

MINUTES
 PLANNING COMMISSION MEETING
 APRIL 16, 2008

The City of Bradenton Planning Commission met on Wednesday, April 16, 2008 at 2:00 p.m. in the City Hall Council Chambers.

ATTENDANCE

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

Diane Barcus	Chair <i>Lucienne Gaufillet</i>	Vice-Chair Allen Yearick	Allen Prewitt
Carlos Escalante	Adam Buskirk	Vacancy	
Alternate Brady Cohenour	Alternate O.M. Griffith	Alternate Vacancy	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 by Chairperson Lucienne Gaufillet at 2:04 p.m.

- 1) The Chair advised that since there were no variance requests, all items being considered at this meeting would be heard by City Council at its regularly scheduled meeting on Wednesday, May 14, 2008 at 8:30 a.m. unless otherwise announced.
- 2) Pledge of Allegiance was recited.
- 3) Mr. Yearick moved, with a second by Mr. Prewitt, to approve the Minutes of March 19, 2008. Motion carried unanimously.
- 4) The Chair advised that the Planning Commission had previously discussed potential changes to its By-Laws. Ms. Gaufillet said the City Attorney had another suggestion on how to handle the issue discussed, as opposed to changing the Code and the By-Laws, and that was to deal with the Mayor's Office directly since all the Members were

appointed directly by the Mayor. She stated that this issue would not be discussed further because it was a moot point at this time.

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

OLD BUSINESS

The Chair stated that since the applicant was not yet present, she would skip to New Business.

NEW BUSINESS

SU.07.0040 WARD 5 NEIGHBORHOOD 7.03 RS

Request of Matt Kezar, agent for L.H. Glasgow, owner, for Special Use approval for outdoor storage for a wholesale vinyl fence business for property located at 802, 803, 805, 808 6th Street West (Zoned C1/UCBD)

Ms. Seewer read the request.

Mark Barnebey, Esquire, of the law firm, Kirk · Pinkerton, 1301 6th Avenue West, Suite 401, represented Mr. Glasgow. He advised that with him were Matt Kezar and Andy Allison of Allison Engineers. Mr. Barnebey stated that his client was requesting a Special Use permit for outdoor storage to bring the site into compliance with the Land Use Regulations and to upgrade the facilities and make it better. Mr. Barnebey described the property, the type of area, and the improvements to be made.

Mr. Yearick asked if there were any opportunities for green building in this project particularly with respect to landscaping.

Mr. Barnebey responded that landscaping was being added along the western parcel. He said in that area trees were being added along the north property line, some along the west property line and a hedge would be put around the building on the south side. Mr. Barnebey noted that in that location the building could be built right on the property line, but Mr. Glasgow had elected not to do that in this northern area. Mr. Barnebey said on the eastern parcel it was virtually impossible to put a whole lot of landscaping because most of the buildings already existed along the property line. He commented that trees already existed along 6th Street and would remain, and shrubbery would be planted along the parking area. Mr. Barnebey advised that as far as green building, the only building being added was the proposed storage building which was not part of the Special Use request, but it could be looked into since it had not been discussed one way or the other.

Ms. Barcus noted that Mr. Barnebey made reference to the chain-link fence on the western portion of the property. She inquired whether it belonged to Mr. Glasgow or the adjoining property owner. She said the drawing showed that the chain-link fence outside the property line was going to stay.

Mr. Barnebey replied that it was not Mr. Glasgow's fence. He believed it to be City property.

Lloyd Glasgow stated that the junk fence would be taken down. He said along 6th Street there was a hedge all the way across the front of the property. He advised that he went to the City 20 years ago with a site plan which included the hedge. Mr. Glasgow commented that it was watered and behind it was a chain-link fence which he would take out and put in a PVC fence. He stated that there was a two rail decorative fence within his lot line, and he opined that his property was probably the prettiest property within a two or three block area. Mr. Glasgow pointed out where a six foot opaque PVC fence would be placed surrounding the property, and where the chain-link fence would be taken out. He showed on a plan where the landscaping presently was, and where it would be added.

