Staff Report -

Mr. Cookingham recommended approval based upon the Findings of Fact.

Ms. Seewer pointed out that the Land Use Atlas Amendment would not be moving forward to the City Council at this time because the Comp Plan Amendment was first required to go to the Department of Community Affairs (DCA) for approval. Ms. Seewer explained that a Resolution to transmit the request to the DCA would be presented to the City Council June 13 for approval. Ms. Seewer advised that when the Amendment was received back from DCA, its comments would be addressed and the Comp Plan and Land Use would be adopted at that time. She noted that this process usually took three months. Ms. Seewer advised that the same procedure would apply to the next Agenda item as well.

Mr. Escalante moved, with a second by Mr. Thompson, to approve CP.07.0019. Motion carried 5-0. (Ms. Gaufilllet was recused.)

Mr. Escalante moved, with a second by Mr. Prewitt, to approve LU.07.0036. Motion carried 5-0. (Ms. Gaufilllet was recused.)

CP.07.0020 WARD 4 NEIGHBORHOOD 20.04 TC

Request of Barbara Levin, agent, for Bradenton River Baptist Church, owner, for an amendment to the Comprehensive Plan from County Res-6 to City Commercial for property located at 5412, 5520, 5526, and 5530 SR 64 E 1503-1625 9th Avenue West (Zoned R-3A)

LU.07.0037 WARD 4 NEIGHBORHOOD 20.04 TC

Request of Barbara Levin, agent, for Bradenton River Baptist Church, owner, for an amendment to the Land Use Atlas Amendment from County A1, NC-M to City PDP for property located at 5412, 5520, 5526, and 5530 SR 64 E 1503-1625 9th Avenue West (Zoned R-3A)

Mr. Cookingham read the requests.

Barbara Levin, representing Morgan Johnson Associates, LLC and Braden River Baptist Church, presented the request.

The Chair stated that Ms. Gauffillet had returned to the dais.

Public Hearing:

The Chair opened the public hearing. No one appeared to speak in favor or in opposition, and the Chair closed the public hearing.

Public Works -

Mr. Cummings stated that he had no objections.

Fire Department -

Fire Marshal Langston stated that he had no objections.

Staff Report -

Mr. Cookingham stated that based on the Findings of Fact, staff was recommending approval of the Comp Plan Amendment and Land Use Atlas Amendment.

Mr. Barnhill moved, with a second by Mr. Thompson, to approve CP.07.0020. Motion carried unanimously.

Mr. Barnhill moved, with a second by Mr. Thompson, to approve LU.07.0037. Motion carried unanimously.

VA.07.0038 WARD 3 NEIGHBORHOOD 6.01 RS

Request of Thomas and Lisa Woodard, owners, for Variance for side yard setback reduction from 5 feet to 1.5 feet for the existing garage and 2 feet to construct a pool cage at property located at 718 22nd Street West (Zoned R-3A)

Ms. Seewer read the request.

Thomas Woodard stated that he had turned in photographs with his application. Mr. Woodard explained that he had a one year old and a four year old and at the recommendation of the pool installer, Mr. Woodard requested that the variance be granted for safety reasons. He stated that he had spoken to his neighbors and they all favored the pool cage. Mr. Woodward commented that the property was currently for sale, and he did not know whether that had a bearing.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor, and no one appeared. The Chair opened the public hearing for those wishing to speak against and the following appeared:

Cynthia Hooper, 2433 6th Avenue West, Historical Wares Creek Neighborhood Association President, stated that the Association felt the Variance would set a precedent for future encumbrances. Ms. Hooper said because the pool cage would be so close to the corner, they felt

it would be an eye sore.

There being no further individuals wishing to speak in opposition to the request, the Chair closed the public hearing.

Public Works -

Mr. Cummings stated that he had no objections.

Fire Department -

Fire Marshal Langston stated that he had no objections.

