

**CITY COUNCIL MEETING
September 13, 2006**

**APPROVED BY
September 27, 2006**

CITY COUNCIL

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on September 13, 2006 at 8:30 a.m.

Present: Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

City Officials: Wayne Poston, Mayor; Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; and Carolyn Moore, Human Resources Director.

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Vice Mayor/Councilman Gallo.
Flag salute was led by Mayor Poston.
Staci Cross, Information Technology Director excused absence.

PROCLAMATIONS

Fire Prevention Week – October 8th through 14th, 2006

Ward Temple AME Church Adams Young Family Life Support Center Celebration/Dedication Weekend – September 15th through 17th, 2006.

PRESENTATIONS

REPRESENTATIVE BILL GALVANO – LEGISLATIVE UPDATE

Representative Galvano gave a brief overview of the legislative update including information on this year's legislature's 74 billion dollar budget.

PUBLIC WORKS DEPARTMENT RECOGNITIONS

Employee of the Month: **Bill Applegate**, Garage

Supervisor of the Quarter: **Grant Daniels**, Sewer Collection Department

Team of the Quarter for 8th Avenue West Extension:

Storm Drainage Department: **Terrell Smith, Lavern Lewter, Anthony Moore, Keith Dibell, Donald Hall, Fernando Sanchez, and Julius Washington** (Project Superintendent)

Street Department: **Harry Hicks, Mitchell Brown, Wendell Williamson, Calvin Armstrong, Jude Placide, and Gabriel Hornes**

Engineering Department: **Roy Hand, Ken Moore, and David Reynolds**

Sewer Collection Department: **John Simmons**

BRADENTON POLICE DEPARTMENT

Major Tokajer gave a brief overview of the 800-megahertz radio network system. He stated that there were concerns about the numbers of buildings being built in the area and their heights which may interfere with radio signals. He stated there were currently two radio towers but five to seven active towers were needed.

Mr. Callahan administered the Oath to any individuals who wished to speak during the public hearings.

CITIZEN COMMENTS: No one came forward.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Reported that she was selected again to represent the City of Bradenton on the Suncoast Partnership to End Homelessness Board.

Councilman Patrick Roff, Ward III: Congratulated Roberta Goss for all her hard work she did on the Neighborhood Grant Program.

Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman James Golden, Ward V: Announced his reappointment to the Municipal Services Deliver Council with the Florida League of Cities.

Mayor Wayne Poston: Reported that he had been working with Senator Mel Martinez to keep the Wares Creek project moving forward.

CONSENT AGENDA

Approval of minutes for August 16, 2006.

RESOLUTION 06 - 54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, URGING THE STATE LEGISLATURE TO PROVIDE SPECIAL FUNDING AND PUBLIC PRIVATE PARTNERSHIPS TO ASSIST THE HEARTLAND COAST-TO-COAST EXPRESSWAY CORRIDOR.

No discussion followed.

MOTION TO APPROVE the Consent Agenda consisting of the minutes of August 16, 2006 and Resolution 06-54 was made by Councilman Smith/Councilman Roff and carried 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

Mr. Lisch gave a brief overview of the Riviera Southshore project denial options for the Council to consider: 1. Per Council previous request to use the draft motion examples for denial prepared by him and previously distributed to Council. 2. To approve the project with the reconsideration of RV.05.0008 street vacation that had been denied at the August 16, 2006 meeting. 3. To approve the project with stipulations and/or conditions. 4. To change the project completely.

Councilman Golden stated he had been absent from the August 16, 2006 meeting and stated that he had examined all the previous information, testimonies and actions from that meeting and, for the record, that he was aware and updated on the current situation of this issue and would like to partake in today's decision.

Tim Polk presented new stipulations which had been received from the applicant and distributed in a memorandum dated September 12, 2006. He stated that 80% of the stipulations made by the staff and/or Planning Commission had been agreed to by the applicant.