Ms. Barcus noted that on the western side it showed white PVC to a point and then nothing.

Mr. Glasgow reassured her that white PVC would be all the way around the perimeter. He pointed out an area that did not belong to him remarking that he believed it to be City property.

Mr. Polk remarked that the City did not want that chain-link fence.

Ms. Barcus asked if it could be recycled.

Mr. Polk replied he would look into it.

Mr. Barnebey said that since it now was on the record, he thought the fence could be taken down.

Mr. Buskirk expressed the same concerns and noted that the fence issue should be a stipulation.

The Chair asked whether the 3,000 square foot storage building would be fully enclosed.

Mr. Glasgow replied in the affirmative.

Ms. Gauffillet asked whether any other impervious area was being added other than the driveway on the east side of 6th and some additional paving on the western parcel. She queried whether asphalt would be added for the storage areas, or shell, or compacted natural surface.

Mr. Glasgow answered that the property to the northwest had belonged to Manatee Paving in 1964, and before that Hondo Construction. He explained that it had been shelled, and over the years probably six inches of paving had been added down underneath. He said that trucks and tractors used to park there and all of the railroad property was also used. He showed where the railroad line used to come onto the property which was a stone area; therefore, he said nothing else would be put in that area.

Mr. Polk pointed out that the applicant had indicated that a number of existing trees would remain. He stated they should be outlined on the landscape plan for the City Council meeting.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor or against, and no one appeared. The Chair closed the public hearing.

Public Works -

Mr. Cummings said he had no objections.

Fire Department -

Inspector Bonneau expressed concern that the access entry for fire trucks coming from the south and trying to go through the property could not make it out through the gate onto 6th Street. He felt the turning radius would not be appropriate for Fire Department rigs.

Ms. Seewer asked if there should be a stipulation with regard to adjusting the turning radius.

The Chair suggested that a plan be brought in showing the auto-turn for a City-sized vehicle.

Mr. Glasgow asked whether they were talking about the east side or the west side.

Inspector Bonneau replied it would be the east side.

Mr. Glasgow pointed out on the drawing that the radius would accommodate a full semi.

Inspector Bonneau said he would need something for the Fire Department from his engineer showing that it could be done.

Mr. Glasgow showed the driveway on the drawing and the dimensions thereof. He noted a u-turn could not be made there.

Inspector Bonneau remarked that a u-turn would not be expected, but he did not feel the drawing was detailed enough for him to be able to determine whether the turning radius was appropriate.

Mr. Barnebey advised that they did meet with Fire Marshal Langston, and he thought the Fire Marshal had indicated that it was okay.

The Chair remarked that there was probably a pretty quick study which Mr. Allison could put together which would graphically answer the question before City Council met.

Mr. Allison stated he would put turn movements in the final development plans to be submitted.

Inspector Bonneau said he also had a concern about the type of storage in the buildings on the east parcel. He stated that Fire Marshal Langston had expressed concern in reducing or eliminating some of the storage in the buildings located on the east parcel.

Mr. Glasgow replied that he had to get everything from the outside to the inside. He said once this process was over, he hoped to be approved for outdoor storage, but right now it was cramped.

Inspector Bonneau asked whether the existing buildings were open.

Mr. Glasgow pointed out an open building and a closed building on the plan.

Mr. Bonneau asked about the type of storage.

Mr. Glasgow advised that there would be bundles of PVC and whatever was needed for a job.

Inspector Bonneau said he was trying to anticipate fire protection needs for the type storage.

Mr. Glasgow said he would be glad to meet with Inspector Bonneau to show him the materials.

Inspector Bonneau expressed appreciation noting that his questions were answered.

Ms. Seewer pointed out that Inspector Bonneau's concerns were covered in Stipulation #5.

Staff Report-

Ms. Seewer stated that staff had been working on this project since July of last year trying to get a plan which would work for the City and work for the applicant and be acceptable to everyone. She commented that the City was trying to do a lot of beautification in the downtown area and even though this was not a well traveled road, one day it could be; therefore, staff wanted to get the buffering in. Ms. Seewer opined that it was a good plan. She said as far as the existing trees not showing on the plan, her suggestion would be to use their exhibit, locate the existing trees on it, and use that for the City Council meeting which would be made part of the record, and then show it on the construction plans, and everyone would be covered.

