

**ABBREVIATED MINUTES  
PLANNING COMMISSION MEETING  
FEBRUARY 17, 2010**

The Planning Commission met in the City of Bradenton Council Chamber, 101 Old Main Street, Bradenton, Florida on February 17, 2010 at 2:00 p.m.

**Present:**

**Planning Commission Members:** Allen Yearick, Chair; Jason Taylor, Vice-Chair; Diane Barcus, Adam Buskirk, Joseph Thompson, Richard Whetstone

**City Staff:** Tim Polk- Planning Director; Ruth Seewer- Development Review Manager; Karen Aihara-Executive Planning Administrator; Arlan Cummings-Public Works; Kenneth Langston, Fire Marshal

**Absent:** Thomas Cookingham-Assistant Director

**Planning Commission Members:** Allen Prewitt, Peter Keenan, Gregg Guinta (alternate), O.M. Griffith (alternate)

**REGULAR MEETING**

Meeting was called to order by the Planning Commission Chair, Mr. Yearick at 2:00 p.m.

- All items considered today, with the exception of variances, will be heard by City Council on March 10, 2010.
- The Pledge of Allegiance was recited.
- Election of officers was moved to the end of today's agenda.
- Approval of Minutes – Ms. Barcus made a motion to approve the January 20, 2010 meeting minutes, second by Mr. Thompson. Minutes approved and carried, 6-0.
- Ms. Aihara swore in all those wishing to speak before the Commission.
- Mr. Taylor was recused from today's proceedings. See Form 8B, memorandum of voting conflict.

**NEW BUSINESS**

**SA.09.0019 WARD 2 NEIGHBORHOOD 12.02 RS**

Request of Episcopal Day Private School, owner; Robert Lombardo of Lombardo, Foley and Kolarik, agent for a Special Use Amendment for relocation of the ball fields, football field, track; installation of field lighting and an electronic scoreboard at 315 41st Street West (zoned R1B/C-3).

Ms. Seewer read the request.

Mr. Robert Lombardo, agent for applicant, introduced Mike Bryant, Fawley Bryant, project architect; Bill Stewart, Stewart Engineering, sound system; Karl Severance, Musco Sports Lighting; John Moody, landscape architect; Jan Pullen, Head of School; Jay Tallman, Vice President Board of Trustees; and Julie Leach, President Board of Trustees.

- Mike Bryant, Vice President, Fawley Bryant Architects presented slide presentation (021710 Fawley Bryant Presentation.ppt) which included an overview of the previous Special Use Amendment, design of current application, and 2008 Special Use Master Plan for redevelopment of the athletic fields. The current application mitigates impact upon the neighborhood with fields relocated to interior of property, centralizing all spectators parking

and activities onto the school property, lights will be shielded to below code requirements, sound system will be a state of the art public address system to reduce noise during events with focus on the stands. This is an improvement over the 2008 site plan. Cost for improvements will be over \$500,000.

- Karl Severance, Musco Sports Lighting gave an overview of 30 years of business experience. Presentation and discussion of spill and glare (021710 MUSCO Presentation SSES.ppt) and demonstrated reflector design. Mr. Severance stated that it is a misconception that decreased height will control spill and glare; but the opposite is true, taller poles aim down at target. Mr. Severance would recommend a 70 foot mounting height, but 60 foot would achieve much the same result. Reflectors of the Smart Lamps control the lighting and limits spillage beyond the field. The City's horizontal footcandles requirement is .2 and Musco stated that they meet and exceed the LEED light pollution requirements.
- Bill Stewart, Mechanical & Electrical Engineers, Stewart Engineering, Sarasota gave an overview of sound system that would meet the sound ordinance for the City of Bradenton. Speakers will be incorporated into the stadium architecture to provide smooth and broad sound. Mr. Stewart stated that the actual placement of speakers will be finalized using computer modeling.

