

ABBREVIATED MINUTES
 PLANNING COMMISSION MEETING
 MARCH 15, 2006

The City of Bradenton Planning Commission met on Wednesday, March 15, 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 Donald Surface	Carlos Escalante	Lucienne Gaufillet
Richard Barnhill	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	Arlan Cummings	Kenny Langston	
Assistant Director Matt McLachlan			
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

PRELIMINARIES

The meeting was called to order by Chairman Diane Barcus at: 2:00 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, April 12 at 8:30 a.m. unless otherwise announced.
- 2) The Chair advised that Mr. Surface had resigned from the Planning Commission because he was moving out of State. Ms. Barcus stated that since Mr. Surface held the position of Vice-Chair, the Commission Members should nominate another member to serve in that capacity. Ms. Gaufillet moved to nominate Mr. Barnhill as Vice-Chair. Mr. Prewitt seconded the nomination. Nominations were closed, and Mr. Barnhill was elected as Vice-Chair unanimously.
- 3) Pledge of Allegiance at 2:02 p.m.
- 4) Ms. Gaufillet moved, with a second by Mr. Barnhill, to approve the Minutes of February 15, 2006. Motion carried unanimously.

5) Ms. Kahl swore in all those wishing to speak before the Commission.

OLD BUSINESS- None.

NEW BUSINESS

LU.05.0025 WARD 2 NEIGHBORHOOD 12.02 RS

Request of Clifford L. Walters, agent for The Episcopal Day Private School of Bradenton, owner, for Land Use Atlas Amendment from RSF 4.5 to R1-C for property located at 315 41st Street West, 304 37th Street West, and 222 37th Street West.

Ms. Seewer read the request.

Mr. Will Robinson presented a brief background and site plan to the Commission.

Public Hearing

The Chair opened the Public Hearing for those wishing to speak in favor of the request. No one appeared. The Chair opened the Public Hearing for those wishing to speak against the request. No one appeared. The Chair closed the Public Hearing.

Staff Report-

Ms. Seewer advised that staff recommended approval based on the Findings of Fact and Analysis of the proposed Atlas Amendment, as follows: (1) the proposed Land Use Atlas Designation was consistent with the Comprehensive Plan and (2) the proposed Land Use Atlas Designation was consistent with the Manatee County designation.

Ms. Gauffillet moved, with a second by Mr. Escalante, to approve LU.05.0025. Motion carried unanimously.

SU.06.0020 WARD 1 NEIGHBORHOOD 4.07 RS

Request of Laura E. Adcock, WBRC Architects, agent for Fountain Court Investors, owners, and Save-A-Lot, tenant, for Special Use approval for a grocery store within an existing shopping center located at 6605 Manatee Avenue West (Zoned PDP).

Ms. Seewer read the request.

Mr. Doug Whitney presented the plans for Save-A-Lot.

Ms. Seewer pointed out that the staff had recommended the removal of the existing 9 foot concrete wall behind the property. She advised that it was constructed over a water line and its removal would also create better ingress and egress while adding additional parking for employees.

Mr. Whitney remarked that since he was just being made aware of this stipulation, he would have to discuss it with the owner and worse case scenario would be that he would have to come back before the Planning Commission if the owner did not agree with it.

Public Hearing:

The Chair opened the Public Hearing. No one appeared to speak in favor or in opposition to the request. There being no one wishing to speak, the Chair closed the Public Hearing.

Public Works -

Mr. Cummings stated that he objected to the concrete block wall because it was built over an existing water main and without the wall there would be better ingress and egress.

Fire Department –

Fire Marshal Langston stated that the Fire Department problems would be addressed with the removal of the concrete wall.

Staff Report-

Ms. Seewer stated that the applicants were proposing a grocery store within an existing shopping plaza; therefore, all parking, landscaping and infrastructure already existed. Ms. Seewer advised that the Save-A-Lot stores dealt primarily in canned and dry goods; therefore, no deli or bakery would be associated with the facility. She explained that the site was easily accessible and due to the signalized intersection of 67th Street and Manatee Avenue, east or westbound exiting traffic could easily be accommodated. Ms. Seewer pointed out that the shopping center was under one ownership and although the special use was for the one store, the entire property would have to be brought up to Code. She noted that if the property owner had an objection to the stipulations, he would have to come back before the Planning Commission; therefore, Ms. Seewer advised that staff recommended approval with the following stipulations.

1. There will be no deliveries prior to 7:00 a.m. or after 6:00 p.m. Monday through Saturday, and no deliveries on Sunday.
2. Additional dumpsters will be installed according to Public Works specifications.
3. The easternmost 130 feet of the concrete block wall on the south side of the plaza that currently encloses the loading and refuse area will be removed.