Mr. Polk read the following stipulations submitted by Ed Vogler as follows:

1. As per Staff Recommendation.
2. As per Staff Recommendation.
3. The heights of the proposed riverfront buildings shall be limited to nine stories of residential over two stories of structured parking.
4. As per Staff Recommendation.
5. As per Staff Recommendation.
6. As per Staff Recommendation.
7. All of the paved pedestrian sidewalks and on-street parking within the 100 year floodplain shall be constructed with pervious paving material, or such other material as approved by the Public Works Director.
8. As per Staff Recommendation.
9. The Final PDP shall address all of the project stipulations and those imposed by further review of the Architectural Review Board and the City Council as provided for herein. In addition, the developer shall make a fair share contribution to off-site roadway improvements of \$48,900.00.
10. As per Staff Recommendation.
11. The developer agreed to participate in a conceptual plan for public improvements to Glazier Gates Park and contribute \$250,000.00 to future upgrades to be implemented prior to the issuance of a final Certificate of Occupancy in the first riverfront (mid-rise) building constructed. The contribution may be funded by a community development district as and when formed by developer.
12. Significant additional landscaping shall be added along the driveway adjacent to Lot 1 and Lot 8 so as to buffer the impact of automobile headlights on the adjacent residences, which additional landscaping shall (i) be installed prior to certificate of occupancy for such units, and (ii) achieve an eighty-five percent (85%) capacity within one year from the date of planting.
13. Within thirty days following preliminary approval of the PDP, the developer shall deliver to the City Clerk of the City of Bradenton performance security (i.e. cash, bond, irrevocable letter of credit) and a disbursement agreement acceptable in form to the City Clerk and the City Attorney. The performance security shall be in the amount of five hundred thousand dollars (\$500,000.00). The performance security shall act as collateral for the developers obligation to timely accomplish the removal and renovation conditions described below, and, failing same, shall be released to the City under the terms of the disbursement agreement so that the City may accomplish such work at the developers cost and expense. The work to be accomplished is set forth below:
 - a. Obtain demolition permits for 15 existing dilapidated homes as authorized by existing Certificate of Appropriateness no later than 45 days following approval of the preliminary PDP approval.

b. Complete demolition and removal of homes, and accessory structures such as sheds, fences, etc., and, complete sewer cap work no later than 125 days following approval of the preliminary PDP approval. The Director of Development Services may extend this deadline if required by field conditions, provided that (i) a report of such extension is provided to City Council, and (ii) developer is exercising good faith and best efforts to timely accomplish the work.

c. All trash and debris (excluding the homes and accessory structures described above) shall be removed no later than 45 days following approval of the PDP. Thereafter, the entire area shall be regularly mowed with vegetation trimmed on a pro-active basis.

Upon completion of the items described in subparagraphs (a) and (b) above, the performance security can be reduced to twenty five thousand dollars (\$25,000).

14. If required by final action of the City Council following further public hearings conducted by the Architectural Review Board and the City Council, the developer shall dedicate and construct an extension of 11th Street East between Buildings A and B, connecting westward along the waterfront to existing Riverside Drive East. The design of such extension shall be pedestrian friendly and significantly landscaped.

15. Any roadway vacation approved by the City Council as part of the PDP approval shall be conditioned upon the developer contributing by conveyance or dedication to the public not less than one hundred fifty percent (150%) of public space and rights of way in excess of the amount vacated.

16. The first phase of the PDP project shall include, at least, the development of (i) 11th Street East from Manatee Avenue to its northern terminus as determined by the City Council as set forth herein; (ii) 3rd Avenue East from 10th Street East to 12th Street East; (iii) the townhomes along 11th Street East, and (iv) the commercial development pod along Manatee Avenue between 11th Street East and 12th Street East.

