

ABBREVIATED MINUTES
 PLANNING COMMISSION MEETING
 OCTOBER 18, 2006

The City of Bradenton Planning Commission met on Wednesday, October 18, 2006 at 2:00 p.m. in City Hall Council Chambers.

ATTENDANCE

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

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

City Staff:

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

PRELIMINARIES

Meeting called to order by Chairman Diane Barcus at: 2:25 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, November 15, 2006 at 8:30 a.m. unless otherwise announced.
- 2) Pledge of Allegiance at 2:26 p.m.
- 3) The Minutes of September 20, 2006 were unanimously approved.
- 4) Ms. Kahl swore in all those wishing to speak before the Board.

OLD BUSINESS

SU.06.0025 WARD 4 NEIGHBORHOOD 7.03 RS

Request of Duncan Seawall, Dock, & Boat Lift, Inc., agent for Linda Svenson, owner, for approval of a Special Use to build a 30' dock extension for a boat lift for property located at 1409 1st Avenue

East (Zoned R-1B)

Ms. Seewer read the request.

Howard Miller, Duncan Seawall, Dock, and Boat Lift, Inc., stated that the dock extension was needed to reach navigable water and would not affect the sea bottom.

Public Hearing:

The Chair opened the public hearing which had been continued from the September 20, 2006 Planning Commission meeting. No one appeared to speak in favor or in opposition and the Chair closed the public hearing.

Public Works -

Mr. Cummings stated that he had no objections.

Fire Department -

Fire Marshal Langston stated that he had no objections.

Staff Report -

Ms. Seewer stated that the proposed dock met the setbacks and height and length of the dock in relationship to the width of the waterway. She advised that staff recommended approval as State permits had been received from the Army Corps of Engineers and Department of Environmental Regulation.

Mr. Thompson moved, with a second by Mr. Escalante, to approve SU.06.0025, Ward 4 Neighborhood 7.03, request of Duncan Seawall, Dock, & Boat Lift, Inc., agent for Linda Svenson, owner, for approval of a Special Use to build a 30' dock extension for a boat lift for property located at 1409 1st Avenue East. Motion carried unanimously.

SU.06.0026 WARD 4 NEIGHBORHOODS 1.03/1.04 MM

Request of Duncan Seawall, Dock, & Boat Lift, Inc., agent for Rebecca Jepsen, owner, for approval of a Special Use to construct a dock for property located at 1804 Riverside Drive East (Zoned R-1B)

Ms. Seewer read the request.

Mr. Miller said that this request was for new dock construction. He advised that approval had been received from the Army Corps of Engineers and the Department of Environmental Regulation, and the dock was well within the setbacks on both sides of the property.

Public Hearing:

The Chair opened the public hearing which had been continued from the September 20, 2006 Planning Commission Meeting for those wishing to speak in favor or in opposition. No one appeared, and the Chair closed the public hearing.

Public Works -

Mr. Cummings stated that he had no objections.

Fire Department -

Fire Marshal Langston stated that he had no objections.

Staff Report -

Ms. Seewer stated that at the last meeting Terry Klein, who lived just east of the property, came

forward and requested that the dock be moved 15 feet. Ms. Seewer further advised that the owner, Rebecca Jepsen, telephoned and if the Commission required her to, she would move the dock ten feet. Ms. Seewer pointed out, however, that it was up to the Commission if it required her to move it at all since she was within the guidelines as far as setbacks were concerned. She said that if Ms. Jepsen had to move it back more than ten feet, it would interfere with being able to use the dock on the west side because it would move it into shallower water. Ms. Seewer advised that the State permits, Army Corps of Engineers and Department of Environmental Regulation, have been received and approved, therefore, staff recommended approval.

Responding to Mr. Griffith's inquiry about moving the dock, Mr. Miller responded that there were many complex issues if it were moved. He explained that they may have to go back to DEP and the Army Corps of Engineers which process originally began on June 20, 2005. He said to move it over could create a future problem if Ms. Jepsen wanted a boat lift because she would have problems with water depths. Mr. Miller noted that the setback requirements for the State were 25 feet and they were 40 feet from her property. He further advised that the dock was straight out from her house which enabled her more security to watch her dock from people being on it. He requested that it be kept where it was.

Mr. Escalante queried if there were any dock issues which caused the neighbor to want it moved.

Ms. Seewer advised that the neighbor did not have a dock.

Mr. Escalante moved, with a second by Mr. Griffith, to approve SU.06.0026, Ward 4 Neighborhood 1.03/1.04, request of Duncan Seawall, Dock, & Boat Lift, Inc., agent for Rebecca Jepsen, owner, for approval of a Special Use to construct a dock for property located at 1804 Riverside Drive East. Motion carried unanimously.

LU.06.0033 WARD 5 NEIGHBORHOODS 1.03/1.04 MM

Request of Kiernan Fradette, agent for the Artists Guild of Manatee, Inc., owner, for text amendments to the City of Bradenton Land Use Regulations relating to the Village of the Arts (VAOD) to allow artists in the said Village of the Arts Overlay District to construct on their property, in addition to their own living and studio space, a second and separate living unit that may be rented to produce revenue (Zoned R3B/Urban Village/VAOD)

Mr. Fradette, 19407 64th Avenue East, stated that he was present in his capacity as agent for the Artists Guild and also as President of the Merchants Association for the Village of the Arts. Mr. Fradette said since he already made a presentation at the last Planning Commission meeting, he was present just to answer questions.

