

ABBREVIATED MINUTES
 PLANNING COMMISSION MEETING
 JANUARY 17, 2007

The City of Bradenton Planning Commission met on Wednesday, January 17, 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	Vice-Chair Richard Barnhill	Carlos Escalante	Lucienne Gaufillet
	Allen Yearick	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	Kenny Langston	
Assistant Director Tom Cookingham			
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

PRELIMINARIES

Meeting called to order by Chairman Diane Barcus at: 2:02 p.m.

- 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, February 14, 2007 at 8:30 a.m. unless otherwise announced.
- 2) Pledge of Allegiance at 2:04 p.m.
- 3) Tom Cookingham, new Assistant Director, was introduced.
- 4) The Chair called for the elections of Chairperson and Vice-Chairperson. Ms. Gaufillet moved, with a second by Mr. Escalante, to nominate Diane Barcus as Chairperson. There being no further nominations, Mr. Thompson moved, with a second by Ms. Gaufillet, that nominations be closed. Motion carried unanimously. Mr. Escalante moved, with a second by Mr. Thompson, to nominate Ms. Gaufillet as Vice-Chairperson. There being no further

nominations, Mr. Thompson moved, with a second by Mr. Escalante, to close the nominations. Motion carried unanimously.

- 5) Ms. Gauffillet moved, with a second by Mr. Thompson, to approve the 2007 Workshop and Meeting Schedule of the Planning Commission. Motion carried unanimously.
- 6) Mr. Escalante moved, with a second by Mr. Thompson, to approve the Minutes of December 20, 2006. Motion carried unanimously.
- 7) Ms. Kahl swore in all those wishing to speak before the Commission.

OLD BUSINESS

CP.06.0017 WARD 1 NEIGHBORHOOD 4.07 RS

Request of Marie McCaughan, agent for Yullara II, LLC/Renee Healey, owner, for Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from County ROR to City Res-10 for a project known as Pebble Trace Apartments for property located at 701 63rd Street West

LU.06.0035 WARD 1 NEIGHBORHOOD 4.07 RS

Request of Marie McCaughan, agent for Yullara II, LLC/Renee Healey, owner, to change the Land Use Atlas designation from County RSF 4.5 to City PDP for a project known as Pebble Trace Apartments for property located at 701 63rd Street West

PR.06.0029 WARD 1 NEIGHBORHOOD 4.07 RS

Request of Marie McCaughan, agent for Yullara II, LLC/Renee Healey, owner, preliminary approval of a Planned Development Project known as Pebble Trace Apartments for property located at 701 63rd Street West

Ms. Seewer read the requests.

Ms. McCaughan described the plans and answered questions.

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:

Pam Ross, 6220 7th Avenue Drive West, opined that the density was too high for that area. She remarked that the property had had trees; but, one early Sunday morning they were knocked down. Ms. Ross commented that the neighbors learned later that a permit was not received to do that work. She said that another big issue was drainage and further study should be done before building there. Ms. Ross stated that there was no room for a retention pond, and it was her understanding that there was one main storm drain pipe that went into Palma Sola Bay through Village Green which served the whole area. Ms. Ross said ever since Hidden Lakes was built, the front of the street flooded. She stated that when a tree trunk was put in the ground, the ground sunk, and every time landscapers cut the grass the landscape changed. She said that the slope of her backyard changed. She remarked that single family homes were intended for that parcel.

Jerry Salemi, 701 63rd Street West, stated that the parcel had always been zoned for single family although he realized a developer had a right to develop property as he saw fit; but, the density factor was an issue. He noted that intrusion of privacy was another factor unless a wall of sufficient height and density were built to obscure the second story from overlooking their yards and back rooms. He agreed with Ms. Ross regarding the drainage issue. Mr. Salemi advised that there was extensive hammering of the ground when Hidden Lakes was being developed. Mr.

Salemi stated that it was like living in an earthquake zone. He remarked that pictures fell off walls, ceiling fans rattled, and windows shook, and there was a potential for sinkholes and cracked foundations. He said there was an easement for FPL for power lines which ran across their property. Mr. Salemi queried how FPL would gain access if a wall were put there. He asked if FPL would be going through their yards.

Kathrine Salemi, 6224 7th Avenue West, requested that the zoning remain single family. She commented that she had spoken with many of the neighbors who agree but could not come to the meeting because of their work schedules.