Mr. Polk stated that the staff recommendation stood as presented but over the past couple of weeks, he had met with the developer, Frank Maggio, and his attorney, Ed Vogler, to discuss the concerns expressed by citizens and City Council about this project, principally the compatibility issue of the four mid-rise buildings along the Manatee River. He stated he shared with Mr. Maggio and Mr. Vogler six suggestions on how he thought the project could be improved based on the feedback he had heard from the developer, the citizens and the Council. They were as follows:

1. **Connecting the Streets:** Revert Riverside Drive right-of-way back to the City to provide interconnectivity along the riverfront.
2. **Horizontal Density:** Evaluate the feasibility of redistributing residential units in the mid-rise buildings along the river's edge to the interior portion of the site and along Manatee Avenue to achieve a low rise format.
3. **Change the Name:** Give the project a signature that is unique to Bradenton and responds to its heritage.
4. **Village Scale and Character:** Shrink the footprints of the mid-rise buildings and go for a more fine grained scale using a traditional neighborhood concept.
5. **Engage the community in the design process.** Conduct at least two public charettes in connection with the master planning process to obtain feedback on visual preferences.
6. **Explore a public-private partnership arrangement with the DDA.**

Lengthy discussion: The various options given and what was right for this part of the city's historical community.

Mr. Polk stated that there was consideration for mid-rise of 4 to 12 story towers but the majority of the consensus taken was to envision low-rise multiple stories towers ranging from 4 to 6 and maybe 8 story towers.

Mr. Lisch gave a brief overview of previous discussions and comments made by the City Council and referred to the drafted motions for denial of the Riviera Southshore development.

RV.05.0009 WARD 4 NEIGHBORHOOD 7.03 C

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

RESOLUTION NO. 06-32

A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "PLAT VACATION" LEGALLY DESCRIBED.

REQUEST TO DENY RV.05.0009, RESOLUTION 06-32 subdivision vacation approval as prepared by Bill Lisch, City Attorney for the following three (3) reasons:

1. The City Council at the August 16, 2006 Council meeting had previously denied a request by Riviera Southshore for approval of right-of-way vacations at 1203 Manatee Avenue East. A subdivision vacation as requested would result in vacation of all rights-of-way and dedications enjoyed by the public as a result of the subdivision.

2. The City Council was opposed to the scope and scale of the plans for use of the vacated subdivision property that would follow any vacation as well as compatibility of what would replace the vacated subdivision.

3. The City Council was of the opinion that it was in the best interest of the City to continue the existence of the single family lots contained in the subdivision.

Councilman Golden stated that the city had paid staff and consultants a lot of money to advise the Council of their findings. He stated that the staff and consultants had approved this request and that we should not ignore their decisions.

Councilman Golden voiced his concern that the applicant may start a lawsuit against the city should the Council deny the request.

Councilman Roff voiced his concern as to keeping height confined to the downtown core and not along the waterfront and the precedence that this project would start. He stated he would like to keep density downtown and to establish Council's vision for this particular area.

Councilwoman Barnebey stated she did not like the project as presented, and that it was the Council who would make the ultimate decision as to what would be the best project for this area.

Vice Mayor/Councilman Gallo stated that it was his understanding that the applicant had been well aware that the Council did not want to see height and density as presented in this project for this area. Vice Mayor/Councilman Gallo stated that he believed a tabling motion would be a waste of time.

Councilman Smith stated that the project could not go through without the vacations being approved. He stated that he believed that the Council had a vision for this neighborhood and that high-rise buildings next to single story homes was not what they wanted to see.

MOTION FOR DENIAL OF RV.05.0009, RESOLUTION 06-32 with three (3) reasons to deny as prepared by Bill Lisch was made by Councilman Smith/Councilwoman Barnebey and carried 5-0 to deny the request.

LU.05.0020 WARD 4 NEIGHBORHOOD 7.03 C

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

PROPOSED ORDINANCE NO. 2842

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM R-1B, C-1A, C-1, PDP TO PDP FOR THE PROPERTY LOCATED AT 1203 MANATEE AVENUE EAST AND LEGALLY DESCRIBED.