Staff Report -

Ms. Seewer stated that Councilman Patrick Roff had also expressed concern that approval would set a precedent for that neighborhood, but Ms. Seewer pointed out that they could already put a screen cage up. She explained that this approval would allow them to put the cage outside the setback area so they could get around the interior of the pool. Ms. Seewer advised that her concern was that the pool and patio were put in with a legitimate permit at the time. She said that now the City did not allow a patio in the setback area but there was a time when it was allowed. Ms. Seewer said it would not set a precedent since anyone could put up a cage. Ms. Seewer recommended approval. She also pointed out that the garage was existing and was in very good condition. She stated that the hardship was the double frontage and location of the existing structures on the lot.

Ms. Escalante asked about landscaping at 8th Avenue.

Ms. Seewer stated that there was a fence in the location.

Mr. Escalante suggested that they put in additional landscaping.

The Chair commented that she lived approximately three blocks south of there. She said further toward Manatee at 6th or 7th Avenue and 22nd Street a house fronted the east/west with two front yards. Ms. Barcus pointed out that that house had a cage and it sat closer to the street than this one would; therefore, she did not see that this one would be precedent setting.

Ms. Seewer answered that it was not precedent setting. She said it was a misunderstanding of the application itself.

Mr. Prewitt moved, with a second by Ms. Gaufillet, to accept Staff's recommendation and approve VA.07.0038 based upon General Standards and Regulations requirements pursuant to Section 202.H of the Land Use and Development Regulations with the hardship being the double frontage and the location of the existing structures on the lot. Motion carried unanimously.

(Mr. Escalante left at 2:45 p.m.)

SU.07.0034 WARD 5 NEIGHBORHOOD 1.03/1.04 RS

Request of Frank Carter, W.F.C. Engineering, agent, for William McNight, owner, for construction of a convenience store with gasoline pumps for property located at 1202 1st Street West (Zoned C-2)

Ms. Seewer read the request.

Frank Carter, P.E., 149 Knotty Pine Place, Tampa, representing William McNight, presented a

history of the site and business and stated what improvements were planned.

Ms. Gaufillet stated it was her understanding that the existing store and station to the south would remain operable throughout construction of the new facility.

Mr. Carter said they would like to keep the present one open during construction and upon opening the new facility, demolish the existing building, canopy and pumps.

Responding to Ms. Gaufillet's comments, Mr. Carter concurred there would be some down time, but he could not estimate how much at this time. He remarked that the proposed building would be located on the north end of the property while the present one was at the south end of the property. Mr. Carter advised that the new store would sit well back off the street, the canopy would be in front of the store itself and parking spaces to meet Code but there would be that transition period when demolition would occur, and safety would have to come into play. He stated that there would probably be two to three weeks down time.

Mr. Prewitt asked how old the existing storage tanks were.

Mr. Carter was not certain but believed them to be five years old. He advised that it was State mandated that all tanks which were not double walled had to be brought up to Code by 2009. He stated that all of Mr. McNight's tanks would be brought up to Code, being double walled, steel, fiberglass insulated tanks below ground, but he remarked that he did not think they have been changed out yet. He stated that no matter what the condition of the tanks, new ones would be installed. Mr. Carter advised that the existing tanks would be removed during construction, the facility cleaned up to meet State standards, and three new storage tanks would be placed in a different location closer to the new pumps and canopy.

The Chair made inquiries about the retention pond shown on the plans.

Mr. Carter advised that it would be wet retention which was determined solely by the depth to the ground water table. He pointed out that almost directly across the street on the east side was a Race Track Station with more gasoline pumps than what they were proposing. He noted that Race Track had a vertical wall retention pond behind which was a wet pond full of vegetation. Mr. Carter said all these owners would like to have dry ponds, because they were easy to maintain and looked better, but it was a function of getting it permitted properly. He felt that when they bore down into the ground to determine where the ground water was, it would be two or three feet during the rainy season below the existing ground which would put it in the category of a wet retention pond. Mr. Carter said that wet retention ponds hold water and vegetation growth which was common on the Coast and that was the reason for the vertical wall pond.

