

ABBREVIATED MINUTES
 PLANNING COMMISSION MEETING
 NOVEMBER 13, 2006

The City of Bradenton Planning Commission met on Monday, November 13, 2006 at 2:00 p.m. in City Hall Council Chambers.

ATTENDANCE

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

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

City Staff:

Development Services	Public Works	Fire	Police
Director Tim Polk	Seth Kohn	Kenny Langston	
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

PRELIMINARIES

The meeting called to order at 2:30 p.m. by Vice-Chairman Richard Barnhill who was chairing the meeting in the absence of Diane Barcus.

- 1) 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, December 13, 2006 at 6:00 p.m. unless otherwise announced.
- 2) Pledge of Allegiance at 2:04 p.m.
- 3) Mr. Thompson moved, with a second by Mr. Yearick, to approve the Minutes of October 18, 2006. Motion carried unanimously.
- 4) Ms. Kahl swore in all those wishing to speak before the Board.

OLD BUSINESS

SA.06.0007 WARD 1 NEIGHBORHOOD 11.03 RS

Request of Stephen W. Thompson, Esquire, agent for WDC/HLP Cortez, LLC, owner, for renovations and additional access at Cortez Commons Shopping Center located at 5502 Cortez Road West (Zoned C-3)

The Chair read the request. Mr. Barnhill noted that since this item had been continued from the October 18, 2006 Planning Commission Meeting, there was some discussion as to whether or not the Public Hearing had been continued. After checking the records, the Chair advised that the request had been continued but the Public Hearing had been closed; however, he would re-open the Public Hearing.

Stephen W. Thompson, Esquire, representing the applicant, advised that the Planning Commission had requested additional information. Since that time, Mr. Thompson advised that the development team had worked with City staff to resolve the problems, and he reviewed those issues. He pointed out that they worked with the Cannons, the property owners most impacted, and advised that the fence would be replaced with a six foot wall and possibly a 16 to 20 foot extension; however, a County permit would be required.

Jay Brown, architect, discussed dumpster locations and truck movement plan. He advised that signage would be placed at 43rd Avenue which would state no trucks were allowed.

John Melendez, traffic engineer with CPH Engineers, presented a sidewalk overview map noting he was directed to do a feasibility study for sidewalks along 43rd Avenue West. He advised that Manatee County added the request to its list of sidewalks for schools need list. Mr. Melendez said that the County would then prioritize the project as to feasibility and need, but there had been no public request for a sidewalk at that location to date. Mr. Melendez commented that City staff was to review the traffic analysis, and he was ready to answer any questions in that regard. He provided an accident history which he submitted into the record. Mr. Melendez answered questions of the Commission Members.

The Chair noted that since the main opening in the center of the site off Cortez Road would remain the same with the left turn capability going east, he queried whether there were any plans to expand the size of that opening to make a definite left turn lane and a definite right turn lane as one exited the shopping center. Mr. Barnhill emphasized that it was a narrow opening, therefore, it should be expanded so the left turn lane would not block the traffic of people wanting to turn right.

Mr. Melendez replied that safety dictated not many people take a left turn at that location. He said that because the volume of left hand turns was very low, it was almost unnecessary, but it could be looked at during the site plan review process. Mr. Melendez remarked that he did not know about the feasibility of widening the opening, but it would be discussed with the design team.

Ms. Gauffillet suggested internal signage to address the problem or to allow a west bound turn only.

Ms. Seewer said that DOT was in the process of making improvements and getting rid of median cuts and in the future as these improvements were made further west, cuts might disappear.

Public Hearing:

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

Thomas M. Turner, 5303 42nd Avenue West, stated that he wanted to make the point that heavy traffic came from WalMart and the traffic would even be heavier coming out of Cortez Commons.

Jennifer Tratz, 5308 43rd Avenue West, said there was a steady traffic flow from WalMart, and she expressed concern that there would be an even greater increase. She expressed concern that 38th was a school zone and many people favoring this route were from Ironwood. Mrs. Tratz opined that since these people were older, it would be hazardous for children walking to and from school. She remarked that sidewalks would be safer but neighbors did not want sidewalks on their lawns so it was a dead issue. Mrs. Tratz commented that public safety may be increased coming out of the shopping center; however, traffic would be increased in a residential neighborhood. She mused that traffic would travel down 43rd to 51st and there was a lot of congestion at that light.

Ms. Gaufillet asked how the traffic would be going through a residential neighborhood from the shopping center. She remarked that it looked to her as if traffic would make a quick right and go one block between two commercial buildings to the light to get to Cortez Road.