REQUEST TO DENY LU.05.0020, PROPOSED ORDINANCE 2842 with the motion as prepared and prepared by Bill Lisch, City Attorney for the following two (2) reasons:

1. Much of said property had been utilized as single-family residences and was adjacent to single family attached residences. Until a plan was devised for a planned development that would be acceptable and compatible with the surrounding area, and that the zoning should not be changed to a designation that was so different from the surrounding designations as well as being open-ended or without some degree of certainty as to what type of project would be allowed on said property.

2. The City had previously denied a request for vacation of streets as well as vacation of plat on the property. PDP zoning of the entire property would result in single family lots having a PDP designation. That there could also be a possibility of having multiple requests for PDP's within the area if the property owners desire or should portions of the property were transferred to other parties. This could result in haphazard development.

MOTION FOR DENIAL OF LU.05.0020, Ordinance 2842 with two (2) reasons to deny as prepared by Bill Lisch was made by Councilman Smith/Vice Mayor-Councilman Gallo and carried 5-0 to deny the request.

PR.05.0017 WARD 4 NEIGHBORHOOD 7.03 C

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-1A, C-1 & PDP)

REQUEST TO DENY PR.05.0017 preliminary approval of a Planned Development Project with the motion as prepared by Bill Lisch, City Attorney for the following nine (9) reasons:

1. The proposed development contemplates vacation of public rights-of-way and easements which the City had declined to vacate resulting in it being impossible for the project to be developed as submitted. This may make the request moot. However it should be stated for the record.

2. The height of the buildings so close to single family detached dwellings was out of context and incompatible with those adjacent properties. In fact one of the condominium towers on the west side of the development is immediately adjacent to a single-family residence.

3. PDP rezoning, in an ideal situation, allows up to twenty-five (25) units per acre; but it is no guarantee that such density would be granted. Adjacent properties, location of the property, and numerous other factors could result in a lower density.

4. As stated by Norm Luppino, Senior County Planner, the proposed project was detached from the downtown buildings and taller than buildings located in the downtown core.

These taller buildings placed next to low-rise structures on both the west and east sides would make it out of character with the area.

5. If the project was approved and built as designated, it would increase pressure to approve other high-rise condos and projects to be build along the Manatee River waterfront from downtown, east to the Braden River, thus creating a “wall affect”.

6. As stated by Norm Luppino, Senior County Planner, Building D was out of place and surrounded on three sides by single-family residents.

7. While mixed use was a desirable factor, the lack of phasing may result in initial sales of the more desirable condo units with the rest of the project being abandoned or not completed.

8. The goals and objectives of the comprehensive plan required compatible land use patterns for new development and redevelopment and, as such, those goals and objectives were violated by the proposed project due to its height and density.

9. As an additional factor of mootness, the property was not zoned for a planned development project, and therefore, a PDP could not be approved.

MOTION TO TABLE PR.05.0017 for the nine (9) reasons as prepared by Bill Lisch to time certain to the first Council meeting of January, 2007 was made by Councilman Golden and died for a lack of second.

MOTION FOR DENIAL OF PR.05.0017 for the nine (9) reasons as prepared by Bill Lisch was made by Councilman Smith/Councilman Roff and carried 4-1 with Councilman Golden in opposition to deny the request.

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**CP.06.0015 WARD 4 NEIGHBORHOOD 20.03 RS**

Request of Marla Hough, agent for RMC Partners, Ltd, owner, for Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from County - Retail, Office, Residential (ROR) to City Commercial for property located at 4455 State Road 64 East.

**SECOND READING OF PROPOSED ORDINANCE 2839 PUBLIC HEARING**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 4455 STATE ROAD 64 EAST, BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.06.0015) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY ROR TO CITY COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.*

**LU.06.0030 WARD 4 NEIGHBORHOOD 20.03 RS**

Request of Marla Hough, agent for RMC Partners, Ltd, owner, to change the Land Use Atlas designation from County General Commercial (GC) to City Highway Commercial (C-3) for property located at 4455 State Road 64 East.

