

ABBREVIATED MINUTES
 PLANNING COMMISSION MEETING
 MARCH 21, 2007

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

ATTENDANCE

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

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

City Staff:

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

PRELIMINARIES

Meeting called to order at 2:05 p.m. by Allen Yearick serving as Acting Chairman, in place of the Chairman and Vice-Chairman who were absent. Mr. Yearick expressed best wishes for a full recovery for Chairman Diane Barcus who would be undergoing surgery. He advised that the Vice-Chairman was out of town.

- 1) Pledge of Allegiance at 2:06 p.m.
- 2) Mr. Prewitt moved, with a second by Mr. Thompson, to approve the Minutes of February 21, 2007. Motion carried unanimously.
- 3) Ms. Kahl swore in all those wishing to speak before the Commission.
- 4) 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, April 11, 2007 at 8:30 a.m. unless otherwise announced.

NEW BUSINESS

PR.06.0028 WARD 4 NEIGHBORHOOD 20.03 RS

Request of David McNabb, White Oak Development, agent for Walt Eppard, David McNabb, Florida Coast Corp. and Ancient Oaks, Inc., owners, for preliminary approval of a Planned Development Project known as The Villas at San Lorenzo for property located at 209 48th St Ct East (Zoned PDP)

SP.06.0008 WARD 4 NEIGHBORHOOD 20.03 RS

Request of David McNabb, White Oak Development, agent for Walt Eppard, David McNabb, Florida Coast Corp. and Ancient Oaks, Inc., owners, for preliminary approval of a Subdivision known as The Villas at San Lorenzo for property located at 209 48th St Ct East (Zoned PDP)

Ms. Seewer read the requests together stating that separate action would have to be taken on each item.

Stephen W. Thompson, Esquire, of Porges, Hamlin and Prouty, 1205 Manatee Avenue West, representing the applicant, presented an overview of the project. He noted that an elevated water tank was being constructed north of the property. Mr. Thompson advised that this property had been donated to the City for this purpose by Mr. McNabb. He said that they were working with Morrison Homes, the largest builder in the United States, to build this community. Mr. Thompson stated he had spoken with Arlan Cummings of Public Works with regard to easements and those issues have been resolved. He requested approval with staff's stipulations.

Mr. Prewitt asked what the price range would be, and Mr. McNabb replied the town homes would be in the \$280,000 to \$400,000 price range.

Public Hearing:

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

Public Works -

Mr. Cummings stated that he had several discussions with the applicants and felt everything could be worked out as far as easements. He said he spoke with the Fire Department about new standards relating to culs-de-sac and other than that, he had no objections.

Fire Department -

Mr. Bonneau explained the new standards to which Mr. Cummings had referred and which would have to be changed on the plan. Mr. Bonneau indicated he had no other objections.

Staff Report -

Mr. Polk spoke about compatibility in design and environment. He stated that this was a positive development, and he recommended it.

Ms. Seewer stated that stipulation 1 referred to access to the neighboring property. In order for the stipulation to be easily understood, Ms. Seewer displayed a survey pointing out the access road to the back property. She stated that the developer would have to make sure it was paved. She advised that this would have to be shown on the construction design which would be reviewed by Public Works and then the Planning Department before the final so that the property owner was guaranteed access.

Mr. Thompson stated that the applicants had no problem with that stipulation.

Ms. Seewer stated that staff recommended approval with the following stipulations:

1. The applicant will provide continuous paved access to the property line for the owner to the north through the existing easement.
2. Any historical or archaeological resources that may be discovered during development must be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and mitigation would be determined by the DHR and the City of Bradenton prior to resuming disturbance activities.
3. If any species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures will be taken, with immediate notification provided to the Department of Planning and Community Development.
4. The wetland and wetland buffer shall be designated with a conservation easement and indicated as preserved and non-disturbed. Any disturbance to the prescribed buffer areas not reviewed as part of this approval will require review and approval by the Planning and Community Development Director.
5. Live Oak tree preservation shall be provided to the fullest extent possible. All existing Live Oak areas proposed for removal shall require approval by the Planning and Community Development Director. All 16" and larger Live Oak trees proposed for removal in the proposed site plan must be individually identified, with removal requiring approval by the Planning and Community Development Director for a determination of preservation versus mitigation.
6. The architectural design and features of the proposed buildings shall be adhered to as approved by the City Council. While reasonable administrative modifications may be allowed, other changes determined by the City not to be reflective of the City Council approved design shall require a PDP Amendment.
7. The Final PDP must address all Stipulations and other Staff/DRC recommendations/concerns included in this report.
8. Impact fee equivalency will be required in accordance with the definitions of the ACCORD prior to the issuance of a Certificate of Occupancy as determined by the City of Bradenton Planning and Community Development Director.
9. Any deviation from the approved requirements, as determined by Planning and Community Development, may require a PDP amendment.
10. Provide easements as required by the Public Works Department.

Mr. Thompson moved, with a second by Mr. Prewitt, to approve PR.06.0028 with the following stipulations:

1. The applicant will provide continuous paved access to the property line for the owner to the north through the existing easement.
2. Any historical or archaeological resources that may be discovered during development must be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and mitigation would be determined by the DHR and the City of Bradenton prior to resuming disturbance activities.
3. If any species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures will be taken, with immediate notification provided to the Department of Planning and Community Development.
4. The wetland and wetland buffer shall be designated with a conservation easement and indicated as preserved and non-disturbed. Any disturbance to the prescribed buffer areas not reviewed as part of this approval will require review and approval by the Planning and Community Development Director.

5. Live Oak tree preservation shall be provided to the fullest extent possible. All existing Live Oak areas proposed for removal shall require approval by the Planning and Community Development Director. All 16" and larger Live Oak trees proposed for removal in the proposed site plan must be individually identified, with removal requiring approval by the Planning and Community Development Director for a determination of preservation versus mitigation.
6. The architectural design and features of the proposed buildings shall be adhered to as approved by the City Council. While reasonable administrative modifications may be allowed, other changes determined by the City not to be reflective of the City Council approved design shall require a PDP Amendment.
7. The Final PDP must address all Stipulations and other Staff/DRC recommendations/concerns included in this report.
8. Impact fee equivalency will be required in accordance with the definitions of the ACCORD prior to the issuance of a Certificate of Occupancy as determined by the City of Bradenton Planning and Community Development Director.
9. Any deviation from the approved requirements, as determined by Planning and Community Development, may require a PDP amendment.
10. Provide easements as required by the Public Works Department.

Motion carried unanimously.

Mr. Prewitt moved, with a second by Mr. Thompson, to approve SP.06.0008. Motion carried unanimously.

VA.07.0036 WARD 5 NEIGHBORHOOD 7.03 RS

Request of Montecki & Associates, agent for Richard C. O'Brien, owner, for Variance for front yard setback reduction from 35 feet to 15 feet, interior landscaping and one parking space for proposed medical office for property located at 608 Manatee Avenue East (Zoned C-1A)

Ms. Seewer read the request.

Pat Montecki, Montecki & Associates, 531 Central Avenue, St. Petersburg, presented the request.

The Chair noted that on the property were old, live oak trees of some stature.

Ms. Montecki stated that in the original plan the building had a 25 foot setback from the roadway so they would have been able to preserve more of the large, grand oaks. When they met with City staff, they were told that the City wanted to make that corridor pedestrian friendly and City staff asked them to move the building closer to the roadway and to rearrange the site. She said they were therefore unable to save as many oaks as they would have liked.

Public Hearing:

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

Public Works -

Mr. Cummings stated that he had no objections.

Fire Department -

Fire Inspector Bonneau stated that he had no objections.