Mrs. Tratz remarked that the light was a mess. She feared that people would come out of the shopping center and down 43rd Avenue, and those who did not want to wait for the light would continue down 43rd Avenue.

Ms. Gaufillet asked why, in Ms. Tratz' opinion, it was a mess at the light.

Mrs. Tratz replied that the arrow at the light was not long enough, and it was hard to see making a left into Cape Vista from Cortez. She said that when coming out of the shopping center and going left onto Cortez, traffic continued at a steady flow from WalMart and people did not yield and many people go through Cape Vista.

Ms. Gaufillet remarked that it sounded like the timing of the light had never been adjusted for the WalMart Shopping Center so one solution could be having the light re-timed. She explained that traffic connectivity was always a good thing in a planner's mind. She asked Mrs. Tratz if she would be open to the light being re-timed.

Mrs. Tratz replied that it was already busy. She added that there had to be another way because what people do could not be predicted.

Susanne Doerr, 5216 43rd Avenue West, discussed the increase in traffic from Ironwood as well as from truck deliveries. She made suggestions of how traffic could be redirected.

Joy Cannon, 4212 Cape Vista Drive, expressed concern that (1) the neighbors would lose too much to get sidewalks, (2) people ignore signs, and (3) garbage trucks would use that entrance to get to the dumpsters.

Ms. Gaufillet asked where the notion came from that people would lose property to get sidewalks since sidewalks were put in public rights-of-way.

Mrs. Cannon said they were not interested in sidewalks because they have sidewalks on the east side.

There being no further individuals wishing to speak, the Chair asked Mr. Thompson if he wanted rebuttal time.

Mr. Thompson stated that he wanted Mr. Melendez to respond to some of the traffic concerns.

Mr. Melendez stated that the comments about shifting the traffic signal had not been analyzed; but, he could not think of a situation which would cause that option to be better. He explained that traffic signals could not just be moved because there had to be warrants for removal and warrants

for additional lights. Mr. Melendez advised that newer concepts required developers to co-mingle residential and commercial traffic. He said that if this were a green site and conditions were like 59th, DOT would probably force the issue with traffic on Cape Vista because it wanted to reduce median openings and move traffic to side streets and concentrate it at traffic signals or places where a right turn or a u-turn could be made. He noted that he felt the suggestion about traffic signal modifications on timing was excellent and could be evaluated by maintaining agencies.

Mr. Thompson summarized that opening up 43rd would create a much safer traffic pattern because there were traffic problems at Cortez and 59th Street West born out by the accident reports. He pointed out that it was correct that sidewalks were put in public rights-of-way; however, residents have been using this public right-of-way as their yards. He said he did not know how many of the 13 residents involved would be supportive of the sidewalks because it would then be only 18 feet to most of their houses. Mr. Thompson explained that the County would have neighborhood meetings to see if this was needed or wanted, but if the Commission put that condition on the developer, there would be an unfavorable reaction by the residents as was demonstrated today. Mr. Thompson noted that there was also mention of a light at 59th. He stated that such a light would be much too close to the one on Cortez Road; therefore, they would be unable to get approval for such a light. He asked that the request be approved.

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

Staff Report -

Ms. Seewer stated that staff recommended approval based on the traffic analysis but staff would be open to any stipulations the Commission might have to help the residents.

Mr. Yearick commented that following up on Ms. Gaufillet's statements he would like a stipulation added to look at the light timing which could result in better traffic flow.

Public Works -

Mr. Cummings stated that he had no objections.

Fire Department -

Fire Marshal Langston said he had no objections.

Ms. Gaufillet asked for consensus of the Commission Members regarding (1) the middle access point, (2) study retiming the light at Cape Vista and Cortez, and (3) putting signage internal to the parking lot to make the traffic pattern work.

The Chair concurred about the timing issue at Cape Vista. Mr. Barnhill stated that if the developer planned to leave the ingress and egress in the center the way it currently was, he felt it should be delineated more. Mr. Barnhill commented that he could go either way with respect to internal signage but he agreed with the residents that the people who use the shopping center would find the way themselves and not need signage. He said he did not feel a stipulation was needed with respect to the sidewalk issue.

Mr. Yearick agreed with the Chair's remarks. He stated that he did not feel that the Commission had heard an answer to Mr. Barnhill's questions with respect to the widening or delineation of the center area for a right or left turn lane.

Ms. Seewer stated that she did not think the Commission would want to widen the area and encourage left-hand turns.

Mr. Yearick stated that a better question was whether it was wide enough to have left and right-

hand turns.