**SECOND READING OF PROPOSED ORDINANCE 2840 PUBLIC HEARING**

*AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY GC TO CITY C-3 FOR THE PROPERTY LOCATED AT 4455 STATE ROAD 64 EAST AND LEGALLY DESCRIBED.*

The public hearing was opened for Ordinances 2839 and 2840; those in favor come forward.

**Marla Hough** gave a brief overview of the former Eckerd Drug Store site on State Road 64 to be used for commercial/professional use.

Those in opposition; hearing none, the public hearing was closed.

General discussion that the commercial designation was similar to the county but that the city allowed more of a floor area ratio and was compatible with the county designation and with the surrounding areas.

Tim Polk gave the staff report and stated that the Planning and Community Development staff and Planning Commission recommended approval of the request.

**MOTION FOR APPROVAL OF CP.06.0015, Ordinance 2839 as recommended by the Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Roff and carried 4-0 for approval.** (Councilman Golden was absent from voting)

**MOTION FOR APPROVAL OF LU.06.0030, Ordinance 2840 as recommended by the Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Roff and carried 5-0 for approval.**

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LU.06.0032 CITY OF BRADENTON MM

Request of City of Bradenton for text amendments to the City of Bradenton Land Use Regulations relating to the Architectural Review Board and Design Compatibility Review.

**SECOND READING OF PROPOSED ORDINANCE NO. 2844 FIRST PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON LAND USE REGULATIONS TO ADD NEW LANGUAGE RELATING TO THE ARCHITECTURAL REVIEW BOARD (ARB) AND DESIGN COMPATIBILITY REVIEW AND THE REGULATION THEREOF; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The public hearing was opened; those in favor.

Tim Polk introduced **Michael Huang**, the new Planning and Community Development Planner and Architectural Review Board (ARB) staff representative.

Matt McLachlan gave a PowerPoint presentation emphasizing the importance of partnering with staff from other jurisdictions in Manatee County and to jointly develop an overall vision graphic and general development guidelines that would provide a framework for achieving compatibility (and thereby reducing potential conflicts) within identified character areas.

He stated that the finding of the Joint Character and Compatibility Study would be presented to elected officials, at the Council of Governments meeting scheduled for October 9, 2006.

General discussion: Designing appropriate fees to review design compatibility of development applications.

Those in opposition; hearing none, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report and stated that the Planning and Community Development and Planning Commission recommended approval.

MOTION TO ACCEPT the first public hearing of LU.06.0032, Ordinance 2844 and to set the second public hearing for September 27, 2006 as recommended by the Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.

RV.06.0013 WARD 4 NEIGHBORHOOD 7.02A RS

PUBLIC HEARING

Request of Roy Fairbrother, agent for Yaron Divald, owner, for reversion of subdivision of 28 lots within Blocks 3 and 4 of the South Braden Castle Camp Subdivision for property located at 1201 27th Street East.

RESOLUTION 06 - 53

A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "PLAT VACATION AND REVERSION OF SUBDIVISION" LEGALLY DESCRIBED.

LU.06.0031 WARD 4 NEIGHBORHOOD 7.02A RS

Request of Roy Fairbrother, agent for Yaron Divald, owner, to change the Land Use Atlas designation from Residential-1B to Planned Development Project (PDP) for property located at 1201 27th Street East.

SECOND READING OF PROPOSED ORDINANCE NO. 2845

PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM R-1B to PDP FOR PROPERTY LOCATED AT 1201 27TH STREET EAST AND LEGALLY DESCRIBED.

PR.06.0024 WARD 4 NEIGHBORHOOD 7.02A RS

PUBLIC HEARING

Request of Roy Fairbrother, agent for Yaron Divald, owner, for preliminary approval of a Planned Development Project known as Forest Green Village for property located at 1201 27th Street East.