Joan Papa, 6212 8th Avenue Drive West, stated that her property was at the end and she would be completely walled in and her house would be by the access route for the garbage trucks. She remarked that soil was brought in to raise the property, all the trees were cut down, and that was why there was nothing there. She commented that when she moved there 33 years ago, she could stand at the corner of her property and see that it was level all around her. Now, with all the condos that were built, she said it looked like she was in a valley. Ms. Papa stated she could not understand how apartments were going to be put right behind her property where her pool would be only five feet from the border. She advised that many years ago a school was going to be put where the condos were now and it was decided not to because of flooding. She commented 7th Avenue flooded so badly that buses would not be able to get through and if 16 units were built there, the flooding would get worse. She said that she could not understand the thinking to put 16 units on 1.7 acres which were supposed to be three homes. Ms. Papa opined that it would look like a prison with a wall in front and back. She said it was not a match with what was there. She remarked that her pool system was cracked from the pounding of the previous development and the County told her to get a lawyer at her expense. Ms. Papa advised that she could not get help from the County because it was the City. She queried where she could get help.

Jennifer Everingham, Community Association Manager for Pebble Springs Condominiums, 6200 Manatee Avenue West, discussed the drainage problems along 7th Avenue. She requested that a traffic light be put at 63rd and Manatee due to the increased traffic from trucks and traffic created by Hidden Lakes because accidents had occurred. She requested that a wall be put up because of the trucks which would be going along the easement and lighting would be a problem for those units with master bedrooms along 7th Avenue.

Ms. Gaufillet noted that a wall showed on the plans; it was just not heavily discussed.

The Chair pointed out that a traffic light would be out of the Planning Commission's jurisdiction.

Ms. Gaufillet advised that a traffic light was the function of FDOT. She stated that conditions have to be horrible for Florida Department of Transportation to approve a light.

The Chair queried why a light was wanted at 63rd since there was no ingress or egress into Pebble Springs.

Ms. Everingham replied that the property ran along 63rd and it would not affect the community, but there was concern about accidents. Ms. Everingham stated that it potentially could block the only ingress and egress if there were an accident and the police blocked off the street.

There being no further individuals to speak, the Chair closed the public hearing and asked whether Ms. McCaughan had a rebuttal.

Ms. McCaughan said she would like to address some of the concerns. She advised that the

buildings would sit 35 feet from the north, east and south property lines. She stated that the buildings would not be five feet from the fence. Ms. McCaughan said that they were planning an extensive wall, six foot high, around the perimeter where there were neighbors. Ms. McCaughan pointed out that the density was in line with Hidden Lakes and Pebble Springs. She commented that they were not asking for anything more than the way the neighborhood was already transitioned. She stated that with Hidden Lakes and Pebble Springs this parcel did not lend itself to being single family anymore. Ms. McCaughan commented that she could sympathize with the neighbors but the original developer did them no favor by not building a road and not building on the lots and giving them water, sewer, drainage, and all those issues. She said they had an extensive storm water design which had been checked and approved by SWFWMD. She noted that SWFWMD was very careful that water would not, in fact, infringe on the neighbors. Ms. McCaughlan pointed out that the wall being put up would keep any overland water from going onto the neighbors' properties. She explained that it forced the water into the storm water system and out to the approved outlet. Ms. McCaughlan stated that if power lines were now being accessed without driving through their properties, then FPL was driving through her client's property, but power lines had to be accessed through the utility easement. Ms. McCaughlan stated that what was out there was sand, like sugar sand on the beach. She advised that sugar sand was not compacted. She opined that what they experienced was from the lakes being dug out and the ground used as fill to create compaction for those areas. Ms. McCaughlan advised that they were proposing widespread footers, not pilings, not driven piles, nothing unusual to residential type structures. She said that although these were two stories, they were being built as normal residential type structures with wide-spread footers and shallow footers only when needed, not deep trenches, or pilings or heavy compaction issues. Ms. McCaughlan advised that the only access on 8th Avenue was emergency access and sanitation access so it should not affect them as far as any additional traffic. She said they have tried to stay within what was already in tune with the neighborhood. Questions of the Commission were answered.

Public Works-

Mr. Cummings stated that he assumed Manatee County would manage the 25 foot easement or right-of-way. He said that he supported the concrete block wall along the rear and sides of the property because it would protect against flooding. Other than that, Mr. Cummings advised that he had no objections.

Fire Department-

Fire Marshal Langston stated that in reviewing his notes there was a recommendation to sprinkle the buildings and put in a 13R system which was an inexpensive type sprinkler system for residential units. He explained that the requirement for sprinkler systems was a building with 12 units or more need to be sprinkled, or above three stories need to be sprinkled. Mr. Langston said that in this case sprinklers were recommended because the water pressure in the area was not the greatest. He also pointed out that the Code required two sided access to all buildings, and when there was limited access, the Fire Department requested sprinklers be installed.