Ms. Seewer responded that she believed it was only 24 feet wide.

Mr. Yearick noted that that may be the answer to the question.

Mr. Melendez answered that they could coordinate with DOT to see if there were concrete intentions about modifying the median.

The Chair commented that he was only talking about five feet.

Mr. Melendez stated that he would have to get a permit from DOT. He said he would look into it, but DOT may have other plans.

Ms. Gaufillet moved, with a second by Mr. Yearick, to approve SA.06.0007, Ward 1, Neighborhood 11.03, as recommended by staff with the following two stipulations:

1. To make contact with FDOT prior to the City Council Hearing to obtain a more firm answer about the median opening.
2. An analysis of the timing of the signal at Cape Vista and Cortez and fix the timing if warranted and approved by DOT.

Ms. Seewer suggested a stipulation that the applicant work with Mrs. Cannon regarding the buffering of her property.

Ms. Gaufillet amended her motion to include that stipulation, and Mr. Yearick seconded same.

Ms. Seewer interjected, before the Commission voted on the motion, that for those individuals in the audience who wished to attend the December 13, 2006 City Council meeting to voice their concerns the meeting was changed to 8:30 a.m. instead of 6:00 p.m. as listed on the Agenda.

The Chair summarized that the motion was made and seconded for approval with the following three stipulations:

1. Contact FDOT with regard to the widening of the opening.
2. Work with the timing of the signal at Cape Vista Drive and Cortez.
3. Working with the adjacent neighbors.

Ms. Gaufillet clarified that the first stipulation pertained to closing the median.

Mr. Yearick said "and widening".

Motion carried unanimously.

NEW BUSINESS

SU.06.0029 WARD 5 NEIGHBORHOOD 1.03/1.04 RS

Request of Fawley Bryant Architects, agent for the City of Bradenton, owner, in partnership with the Boys and Girls Club for approval of a Special Use to expand the existing Boys and Girls Club facility in order to add a teen lounge, a cover over an existing basketball court, a covered patio and a parking area and the removal of six portable classrooms at property located at 1415 9th Street

West (Zoned R-3A)

SU.06.0030 WARD 4 NEIGHBORHOODS 7.02B RS

Request of Fawley Bryant Architects, agent for the Bradenton Housing Authority, owner, in partnership with the Boys and Girls Club for approval of a Special Use to expand the existing Boys and Girls Club facility in order to add a multi-purpose room and a cover over an existing basketball court, the enclosure of the covered walkway in the front of the building, and screening of the garbage cans at property located at 1001 26th Street East (Zoned R-2A)

Since no one was in attendance to represent the applicants, the Chair moved onto the next item on the Agenda. Ms. Seewer suggested that the Commission come back to these items later in the meeting, and, if necessary, continue same.

SU.06.0031 WARD 1 NEIGHBORHOODS 4.05/4.06 RS

Request of Laura Belflower of Verizon Wireless, agent for OCHI LLC, owner, for approval of a Special Use to install a 140 foot monopole communications tower and associated equipment on a portion of commercial property located at 5202 Cortez Road West (Zoned C-3)

Ms. Seewer read the request.

Ms. Belflower presented the request to the Commission.

Public Hearing:

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

Thomas M. Turner, 5303 42nd Avenue West, queried how the tower would look from across 43rd Avenue West with a residence right across the street and within 100 feet. Mr. Turner expressed concern about safety with a high wind, which was addressed, but he asked what safety features there would be if the tower fell over.

The Chair went over the dimensions and setbacks showing that the tower was actually much more than 140', the height of the tower.

Ms. Seewer pointed out that the plan showed that it was 203 feet to the nearest residence.

Mr. Turner said that in Tallahassee the regulation was 250 feet from a residential structure. He also queried about the safety with respect to the equipment on the tower when there was an oscillating wind. Mr. Turner queried whether the company carried adequate liability insurance.

Sue Doer, 5216 43rd Avenue West, suggested different locations for the tower.

Ms. Belflower spoke in rebuttal to the objections stating that as far as Tallahassee was concerned, different jurisdictions had different distances and there was nothing magical about the number selected. She noted that antennae were very expensive so they would make sure that they were designed to stay in place. Ms. Belflower stated that it was a corporate requirement that Verizon carry liability insurance. She discussed the various locations and explained why the particular location was selected.

There being no further individuals to speak, the Chair closed the Public Hearing.

Ms. Belflower then answered questions of the Commission.

Public Works -

Mr. Kohn stated that in reviewing the plan it appeared that the tower itself would not have any adverse impacts concerning runoff, but the construction of the tower in an existing surface water management system was something which had to be addressed through the proper regulatory authority. He suggested that the applicant find out who that was and pursue what had to be done.