The public hearing was opened for RV.06.0013, Resolution 06-53; LU.06.0031, Ordinance 2845; and PR.06.0024; those in favor come forward.

Stephen Thompson, attorney representing the applicant, gave a brief overview of the project known as Forest Green Village.

Roy Fairbrother, CousulTech Development Services, gave a brief project overview of the site plan which was currently the location of the golf driving range just north of River Run Golf Links.

John Melendez CPH Engineers gave a brief summary of the traffic study done and the 2.0 parking ratio requirements with the modified request for 1.86 parking spaces.

Discussion: The HNTB Traffic Impact Study and the need for a signalization on 27th Street and 9th Avenue East.

Discussion: Additional parking spaces could be accommodated, but the developer wanted to avoid the large parking lots associated with condominium and apartment complexes which would take away a serene element in the residential neighborhood.

Discussion: Imposing a stipulation recommendation for a bus stop on 9th Avenue East.

Speaking in favor of the project was **Fred Munn**, developer, who stated that this was a quality project that would improve east Bradenton.

Those speaking in opposition were **John Moreland, Maria Dowling, Robin Moreland, and Ellen Stokes**. Each voiced their concern about the infrastructure, and density which would create additional traffic impact on 27th Street East, more impact on city services and on open playing spaces needed for children.

In rebuttal.

Stephen Thompson stated that the city staff had reviewed this application closely and had determined there were adequate city services and facilities to meet the city's requirements. He stated development would be a deed restricted community, and the base price for a unit would be approximately \$190,000.

Questions were asked and answers given regarding the average price range for a unit, and the open space available for a park and recreation area.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report 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. He stated the staff and Planning Commission gave the recommendation for approval with the following five stipulations:

NOTE: The traffic analysis approval was received September 6, 2006. Stipulation #1 had been replaced with the following:

- ~~1. Not only will the applicant provide a traffic study approved by HNTB prior to moving forward to City Council for review and approval but also prior to advertising, prior to placing on the Agenda, and prior to finalizing the Staff Report.~~
1. Recommendations for improvements as stated in the approval letter from HNTB would be part of this approval. Proportionate fair share of improvements would be paid to the City of Bradenton prior to issuance of any Certificate of Occupancy.
2. All trees proposed for removal would be identified and included in the calculations for replacements.
3. All significant trees remaining on the site would be properly barricaded as required by code.
4. Additional parking would be provided in front of the 12-plex buildings and west of the community pool to meet the ratio of 2 per unit. Justification for any reductions proposed must be presented to the City Council in a revised Project Narrative.
5. The landscape plan should be revised prior to the City Council meeting to provide enhancements around the buildings, parking areas and common areas.

One additional stipulation:

6. The applicant shall work with Manatee County to locate a covered bus stop at 27th Street East and 9th Avenue East.

Vice Mayor/Councilman Gallo voiced his concern that for many years there was a great need for Manatee County to widen 27th Street East and he had been told by a County Commissioner that it was cost prohibited.

Councilman Smith voiced his concern that there had been many developments approved in this area and that traffic was already congested on 27th Street East.

Councilwoman Barnebey stated she liked the project but had concerns with additional traffic impact on 27th Street East.

Bill Lisch stated that the Council needed additional evidence other than that presented in the traffic study currently submitted as part of the package as presented in today's meeting should the Council deny the request due to the traffic concerns of 27th Street East.

MOTION FOR APPROVAL OF RV.06.0013, Resolution 06-53 was made by Councilman Roff/Councilman Golden and carried 3-2 for approval with Vice Mayor/Councilman Gallo and Councilwoman Barnebey in opposition.

MOTION FOR APPROVAL OF LU.06.0031, Ordinance 2845 was made by Councilman Roff/Councilman Golden and carried 3-2 for approval with Vice Mayor/Councilman Gallo and Councilwoman Barnebey in opposition.