The Chair asked whether Ms. Seewer meant all existing trees or existing trees proposed to remain.

Ms. Seewer responded all existing trees proposed to remain, but she did not think any existing trees were being taken down.

Mr. Glasgow concurred advising that the trash stuff would be eliminated although most of that was on City property.

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

1. The sign in the right-of-way in front of the East parcel must be relocated.
2. The proposed circular drive on the West parcel will be constructed of asphalt, concrete, paver block or porous concrete.
3. A swing gate is required at the proposed access drive on the southwest corner of the East parcel.
4. Emergency access must be provided to the proposed and/or existing storage buildings on the West parcel. The applicant will work with the Fire Marshal to ensure the buildings are adequately protected.
5. The outdoor storage on the East parcel must be reduced or eliminated in the front center of the building in order to provide adequate emergency access. Storage area will be specifically approved by the Fire Marshal.
6. All landscaping proposed as indicated on the plan identified as Exhibit F will be installed within 60 days and will be irrigated in accordance with code requirements.
7. Chain link fence on the West side will be removed.

Ms. Barcus requested that a stipulation be added that the 6' white opaque PVC fence surround the West property on all sides except where gates were involved. Ms. Barcus moved, with a second by Mr. Yearick, to accept Staff's recommendation and approve SU.07.0040 with the following eight stipulations:

1. The sign in the right-of-way in front of the East parcel must be relocated.
2. The proposed circular drive on the West parcel will be constructed of asphalt, concrete, paver block or porous concrete.
3. A swing gate is required at the proposed access drive on the southwest corner of the East parcel.
4. Emergency access must be provided to the proposed and/or existing storage buildings on the West parcel. The applicant will work with the Fire Marshal to ensure the buildings are adequately protected.
5. The outdoor storage on the East parcel must be reduced or eliminated in the front center of the building in order to provide adequate emergency access. Storage area will be specifically approved by the Fire Marshal.
6. All landscaping proposed as indicated on the plan identified as Exhibit F will be installed within 60 days and will be irrigated in accordance with code requirements.
7. Chain link fence on the West side will be removed.
8. 6' white opaque PVC fence will surround the West property on all sides except where gates are involved.

Motion carried unanimously.

RV.08.0022 WARD 5 NEIGHBORHOOD 1.03 RS

Request of Michael Pendley, agent for the School Board of Manatee County, owner, for Right-of-Way Vacation for the northern portion of 6th Street West between 13th and 17th Avenues located at 515 13th Avenue West (Zoned R3A)

SU.08.0052 WARD 5 NEIGHBORHOOD 1.03 RS

Request of Michael Pendley, agent for the School Board of Manatee County, owner, for Special Use approval of an elementary school, identified as Elementary School "E", for property located at 515 13th Avenue West (Zoned R3A)

Ms. Seewer read the requests together noting that the request for the right-of-way vacation was contingent on approval of the Special Use request.

Michael Pendley, representing the School Board of Manatee County, 2802B 27th Street East, stated that he would address the right-of-way vacation and others were present to address the site plan. Mr. Pendley explained that the purpose of the right-of-way vacation was to specifically vacate approximately 682 linear feet of right-of-way at 6th Street West between 13th Avenue West and 17th Avenue West which was needed to construct Elementary School "E". He said a chiller and a dumpster would be located on the property as well as parking and drive access making it vital to the plan itself. Mr. Pendley advised that the School Board was under contract to purchase this property and the property on the west side of the right-of-way from the City. He stated that there were utilities in this right-of-way, and letters of no objection to the vacation have been received from the utility providers. He remarked that the City had water and sewer lines in the right-of-way and requested that an easement to maintain those lines be provided by the School Board which would be done at the appropriate time. Mr. Pendley said that the only parcels which were accessed from this area included parcels owned by the City which would still have access from either 13th Avenue West or 17th Avenue West, or the portion of 6th Street West that would not be vacated, the Boys and Girls Club with access in the rear, and the Bradenton Housing Authority with access from 13th Avenue West or 17th Avenue West and a number of internal connections. He commented that the School Board intended to gate the right-of-way after it was vacated, and a Knox box for emergency access would be provided. Mr. Pendley answered questions.