Public Hearing:

The Chair opened the public hearing which had been continued from the September 20, 2006 Planning Commission meeting for those wishing to speak in favor.

Annie Russini, Executive Director of the Village of the Arts, 5511 40th Avenue, East, expressed support stating that she felt the size was reasonable, and she encouraged it be approved.

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

Ms. Seewer reviewed the revisions since the last meeting and read the new subsection, "Artisan Workshop".

The Chair queried whether items could be sold from the accessory unit if the owner was the artisan

and if so, would that not make it commercial which would be in conflict with the definition that it could not be used for commercial purposes. Ms. Barcus asked whether they would then be required to take the items for sale into the other building that was on the property be it a residence or gallery. Ms. Barcus stated that it was her understanding that the other building was to be a dwelling which the owner could rent for income so they could spend time in their workshop doing their art and allow them that extra revenue.

Fire Marshal Langston stated that the purpose of the Village of the Arts was to allow the artists to live and work in the same place but if it were made into a place where they work and not live would make it a commercial property. He said that if they were going to put their workshop in the back and have a rental unit upfront which another artist could rent and have a shop and sell, the original intent was not being met because the owner/artist was not living where he worked. He stated that the original intent was that the artist/owner lived there. Fire Marshal Langston explained that separation issues became involved because if there were two or three places in one building, the problem became one of separation of a one hour rating in each unit which was commercial code.

The Chair commented that perhaps “commercial” was not the right word. Ms. Barcus suggested if commercial stayed in the definition, another clause could be put in to the effect that nothing shall prevent the occupant of an artisan workshop from selling their wares from the workshop. The Chair stated that she could see the Fire Marshal’s concern about separation and perhaps the word “commercial” under the Fire Prevention Code had a more elaborate definition.

Fire Marshal Langston advised that it considered assembly occupancy, business occupancy or mercantile occupancy.

The Chair commented that she felt this would be mercantile.

The Fire Marshal concurred noting that it was all commercial. He suggested that it be classified as not just a workshop but an artisan workshop/gallery as long as that person lived and worked on the site.

The Chair noted that it had been her concern that people would build accessory dwelling units, and it would become more like a rental community rather than an artists’ community.

Ms. Seewer stated that was why the caveat was put in the proposal that one of the dwelling units had to be homesteaded and the workshop could not be on a third party lease. Ms. Seewer noted that in the definition of “Artisan Workshop/Gallery” she would also add preparation “and sale” of.

The Chair asked Mr. Fradette and Ms. Russini if they had any problem with the change.

Mr. Fradette responded that he did not because he felt it met their requirements and kept the Village as a village with an artists’ flavor. He said it protected both interests rather neatly.

Ms. Russini stated that it was fine as long as the gallery owners in both buildings were able to open their doors during events and other regularly opened days. She queried whether the Land Use Regulations were changed to state that an artist must live rather than may live.

Fire Marshal Langston explained that if an accessory dwelling was added, one of the dwellings had to be homesteaded.

Public Works -

Mr. Cummings stated that he had no objections.

Fire Department -

Fire Marshal Langston stated that he had not been against this proposal but he just wanted to clean it up. He said he supported the Village of the Arts and hoped that it prospered.

Staff Report -

Ms. Seewer stated that the Ordinance supporting this proposal would have First Reading before the City Council on October 25, 2006 and the Public Hearing would be November 15 at 8:30 a.m.

Mr. Escalante moved, with a second by Mr. Thompson, to approve LU.06.0033, Ward 5 Neighborhood 1.03/1.04, request of Kiernan Fradette, agent for the Artists Guild of Manatee, Inc., owner, for text amendments to the City of Bradenton Land Use Regulations relating to the Village of the Arts (VAOD) to allow artists in said Village of the Arts Overlay District to construct on their property, in addition to their own living and studio space, a second and separate living unit that may be rented to produce revenue and to change the definition of Artisan Workshop to Artisan Workshop/Gallery. Motion carried unanimously.

SU.06.0027 WARD 2 NEIGHBORHOOD 12.02 RS

Request of Gary Jodat, owner, for approval of a Special Use to build a dock exceeding 80' in length for property located at 2710 Riverview Boulevard West (Zoned R-1B)

Ms. Seewer read the request.

Gary Jodat, 800 Mulberry Lane, Longboat Key, stated that he was the owner of the property at 2710 Riverview Boulevard. He presented his request advising that he needed the extra length in order to reach navigable water.

Public Hearing:

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

Public Works -

Mr. Cummings stated that he had no objections.

Fire Department -

Fire Marshal Langston stated that he had no objections.