#### **Commission Questions/Comments:**

- Ms. Barcus confirmed that the new sound system will be only at the football field and sound will be within the stadium confines. Mr. Stewart stated that the lower frequencies are omnidirectional, the higher frequencies attenuate faster. The west/south-west sound will not carry past the property line.
- Mr. Whetstone asked about sound measurements at property line. Mr. Stewart stated that measurements at property line will be using a decibel meter; modeling is computer generated and will finalize the locations of speakers. Stewart is still in the preliminary review of the modeling, final design has not been completed. The low frequency sounds carry further; filters and volume control will eliminate certain frequencies depending on modeling results and stay within sound ordinance.
- Mr. Yearick stated that the goal is to meet sound standard and code.
- Mr. Thompson asked what is the decibel level at the property line? Mr. Stewart answered that 65 db is code.
- Mr. Buskirk stated that the neighbors simply want to know how loud and how will it affect them? Mr. Stewart stated that 65 db is considered conversational level.
- Mr. Lombardo corrected that there are currently low volume speakers on the baseball fields that only operate during the day time. The baseball fields will be moving to northeast corner, closer to the property line and the speakers that are in operation today, will remain in operation after the field relocation.
- Mr. Buskirk asked if the negotiated height of 60 foot poles is that the best option for the field? Mr. Severance responded that if he was designing without limitation, the 70 foot pole would be recommended. 70 foot poles have a little less glare and a little less spill because of shielding of the arc tube and enhance the visibility of ball action. 60 foot is fine for both parties; 70 foot poles provide 5% less glare with no visible difference to neighboring homes.
- Ms. Barcus stated that she would like to see a horizon drawing with 60, 70, 80 foot poles at 400 feet away. Mr. Severance replied that the poles may not even be visible with the foliage.
- Mr. Lombardo wrapped up with the following comments:
  - Parking cannot be prohibited along 1<sup>st</sup> and 37<sup>th</sup>, fencing will discourage people and hopefully people will park in the parking lot.
  - The SEAR has eight stipulations and they are in agreement with the stipulations. Stipulation #2: added in accordance with the Land Development Code and will be read into the record. Stipulation #8: strike "original cross access" and change to read: "terms of the reciprocal easement agreement" that is in effect now.

## Public Hearing:

### In Opposition:

- **Steve Kotter**, 3621 1<sup>st</sup> Avenue West read a prepared statement (*see Kotter Letter*) “opposing the plan for lighting of the athletic fields...We feel that this is a blatant disregard for the neighborhood as a whole.”
- **J. Robert Darsey**, 91 39<sup>th</sup> Street Court NW, built his home in 1957 and still lives there. If lighting is put in on the field, Mr. Darsey feels that their property value will go down. Manatee County approved the field with no lighting. The noise and activity due to night lighting will affect the value of his property.
- **Maureen Sterns**, 3902 1<sup>st</sup> Avenue West, representing 24 homeowners on 1<sup>st</sup> Avenue, 39<sup>th</sup> Court, and 37<sup>th</sup> Street. Distributed signed petition (*see Sterns Letter*) objecting to changes to the Master Plan: 1) No lights, 2) No loudspeakers, 3) No permanent stadium, 4) No activities after 8:00 p.m. Copy of Testate between Dr. Sugg and Episcopal Day Private School, “This deed evidences a gift of property of W.D. Sugg, and is to be kept, used, maintained in perpetuity as a wooded public park to be used by the people of the community, including students attending the school operated by said devisee, as a recreational area.” It is no longer a public park, but used exclusively as athletic fields by the students of Saint Stephens.
- **Cindy & Gerald Gerstenberger**, 3812 1<sup>st</sup> Avenue West, 32 year resident, opposed to the Special Use Amendment. Documents from 1971 stated that there would be no lighting, other than security lighting. How many football, track, soccer, lacrosse and practice games will be held? Meeting on February 2, Saint Stephens promised to provide an estimated number of events, to date no document has been received. Concerns of evening noise, effects on seniors citizens and families, impact to historical-related neighborhood, home and land value. Does not fit in the City of Bradenton’s Comprehensive Plan.
- **Laurie Zimmerman**, 3630 1<sup>st</sup> Avenue West, her house is for sale and in line with baseballs hit outside the athletic field. There are many people walking dogs, riding bikes, walking strollers, this is dangerous for pedestrians. Letter was distributed (*see Zimmerman Letter*) with concerns of 1) potential flooding of the adjacent properties, 2) cut off neighborhood access to make it an exclusive-use arena for Saint Stephens. Suggested rotating baseball field to face into Saint Stephen’s property. Ms. Barcus commented that from home plate to northeast corner, it is over 410 feet.
- **William & Elaine Cullis**, 3808 1<sup>st</sup> Avenue West, property owner for 16.5 years. Mr. Cullis stated that they have had a baseball bounce off their front door. Distributed letter (*see Cullis Letter*) opposed to proposed changes: 1) Practice times until 10 p.m. are unacceptable, health and welfare of neighbors, 2) Lighting for night games, 3) Parking not sufficient, 4) Additional noise, 5) Comprehensive Plan does not cover addition to an established historic neighborhood. Manatee County abuts this property. Mr. Cullis commented that the sound presentation was incomplete and did not give any comfort.
- **Andrea Tolomei**, 207 37<sup>th</sup> Street West, owner for 2 years, opposed because the request is inconsistent with City of Bradenton future land use. In the last twenty years, the neighborhood went from trees to fields to lighting. These poles will be the highest structure to the river. What does the county think of this, FLU 1.9.4 states that the city will coordinate with county when appropriate.
- **Judi Stephens**, 303 37<sup>th</sup> Street West, representing three families across the street from the construction entrance used for the last year for teachers, buses, etc. Ms. Stephens enquired about Saint Stephens’ long term goals for property usage with Mr. Howard and Ms. Pullen. School reply was that it would stay the same. The change will move the gymnasium to in front of their houses, 180 ft long and two stories high and told that it has been approved. No plans are available, is it approved? Requests additional data. (*See Stephens Letter.*)