The Chair remarked that Race Track sat on higher ground.

Mr. Carter advised that fill dirt was brought in to raise it up. He commented that they may have to bring in fill dirt to raise up this site.

Responding to the Chair's inquiry, Mr. Carter advised that the pond would be fenced for safety reasons. He stated that it was a SWFWMD requirement that any time there was a pond and the side slopes were steeper than 4 to 1, a fence was required. He advised that they would be sloping straight down.

The Chair asked where the emergency back door was going to be.

Mr. Carter responded that he believed emergency access would have to be on the side.

The Chair inquired whether the Fire Department would have a problem with that proposal.

Fire Marshal Langston stated that until he saw the plans for the inside of the store, he could not make that determination.

Responding to the Chair's inquiries, Ms. Seewer advised that the specific building codes would have to be met. She added that it would all be determined at the engineering stages.

The Chair stated it seemed funny to her that the store sat in the middle of a retention pond.

Mr. Carter replied that in the original design the proposed store was not pushed that far west on the property but in contacting DOT it wanted the driveway connection to have a throat distance of 40 feet to avoid a stack up of traffic which pushed things further back on the property. Mr. Carter advised that they moved the driveway closer to the intersection to give the 40 foot driveway throat and relocated the store as asked by DOT.

Ms. Seewer stated that staff recommendation was for a continuance not because staff did not want the property redeveloped because staff was right behind the applicant on that aspect, but one of the questions staff had was the driveway access on 301 and 41. Ms. Seewer advised that DOT would not give Race Track access on 1st Street so staff was stymied how DOT would grant access to this applicant since there were two side streets involved; therefore, a continuance was being recommended to give Mr. Carter the opportunity to meet with DOT to see if this would work.

Mr. Carter stated that he submitted to DOT a preliminary site plan to get its feedback. He advised that the immediate reaction was that it would review the plan but it was noted that the plan would have to have the throat connection. He said that Ms. Seewer was correct that Race Track and this plan were similar because they had two local roads which provided access to the sides.

Ms. Seewer also pointed out that the dumpster was not a problem on the conceptual plan but now it was in a totally different location and not easily accessible. She stated these were the types of issues which needed to be worked out. She suggested that Mr. Carter come back and meet with her, Public Works, and the Fire Department and also obtain better feedback from DOT to see if it would allow the access there.

Public Hearing:

The Chair stated that since this application had been advertised, she would open the public hearing but the Planning Commission would hold off the final vote until June. The Chair opened the public hearing for those wishing to speak in favor and no one appeared.

The Chair opened the public hearing for those wishing to speak against and the following appeared:

Michael Lowe, Sr., 1201 7th Street West, pointed out where his property was located on the overhead display and said that he was opposed to the building being located on the opposite piece of property. He stated this was a residential area with kids. He remarked that he was opposed to the retention pond because trash was thrown in the one at Race Track from things people brought at the store, and people could hardly sleep with the frogs in the retention pond making noise. He said a convenience store with gas pumps would cause loud noise with trucks coming in and out with fuel. Mr. Lowe said the neighbors do not know enough about what was going to happen, about the size, how trucks would get in there, how late the station would be open. He remarked

that the neighborhood had enough problems with Race Track from trucks coming in and out and the back-up of traffic from the Flea Market. He advised that the Bradenton Police Department was at that location 24-7. Mr. Lowe opined that this new convenience store would be an accident waiting to happen because the traffic was a bottleneck on 13th Avenue now. Mr. Lowe said the property was not properly posted. He commented that there was one sign in the door, and it could not be seen.

Oscar Doss, Jr., 113 12th Avenue West, pointed out his property on the overhead display. He complained about the retention pond stating that there was a problem with water coming over his property now and if the property were built up, more water would come onto his property. He inquired about setback from the highway. He remarked that if it were set back any further, it would be too close to his property. Mr. Doss stated that the retention pond would be at the side of his property. Mr. Doss opposed the convenience store because people cut across his property, and he opposed the retention pond. He noted that the police were at the Race Track all the time.