Ms. Seewer cited the example of Forest Green Village wherein the developer opted on his own to put in fire sprinklers when he found out there would be a savings on insurance. She said it may cost a little more to put them in, but what it saved in insurance costs more than paid for the installation of the sprinkler systems.

Staff Report-

Ms. Seewer advised that staff had worked with the applicants since 2005 when this property was annexed to the City. She commented that they tried everything they could do to get adequate ingress and egress to the property without using the right-of-way, and using the existing right-of-way was the last option. Ms. Seewer remarked that they tried one-way driveways around the

buildings, they tried pushing the buildings back but it just did not work with the shape of the property. She advised that it took a long time to come up with this plan with the design and the buffering and trucks using the right-of-way only for emergencies to protect the neighborhood to the south as best they could and allow the property owner his rights to develop. Ms. Seewer said that staff recommended approval of CP.06.0017 from County Res-6 to City Residential 10, approval of LU.06.0035 from County 4.5 to City PDP, and approval of PR.06.0029 pursuant to the General Standards and Regulations requirements of Section 404.A of the Land Use and Development Regulations with the following stipulations:

1. The emergency access will be gated prior to commencement of any construction to prevent vehicular thru-traffic by construction workers.
2. The south recreation area will have picnic tables and benches, at a minimum.
3. The trees proposed along the east property line will be live oak trees a minimum of 15 feet in height at planting, and strategically placed to block visibility between the development to the east and the subject property.
4. An additional water service for the 13R fire sprinkler system will be installed.
5. A fire hydrant will be installed if deemed necessary by the Fire Marshal at the time of site construction review.

The Chair stated that she would like to include the north and south, not just the east, with regard to the 15 foot trees to make a good barrier.

Ms. Gaufillet said she would like to talk about the trees that were on the property before.

Ms. Seewer replied that she did not know but she could investigate it. She stated that if trees were taken out without a permit and a permit was gotten after the fact, additional replacement trees could be required. Ms. Seewer said she was not sure that this was done by the applicant or not, but she would check it and require additional replacements, if necessary.

Ms. Gaufillet suggested that a stipulation be added that additional tree replacements may be required at the discretion of the Department of Planning and Community Services.

Ms. Seewer suggested that "at the discretion of the Director of the Department of Planning and Community Services" be added.

Ms. Gaufillet concurred.

The Chair suggested a stipulation that there be a wall not a PVC fence.

Ms. Seewer stated according to the Chair's request it would be stipulated that the perimeter wall be decorative masonry.

Ms. Gaufillet moved, with a second by Mr. Thompson, to approve CP.06.0017. Motion carried unanimously.

Ms. Gaufillet moved, with a second by Mr. Escalante, to approve LU.06.0035. Motion carried unanimously.

Ms. Gaufillet moved, with a second by Mr. Thompson, to approve PR.06.0029 with the following stipulations:

1. The emergency access will be gated prior to commencement of any construction to prevent vehicular thru-traffic by construction workers.
2. The south recreation area will have picnic tables and benches, at a minimum, and two shade trees.
3. The trees proposed along the north, south and east property lines will be live oak trees a minimum of 15 feet in height at planting, and strategically placed at the discretion of the Director of Planning and Community Development and to block visibility between the development to the east and the subject property.
4. An additional water service for the 13R fire sprinkler system will be installed.
5. A fire hydrant will be installed, if deemed necessary, by the Fire Marshal at the time of site construction review.
6. A decorative wall, not Styrofoam, at least six feet in height shall be installed along the entirety of the north, east, and south property lines.
7. Additional tree replacement may be required at the discretion of the Director of the Planning and Community Development.

Motion carried unanimously.

NEW BUSINESS

VA.06.0033 WARD 4 NEIGHBORHOOD 7.03 RS

Request of Zirkelbach Construction, agent for Steven G. Lavelly, owner, for Variance for front yard setback reduction from 35 feet to 15 feet for construction of a law office for property located at 527 Manatee Avenue East (Zoned C-1A)

Ms. Seewer read the request.

Margaret Tusing presented the plans before the Commission and answered questions. She stated that the applicant was in agreement with staff's stipulations.

Public Hearing:

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

Public Works-

Mr. Cummings stated that he had no objections.

Fire Department-

Fire Marshal Langston had no objections.

