

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

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

Present:

Planning Commission Members: Jason Taylor, Chair; Adam Buskirk, Vice-Chair; Diane Barcus, Gregg Guinta, Peter Keenan, Joseph Thompson, Richard Whetstone

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

Absent:

Planning Commission Members: Allen Yearick, Allen Prewitt, O.M. Griffith (alternate)

City Staff: Thomas Cookingham-Assistant Director

REGULAR MEETING

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

- All items considered today, with the exception of variances, will be heard by City Council on April 14, 2010.
- The Pledge of Allegiance was recited.
- Approval of Minutes – Ms. Barcus made a motion to approve the February 17, 2010 meeting minutes as corrected, second by Mr. Thompson. Minutes approved and carried, 6-0.
- Ms. Aihara swore in all those wishing to speak before the Commission.

NEW BUSINESS

SA.10.0020 WARD 3 NEIGHBORHOOD 1.03/1.04 RS

Request of Roy Winterbottom, owner; Jeana Winterbottom, agent for a Special Use Amendment for expansion of business use at 1303 and 1313 12th Avenue West (zoned Urban Village).

Ms. Seewer read the request.

Ms. Jeana Winterbottom, agent for applicant, gave an overview of the project which includes fence repair, overflow parking, reroof of utility shed, and securing the garage door. The three stipulations are accepted as recommended by the City Staff.

Public Hearing: No one appeared in opposition or in favor. Public hearing was closed.

Public Works and Fire: No comments, no objections.

Staff Recommendation: Ms. Seewer stated that she met with Mr. Winterbottom prior to his application to answer questions about the fence and suggested an expansion of their Special Use to use parking for his business. Request approval with the following stipulations:

1. Landscaping will be installed along 12th Avenue West subject to approval of the PCD Director. Landscaping will include low maintenance shrubs and one oak tree.
2. The 6 foot chain link fence may be replaced with similar fencing. A solid fence is permitted on the sides, but the front is limited to coated chain link or decorative aluminum for visibility.
3. Unlicensed inoperable vehicles will not be stored on the subject property.

Planning Commission Question and Comments

- Mr. Whetstone asked if any complaints or concerns have been received. Ms. Seewer responded that Linda Bronkema, President of Village of the Arts had questions, but no objections after viewing the proposed project.
- Mr. Buskirk clarified that inoperable vehicles will not be stored outside of the structures.
- Ms. Barcus asked where the gate will be located. Ms. Seewer responded that the gate will be on 12th Avenue West, landscaping will be added.

Planning Commission Action: APPROVED

Ms. Barcus made a motion to approve SA.10.0020 with the three stated stipulations. Mr. Thompson seconded the motion, 6-0 in approval. Motion carried.

SU.10.0073 WARD 3 NEIGHBORHOOD 1.01 RS

Request of the City of Bradenton, owner; Robert Gause, ZNS Engineering, agent for a Special Use for a Manatee County Area Transit (MCAT) Bus Transfer Plaza at 601 13th Street West (zoned Urban Core).

Ms. Seewer read the request.

Mr. Jeremy Fireline speaking for Bob Gause, ZNS Engineering, civil engineering, site plan, and planning component of the project and Mr. Howard Leyo, Manatee County Property Management, 4658 Orlando Circle, Bradenton are representing the project. Revised site plan and concept plan for the bus transfer facility were distributed to the Planning Commission, reflecting the latest staff review and to address COB Fire's request for a twelve foot lane.

Commission Questions/Comments

- Mr. Whetstone asked about the wall between the bus station and the Bank of America parking lot - is this a solid wall or will there be openings to the parking lot? Mr. Fireline answered that there are openings, although not intended for pedestrian crossing. The openings are to provide esthetics and art walls. Users of the facility will access through the 8th Street and 6th Street corridors for the ticket counter. Mr. Leyo added that there is an ATM driveway and want to restrict pedestrians from accidentally walking into the cars utilizing the ATM location. Control lights are located where cars and busses will merge before exiting onto 6th Avenue. Mr. Heseler, Manatee County Area Transit (MCAT), has reviewed the bus schedule.
- Mr. Buskirk asked about the hours of operation. Mr. Leyo stated that the DeSoto restrooms and ticket counter are open during business hours (6 am-10 pm) and secured by a pull down gate after hours. DeSoto station also has a ticket kiosk and change machine open until 10 pm.
- Mr. Taylor asked about the bench construction. Mr. Leyo stated that there are arms on the benches and no space under the benches. Art walls and the middle median could be available for advertising public events.
- Ms. Barcus asked about the passenger cars and busses merging before traffic light. Mr. Fireline stated that the passenger cars will stop, and then merge with bus lane. FDOT requested merge before the 6th Avenue traffic light.