Mr. Escalante moved, with a second by Mr. Barnhill, to approve SU.06.0020 with the three stipulations read by staff. Motion carried unanimously.

VA.05.0018 WARD 4 NEIGHBORHOOD 7.02B RS

Request of Bradenton Housing Authority, owner, for a Variance to install a six-foot high steel ornamental fence on portions of the Page Housing Development in east Bradenton located at 1001 26th Street East (Zoned R2A).

Ms. Seewer read the request.

Mr. Wenston B. DeSue responded to questions regarding the reasons for the request noting that the fence would provide safety and security. He advised that the 6 foot fence would provide a deterrent for transients. He advised that the shrubs and greenery growing in front of the fence would prevent people from jumping the fence which they could possibly do with a four foot fence.

Ms. Gauffillet inquired as to the nature of the hardship which was needed in order that a variance be granted.

Mr. DeSue replied that people were making dirt bike paths through the property as well as people just walking through the area.

The Chair remarked that she did not know of a dirt bike that could go over, or a vehicle that could go very far through a four foot fence and if there was a concern about the shrubbery getting too tall, it could be trimmed. She said shrubbery could get to be six feet tall. Ms. Barcus commented

that she did not know anyone who would climb over six foot or four foot of shrubbery to climb over a fence. She stated she did not know why the fence had to be six foot rather than four but she remarked that Mr. DeSue had hit upon it when he stated he already had the fence.

Mr. DeSue stated that he was just looking out for the residents in the community and since they had the six foot fence, they wanted to be able to use it.

Ms. Gaufillet stated that she was in a quandary because she generally did not favor variances because she felt the City's Code worked very well for the welfare of the City. On the other hand, she said she felt for the people in the community because they had a really good chance of this being a great place to live and she favored people having a good environment in which to live and that was where she was hung up. She inquired whether there was enough material to go around the entire site without having to buy more.

Mr. Lance Clayton explained where and how the fence would be installed and added they may have to purchase additional fencing.

The Chair commended the Housing Authority for all the good work that had been done in the community but Ms. Barcus stated that she feared a six foot fence would make the people feel like they were in a prison.

Ms. Gaufillet inquired whether there had been any response from the people living in the neighborhood.

Ms. Seewer responded that the Planning Department had received no response either negative or affirmative. Ms. Seewer stated that she drove to the site prior to doing her report and the two buildings along 13th Avenue were close to the road. She advised that the Housing Department had done a lot of work in the neighborhood painting and cleaning it up and this was just another means of protecting the residents. Ms. Seewer advised that there had been some reported crime in the area and the fence could serve to protect the residents and that could be used as a basis for the hardship. Moreover, there was a Boys and Girls Club substation on the site and it would also be a protection for the boys and girls.

Public Hearing:

The Chair opened the Public Hearing. No one appeared to speak in favor or in opposition to the request. There being no one wishing to speak, the Chair closed the Public Hearing.

Public Works -

Mr. Cummings stated that he would like to meet with the owners so they did not fence in any of the utilities, lift stations, etc.

Fire Department –

Fire Marshal Langston stated that the Fire Department would also like to meet with them to make sure there was proper access and the turning radius was all right. Otherwise, Fire Marshal Langston advised he had no problem with the fence.

Staff Report-

Ms. Seewer advised that staff recommended approval based on the hardship being location of existing structures and residents' safety.

Mr. Prewitt moved, with a second by Mr. Barnhill, to approve VA.05.0018 with the stipulation that the owners allow the Fire and Public Works Departments to discuss any criteria they may have before the fence goes up. Voting in favor of the motion: Prewitt, Barnhill and Escalante. Voting against: Gauffillet and Barcus. Motion carried 3-2.

SU.06.0021 WARD 2 NEIGHBORHOOD 11.03 RS

Request of Quaker Steak & Lube, agent for USRP Funding, owners for Special Use approval for outdoor seating, expansion of an Alcoholic Beverage License area and additional signage at an existing restaurant located at 4401 Cortez Road West .

Ms. Seewer read the request.

Mr. Church presented the site plan.

Mr. Barnhill commented that Mr. Church had stated that the outdoor events would end at 11:00; however, the staff recommended 10:00 p.m. Mr. Church stated that he did not have a problem with that stipulation.

Mr. Barnhill stated that the sign could not exceed 32 square feet.

Ms. Seewer advised that there could be a 48 square foot sign on 43rd Street but Cortez Road could have a 32 square feet sign but that would have to be with the permission of the owners.

Mr. Church discussed parking, special events, hours of events and answered questions of the Board.

The Chair stated that she had some concern about the noise from holding 75 events a year for the residential area immediately south.