MOTION FOR APPROVAL OF PR.06.0024 with the recommendation made by the Planning and Community Development staff and Planning Commission with five stipulations and one additional stipulation was made by Councilman Roff/Councilman Golden and carried 3-2 for approval with Vice Mayor/Councilman Gallo and Councilwoman Barnebey in opposition.

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**PR.06.0026 WARD 4 NEIGHBORHOOD 7.02A RS**

**PUBLIC HEARING**

Request of Fred Munn, owner, for preliminary approval of a Planned Development Project known as Hidden Lagoon Phase II for property located at 701 Oak Street (Zoned PDP).

**SP.06.0006 WARD 4 NEIGHBORHOOD 7.02A RS**

Request of Fred Munn, owner, for preliminary subdivision approval of a project known as Hidden Lagoon Phase II for property located at 701 Oak Street (Zoned PDP).

The public hearing was opened, those in favor come forward.

**Fred Munn** gave a brief overview of Phase I on Hubbel Road and requested approval of the proposed Phase II preliminary 10-lot residential single-family homes.

**Dale Reaume**, Cyrix Engineering stated that a revision had been done to create a three-way stop at the intersection of Oak Street and Hubbel Road. He referred to another provision to place a high-back curve along the western side of the roadway.

Discussion: Prices of the homes would range from \$375,000 to \$550,000.

Those in opposition.

**Greg Owens**, 209 Hubbel Road stated that he was not in opposition but wanted to make sure the three-way stop would be placed to slow traffic.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval with (6) stipulations based upon the General Standards and Regulations pursuant to Section 202.J and 302 of the Land Use Regulations, and the Planning Commission with (7) stipulations. They were as follows:

1. Oak trees on site would be preserved and barricaded during construction. Requests for removal must be authorized by the Director of Planning and Community Development, and in no instance would the replacements be at a ratio of less than 2/1.
2. An adequate buffer would be installed along the lagoon to protect the existing mangroves.
3. Easements would be provided in accordance with Public Works recommendations regarding size and placement.
4. Street lighting would be installed in accordance with Public Works recommendations, including a light at the intersection of Oak Street and Hubbel Road.
5. No slopes shall exceed a 4/1 incline.
6. All exotic species of vegetation would be removed prior to commencement of any construction.
7. If possible install a three-way stop at Oak Street and Hubbel Road.

**MOTION TO APPROVE PR.06.0026 as recommended by the Planning and Community Development staff and Planning Commission with 7 stipulations was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.**

**MOTION TO APPROVE SP.06.0006 as recommended by the Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.**

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

**REQUEST BY Mark Eubanks** of Bradenton Downtown Progress on behalf of the “Old Main Street Market” to hold the market each Saturday from October 7, 2006 through April 14, 2007 on Old Main Street between Manatee Avenue and Barcarrota Boulevard.

No discussion followed.

**MOTION TO APPROVE the request of the Old Main Street Market was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.**

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REQUEST BY Mark Eubanks of Bradenton Downtown Progress to hold the “Get Down Downtown” events each third Thursday of the month from September 21, 2006 through June 21, 2007 on Old Main Street from Manatee Avenue to 3rd Avenue West.

No discussion followed.

MOTION TO APPROVE the request of Get Down Downtown events was made by Councilman Smith/Councilman Roff and carried 4-1 for approval with Councilman Golden in opposition. (Councilman Golden stated that due to his religious commitment regarding alcohol consumption he would not support this motion.)

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**REQUEST BY Rick Coffey** of “Taste of Manatee” to hold an annual fundraiser event for Meals on Wheels, on Saturday and Sunday, November 4-5 on Old Main Street and Barcarrota Boulevard.

No discussion followed.