- Ms. Barcus asked if the MCAT busses are still diesel? Mr. Heseler, Manager, MCAT, stated that all of the current busses are diesel. New busses are hybrid diesel electric busses, currently have one with 3 more on order, in the next 3-4 years will be converted to all diesel electric vehicles. Will the cantilevered tops over the benches accumulate diesel fumes? Mr. Heseler responded that the exhaust pipe is on top to the left rear of the vehicles and outside of the canopies.
- Mr. Taylor asked if the schedule of the busses will interfere with rush hour traffic. Mr. Heseler stated that MCAT operates a “timed pulse system”, all busses must connect at a certain time. The SR41 corridor runs at a 30 minute interval and all other routes run at a 60 minute interval, so passengers can make a continuous trip without delays. Current traffic problems at the courthouse: 1) not enough bus space, 2) Amtrak bus comes and goes when they want often blocking traffic, and 3) passenger cars parking in bus zone for people to run into the courthouse. 13th Street has been used over the years during courthouse construction, etc. and did not have any problems.
- Mr. Taylor asked if Amtrak will relocate to 13th Street. Mr. Heseler stated that MCAT does have any agreement with Amtrak and does not plan to invite them. Amtrak stops at courthouse twice a day, Monday through Saturday.

Mr. Guinta joined the meeting.

Public Hearing

In Favor:

- **Mike Kennedy**, Director of Downtown Development Authority, read his letter of support which was distributed to the Planning Commission.

In Opposition:

- **Harry Bakker**, 8005 17th Avenue West, stated that the bus transfer station is in the wrong location. Mr. Bakker owns the Bank of America adjacent to the proposed transfer station and feels this is a bad location, because the location will only hold five or six busses. Mr. Bakker showed plans for additions to the Bank of America parking lot that were drawn up in 2005. The internal parking lot has been in use since 1966. When bank building was remodeled two years ago, there was no Bank of America money for the drive-through entering from 13th Street. Mr. Bakker offered the County a parking lot for a transit station behind Family Hope Services, which would be the best location in Mr. Bakker’s opinion for future transit station and future transit expansion. The proposed plan would destroy any future plans for Bank of America Building. Mr. Bakker stated that he was not made aware until the plan was well approved by the City and the County in principal. DDA approved this at a meeting Mr. Bakker was not invited to attend, although he did not have to be invited. Mr. Bakker stated that he and the bank folks did not need to be notified and were not notified publicly that this project was going into this space. Mr. Bakker now knows that it is coming and has to voice his opinion against it.
- **Dean Kushmer**, property owner of 539 13th Street West, questioned if a traffic study has been done. Mr. Cummings replied that traffic count has been prepared. Mr. Kushmer asked if the number of cars will be fewer than the number of busses. Mr. Cummings stated that the report was been forwarded to MCAT. Mr. Kushmer stated that it is not so good on 12th Street, so it will be moved to 13th Street and not work so good there either. He requested a definition of a “dead street” that was used during the Planning Commission Workshop.

Staff Response from Tim Polk: The 13th Street West has been under-utilized and compromised when no curb cut was put on the west side where Mr. Bakker’s property is located. On the other side of 13th Street, First Bank has a curb cut to utilize their drive-through on 13th Street. If you

drive down 13th Street, morning, noon, or night; there are no cars travelling down this street, no cars parked and no pedestrians. "Dead street" is used to mean under-utilized. As Mr. Heseler indicated, when the courthouse was under construction they recognized this as a perfect relocation site.

Public hearing was closed.

Public Works: Mr. Cummings commented on Stipulation #1: The plan shows several large palm trees to be planted within the roadway right-of-way section. Public Works will work with engineers and staff to ensure the utilities are not damaged and provide a separation factor. Ownership will be transferred from the City to the County, out of the City's maintenance jurisdiction. #2 Stipulation should be omitted.

Fire: Mr. Langston commented that the new drawing shows twelve foot roadway and some relocation of gate valves. How and why will this occur? Mr. Fireline replied that wanted to ensure that the gate valves were not underneath the curb line, accessible and serviceable. Fire has no other issues.

Staff Comments: Mr. Polk commented that this has been a contentious item, because Mr. Bakker is not in agreement. There have been many meetings with adjacent property owners' involvement. The Mayor and City Council's directive was that the adjacent property owners had a chance to vet the design, vet the site plan and be able to have comments. Mr. Bakker had input into the process via the City Staff, City Council, and the design team. Thank you to the County and MCAT for allowing the City Staff to be involved, we involved the City Council members before going back to the design team and County Commissioners. This public comment and public hearing is before the Planning Commission now and again before the City Council next month. There have been many meetings and discussion, this has not been an ad hoc decision. This transit station complies with the initiatives, as described by Mr. Kennedy, including Downtown by Design, Joint Mobility Study, Realize Bradenton, arts and culture. There has been a lot of collaboration between City, County, and MCAT to make this rollout happen. I strongly recommend approval of this project.