Michael Bryant, Vice President of Fawley Bryant Architects, 1001 Manatee Avenue West, stated his firm was the architect of record for Elementary School "E". He stated that with him were Bob Lombardo, civil engineer from Lombardo, Foley and Kolarik, Kimber Beireiter, landscape designer from John Moody and Associates, from his office Dave Bishop and Jason Taylor, and along with Mr. Pendley, Dwight Dupree from the School Board. Mr. Bryant described the project advising that it was born out of a joint effort from the City, School Board and Housing Authority. He said that Elementary School "E", also known as a Lab School, would be a very unique school for the district. He explained it would be smaller and a teaching school where student teachers could come to practice and because it was a neighborhood school, many of the uses would be open for the community. Mr. Bryant said the school was approximately 79,000 square feet, two stories and a bit smaller than the conventional elementary school making it a nice neighborhood school of 580 students from grades K through 5. Mr. Bryant described the site plan and answered questions.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor or against, and no one appeared. The Chair closed the public hearing.

Public Works -

Mr. Cummings expressed concern regarding the location of the dumpster noting that it was addressed in a stipulation and could be worked out during construction. He also expressed concern about the fake cul de sac on the 3rd Street end in the senior housing area noting that that project had been approved years ago. He explained that the road was not connected and until Hope VI decided to build, there would be no road or sidewalk; however, Mr. Cummings felt getting in and out of the site could work. He said school crossing zones at 13th Avenue and 17th Avenue would be needed, and there had been no mention regarding limits and from where and how many

children would come. Other than those concerns, Mr. Cummings stated that Public Works had no objections to the plan.

Fire Department -

Inspector Bonneau stated that the Fire Department had no objections to the plan.

Staff Report-

Ms. Seewer stated that staff had worked very closely with Fawley Bryant and the School Board and had no objections to the plan. She said staff recommended approval of RV.08.0022 and SU.08.0052 with the following stipulations:

1. Provide "School Crossing" signs and identification at strategic locations to ensure safety of pedestrians.
2. Provide a grant of easement for public utilities, including the retention pond.
3. Ensure proper radius for all emergency and sanitation equipment at all vehicular use areas.
4. The proposed pond will be sized to accommodate the city lots to the west, and an appropriate stub out for a future inlet will be provided at the time of construction.
5. Relocate the dumpsters approximately 50 feet to the north in order to provide access by the sanitation equipment.

Ms. Barcus commented that she loved the concept of the lab school, but she expressed concern about emergency vehicles having to go all the way around 9th and come up 6th to get into the field at the Boys and Girls Club.

Mr. Lombardo explained how the route would be accessed through a knox box, and Ms. Barcus was satisfied that there would be unlimited emergency access.

Mr. Prewitt moved, with a second by Mr. Yearick, to approve RV.08.0022. Motion carried unanimously.

Mr. Prewitt moved, with a second by Mr. Yearick, to approve SU.08.0052 with the following stipulations:

1. Provide "School Crossing" signs and identification at strategic locations to ensure safety of pedestrians.
2. Provide a grant of easement for public utilities, including the retention pond.
3. Ensure proper radius for all emergency and sanitation equipment at all vehicular use areas.
4. The proposed pond will be sized to accommodate the city lots to the west, and an appropriate stub out for a future inlet will be provided at the time of construction.
5. Relocate the dumpsters approximately 50 feet to the north in order to provide access by the sanitation equipment.

Motion carried unanimously.

(Mr. Prewitt left the meeting at 3:15 p.m.)

OLD BUSINESS

SU.07.0049 WARD 4 NEIGHBORHOOD 1.03/104 RS

Request of Dexter N. McDonald, agent for Community Outreach, owner, for Special Use approval of a day care center for property located at 650 27th Street East (Zoned PDP)

Since the applicant was not present, the Chair remarked that she was uncertain whether the

applicant had to be present to proceed.

