

MINUTES  
 PLANNING COMMISSION MEETING  
 FEBRUARY 21, 2007

The City of Bradenton Planning Commission met on Wednesday, February 21, 2007 at 2:00 p.m. in City Hall Council Chambers.

**ATTENDANCE**

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

|                             |                            |                  |                                     |
|-----------------------------|----------------------------|------------------|-------------------------------------|
| Chairman<br>Diane Barcus    | Richard Barnhill           | Carlos Escalante | Vice Chairman<br>Lucienne Gaufillet |
|                             | Allen Yearick              | Allen Prewitt    |                                     |
| Alternate<br>Brady Cohenour | Alternate<br>O.M. Griffith |                  | Alternate Joseph<br>Thompson        |

**City Staff:**

| <b>Development Services</b>          | <b>Public Works</b> | <b>Fire</b>    | <b>Police</b> |
|--------------------------------------|---------------------|----------------|---------------|
| Director<br>Tim Polk                 | Arlan Cummings      | Kenny Langston |               |
| Assistant Director<br>Tom Cookingham |                     |                |               |
| Dev. Review Mgr.<br>Ruth Seewer      |                     |                |               |
| Review Coordinator<br>Susan Kahl     |                     |                |               |

**PRELIMINARIES**

Meeting called to order by Chairman Diane Barcus at: 2:00 p.m.

- 1) Pledge of Allegiance at 2:02 p.m.
- 2) The Chair advised that with the exception of variance requests, all items being considered at this meeting would be heard by City Council on Wednesday, March 14, 2007 at 8:30 a.m. unless otherwise announced.
- 3) The Chair noted that there were two typos in the Minutes of January 17, 2007. Mr. Prewitt moved, with a second by Mr. Thompson, to approve the Minutes of January 17, 2007 as corrected. Motion carried unanimously.
- 4) 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 Hubble Road and removal of bridge for a project known as Hidden Lagoon Subdivision located at 701 Oak Street (Zoned PDP)

Ms. Seewer stated that this item had been continued from the January 17, 2007 Planning Commission Meeting pending receiving certain information from Manatee County. She advised that she had received notice from Manatee County that a public meeting had been scheduled and the request would then be brought to the County Commission for a recommendation because it was partly under County jurisdiction. Ms. Seewer requested that this matter be continued until April 18. She advised that the parties who lived within 300 feet would be re-notified.

The Chair stated that since the public hearing had been opened last month and was continued for today, she queried if there was anyone wishing to speak in favor or in opposition and no one appeared. The Chair asked whether the Commission wished to continue the public hearing.

Ms. Yearick moved, with a second by Mr. Thompson, to continue RV.06.0014 until the April 18, 2007 Planning Commission Meeting. Motion carried unanimously.

**NEW BUSINESS**

**VA.07.0035 WARD 4 NEIGHBORHOOD 7.02A RS**

Request of JonL Morrison, owner, for Variance for front yard setback reduction from 25 feet to 8.6 feet for installation of a stairway and to 12.06 feet for an addition to an existing structure for property located at 1916 Riverside Drive East (Zoned R-1B)

Ms. Seewer read the request.

Mr. Morrison advised that he had purchased his home in 1989, and it had flooded four times. He stated that he applied for the flood mitigation program approximately two years ago, and his application had been approved. Mr. Morrison explained that the approval was based on elevating the existing structure. He said he wanted to put a deck on the house facing the river; but, a variance was required because of the way the house was positioned on the property.

**Public Hearing:**

The Chair opened the public hearing.

Darin Cushing, 5331 Lakehurst Court, Palmetto, Building Official for the City of Bradenton, spoke in favor of Mr. Morrison's request. Mr. Cushing advised that Mr. Morrison had been working through the Building Department as well as Grants and Assistance to apply for a flood mitigation assistance grant which took a couple of years to get through that process. Mr. Cushing explained that the City participated in the Community Rating System, a series of items the City could do and flood mitigation assistance was one, which resulted in better ratings for Bradenton. He said that better ratings lowered the flood insurance rates for all citizens of the City and that was a positive.

The Chair inquired whether there were other properties flooding in that area.

Mr. Cushing responded that probably there were, but to apply for the program, the property had to qualify by FEMA for a repetitive loss with two flood insurance claims in a ten year period although there were other ways to qualify, such as, newspaper clippings which showed the area flooding.

The Chair wondered why more people were not qualifying for assistance.

Mr. Cushing stated that a flyer was sent out each year explaining that the City offered this assistance. He said that one factor could be when the cycle closed because it was a huge packet to get together.