**MOTION TO APPROVE the request of Taste of Manatee was made Councilman Smith/Councilman Roff and carried 4-1 for approval with Councilman Golden in opposition.** (Councilman Golden stated that due to his religious commitment regarding alcohol consumption he would not support this motion.)

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Mr. Callahan gave a brief overview of the renovation plans for the Pittsburg Pirates Spring Training Facility located on 27th Street East. He requested approval for the following resolution to submit the grant application to the state by October 1, 2006. He recommended approval of Resolution 06-56.

RESOLUTION 06 - 56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING SUPPORT FOR THE CITY OF BRADENTON’S APPLICATION FOR CERTIFICATION OF RETAINED SPRING TRAINING FACILITIES; PROVIDING AN EFFECTIVE DATE.

Rick Fawley, Fawley Bryant Architects, gave a PowerPoint presentation of the project and its two phases to make improvements to the existing Spring Training Facility, to include the clubhouse, dormitory suite and office building, renovation of the half field, a new fifth field, and parking upgrades. He also addressed the McKechnie Field additions and upgrades.

General discussion addressed the contractual obligations and a new lease agreement. Included in the resolution was the matching state funding of \$500,000.

MOTION TO APPROVE Resolution 06-56 as recommended by Carl Callahan was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

Tim Polk

RESOLUTION 06 - 55

A RESOLUTION OF THE CITY COUNCIL OF BRADENTON, FLORIDA, SUPPORTING MAKING APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION THROUGH ITS FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM TO FUND THE NEW DEVELOPMENT AND ENHANCEMENT OF NORMA LLOYD PARK.

Sherod Halliburton, Central Community Redevelopment Agency Executive Director, gave a brief overview of the resolution which addressed the receipt of a \$200,000 cash match grant to be matched by the Central Community Redevelopment Agency for improvements to the Norma Lloyd Complex in Phase I. He stated that the resolution before the Council today addressed Phase II of the park's improvements.

He displayed a rendering of Phases I and II.

No discussion followed.

MOTION TO APPROVE Resolution 06-55 was made by Councilman Golden/Vice Mayor/Councilman Gallo and carried 5-0 for approval.

Notice of Availability of SHIP ANNUAL REPORT for FY 2003-04, 2004-05 and 2005-06.

Notice is hereby given that the City of Bradenton has prepared its Annual State Housing Initiative Partnership (SHIP) Report for periods covering State fiscal years 2003-04, 2004-05, and 2005-06. A public hearing will be held on Wednesday, September 13, 2006, at 8:30 A.M. in Council Chamber at Bradenton City Hall, 101 Old Main Street, Bradenton, FL. The report will be available for public inspection and comment at the Housing & Community Development Office located at 101 Old Main Street, Bradenton, FL during regular business hours. The report will be mailed to the State Housing Finance Corporation, Tallahassee, Florida on September 14, 2006. Written comments regarding the Annual Report may be addressed to the City of Bradenton Housing & Community Development Office, 101 Old Main Street, Bradenton, FL 34205. All written comments must be received by September 30, 2006.

This notice is to inform the public of the availability of the Annual SHIP Report with the public hearing for comments.

RESOLUTION 06 - 57

PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING THE CITY'S LOCAL HOUSING ANNUAL REPORT FOR STATE FISCAL YEARS 2003- 004, 2004-2005, AND 2005-2006.

The public hearing was opened; those in favor or opposition come forward.

Lesá Ramos, Interim Housing and Community Development Manager gave an overview of the annual report and stated that all public notices have been made.

The public hearing was closed.

MOTION TO APPROVE Resolution 06-57 was made by Councilman Golden/Vice Mayor/Councilman Gallo and carried 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan: Nothing to report.

Chief Souders: Nothing to report.

Staci Cross: Excused absence.

Chief Radzilowski: Nothing to report.

John Cumming: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

Carolyn Moore: Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 1:00 p.m.

NOTE: This is not a verbatim record. An audio CD or video tape recording of the meeting is available upon request.