Ms. Seewer commented that it was a little awkward but she could present the project, or it could be continued for one more month.

Ms. Barcus requested a point of personal privilege. She remarked that the Planning Commission had been trying to address this issue going on at least one year, and if she were asked what she would do on this, she would respond in the negative. Ms. Barcus stated that this group, no matter how worthy the cause, had ample opportunity to get it right and make a presentation time and time again. She said it was not staff's job to hand hold duly recognized members of the community on how to do their job.

Mr. Yearick stated that the Commission deserved the courtesy of a presence.

The Chair said that in the interest of being fair, proper and professional, the Commission should not ask staff to do anything other than what would be typically asked in a regular presentation. Ms. Gaufillet remarked that if there were enough Members of the Commission of the same opinion, it could be reflected in a motion.

Mr. Griffith opined that it would be better to postpone it than to deny it.

Ms. Seewer remarked that if the Commission voted to continue the request, she would ask that it be continued to a date certain so that the applicant could be instructed to be present at that time and the City would not have to advertise again.

The Chair noted that she completely understood the sentiments that had been expressed, but she did not feel they took precedence over due process. She requested Ms. Seewer to address the old business.

Ms. Seewer read the request.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor or against, and no one appeared. The Chair closed the public hearing.

Mr. Polk offered the suggestion that he meet with the applicant and give a stern warning that it was getting to a ridiculous point and if the applicant did not show up the next time, he would recommend denial.

The Chair stated that she would take that as "Staff's Comments" and entertained a motion.

Mr. Escalante moved, with a second by Mr. Yearick, to continue SU.07.0049 to May 21, 2008 and give the applicant a firm request to show up at the next meeting or his application would be denied. Motion carried 5-1. Voting in favor: Escalante, Yearick, Buskirk, Griffith, and Gaufillet. Voting against: Barcus.

PUBLIC COMMENTS

CP.08.0024 AMENDMENTS TO EAR BASED COMPREHENSIVE PLAN

Ms. Seewer advised that this area of the Agenda had been set for citizen comments on the Comprehensive Plan which would be considered for incorporation in the EAR Based Comprehensive Plan.

There was no one present to speak for or against.

Mr. Cookingham updated the Commission on the Comp Plan Amendments which were based on the City's Evaluation and Appraisal Report. He advised that the Preliminary Design Element had been received, and staff had reviewed it and made comments. Mr. Cookingham stated that meetings have taken place with City Council. He said that the Planning Department would like to start delivering the draft elements to the Commission for its review rather than giving all the material at one time. Mr. Cookingham stated that all of the elements would be on the City's website so the public had the opportunity to review them. He said the first one to be sent out would be the draft Design Element, and the second would be the preliminary draft Future Land Use Element, which had just been received, and staff was in the process of going through it. He said that the Future Land Use Map would also be sent. Mr. Cookingham stated that the next element would be the Transportation Element which the City should receive by the end of the week and at approximately the same time would be the preliminary Historic Preservation. Next, he noted, would be Parks and Recreation and toward the end of April would be the Housing Element and the Capital Improvements Element. Mr. Cookingham advised that at the next Commission meeting he would present the Public Schools Facilities Element as well as revisions to the Intergovernmental Coordination Element and Capital Improvements Element based on school capacity and concurrency. He answered questions of the Commission, and discussion took place.

Mr. Polk pointed out that the Design Element and Future Land Use correlated to the EAR based initiative as well as the Downtown Mobility Study, Downtown by Design and the Joint Compatibility Study. He compared it to how the Comp Plan was handled in the City of Atlanta opining that Bradenton's process was much better although the only problem was that people did not pay much attention to it unless they were planners, developers, or business people.

COMMISSION COMMENTS

Mr. Yearick asked about the status of business cards which he had requested.

Mr. Polk stated that he had to get approval from the Mayor.

Adjournment

There being no further business to come before the Commission, Mr. Yearick moved, with a second by Ms. Barcus, to adjourn the meeting at 3:46 p.m. Motion carried unanimously.

Lucienne Gaufillet
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> .
--