There being no further individuals wishing to speak in favor, the Chair opened the public hearing for those wishing to speak in opposition, and no one appeared. The Chair closed the public hearing.

**Public Works -**

Mr. Cummings stated that he had no objections.

**Fire Department –**

Absent.

**Staff Report-**

Ms. Seewer stated that Darin Cushing had addressed staff's recommendation for approval pertaining to this application; however, she wished to read for the record what the exact variance was for and what setbacks would be allowed. Ms. Seewer advised that the front yard setback would be 12.06 feet on the east side and 8.63 feet on the north side for the stairway and 14.6 feet for the deck.

Mr. Thompson moved, with a second by Mr. Prewitt, to accept staff's recommendation and approve VA.07.0035 for reduction of front yard setback to 12.06 feet on the east side and on the north side 8.63 for the stairway and 14.6 feet for the deck. Motion carried unanimously.

**SU.07.0033 WARD 4 NEIGHBORHOOD 7.02A RS**

Request of Deborah Mills Folk and W. Sterling Folk, owners, for construction of a dock, platform and boat lift for property located at 2408 Riverside Drive East (Zoned R-1-B)

Ms. Seewer read the request.

Deborah Mills Folk, 2408 Riverside Drive East, requested approval for a Special Use boat dock application. Mrs. Folk stated that this had been a long process because they had been waiting for approval for three years. She advised that they bought their house just when restrictions were put on the Manatee River.

Mr. Barnhill asked if the Folks planned to attach the dock to the seawall.

Mrs. Folk answered negatively.

Mr. Barnhill assumed that Mrs. Folk would have no problem with a stipulation in that regard.

Mrs. Folk stated that she would like to check with everyone else before she said that, but she saw no need to it. Personally, she said she wished the City had made the seawall at least another foot taller. She commented that she was really sorry the City did not step it up a little bit because it would have prevented so much water from flowing over there.

Mr. Yearick inquired what took the biggest chunk of time in this three year long process.

Mrs. Folk replied that it was a "Manatee No Wake" area and the channel had to be established and

channel markers and signs placed.

Ms. Seewer remarked that Manatee County also had a moratorium on docks for about two years.

**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 he wanted it read into the record that if the Folks purchase a boat in the future and have a lift, they would have to obtain a City right-of-way use permit. He recommended a stipulation that no docks could be attached to the seawall.

**Staff Report-**

Ms. Seewer stated that staff recommendation was for approval as the dock was consistent with others in the neighborhood. She advised that when there was property between the water body and the homeowner, a special use was required. Ms. Seewer said that two stipulations should be added: (1) to provide safety lights at the end of the dock, and (2) not to attach the dock to the seawall.

Mr. Prewitt moved, with a second by Mr. Barnhill, to accept staff's recommendation and approve SU.07.0033 with the following two stipulations:

1. To provide safety lights at the end of the dock
2. No docks could be attached to the seawall.

Motion carried unanimously.

**MA.07.0015 WARD 4 NEIGHBORHOOD 7.02A RS**

Request of Stephen Thompson, Esquire, agent for Community Outreach, owner, for a major PDP amendment to include setback of the structure, relocating the parking to correspond with the placement of the Church, and changing the driveway from two-way 24 feet wide to one-way 12 feet wide for property located at 650 27<sup>th</sup> Street East (Zoned PDP)

Ms. Seewer read the request advising that it would be heard at the February 28, 2007 City Council Meeting.

Mr. Thompson advised that he represented Reverend Dexter McDonald and the Community Outreach Church for an amendment to a PDP which had previously been approved. He explained that as part of the approval, the Church was required to dedicate a 22 foot right-of-way to Manatee County for an expansion of 27<sup>th</sup> Street right-of-way. He stated that the building setbacks were approved based upon the presumption that the 22 feet would be dedicated to the County; however, when the building permit application was prepared, the building setback was based upon the existing right-of-way instead of the yet to be dedicated right-of-way. Mr. Thompson explained that as a result, the church was built 22 feet closer to property line than was originally approved. He requested an amendment to the original PDP which allowed the Church to be 22 feet closer to the right-of-way. Mr. Thompson noted that with this revision there was still a significant setback of 37 feet from the building and the roadway. He stated that as a result of the setback issue, other modifications were made and resulted in a more positive plan; such as, a one way circulation plan which would be safer and a portion of the parking was moved away from a wetland buffer. Mr.