- **Lars Hafner**, 3802 1<sup>st</sup> Avenue West, moved into house 1.5 years ago, spent \$750,000 for property, child at Saint Stephens, and Mr. Hafner owns the most affected house by proposed changes. What is the effect of the lights, noise, economic value, disruption, and quality of life issues to the neighborhood? Where is the coordination on this project, Saint Stephens is steamrolling the neighbors. Commissioners should ask Saint Stephens, what do they foresee as the economic impact to the neighborhood? His home is for sale.
- **Floyd Van Winkle**, 306 42<sup>nd</sup> Street West, spoke for neighbors, lived at address for 10 years and has not had noise issues to date. Does this change benefit the school, the contractors or local residents? No benefit to residents. No one would build a house 300 feet from a stadium.

#### Not Opposed or In Favor:

- **Denise Greer**, King Engineering representing Salmar LCM, not in opposition to the proposed plan, but need to be aware of the access that does not comply with the approved plan by City Council special use permit to Smoothie King drive-through. Photos distributed (*Greer Exhibit*). Access has been blocked and has not been resolved yet. Willing to discuss resolution with Saint Stephens, appreciate the additional stipulation submitted today requiring prior resolution, and agree with it. Smitty's was not invited to Saint Stephen's neighborhood meeting.
- **S.J. Cantolino**, 2031 74<sup>th</sup> Street NW, owner of Smitty's property to east and south corner of subject property. Mr. Cantolino does not object to the relocation of the athletic fields. The site plan issued on 12/7/09 by Lombardo and site plan issued by SWFMD do not agree on the southern access to the sports complex. (*See Cantolino Exhibit.*) The wrought iron steel gate, the second egress, 4 parking spaces designated as retention area, Mr. Cantolino requests an appropriate site plan addressing issues, consistent with current and future use. (*See Cantolino-Petruff Letter.*) Mr. Cantolino stated that he was open to discussions with Saint Stephens. Comment from Staff: This is currently in litigation.

#### In Favor:

- **Susan Carrington**, 1119 59<sup>th</sup> Street NW, in support of request as a parent of student. This request ensures that Saint Stephens School is as viable as possible, attracting students from the entire region. Over the years, Saint Stephens has had a positive esthetic effect in the community, although bounded by the land it sits on. Most of the time, fields will not be in use and lights will not be on, schedule of activities will be available. Property value should increase by proximity to school location. Ms. Carrington lives about two miles from the school and is in support of the proposal.
- **Ron Stephens**, 5107 Riverview Blvd., father of two students that play lacrosse. Sports are important to students' lives. Mr. Stephens previously lived close to a private school with a sports program and did not feel it is a big deal.
- **Britt Williams**, 3618 2<sup>nd</sup> Avenue West, property owner for 12 years. He appreciates that the school has looked at alternates of field redesign and sought input from neighbors. Mr. Williams presented a diagram to avoid clear-cutting of trees, saving additional trees, and keep their green commitment (*see Williams Handout*). This plan has been shared with Saint Stephens. Mr. Williams requested that a modified plan be presented to City Council to save the trees and no lights at baseball field.

#### Public Comments:

- Email from Kathy & Rob Marshall – in favor
- Email from Beth Bernet – in favor
- Letter from J. Robert Darsey - opposed
- Email & letter from Bob & Anne Wynn Darsey – opposed

- Letter from Dave & Judi Stephens and Robert Culley – opposed
- Email from John L. Miller – opposed
- Email from Cindy Gerstenberger & Elaine Cullis - opposed

**Chairman’s Comment to Ms. Petruff:** Please submit your documents before the start of the Planning Commission meeting. Second request from Planning Commission Chair.