Mr. Barnhill stated that the property south was a more transient population.

Ms. Seewer advised that those were weekly and bi-weekly rentals although some were owner occupied. She advised that staff would not allow the easternmost drive-off to be blocked off in order to maintain accessibility.

Public Hearing:

The Chair opened the Public Hearing. No one appeared to speak in favor or in opposition to the request. There being no one wishing to speak, the Chair closed the Public Hearing.

Public Works –

Mr. Cummings stated he had no objections.

Fire Department –

Fire Marshal Langston asked how many people would be attending the special events, and Mr. Church responded that anywhere from 200 to 2,000 people. Fire Marshal Langston asked whether off-duty police officers would be hired.

Mr. Church responded affirmatively.

Fire Marshal Langston advised that for the bigger events there would also have to be Fire Marshals or Fire Inspectors present. Fire Marshal Langston stated that Quaker Steak & Lube ran

a very good establishment in Clearwater, and there were no objections from the Fire Department.

Ms. Seewer pointed out that people can gather there whether they have the Special Use or not. She stated that by coming in and requesting the approval, offering a controlled environment like they were, by agreeing to the 10:00 p.m. stipulation which was the City's normal noise ordinance time, were all assets. Ms. Seewer stated that the Planning Department sent out 116 notices to adjacent property owners and no one was present so she did not feel it would be problematic for the neighborhood. Ms. Seewer further pointed out that they do hire off-duty police and they do have crowd control and with the fencing she did not feel there would be any problems.

Fire Marshal Langston asked how the structure for outdoor seating would be constructed.

Mr. Church responded that it would be a steel frame with a metal roof with a rubberized membrane on the top of it which would be a permanent structure. He explained that the structure would have a slope in the event of rain, so guests would not get wet but he would be working through the design when he obtained a building permit.

Fire Marshal Langston stated that he wanted to be sure that a non-combustible type material was used and in those areas the Fire Department did not like the structures enclosed.

Mr. Church stated that ideally they would like to have a roll down type protection so that if there were a brief shower, it could be rolled down and then rolled back up. He explained that in Clearwater they have a storage type door with a chain that was pulled to go up. He advised that there were perforations in the metal which allowed air flow to come through at all times but it could be lowered to keep heat in for winter time.

Staff Report-

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

1. Permission from the owner/operator of the shopping plaza is required prior to installation of a freestanding sign at the access to Cortez Road.
2. The proposed sign cannot exceed 32 square feet.
3. Fire Marshal must be notified 48 hours prior to each outdoor event.
4. Outdoor events are required to conclude no later than 10:00 p.m.
5. The temporary fence for any outdoor event cannot encompass the easternmost drive aisle or parking area.
6. Security personnel will be required for all outdoor events, at the expense of Quaker Steak & Lube.
7. Existing lighting will not be altered.
8. No vehicle will be repaired on the premises.

Ms. Gauffillet moved, with a second by Mr. Barnhill, to approve SU.06.0021 with the eight stipulations read by staff. Motion carried unanimously.

VA.06.0022 WARD 3 NEIGHBORHOOD 6.01 RS

Request of Joseph Curtan, agent for JRC, LLC, owner, for a Setback Variance to build a new home located at 2423 7th Avenue West (Zoned R3A).

Ms. Seewer read the request.

Mr. Curtan advised that the property was in need of repair. He stated that all the contractors he had look at the property advised him to tear down the existing structure and build a new home.

Mr. Barnhill remarked that according to the survey the existing footprint had a five foot setback on the east and roughly a 15.6 foot setback on the west property line. He commented that what Mr. Curtan was asking for was to tear down the existing residence and pretty much build a new structure within the existing footprint. Mr. Barnhill stated that what Mr. Curtan was asking for was roughly the same thing that existed with the exception of more on the front which he did not feel the Planning Commission would grant and Mr. Curtan was asking for depth in the rear which he really did not need.

Ms. Seewer stated that even though Mr. Curtan technically had two front yards, the existing house was 25 feet from 7th Avenue, the City would probably have that maintained, and 8 feet on the back and a variance could possibly be granted on the one side and Mr. Curtan could still build a house larger than the existing footprint.

Mr. Curtan said he did not have a plan yet.

Ms. Gaufillet commented that she gathered from the discussion that this was not Mr. Curtan's primary residence but rather an investment property, and he answered in the affirmative.

Ms. Gaufillet asked whether he had the design of the house, and Mr. Curtan responded that he wanted to remodel the house but he was being told that it was in such bad shape that it would be better to build something new. He said he did not have a plan until he knew what he was able to do with the property.