Thompson stated that they would still be making the 22 foot dedication to the County although they felt it would be somewhat problematic for the County to acquire the right-of-way to put a road there because there were houses on the east and west side that were awfully close. He advised that the church was almost completed and the dedication was scheduled for March 4. He remarked that he would get together with Mr. Polk as far as an enhanced buffer.

**Public Hearing:**

The Chair opened the public hearing for those wishing to speak in favor.

Reverend Dexter McDonald appeared expressing his appreciation for the help he had received from the City. He stated that the congregation was excited about the new building.

There being no further individuals to speak in favor, the Chair opened the public hearing for those wishing to speak in opposition and no one appeared. The Chair then closed the public hearing.

**Public Works -**

Mr. Cummings stated that he had no objections.

**Fire Department –**

Absent.

**Staff Report –**

Ms. Seewer advised that staff had been working with Reverend McDonald on his plans for this amendment. She stated that the final inspections were being held up until it could be heard by the City Council at its February 28 meeting in order to meet the deadline for the March 4 dedication.

Ms. Seewer said that staff recommended approval based on the following three stipulations:

1. Enhanced landscaping will be installed along the 27th Street East right-of-way. Plant materials will be subject to approval of the Director of Planning and Community Development, but will be no less than trees at 4 inch diameter at breast height and hedges 36 inches high, 24 inches on center.
2. All landscaping will be installed prior to the issuance of the Certificate of Occupancy.
3. A minimum of 22 feet of right-of-way for 27th Street East will be dedicated and recorded prior to the issuance of the Certificate of Occupancy.

The Chair stated these stipulations have to be complied with prior to the issuance of the Certificate of Occupancy. Ms. Barcus asked whether it was reasonable that this would all be accomplished before City Council approval.

Ms. Seewer replied that if the items were not completed, they could go ahead with the dedication but would be unable to go inside.

Mr. Barnhill moved, with a second by Mr. Thompson, to approve MA.07.0015 with the following three stipulations:

1. Enhanced landscaping will be installed along the 27th Street East right-of-way. Plant materials will be subject to approval of the Director of Planning and Community Development, but will be no less than trees at 4 inch diameter at breast height and hedges 36 inches high, 24 inches on center.
2. All landscaping will be installed prior to the issuance of the Certificate of Occupancy.
3. A minimum of 22 feet of right-of-way for 27th Street East will be dedicated and recorded prior to the issuance of the Certificate of Occupancy.

Motion carried unanimously.

**CP.07.0018 WARD 1 NEIGHBORHOOD 11.03 RS**

Request of George F. Young, Inc., agent for CABA, LLP, owner, for Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 15 to Commercial for a hotel and restaurant project for property located at 5501 Cortez Road West (Zoned PDP)

**PR.07.0030 WARD 1 NEIGHBORHOOD 4.07 RS**

Request of George F. Young, Inc., agent for CABA, LLP, owner, for preliminary approval of a Planned Development Project for a hotel and restaurant project for property located at 5501 Cortez Road West (Zoned PDP)

Ms. Seewer read the requests together stating that separate approval would have to be given to each item.

Jim Farr of George F. Young, Inc., representing CABA, LLP, owner, gave a background of the property, pointing out the subject property and surrounding area on a map and explaining the various types of development. Mr. Farr asked that the property be returned to the commercial Future Land Use category that it once was which would be consistent with the property surrounding it. Mr. Farr described the preliminary PDP plan for a restaurant, 83 room hotel including some suites and semi-extended stay plus the area in the back for future development. He stated that when it was time to develop that parcel, that particular PDP would be brought back before the Planning Commission and City Council, but there were no plans for it at this time. Mr. Farr said that currently there was a depressed market in hotels yet the demand was high. He advised that the developers of this property were large developers from the Midwest who planned to build a Country Inn and Suites; however, at this time it was uncertain which restaurant client would be selected for a no larger than 9,000 square feet, 200 seat restaurant. Mr. Farr stated that staff had done a very thorough report, and he reviewed the changes which would be made as suggested by staff, such as, better circulation for garbage trucks and fire trucks, moving the dumpster, banded lighting on the parking lot, a proposed six foot wall for sound proofing and compatibility protection, and enhanced landscaping. He stated the biggest issue was traffic and studies have been done and sent to HNTB, the City's reviewer. Mr. Farr explained the developers wanted to put up a large monument sign which could be seen from Cortez Road instead of a large sign in front of each business. He showed photographs of what it would look like with all the names on one large sign in the one location. He said they would like to put small monument signs at the turn-in places.

Mr. Prewitt observed that a hotel was needed in the area.