Staff Report-

Ms. Seewer advised that recent approvals for condominiums, retail and office space, in addition to existing buildings, were paving the way for a pedestrian oriented mixed use corridor in this area of the City. She said that in order to maintain the pedestrian aspect of the neighborhood, buildings needed to be closer to the sidewalks. In addition, Ms. Seewer pointed out that the requested reduced setback allowed the parking to be at the rear of the structure providing a much more presentable development. She stated that corner lots technically have two front yards and two side yards, therefore, the double frontage was construed as a hardship, and staff recommended approval.

Mr. Escalante moved, with a second by Mr. Thompson, to accept staff's recommendation and

approve VA.06.0033 based on based upon General Standards and Regulations requirements pursuant to Section 202.H of the Land Use and Development Regulations with the hardship being the double frontage. Motion carried unanimously.

RV.06.0014 WARD 4 NEIGHBORHOOD 7.02A RS

Request of E. Blake Melhuish, Esquire, agent for Manatee Property Investments, LLC, owner, for Right-of-Way Vacation of Hubble Road and removal of bridge for a project known as Hidden Lagoon Subdivision located at 701 Oak Street (Zoned PDP)

The Chair stated that a continuance was being requested in this matter, but since it was advertised, she would open the public hearing and then continue it. She requested that Ms. Seewer read the request.

Ms. Seewer read the request and advised that staff was requesting the continuance because additional information was needed.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor and the following appeared:

Jay Ortega Rand, 724 Hubbel Road, advised that he bought his house in 2002 and one thing that he did not know existed, but he quickly found out, was that people used this culvert, or whatever it was called, to run their pickup trucks through late at night, careening through the neighborhood recreationally. Mr. Rand commented that these people did not live in the area. He stated that his mailbox was shirred off three times. In addition, he stated that people used this culvert to dump dogs and cats that they did not want. Mr. Rand advised that the neighborhood had built up and built out. He remarked that he had been surrounded on three sides by woods and now he was surrounded on three sides by subdivision. Mr. Rand commented that he was not complaining; he was just pointing out that the neighborhood had evolved, and he opined that by making the neighborhood a peninsula, the roads going in and out would serve the residents not the recreational users and the surplus pet population users. He said what was being called a hidden lagoon was actually an inlet to the Braden River. He remarked that it puzzled and amazed him that an "x" amount of residents would cut off part of the river so they would not have to drive a few extra blocks to get to their houses. He emphasized that this was not the same neighborhood as it was years ago. He said there used to be dirt roads, but now it was suburban. He opined that the Braden River be returned to be the Braden River and anything good that happened along there would have a good ripple effect on the neighborhood, and by making it a peninsula it would serve the people who live there and cut down on the rebel rousing elements.

(Ms. Kahl swore in additional speakers who had not been sworn earlier.)

Gary Owens, 705 Hubbel Drive, concurred with the comments of the previous speaker adding that it felt it would be a good idea because it would help to slow traffic down.

There being no further individuals wishing to speak in favor, the Chair opened the public hearing for those wishing to speak in opposition and the following appeared:

Glyn Ash, 703 Tropical Drive, stated that he was opposed because it doubled his driving time to get to Rt. 64, and he would be driving through neighborhoods which would be more dangerous than driving the short cut to the bridge. He commented that the bridge was part of the neighborhood. He said it never occurred to him that the County or the City would take the bridge

out. Mr. Ash stated that he lived as far away as possible and if the bridge were taken out, it would at least double his driving time, open the waterway and increase boat traffic. Mr. Ash opined it would be a detriment with only one access to the neighborhood.

Jessica Pelot, 819 32nd Street Court East, read a letter on behalf of her parents, Robert and Donna Pelot, which expressed their opposition because they felt it would create a hardship on the neighborhood. In the letter, they advised that they fought this several years ago and it was denied. They queried how many times they would have to fight this bridge closing. They stated that the waterway to the Gulf which would be created would have to be dredged and filled, and they queried whether this would be appropriate for the area. They emphasized that it would take emergency vehicles an extra five minutes to get to them and another extra five minutes to get out which would be an extra ten minutes to get to the hospital and could cost a life.

There being no further individuals wishing to speak, the Chair continued the public hearing until the February 21, 2007 Planning Commission Meeting.

Responding to an inquiry by Ms. Gaufillet, Ms. Seewer advised that one of the conditions of accepting the application last year was that the applicant had to obtain a letter of no objection from Manatee County, and that was what the Planning Department was waiting for. Ms. Seewer said the County had a vested right because of the County residents plus the County built the Hubbel Road Bridge for the City, she believed, in the mid-90's.

Mr. Cummings verified that it was the mid-90's and added that the City paid for the road.