Staff Recommendation:

Ms. Seewer stated that after the clarification that the roadway will remain as a right of way. Public Works has said that Stipulation #1 and #2 will be deleted and replace Stipulation #1 and renumber as follows:

1. The road right-of-way ownership and maintenance will be transferred from the City of Bradenton to Manatee County.
2. The drive aisle for through traffic will be no less than 12 feet wide, as depicted on "City of Bradenton Exhibit "M".
3. Murals and/or media for the art walls will be coordinated through the Public Art Advisory Board.
4. Maintenance and security for the transit plaza will be the responsibility of Manatee County.
5. Design of the median separation will be subject to the approval of the Planning and Community Development Director.

Planning Commission Comments:

- Ms. Barcus commented that the concept is spectacular and the design is great, but she has a problem with blocking off future access to a property owner's property. The future hybrid busses and mass transit is a wave of the future – but this only holds five busses. Where is the room for expansion – further down 13th?

- Mr. Buskirk stated that he is in agreement with Ms. Barcus – concerns about access, property rights, and future growth.

Rebuttal:

Mr. Heseler, MCAT, stated that there are no plans for additional routes in this area, currently maxed out the routes MCAT can provide. The only expansion would possibly be an increase in the frequency. Routes that are currently 60 minutes, may go to 30 minute or less, as demand grows for the system in the 20-30 year horizon. The bus would use the spaces more frequently, not more vehicles. There are currently two “off-time” vehicles using spaces during off-time, same as Palmetto. Visit the DeSoto Station if you have concerns about safety, security, and cleanliness. Match these conditions to the current courthouse conditions; the people at the courthouse that are there on Sundays and nights are not our passengers. MCAT keeps their property safe and clean and will do so at this property.

Mr. Fireline commented that other sites have been analyzed and taken into consideration, including Mr. Bakker’s parking lot which held five or six busses. There are expansion possibilities regardless of the sites we have seen so far.

Mr. Polk commented on the concerns of property rights and stated that there are curb cuts on Mr. Bakker’s properties on 12th Street and on 8th Avenue. Since 1966, there has never been a curb cut on 13th Street. Mr. Bakker has adequate curb cuts for future development of his property and historically this has been taken into consideration by the design team and staff.

Mr. Buskirk commented on Mr. Polk’s comments that even though there has been nothing done since 1966, the window for development should not close. Mr. Bakker has a right to access 13th Street as long as he owns this property.

Mr. Polk replied that there is access to his property and there are two curb cuts on 12th Street, but no curb cuts on 8th Avenue.

Mr. Taylor stated that he has been a member of the downtown community since 1993 when Fawley Bryant moved to their current location on 10th and Manatee. He has personal observations of the MCAT station at the Judicial Center, even though it was not a part of the Judicial Center renovation. It has been a musical chairs game with the location of the bus transit and once again we have people on both sides – best plan vs. worst plan. Mr. Taylor questions if there is any place within the Urban Core that will make everybody happy. Mr. Taylor feels that 13th Street is a “dead street” and agrees with Mr. Polk. Mr. Bakker has two means of access and possibilities to utilize the other two streets.

Planning Commission Action: APPROVED

Mr. Thompson made a motion to approve SU.10.0073 with the revised stipulations. Mr. Taylor requested an added stipulation #6 that landscaping will be coordinated with the Public Works. No objections to the added stipulation. Stipulations as follows:

1. The road right-of-way ownership and maintenance will be transferred from the City of Bradenton to Manatee County.
2. The drive aisle for through traffic will be no less than 12 feet wide, as depicted on “City of Bradenton Exhibit “M”.
3. Murals and/or media for the art walls will be coordinated through the Public Art Advisory Board.
4. Maintenance and security for the transit plaza will be the responsibility of Manatee County.
5. Design of the median separation will be subject to the approval of the Planning and Community Development Director.

6. Landscaping will be coordinated with the Public Works Department.

Mr. Thompson made a motion to approve SU.10.0073 with the listed six stipulations. Mr. Guinta seconded the motion, vote of 5 in favor, 2 opposed (Barcus and Buskirk). Motion carried.

OTHER BUSINESS

- The revised Land Use Regulations were distributed to the Planning Commission.
- The Chair announced that Mr. Whetstone will replace Mr. Prewitt during his leave of absence.
- Welcome to Mr. Guinta and Mr. Keenan, new commissioners.

ADJOURNMENT

With no further business to come before the Commission, motion to adjourn by Ms. Barcus, second by Mr. Thompson. Meeting adjourned at 3:11 p.m.

Jason Taylor, 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.