Staff Report -

Ms. Seewer stated there were a couple of issues. She said staff was on the lenient side with regard to parking in pedestrian friendly areas; but, when a project was just starting and the parking could not be met because of square footage, it meant the square footage of the building was too large. She recommended that the building be cut back 750 square feet to make the parking meet the square footage. Ms. Seewer also requested that the five foot landscape median on the south side of the parking lot in the rear be moved to the west and widened to ten feet which would remove another parking space but would preserve the 36" oak tree. She recommended approval with the following stipulations:

1. The building will be reduced by 750 square feet to provide the necessary parking spaces.
2. The landscape island on the south side of the parking lot will be widened to 10 feet and relocated to preserve the 36" oak in the southwest quadrant of the parking lot.
3. The retention pond will be redesigned to protect the 36" oak, as well as the two significant oaks on the west side of the pond.

Mr. Prewitt asked how many more parking spots would be made by cutting back 750 square feet.

Ms. Seewer responded that they would be three parking spaces short. She explained that there was one space for every 250 square feet.

Mr. Prewitt asked whether the applicant had a problem losing 750 square feet.

Richard O'Brien, co-owner of the property, stated that when they originally brought in the sketches, a variance was needed for only one spot, but that changed when the City asked them to move the building up. Mr. O'Brien said if they did what the City proposed, they, in return, asked the City to work with them on any additional parking variances that were needed in order not to lose any square footage below 8,100 square feet.

Mr. Prewitt asked what Mr. O'Brien would lose inside with a reduction of 750 square feet.

Mr. O'Brien responded that the original footprint was 8,200 square feet. He commented that it was cut to 8,100 square feet, and they asked for a two or three parking space variance.

Mr. Prewitt recapped that Mr. O'Brien moved forward as per staff's request, and now he may lose an additional 750 square feet.

Mr. O'Brien stated that it would be 8,049 square feet minus 750 square feet so they would lose yet another 1,000.

Mr. Prewitt asked what Mr. O'Brien would be losing inside the medical building.

Mr. O'Brien replied they would lose part of one of the offices.

Ms. Seewer commented that needing that many variances for a new building meant something was not working right.

Mr. Cummings stated that the dumpster pad could be shifted which would give a spot there.

Ms. Seewer opined that the buffer on the east side could be reduced to allow for a parking space. She commented that perhaps there could be a little tweaking and by reducing the building size a little bit, a little bit could be taken off the pond as well.

Mr. Prewitt expressed concern that by taking away 750 square feet it would take away 10% of the economic viability and with the margin being so tight, the project may not be worthwhile.

Ms. Seewer stated that if those spots could be squeezed in, she would have no objection.

The Chair asked if Mr. O'Brien had an objection to shrinking the pond to accommodate the trees.

Ms. Montecki advised that the pond could not be any smaller because it had to meet DOT regulations.

Mr. Cummings said the City had a storm sewer pipe down that road so they could pipe into it.

Ms. Seewer asked whether they could work with Mr. Cummings on the construction drawings for the site improvement permit as well as moving the dumpster. She suggested that they could squeeze in the two more spots, waive one, and move the island over.

Responding to the Commission, Ms. Seewer suggested that the first stipulation could be deleted.

Mr. Prewitt moved, with a second by Mr. Thompson, to accept staff's recommendation and approve VA.07.0036 with new stipulations 1 and 2 provided the builder/developer worked with the City to rearrange the dumpster and the pond and allow them to build the proposed 8,047 square foot office building. Motion carried unanimously. The stipulations were as follows:

1. The landscape island on the south side of the parking lot will be widened to 10 feet and relocated to preserve the 36" oak in the southwest quadrant of the parking lot.
2. The retention pond will be redesigned to protect the 36" oak, as well as the two significant oaks on the west side of the pond.

REPORT:

Character Compatibility Study

Tim Polk, Director, Department of Planning and Community Development, reviewed the "Character Compatibility Study" with the Commission and answered questions of the Members.

Mr. Polk advised that the Study would be adopted as a Resolution by the City Council. He said that the City would be compatible with the County and the County would be compatible with the City from the standpoint of not only projects but of thought.

Mr. Prewitt moved, with a second by Mr. Thompson, to approve the Character Compatibility Study and take it to the next level. Motion carried unanimously.

Adjournment

Mr. Thompson moved, with a second by Mr. Prewitt, to adjourn the meeting at 3:21 p.m. Motion carried unanimously.

Allen Yearick
Acting 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 *service charge*.