Dorothy Middleton, 215 11th Avenue West, stated that her family owned the adjoining property right behind the Redi-Deli convenience store. She advised that she got her gas there but it was very difficult to get in and out. She commented that two cars could not get in there now at the same time. Ms. Middleton said she did not see how they were going to build a new facility and leave the one open because there would be utter chaos. She expressed concern how close the development would be to the adjoining property. She remarked she did not see how they were going to squeeze it in there. Ms. Middleton said not everyone in the neighborhood was notified. She suggested that the applicant try to purchase more vacant property. She commented that no one had approached them about buying property her family owned. She said more study needed to be done and the people in the community needed to know about it.

The Chair continued the Public Hearing until the June 20 Planning Commission Meeting.

Mr. Polk remarked that staff had noted all the comments from the adjacent property owners. He advised that the project would be postponed and staff would work with the applicant and the adjacent property owners to make sure they understood the ramifications of the project. He said staff would make sure everything fit on the property. Mr. Polk stated that the retention pond was a problem. He encouraged the applicant to work with Public Works, DOT and the neighbors.

The Chair inquired what the distance was between the concrete retaining wall and the west property line, Mr. Doss' property.

Mr. Carter replied that it was five feet from the retention pond to Mr. Doss' property.

Responding to Ms. Gaufillet's inquiry, Ms. Seewer advised that a 35 foot setback from residential was required for the building, not for the retention. She said that a ten foot setback was required from vehicular use areas and the property line so technically it was not needed in the back. Ms. Seewer stated that one of the seven conditions in the Staff Report to look at with the applicant was residential buffering so when they met with the applicant, staff would go over that with him. Ms. Seewer said that over 30 notices were sent to property owners, but she would get with them.

Ms. Gaufillet remarked that if DOT did not allow the access, it would open up the site and provide more opportunities for development.

Mr. Carter stated that he understood the concerns of the neighbors. He said the site was tight and the developer wanted to maximize every square foot of land that he could. Mr. Carter stated that it was the owner who wanted to have a driveway connection to 301, but he may have to re-think that

because there are so many issues about the site.

Ms. Seewer pointed out that the driveway was only going to capture the southbound traffic because northbound could not turn in there. She commented that if a driver missed the first turn on 12th, there was still the opportunity to turn on 13th to access the site.

Mr. Carter stated that he would work with staff to revise the plan and hopefully the neighbors would have the opportunity to look at the plan.

Ms. Seewer stated that she would contact the neighbors.

Mr. Carter told Ms. Middleton that he was not the owner of the property but he would convey the message about the possible sale of the adjoining property to him.

Ms. Gauffillet moved, with a second by Mr. Barnhill, to continue SU.07.0034 to the June Planning Commission Meeting. Motion carried unanimously by a vote of 5-0. Mr. Escalante was not present for the vote.

Ms. Seewer advised the public in the audience that the meeting would be June 20 at 2 p.m.

PR.07.0033 WARD 4 NEIGHBORHOOD 7.03 RS

Request of Andrew Allison, agent for 1935 Partners and Russell Tilton, owners, for preliminary approval of a Planned Development Project for a professional park for property located at 1935 Manatee Avenue East (Zoned C-2)

Ms. Seewer read the request.

Bob Schmitt, Land Planning Associates, and Andy Allison, Allison Engineering, appeared before the Commission.

Mr. Schmitt concurred with the Planning Department Staff Report and requested approval.

Responding to Ms. Gauffillet's inquiries, Mr. Allison stated there was a concern from the Fire and Public Works Departments regarding truck turn movement exiting the property. He said the entrance and round-about at the north end of the property were acceptable. Mr. Allison noted that with the resubmission of the final development plan, the parking would be modified to take some of the bend out of the movement so that fire/rescue would not have trouble getting around. He pointed out two parking spaces on the plan which would be lost.