Ms. Seewer concurred that the City had paid for it, but it was done when the County extended the utilities as part of an Inter-local Agreement.

Ms. Gaufillet opined that it was a significant safety issue, and she wanted to make sure everyone had the whole picture.

Fred Munn, 908 40th Avenue West, stated that the applicants had met with the County. He advised that the County called on a Friday stating there would be a public hearing on the Monday. He opined that it was a circus because the County did not have any of the facts straight. He said they did everything they could do to get an answer from the County and it kept going back to Larry Mau. Mr. Munn remarked that at one time the engineer did not have the road going all the way through so the drawing was corrected and again presented to the County and his attorney waited three months for a reply. He pointed out that they have had public meetings when Councilman Carmen was on City Council, and County Commissioner Gwen Brown was invited and never showed up. He commented that the County was supposed to have a neighborhood meeting which they have not had yet. Mr. Munn advised that a meeting had been scheduled with him, the engineer, the lawyer, Larry Mau and Wayne Roberts to figure out what the problem was. Mr. Munn stated that his attorney had told the County that the road connected up and the developers were just trying to be good neighbors because the County really had no say since the City owned the road and the County just abutted up to it, and that was where it lay.

Ms. Gaufillet commented that there have been significant changes at the County. She suggested that Mr. Munn contact Carol Whitmore, a new Commissioner At-Large, who seemed very open and willing to meet with people.

Mr. Munn advised that before Ms. Whitmore was elected, Mr. McClash (then Chairman of the County Commission) appointed Commissioner Gwen Brown to have this neighborhood meeting and that was as far as it had gone except through the Transportation Department where it seemed

to be held up. Mr. Munn pointed out that they did have nine approvals from various divisions.

Ms. Gauffillet asked what this would do to the PDP plan approval status if this did not happen.

Mr. Munn commented that with regard to the new development, Forest Green Village, bringing this road through would help 27th with the congestion, it would be high and dry, and not be flooded out. He advised that he only had ten lots, but this would improve the whole neighborhood. He opined that there would not be a lot of boats because it would be a dead end.

The Chair inquired as to the depth of the water.

Mr. Munn replied that the engineer had told him that it was 16 feet in the center, places where it was 14 feet, and near the bridge itself it might be a foot because of slush.

The Chair stated that some of that was deeper than the channel in the river.

Mr. Munn commented that he had heard that cars used to be dumped in there, and wreckers or the police would be called to have them dragged out so if a car could disappear, it had to be at least eight feet.

MA.06.0014 WARD 4 NEIGHBORHOOD 7.02A RS

Request of Fawley Bryant Architects, agent for the City of Bradenton, owner, for a major PDP amendment to include demolition, expansion and renovations at the Pirate City complex for property located at 1701 27th Street East (Zoned PDP)

Ms. Seewer read the request.

Rick Fawley and Mike Ivko of Fawley Bryant Architects appeared before the Commission. Mr. Fawley presented the plans and answered questions. Mr. Fawley advised that the brick and color scheme were chosen to go along with McKechnie Field tying it all together to make a bigger impact on the community. He explained that the whole Pirates City complex was built over a landfill and was not put on pilings which caused differential settlement and fairly significant damage to the structure. He stated that it was presently closed down.

The Chair inquired when the old dormitory was removed, whether the soil had to be taken out since it had been built on a landfill.

Mr. Ivko explained that any trash within the building parameters had to be excavated and he explained the process.

Public Hearing:

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

Public Works-

Mr. Cummings stated that he had no objections.

Fire Department-

Fire Marshal Langston had no objections.

Staff Report-

Ms. Seewer advised that staff recommended approval. She pointed out that on the north side

where they were requesting a landscape buffer which abutted up to the golf course, there was a wetland buffer. Ms. Seewer stated that the proposed amendment balanced the increase in intensity with the decrease in density. She said that the proposed amendment did not significantly alter the original PDP or increase the impact on public facilities.

Mr. Escalante moved, with a second by Ms. Gaufillet, to approve MA.06.0014. Motion carried unanimously.

Adjournment

Ms. Gaufillet moved, with a second by Mr. Escalante, to adjourn the meeting at 4:12 p.m. Motion carried unanimously.

Diane Barcus
Chairman

PURSUANT TO FLORIDA STATUTE 286.0105, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, COUNCIL, AGENCY OR COMMISSION AT THIS MEETING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO WHICH THE APPEAL IS TO BE BASED.

Note: This is not a verbatim record. A recorded cd is available upon request for a \$10.00 <i>service charge</i> .
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