Mr. Yearick inquired when the restaurant issue would be settled.

Mr. Farr replied that they were in negotiations at this time, but it would be a sit-down middle to upper middle price restaurant, such as, TGIF or Cassita.

Mr. Barnhill asked whether the building was 44 feet and whether all the rooms were interior.

Mr. Farr replied in the affirmative to both questions adding that the rooms had no landings but were all interior hallways.

Mr. Barnhill inquired as to the height of the multiple family project to the south of the property.

Mr. Farr responded there were two and three story buildings with three story buildings to the south.

Mr. Barnhill stated that he was thinking about the County residents to the west of the subject property, and he queried whether staff was thinking of those residents in requiring higher trees.

Ms. Seewer replied that was the case as well as additional setbacks. She advised that the three story residential setback requirement was 45 feet while this would be in excess of 100.

Mr. Thompson asked about the signed easement in the northeast corner for the housing development and whether the applicant's sign would be on the same piece of property.

Mr. Farr stated that their piece would be out of the signed easement.

Mr. Thompson commented that the proposed sign would not block the present sign.

Mr. Farr stated they wanted to be far enough away for a sign to be big enough for visibility off Cortez Road, and he assured Mr. Thompson that his client would not want to get involved in a civil suit blocking another sign. He further assured the Commission that he would work with staff in placing the sign.

The Chair noted that the plan showed a pole sign.

Mr. Seewer questioned the size of the proposed sign. She remarked that the limits of the Sign Ordinance were 48 square feet. She expressed confusion that the plans showed a pole sign as well as a monument sign.

Mr. Farr replied that they were hoping to do a small monument sign, like a marker, by the entrance. He stated that the other would be 4 x 8 square feet for each section. He said the property would be split into three pieces and each property would stand alone so instead of putting the signs at each property, one sign would hold a section for each business at the one property.

The Chair remarked that the drawing showed two proposed pole signs, one in front of the hotel and one in front of the restaurant.

Mr. Farr stated he was trying to change those into small marker signs.

The Chair stated that she did not see a monument sign on the drawing.

Mr. Farr explained that this was a new idea.

Ms. Seewer said she had some issues with that big a sign. She advised that it was twice the allowable size. She stated that a 96 square foot sign was too big. Ms. Seewer commented that she had an issue with the pole sign at the signed easement because there would be two signs directly next to each other. She stated that this was the first she had heard about this sign. Ms. Seewer pointed out that there could be a wall sign on the north elevation which would be three story, therefore, highly visible. She emphasized she would not support a 96 square foot sign.

The Chair noted that if the third parcel were sold off, another sign would be requested by that individual.

Mr. Farr said they would stipulate to keep that bottom third of the sign available for that third party.

**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 several issues. He noted there was only an eight foot setback on the north property line of the hotel site. He mentioned it because the other numbers were so high.

Ms. Seewer stated that the minimum commercial setback was ten, but it was a PDP and there was a separation between buildings.

Mr. Cummings said if the hotel were approved, plans brought in and building started next month, he would have a problem with ingress and egress to the dumpsters without either drive aisle being built for the restaurant. Without a cross access easement, he observed that the lay out of the plan had to be revised in the back for the receptacles and delivery of goods.

Ms. Seewer said that would be solved by a stipulation stating that the ingress and egress road must be built immediately.

Mr. Cummings stated that there was a problem with the sign at the corner of the hotel and the sanitary sewer that served the restaurant because it went across the hotel property to get to the restaurant; therefore, a cross access easement would be required for utilities to get there. He also stated there must be easements for the water line proposed and the sanitary sewer extensions from the other side of the street. Mr. Cummings said written, recorded easements were required for 15 feet minimum width for water lines and 20 feet for sanitary sewer. Mr. Cummings stated additionally he would need the water main across Parcel C extended to the end.

**Staff Report-**

Ms. Seewer stated that staff recommendation was for approval with an enhanced landscaping plan in place prior to the City Council meeting. She also advised that the Planning Department had not received approval of a traffic impact analysis. She remarked that Robert Frey, the City's traffic consultant, had not received the information needed for approval.

Responding to the Chair, Mr. Farr replied that their traffic report stated that there were no impacts for level of service of surrounding roadways during peak traffic hours due to development.

Ms. Seewer stated that an approval letter from the City's reviewer had not been received. She read a memorandum from Mr. Frey dated February 1, 2007 listing various problems he had with the traffic study that was submitted, including traffic counts which were over a year old and needed to be redone and resubmitted as well as issues with turn lanes and queuing. Ms. Seewer stated that many of the intersections were showing failures and had to be addressed before the project proceeded to City Council.