The Chair stated that a monument sign was shown on the plan. She inquired about its size.

Mr. Allison responded that the plan showed the location of where the sign would be placed, but it would be limited to whatever was allowed in the Land Development Code.

Ms. Seewer stated that the Code allowed 300 square feet, but staff would not want that size there.

Mr. Allison responded that the applicant was not present, but he felt he would want something similar to the 2001 project he just did east of this project, probably a 40 foot size.

Ms. Seewer commented that she thought it was larger than 40 foot.

Mr. Schmitt commented that it was larger. He added that any client he had ever worked for wanted

as much signage as possible; but, if the City wanted to limit it, he would probably not need anything close to 300 feet. Mr. Schmitt remarked, however, that it was the client's decision and he would be reluctant to take a real small area, but if the City had a number to recommend to City Council, he would certainly run it by his client.

Ms. Gaufillet asked whether it was one sign or multiple signs.

The Chair noted that one monument sign was what they asked for.

Ms. Seewer said it was one sign, but she was thinking more like 96 feet on each side.

Mr. Schmitt commented that he thought that would be acceptable to his client, but if the City wanted to round it off to 100 square feet on each side, would be better.

Ms. Seewer stated that she would add that stipulation.

The Chair concurred stating that she would very much like to see that be made a stipulation.

Public Hearing:

The Chair opened the public hearing. No one appeared to speak in favor or in opposition, and the Chair closed the public hearing.

Public Works -

Mr. Cummings said that he had no objections with the realignment of the parking area, and other concerns would be addressed during the construction phase.

Fire Department -

Fire Marshal Langston advised that he had no objections.

Staff Report-

Ms. Seewer stated that the applicant had elected to go through the Planned Development process in order to provide a more aesthetically pleasing, compatible development. She stated that aside from marketability, the use of single story multiple structures was often more acceptable than a larger multi story structure especially when bordering a single family residential neighborhood. Ms. Seewer advised that the applicant was going to do as much as could be done for tree preservation. She said that staff recommendation was for approval based on the Findings of Fact and Analysis of the proposed Atlas Amendment, and pursuant to the General Standards and Regulations requirements of Section 404.A of the Land Use and Development Regulations, with stipulations as follows:

1. All criteria addressed in the memorandum from Public Works dated April 27, 2007, will be addressed on the site improvement construction plans.
2. All trees scheduled for preservation will be adequately barricaded.
3. A low maintenance fence will be installed along the north and east property lines where abutting residential structures are located.
4. If any species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures will be taken, with immediate notification provided to the PCD.
5. The architectural design and features of the proposed buildings shall approved by the Planning and Community Development Director prior to construction.

6. The Final PDP must address all Stipulations and other Staff/DRC recommendations/concerns included in this report as determined by the Planning and Community Development Director.
7. Any deviation from the approved requirements, as determined by the Planning and Community Development Director, may require a PDP amendment.
8. One sign will be permitted with a maximum 100 sq. ft. per side.

Mr. Thompson moved, with a second by Mr. Prewitt, to accept Staff's recommendation and approve PR.07.0033 with the following stipulations:

1. All criteria addressed in the memorandum from Public Works dated April 27, 2007, will be addressed on the site improvement construction plans.
2. All trees scheduled for preservation will be adequately barricaded.
3. A low maintenance fence will be installed along the north and east property lines where abutting residential structures are located.
4. If any species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures will be taken, with immediate notification provided to the PCD.
5. The architectural design and features of the proposed buildings shall approved by the Planning and Community Development Director prior to construction.
6. The Final PDP must address all Stipulations and other Staff/DRC recommendations/concerns included in this report as determined by the Planning and Community Development Director.
7. Any deviation from the approved requirements, as determined by the Planning and Community Development Director, may require a PDP amendment.
8. One sign will be permitted with a maximum 100 sq. ft. per side.