The Chair inquired whether that should be a stipulation or whether it was automatically required.

Mr. Kohn stated that typically this would be handled through the due diligence of the applicant but if Public Works was not privy to the construction plans, it should be stipulated.

Ms. Belflower said that she did not know why Public Works would not be privy to construction plans since they would follow the normal process. She stated that she often worked with SWFWMD and would work with whatever agency to make sure the storage capacity of the retention pond would not be decreased. She advised that they have done others, and it was never an issue. Ms. Belflower noted that information would be given to the City at the permitting site plan review stage.

Mr. Kohn stated that he had no further objections.

Fire Department -

Fire Marshal Langston stated that he had no objections.

Staff Report -

Ms. Seewer stated that the criteria for a Special Use for a tower or a monopole in lieu of a tower was extensive research from the applicant on co-location, a co-location study, propagation study, land use assessment, and visual impact analysis. She commented that a tower or monopole would be somewhat intrusive in a residential neighborhood or even a commercial neighborhood because of its visibility. Ms. Seewer said this tower would be in a commercial zone although it did abut a residential neighborhood; however, it was a C-3 zone, the City's most intensive commercial district. Ms. Seewer advised that there was no area for co-location where the service was needed. She suggested stipulations for landscaping to add another tier not normally required; such as, trees at ten feet rather than seven, a two foot hedge at planting, and four feet understory shrubs so the base of the monopole would not be visible at time of planting. She remarked that it was inevitable that if one walked out of his or her house and looked up, the monopole would be visible; however, the water tower and electric poles could also be seen. Ms. Seewer said that the review criteria included that the tower must be located at least the length of its height distance from any residence. Ms. Seewer advised that the tower was 140 feet and it was 203 feet to the closest residence. She stated that staff recommended approval with the following stipulations plus adding a stipulation about approval of SWFWMD or other applicable agency:

1. The approval is for a monopole design only. Should the proposed design change, a Special Use amendment will be required.
2. Landscaping will be installed around the north, east and west side of the tower area. Landscaping materials will include a continuous hedge a minimum of two feet tall, understory shrubs a minimum of 4 feet tall, and trees no less than 30 feet on center, planted at a minimum height of 10 feet with the exception of the west side.

Mr. Thompson moved, with a second by Mr. Yearick, to approve SU.06.0031 Ward 1 Neighborhoods 4.05/4.06 RS, request of Laura Belflower of Verizon Wireless, agent for OCHI LLC, owner, for approval of a Special Use to install a 140 foot monopole communications tower and associated equipment on a portion of commercial property located at 5202 Cortez Road West

(Zoned C-3) with the following three stipulations:

1. The approval is for a monopole design only. Should the proposed design change, a Special Use amendment will be required.
2. Landscaping will be installed around the north, east and west side of the tower area. Landscaping materials will include a continuous hedge a minimum of two feet tall, understory shrubs a minimum of 4 feet tall, and trees no less than 30 feet on center, planted at a minimum height of 10 feet with the exception of the west side.
3. Approval is based on approval by SWFWMD or other applicable agency.

Motion carried unanimously.

SU.06.0029 WARD 5 NEIGHBORHOOD 1.03/1.04 RS

Request of Fawley Bryant Architects, agent for the City of Bradenton, owner, in partnership with the Boys and Girls Club for approval of a Special Use to expand the existing Boys and Girls Club facility in order to add a teen lounge, a cover over an existing basketball court, a covered patio and a parking area and the removal of six portable classrooms at property located at 1415 9th Street West (Zoned R-3A)

SU.06.0030 WARD 4 NEIGHBORHOODS 7.02B RS

Request of Fawley Bryant Architects, agent for the Bradenton Housing Authority, owner, in partnership with the Boys and Girls Club for approval of a Special Use to expand the existing Boys and Girls Club facility in order to add a multi-purpose room and a cover over an existing basketball court, the enclosure of the covered walkway in the front of the building, and screening of the garbage cans at property located at 1001 26th Street East (Zoned R-2A)

Ms. Seewer read the requests and asked that they be continued until the December 20, 2006 Planning Commission Meeting.

Ms. Gaufillet moved, with a second by Mr. Thompson, to continue the two requests until the December 20, 2006 Planning Commission meeting. Motion carried unanimously.

Adjournment

There being no further business to come before the Commission, Mr. Yearick moved that the meeting be adjourned at 4:00 p.m. Motion carried unanimously.

Richard Barnhill
Vice-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*.