Questions of the Commission relating to traffic were answered by Ms. Seewer.

Ms. Seewer stated that the sign issue and clarification concerning sign elevations also had to be addressed before the project proceeded to City Council.

(Fire Marshal Langston came in at this time.)

Mr. Farr stated with regard to the property line he had no problem making it ten feet and moving the hotel two feet to the south - the point being he did not want to touch the parking lot because it

went with the restaurant although it was an inter-mixed parking lot. He expressed disappointment in the lack of communication between HNTB and Volkert & Associates with regard to the traffic study. He expressed embarrassment that additional information was not provided in the time required. Mr. Farr suggested that the Planning Commission approve the project with stipulations and for him to obtain the results before the City Council meeting.

The Chair stated that there were two major issues: (1) the traffic, and (2) the sign.

Ms. Seewer said as pointed out by Mr. Cummings there would definitely have to be a stipulation that access on the north and south sides had to be constructed for the dumpsters if the hotel were built first. She explained the traffic issue in relation to the State's Proportionate Fair Share Ordinance and how it was mitigated. Replying to the Chair's inquiry, Ms. Seewer said it had to be shown that a project would not make the traffic drop to the next level of service.

Mr. Farr stated that the stipulations were all workable and the developers could live with them.

The Chair requested guidance from the Commission whether the request should come back to the Planning Commission next month, whether the project should be denied, or whether to go forward with stipulations to be completed prior to the City Council meeting.

The Chair remarked that since the Fire Marshal had arrived, she asked whether he had any issues.

#### **Fire Department –**

Fire Marshal Langston commented that there were four access points and if the one right in front of the hotel were taken away and closed off, that would give the cross access.

Mr. Farr concurred.

Mr. Prewitt moved to approve PR.07.0030 with the six Staff stipulations plus adding stipulations to remove one access as recommended by the Fire Department, to make sure the traffic report was signed off on by the City traffic reviewer and approved by staff, that signage not exceed 96 square feet in one location, and the access, both north and south, built before construction and the easements recorded.

Mr. Barnhill stated that he would approve Mr. Prewitt's motion without the sign issue.

Motion failed for lack of a second.

Mr. Barnhill stated that he felt Mr. Prewitt had the proper motion with the exception of the sign size.

Mr. Prewitt moved, with a second by Mr. Yearick, to accept staff's recommendation and approve the project with the six stipulations plus the additional stipulations.

Ms. Seewer suggested that she read the stipulations for clarification:

1. Enhanced landscaping must be provided around the perimeter of the property. The landscape plan must be submitted to Planning and Community Development and approved prior to the City Council public hearing.
2. Along the west property lines, trees will be required every 50 feet at a minimum height of 15 feet. Understory trees a minimum of 10 feet in height will be required staggered every 50 feet.
3. Sign elevations and clarification will be provided prior to the City Council public hearing.

4. Neither the restaurant or hotel will have exterior speaker systems.
5. Relocate the restaurant dumpster to the north property line.
6. Only hooded lighting that meets the approval of Public Works will be installed at the rear of the buildings.
7. Remove one access directly in front of the hotel.
8. Traffic report to be approved and signed by Robert Frey and approved by staff prior to City Council Meeting.
9. Signage will be approved by staff.
10. Construct north and south access drives with Phase I.
11. Recorded easements required for utilities.
12. Provide easements for cross access and utilities.
13. Extend water main across Lot C.

The Chair stated that there was a motion and a second on the floor; however, the Commission had taken items out of order. Ms. Barcus stated that a motion for the Comprehensive Plan Amendment should be first in order to be technically correct.

Mr. Prewitt moved, with a second by Mr. Thompson, to approve CP.07.0018. Motion carried unanimously.

Mr. Prewitt moved, with a second by Mr. Yearick, to approve PR.07.0030 with the 13 stipulations as read. Motion carried unanimously.

## **REPORT**

### **“Downtown by Design”**

Tim Polk, Director, Department of Planning and Community Development, reviewed the draft report “Downtown by Design” with the Commission. Mr. Polk stated that he felt it would be appropriate for the Planning Commission to draft a letter in support of “Downtown by Design”.

Mr. Barnhill moved, with a second by Mr. Prewitt, to support the draft content of “Downtown by Design”. Motion carried unanimously.

## **Adjournment**

Mr. Thompson moved, with a second by Mr. Prewitt, to adjourn the meeting at 3:50 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> . |
|--|