Motion carried unanimously by a vote of 5-0.

RV.07.0015 WARD 5 NEIGHBORHOOD 7.03 RS

Request of Benson Engineering, agent for Manatee Village Historical Park, owner, for Right-of-Way Vacation in order to consolidate the adjoining parcels for property located at 1404 Manatee Avenue East (Zoned C-1A)

Ms. Seewer read the request.

Cathy Slusser, Deputy Director of Historical Research for the Manatee County Clerk's Office and Liaison with the Manatee County Historical Commission, pointed out on a plan the road which was being vacated. She advised that the gas station, which they had purchased, had been demolished and this was where they wanted to put parking. She said they recognized that there were easements there, and they would not put anything over those utility easements.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor or in opposition and no one appeared. The Chair closed the public hearing.

Public Works -

Mr. Cummings said that he had no objections.

Fire Department -

Fire Marshal Langston advised that he had no objections.

Staff Report -

Ms. Seewer recommended approval based upon the General Standards and Regulations requirements pursuant to Section 202.G. of the Land Use and Development Regulations with the stipulation that the area proposed for vacation be designated as an access and utility easement.

Ms. Gauffillet moved, with a second by Mr. Thompson, to accept Staff's recommendation and approve RV.06.0015 with the stipulation that the area proposed for vacation be designated as an access and utility easement. Motion carried unanimously by a vote of 5-0.

SU.07.0035 WARD 5 NEIGHBORHOOD 1.03/1.04 RS

Request of Klaus Doranth, agent for Power Properties, owner, for outdoor storage of pavers and landscaping materials for property located at 2118 9th Street West (Zoned C-3)

Ms. Seewer read the request.

Ms. Kahl swore in Klaus Doranth.

Mr. Doranth presented the plans and advised that the property was originally a used car lot which he leased from the owner. He pointed out the parking area for vehicles and showed where he wanted to put a fence. He said pallets were there now and he wanted to move them behind the fence and convert the building into a showroom. Mr. Doranth stated that motorized gates would be installed. He stated he wanted to replace the back fence along 10th Avenue and fence in the dumpster pad to the south of the property. Mr. Doranth remarked that he wanted to replace the fencing all the way around because it was in bad condition and partly down. He commented that his goal was to have a destination show room with beautiful landscaping. He stated that he would like to put pallets stacked at four high at the back of the property wherein a small sliver would be able to be seen across the top.

Public Hearing:

The Chair opened the public hearing. No one appeared to speak in favor or in opposition to the request, and the Chair closed the public hearing.

Public Works -

Mr. Cummings stated that the only concern he had was the dumpster location and that it be brought into compliance.

Ms. Seewer pointed out that the dumpster was not accessible because garbage trucks would have to pull in and then pull all the way back without having a drive-around. She said that the parking lot was not striped or allocated and was full of pavers. She stated that her major concern with outdoor storage in city limits was that it was not compatible with residential use. She presented photographs showing that this would not enhance the area.

The Chair stated that she thought the gate was back on 10th and that provided access to the dumpster.

Mr. Cummings remarked that the trucks would have no way to back out plus it needed to come into compliance with standards for enclosures and location.

Ms. Gauffillet asked whether the mechanics were going to continue working there.

Mr. Doranth pointed out a small area which would be the used car area. He said his was the

bigger building.

Ms. Seewer inquired who was doing the auto repair because the day she did her inspection, there appeared to be mechanics working in the big building.

Mr. Doranth stated that they were his trucks and vehicles being worked on.

Ms. Gaufillet asked whether the uses could be legally separated.

Ms. Seewer replied that was why staff was looking at this unfavorably. She noted that there were cars parked all over, there was a boat there, cars were not marked for sale. Ms. Seewer remarked there was no distinction as to which business was where. She said that when she saw those mechanics, she assumed they were part of the automotive repair business and now she was finding out that was not the case. Ms. Seewer commented that on the left of the plan it showed two lots of storage; however, the photographs showed these areas to be atrocious. Ms. Seewer stated that no one would want to see that in their front yard. She stated that it would be difficult to take a business like that where there was residential on three sides and have it stay neat and tidy.