**Public hearing was closed.**

**Response from Mr. Lombardo**

Mr. Lombardo requested a break before his response. No objections from Commissioners, Mr. Yearick called a ten minute break.

**Mr. John Moody**, landscape architect, presented a copy of the approved 2008 project which shows that the tree removal was greater than in the currently proposed new plan. The current plan meets the City tree replacement ordinance and many of the large oaks can be saved. The north and east buffers were Royal Palms and evergreen hedge. Saint Stephens asked to increase the buffers to also include hollies, 5” oak trees, and palm groups on the perimeter of the ball fields to help deflect balls and block the visual impact of lighting.

Questions: Mr. Buskirk asked what is the visual effect of buffer? Oaks will be 18-20 feet tall at the time of planting. Mr. Whetstone asked how many trees are coming out and replaced with smaller trees? Approximately 153 trees will be removed and will be replaced per City guidelines.

**Additional Comments from Mr. Lombardo:**

- There are an additional 9-10 trees to be removed over the existing plan due to the shift of the football stadium. These are the only additional trees that will be removed due to this change.
- Addressing the comment about drainage from the fields; all water must drain back to school’s system for treatment and eventual discharge per SWFMD.
- Fawley Bryant produced a parking study to show sufficient parking on-site for all events, there are comments in the Staff Report about adequate parking.
- The staff is recommending approval of this project with stipulations. Mr. Lombardo doesn’t have to tell you, the staff is telling you that this project is in compliance with the Comprehensive Plan.
- Mr. Britt Williams has talked to a number of people, including Mr. Lombardo, regarding tree preservation. Mr. Lombardo confirmed that they are working on additional tree preservation.
- Conversations will be held on issues outside this Comprehensive Plan Amendment regarding Smoothie King. This additional stipulation takes care of that for now. All of the conversations are outside of today’s advertised project about the ball fields.
- These are not easy issues to understand and are not easy discussions; today we have brought in experts to testify that the football field, noise, and lighting proposals will meet the City of Bradenton ordinances.

**Jan Pullen**, Head of School, Saint Stephens spoke about the school’s population of 676 students, growth of their football teams, additional sports activities, importance of physical education. The Florida Football Association handbook 14.2 & 14.2.3 states that school must have adequate artificial lighting to accommodate night games for regional play. Health concerns of football players during August, September and October games due to overheating, actively working with the coaches to start football games at 7:00 pm with an earlier end time. Ms. Pullen is working on schedule, but there are 40 school teams with all of their complexity. A schedule will be distributed to neighbors as soon as the schedule is worked out.

### Commissioner Questions:

- Mr. Buskirk asked about the fence on north and east sides. On 37<sup>th</sup> and 1<sup>st</sup>, the fence is six foot chainlink fence, covered in jasmine, viburnums on outside, and palms on inside of fence.
- Mr. Whetstone asked if Saint Stephens could share a field with another school with a lighted field? Having your own field, not having to transport children, convenience of on-campus for students (age 3 to grade 12) is a goal of the school.
- Ms. Barcus asked about 40 teams, stipulation reads no more than 9 games per year for extended time later than 11:00 pm. Football field will be the only lighted field. Stipulation reads: **This approval is granted on the condition that practices and sports events shall conclude prior to 10 p.m. with the exception of no more than nine (9) scheduled football games for which the time shall be extended to 11:00 p.m.** How many nights per week will the lights be on? Ms. Pullen answered that during the fall season, there are five varsity games per month during August-November, not all at home. The JV will play Thursday nights starting at 6 pm, 3 games per month during season. Soccer will only have only occasional night games during spring. Lacrosse does not play at night. Track team hosts 1-2 track meets, during fall, winter and spring seasons, best estimate is a handful of nights. Schedule is still in progress and school is trying to be sensitive to neighbors.
- Ms. Barcus asked if out of 365 days per year, 30 nights will have lights on? Ms. Pullen estimated once a week, but prefers to get the schedule together before stating a number.