Ms. Gaufillet explained that this would not be a hardship then because there was an existing house on the property, but based on opinions of some, it may be more expensive to remodel. She commented that Mr. Curtan did not know what he wanted to build, it was not his primary residence, but he knew that the lot did not work for him. She queried whether Mr. Curtan should not have considered this when he purchased the lot and Mr. Curtan agreed.

Ms. Gaufillet said the Planning Commission was required to make its decision based on a hardship, and she was having trouble determining that this was a hardship. She stated that a 50 foot wide by 125 foot deep lot was the same size that 50% of the lots which were being built on in Manatee County with 3,000 to 3,500 square foot homes and she did not feel this lot size was unreasonable.

Mr. Curtan said he was here to see what he could do.

Ms. Seewer explained that he needed a variance on the east to west side not on the north or south property line.

Public Hearing:

The Chair opened the Public Hearing for anyone wishing to speak in favor of the application. No one appeared. The Chair then opened the Public Hearing for anyone wishing to speak in opposition.

Mr. George Betz, 2419 7th Avenue West, addressed the Board stating that he would like Mr. Curtan to get a house plan and work within the limits that he presently had. He said he had a concern that if Mr. Curtan built a house five feet from his property line front to back, he would be in a prison. Mr. Betz agreed that the property needed to be renovated, which would probably be impossible, but he should find a house plan which would fit into that lot. Moreover, Mr. Betz stated that to allow Mr.

Curtan to take the entire western portion of that easement would change the look of the neighborhood. He opined that the neighborhood was slowly but surely coming up and a concrete block house would not fit in with this Craftsman-style neighborhood. Mr. Betz stated that a lot more thought should go into this before the Planning Commission should consider giving a variance.

There being no one else wishing to speak in opposition, the Chair closed the Public Hearing.

Mr. Barnhill stated that obviously Mr. Curtan needed relief off 25th Street. He remarked that the real question was how much relief should the City give off the property line which abutted Mr. Betz's property. Mr. Barnhill stated that on the current portion there was a 5.6 setback off of Mr. Betz's property line right now. He stated that the southern portion of the lot was only 18 feet wide which was a bowling alley. Mr. Barnhill commented that there had to be some kind of resolution. He posed the question that if the City gave 15 feet off of 25th Street, could the City give Mr. Curtan a seven foot setback line off of Mr. Betz's property which was only a one foot variance and that would still give Mr. Curtan 28 feet of depth for a housing footprint. He remarked that the parties were not that far off from coming to a resolution that would satisfy everyone. Mr. Barnhill observed that the actual setback on the east side of Mr. Betz's property was 8 feet as it was. Mr. Barnhill queried that the bottom line was how much relief should Mr. Curtan be allowed to get adjacent to Mr. Betz's property.

Ms. Seewer suggested that the variance request be continued. She stated that another alternative would be to move the building another one or two feet over to 25th Street where it would not affect anyone but without a definite plan it could not be determined which feet to go which way.

Ms. Gaufillet queried that since this structure was in the western area of Wares Creek, whether the architecture of the new structure should go before the Architectural Review Board.

Ms. Seewer responded negatively but added that the City was working on the aspect of community compatibility characteristics which would require a building to architecturally fit in with a neighborhood.

Mr. Polk suggested that the Planning Department work with the applicant on the plans to make it more compatible with the Wares Creek neighborhood and also for a corner lot situation.

The Chair inquired whether Mr. Curtan would be willing to have this continued, and Mr. Curtan responded that he favored whatever the Planning Commission wished. The Chair asked for a motion to continue the variance.

Ms. Gaufillet moved, with a second by Mr. Prewitt, to continue VA.06.0022 until the April 19th Planning Commission meeting at 2:00 p.m. Motion carried unanimously.

Query by the Chair

The Chair asked the Department of Planning and Community Development staff what was happening on 7th Avenue West on the east side of Wares Creek at 17th Street Court West where there was a single family home, in district 1.01, zoned C1A, in the Urban Central Business District. Ms. Barcus stated that on that corner was a huge 4 x 8 foot sign which stated "Del Porticello Condominiums" starting at \$465,000 pre-sales. Ms. Barcus noted that it appeared to be a three story building. She remarked that she thought in the Wares Creek district the City was trying to limit height and inquired how a three story building with all those condominiums could be built on one lot.

Ms. Seewer explained that this project was east of the Wares Creek district. She advised that the

zoning was C1A which allowed that building by right. Moreover, it would not have to go before the Planning Commission or the City Council. Ms. Seewer advised that the condominium would be built on the bigger lot where the two story house was and on the other lot would be units and underground parking and a pool.

Adjournment

Mr. Barnhill moved, with a second by Mr. Escalante, to adjourn the meeting at 3:48 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> .
--