Responding to the Chair's comments, Mr. Doranth showed the areas where he would be working as opposed to the area of the auto sales business.

Responding to Ms. Gaufillet's inquiry, Ms. Seewer stated the Special Use that existed was for the auto sales.

Ms. Gaufillet noted that Mr. Doranth said his landscaping materials were stored there as well.

Ms. Seewer advised that the City's Code Enforcement went out and told Mr. Doranth a Special Use was needed for outdoor storage of pavers.

Mr. Doranth stated that it actually started with his asking for two addresses for the property, and when the Code Enforcement gentleman came out to check that, he was told that he needed a Special Use for the outdoor storage of the pavers. Eventually, if he were allowed to do what he wanted to do, the property would be fenced and the parking striped. He said he did not want to do the work until it was approved.

Ms. Gaufillet asked whether he considered using the two lots not shown on the plan for the outdoor storage which would alleviate some of the City's concerns.

Mr. Doranth said he needed that space to park his trucks, trailers, mulch and for maintaining a short term nursery which were all permitted uses.

Further discussion took place with respect to how the trucks and fork lift would drive on the site.

Fire Department -

Fire Marshal Langston stated that if Mr. Doranth met the access issues he was fine.

The Chair commented that there was no way for the garbage trucks to turn around, therefore, she inquired how the fire trucks could do it.

Fire Marshal Langston answered that the electronic gates give the Fire Department access. He advised that garbage trucks did not have access to the gates.

Staff Report-

Ms. Seewer reported that although there appeared to be adequate parking and loading areas on the plan, the site itself did not look like that with the parking area full of pavers and other materials. She said there was a boat, and she did not understand why it was there since there were no approval for boat sales. She noted that there was an overall appearance of clutter. She said there did not appear to be enough room for truck parking. Ms. Seewer said the refuse area was not good. She commented that the entire west side of 10th Street was residential, and she expressed concern about deliveries of landscaping materials being dropped off coming onto a residential street. Ms. Seewer explained that the pallets were higher than the fence which was not conducive to an abutting neighborhood. She said she did not feel the land area was adequate for this type of business nor was it compatible with adjacent properties. Ms. Seewer remarked that it was inconsistent with the Comprehensive Plan; therefore, staff recommendation was to deny the request for outdoor storage based on the following criteria:

1. The request for outdoor storage is inconsistent with the comprehensive plan, specifically Neighborhood 1.03/1.04 recommendations.
2. The request for outdoor storage is incompatible with the neighborhood.
3. The outdoor storage, as it exists, may be detrimental to the environmental quality of the neighborhood.
4. The outdoor storage is not consistent with the aesthetics desired for a gateway collector.

Responding to the Chair's inquiries, Mr. Doranth said that he had between 10 and 15 vehicles. He explained that he had about six work trucks, four parked in front of the building at night, and he pointed to another area on the plan where two or three trucks parked.

The Chair inquired as to how many bays were in the garage/work area.

Mr. Doranth responded that there were six; but, only one was used for a service bay.

The Chair asked whether Mr. Doranth could put the storage of the pavers, etc. in the garage.

Mr. Doranth explained that the first three bays were used for mowers, the fork lift, and landscaping tools. He stated that in reply to Ms. Seewer's comments it was not his intention to leave the site the way it was now. He advised that he had already spent a lot of money, and he did not want to spend too much more until he knew whether or not he would receive approval for the Special Use. Hence, nothing was organized and the pavers were not yet behind the fence and the stripes for parking were not painted. He remarked that he was trying to clean up the area, and there was a lot to be done. Mr. Doranth pointed out that they did not have any landscape deliveries there because they were made directly to the job sites. He said if there were left-over materials, they would be brought back. He advised that he either picked up the materials or they were delivered to the job site. He stated that periodically there was a semi delivering 14 to 16 pallets of brick on 10th Street. Mr. Doranth said that what he intended to do over the next six months would enhance the area.