**Public Works:** No objections to plan.

**Fire:** No objections to plan.

**Staff Recommendation:** Ms. Seewer stated that the previous special use specified that Saint Stephens would not have lights, and they did not plan on lights. That is why they are back for the amendment and have the right to apply. APPROVAL with the following stipulations:

1. The maximum pole height will not exceed 60 feet.
2. The illumination shall be downshielded in order to ensure that illumination is only broadcast to necessary areas, and will not escape upwards or over to off site locations, including onto adjoining properties in excess of that allowed by the Land Use Regulations (.2 footcandles). Wattage shall be the minimum necessary to sufficiently light the field. To the extent possible, based on the reduced pole height, lighting specifications shall be consistent with the photometric plan submitted with this request, and shall ensure that the lighting shall not spill onto the abutting properties through the use of downshielding and orientation of the luminaries.
3. A timer system shall be designed and incorporated into the plan that shall allow for programming of the lights with automatic shut off capability.
4. The applicant shall install clear and visible signage that identifies the contact information for the department that would handle any complaints regarding operation of the illumination of the ball fields and any other potential light-related complaints.
5. The PA system utilized for scheduled games requiring lighting will be limited to public announcements, such as general spectator safety advisories, player introductions, game status updates, pre-game and half-time announcements. The PA system will not be utilized for any night practices.
6. This approval is granted on the condition that practices and sports events shall conclude prior to 10 p.m. with the exception of no more than nine (9) scheduled football games for which the time shall be extended to 11:00 p.m.
7. The landscape buffers along 37<sup>th</sup> Street adjacent to the Locker Rooms and Maintenance Building, and south of the proposed south side parking areas will be redesigned to provide additional protection to the residential properties to the south and east. The buffering will be subject to the approval of the PCD Director, and will include 5 to 7 inch DBH oak trees, and understory trees, as well as a hedge and other landscape materials suitable for the buffer.

8. Prior to the issuance of any site improvement or building permits, the cross access easements shall be provided and recorded in accordance with the terms of the reciprocal easement agreement. Plans for improvements to the land area in front of the middle school will be submitted to the Planning and Community Development Department along with the proof of recording of said easements.

**Staff Comments:**

- Ms. Seewer commented that on Stipulation #1 - Mr. Lombardo resubmitted a revised lighting plan to meet the 60 foot pole lighting and it is not an issue at this point.
- Mr. Polk observed that several people in opposition brought up the Comprehensive Plan. Planning 101: Schools are always in residential zoning, normally in neighborhoods, and sometimes neighborhoods are named after their local school. The school took care to mitigate the neighbors' concerns. The staff acknowledges the neighbors' concerns of increased intensity of noise, lights, and increased traffic. The staff did a good job of listening, negotiating, and making appropriate recommendations for consideration by the Planning Commission and City Council. The City has a new lighting section that parallels with Manatee County and photometric specs were submitted to mitigate concerns of adjacent property owners.

**Commission Comments and Discussion:**

- Mr. Yearick commented that he appreciated the emotional level that this project raises and wants everyone to understand that the Planning Commission's role is to decide projects that fit within the scope of the Land Use, Regulations and Code. The commission has to objectively remove the emotions to make these decisions.
- Mr. Yearick suggested an added stipulation for the school to meet with neighbors.
- Mr. Buskirk asked if the concern was the finite number, effect of the light, or sound? He is satisfied that the applicant addressed these issues appropriately. The City has the code and if they are following the code, it is appropriate.
- Mr. Thompson stated that he did not feel adding a meeting would be very fruitful. No one knows how many games, and the schedule may change over time.
- Mr. Whetstone agreed with Mr. Thompson, it is difficult to predict from year to year the number of events.

**Planning Commission Action: APPROVED**

Mr. Thompson made a motion to approve SA.09.0019 with the listed eight stipulations. Mr. Buskirk seconded the motion, vote of 4 in favor, 1 against (Whetstone), 1 abstain (Taylor). Motion carried.

Mr. Taylor resumed participation in the meeting.

**ELECTION**

Ms. Barcus nominated Mr. Taylor for Chairman; Mr. Thompson seconded the nomination with approval 6-0. Nominations closed. Mr. Taylor was approved 6-0.

Ms. Barcus nominated Mr. Buskirk for Vice Chairman; Mr. Taylor seconded the nomination with approval 6-0. Nominations closed. Mr. Buskirk was approved 6-0.

Ms. Barcus moved that the Chairman and Vice Chairman are elected by acclamation.

**REPORT OF PLANNING & COMMUNITY DEVELOPMENT DIRECTOR**

- Mr. Polk announced that the recommendation to City Council was unanimously approved on February 10, 2010. Thank you to the Planning Commission and Staff for all of your hard work. New Land Use Regulations with maps will be distributed.
- The permit activity has increased during the past month.
- Amendment 4 potentially affects the Comprehensive Plan Amendments.

## **ADJOURNMENT**

With no further business to come before the Commission, motion to adjourn by Ms. Barcus, second by Mr. Taylor. Meeting adjourned at 5:15 p.m.

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Allen Yearick, 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.

Attachment: Form 8B Memorandum of Voting Conflict