Ms. Gauffillet moved, with a second by Mr. Thompson, to accept staff's recommendation and deny SU.07.0035 based on the testimony today and based on the following stipulations:

1. The request for outdoor storage is inconsistent with the comprehensive plan, specifically Neighborhood 1.03/1.04 recommendations.
2. The request for outdoor storage is incompatible with the neighborhood.
3. The outdoor storage, as it exists, may be detrimental to the environmental quality of the neighborhood.
4. The outdoor storage is not consistent with the aesthetics desired for a gateway collector.

Motion carried 4-1. Voting in favor: Gauffillet, Barnhill, Thompson, and Barcus. Voting against: Prewitt.

The Chair encouraged Mr. Doranth to rework his plan, do some more clean up and come back although the City Council might approve it.

Mr. Prewitt left at 4:30 p.m.

INFORMATION

RV.05.0008 WARD 4 NEIGHBORHOOD 7.03 RS

Request of WilsonMiller, agent for Riviera Southshore, owner, for Rights-of-Way Vacation for property located at 1203 Manatee Avenue East (Zoned R-1B, C-1, C-1A, PDP)

RV.05.0009 WARD 4 NEIGHBORHOOD 7.03 RS

Request of WilsonMiller, agent for Riviera Southshore, owner, for Subdivision Plat Vacation for property located at 1203 Manatee Avenue East (Zoned R-1B, C-1, C-1A, PDP)

LU.05.0020 WARD 4 NEIGHBORHOOD 7.03RS

Request of WilsonMiller, agent for Riviera Southshore, owner, to change the Land Use Atlas Amendment designation from R-1B, C-1, C-1A and PDP to PDP for property located at 1203 Manatee Avenue East

PR.05.0017 WARD 4 NEIGHBORHOOD 7.03 RS

Request of WilsonMiller, agent for Riviera Southshore, owner, for preliminary approval of a Planned Development Project known as Riviera Southshore located at 1203 Manatee Avenue East (Zoned R-1B, C-1, C-1A and PDP)

Ms. Seewer read the requests.

Mr. Polk gave an extensive report on the Riviera Southshore project and stated that he felt it was a much better product than before. He displayed a site plan and renderings on the overhead. Mr. Polk reported that there were a total of 691 units which he broke down as to type of units. Mr. Polk stated that the project would be going to the Architectural Review Board tomorrow (May 17) and then back to City Council. He answered questions of the Commission Members.

The Chair remarked that she did not like Community Development Districts. Ms. Barcus said she would rather see maintenance fees for the owners of the units rather than CDD's.

Mr. Barnhill stated that he hoped a photograph could be turned into a reality because he thought they were very nice.

Allen Parsons, land planner with WilsonMiller and representing Riviera Southshore, reviewed the vacations and dedications. He reviewed the roadways, before and after, and pointed out those areas of connectivity. He also reviewed the park areas and the landscape plan.

The Chair commented that she felt it was gorgeous. The Chair stated that the next regular meeting would be on June 20, 2007 at 2:00 p.m. with a workshop at 1:00 p.m.

Ms. Seewer advised that since there were only two items for that Agenda, the workshop could be held at 1:30 p.m.

Adjournment

Ms. Gaufillet moved, with a second by Mr. Barnhill, to adjourn the meeting at 4:47 p.m. Motion carried unanimously.

Diane Barcus
Chairman

PURSUANT TO FLORIDA STATUTE 286.0105, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, COUNCIL, AGENCY OR COMMISSION AT THIS MEETING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO WHICH THE APPEAL IS TO BE BASED.

Note: This is not a verbatim record. A recorded cd is available upon request for a \$10.00 <i>service charge</i> .
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