Staff Report -

Ms. Seewer stated that Mr. Jodat had the proper permits from the Department of Environmental Protection and the Army Corps of Engineers. She remarked that the dock would not impede the flow of water and would be the only dock constructed on the 65 foot width of the property. Ms. Seewer said the dock was compatible in length with other docks along that section of the river. She stated that there was no public right-of-way between Mr. Jodat's property and the dock because he had riparian rights to the river. Ms. Seewer recommended approval.

Mr. Griffith moved, with a second by Mr. Thompson, to approved SU.06.0027, Ward 2 Neighborhood 12.02, request of Gary Jodat, owner, for approval of a Special Use to build a dock exceeding 80' in length for property located at 2710 Riverview Boulevard West. Motion carried unanimously.

SU.06.0028 WARD 4 NEIGHBORHOOD 7.03 RS

Request of Lisa S. and Guy Pessina, owners, for approval of a Special Use for a garage apartment at property located at 221 2nd Avenue Drive East (Zoned C-1A)

Ms. Seewer read the request.

Jeff Stephenson, representing the owners, presented the request advising that when the Pessinas purchased the property approximately eight years ago, it was purchased as a house with an existing garage apartment. He said that a long time tenant occupied the entire property until last year when it was vacated. Mr. Pessina stated that the house and garage apartment have since been remodeled and painted, and he presented photographs showing same.

Public Hearing:

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

Public Works -

Mr. Cummings had no objections.

Fire Department -

Fire Marshal Langston had no objections.

Staff Report -

Ms. Seewer advised that up to five units could be constructed on this site without any special approvals. She explained that because the unit was a detached accessory structure, it required a Special Use. Ms. Seewer stated that staff recommended approval.

Mr. Thompson moved, with a second by Mr. Griffith, to approve SU.06.0028, Ward 4 Neighborhood 7.02, request of Lisa S. and Guy Pessina, owners, for approval of a Special Use for a garage apartment at property located at 221 2nd Avenue Drive East. Motion carried unanimously.

LU.06.0034 WARD 5 NEIGHBORHOODS 1.03/1.04 MM/RS

Request of Larsen-Tihy Construction Co. and Joe and Debby Hampton, owners, to change the Land Use Atlas designation from R-2A and R-1D to C-1A for property located at 504, 508, 516, 518, 522, 526 9th Avenue East (Zoned R-2A/R-1D)

Joe Hampton, 602 33rd Street West, presented the request advising that they wanted to change the zoning to turn it into small commercial offices. Mr. Hampton advised that they cleaned up the neighborhood by re-stuccoing, re-roofing, repaving, and putting up a fence. Mr. Hampton commented that the City was doing a good job in the area by putting in a boulevard with trees. He said they were trying to go along with that new look.

Public Hearing:

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

Stephen W. Thompson, Esquire, appeared as CCRA Chairman, advising that the request was consistent with the City's recently approved Master Plan and the CCRA was in the process of streetscaping and landscaping MLK as part of the Master Plan. Mr. Thompson advised that the CCRA had purchased property, and Mr. Hampton's property was located to the west of it. He stated that this area was being redeveloped and the CCRA would probably be developing in the same manner with the possibility of apartments and offices and to the east offices and perhaps affordable housing. Mr. Thompson said they were excited about the redevelopment and hoped that the Planning Commission would approve the rezoning.

There being no further individuals wishing to speak in favor, the Chair opened the Public Hearing for those wishing to speak against and the following appeared:

Richard Thomas, 904 4th Street East, spoke against the request commenting that this past March the City let the new owners fence him in; therefore, he did not have a right-of-way which caused his property to be a fire hazard. He said he was told by a City official that if there were a fire at his house, the Fire Department would have to come in and cut through the fence, and he did not feel that was right. Mr. Thomas stated that until his situation got resolved he was opposed to this request. He remarked that when the gate was closed, he could not even get his mail.

Fire Marshal Langston remarked that after the meeting he would come out to visit Mr. Thomas to take a look at what he was talking about.

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

The Chair asked whether there was a rebuttal, and Mr. Hampton opined that he did not feel their request would endanger Mr. Thomas, and they would like to go forward with the rezoning.

Staff Report -

Ms. Seewer stated that staff found the request consistent with the City's Comprehensive Plan and the CCRA Master Plan; therefore, approval was recommended. Ms. Seewer advised that First Reading would be at the October 25, 2006 City Council Meeting and the Second Reading and Public Hearing would be before the City Council on November 15, 2006.

Mr. Escalante moved, with a second by Mr. Thompson, to approve LU.06.0034, Ward 5 Neighborhood 1.03/1.04, request of Larsen-Tihy Construction Co. and Joe and Debby Hampton, owners, to change the Land Use Atlas designation from R-2A and R-1D to C-1A for property located at 504, 508, 516, 518, 522, 526 9th Avenue East. Motion carried unanimously.

The Chair told Mr. Thomas that his comments had been heard but this request did not affect his issue. Ms. Barcus advised that the Fire Marshal would discuss his situation with him.

SA.06.0007 WARD 1 NEIGHBORHOOD 11.03 RS

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

Ms. Seewer read the request.

Stephen W. Thompson, Esquire, representing the applicant, introduced the development team. He advised that they were seeking an amendment to a previously issued Special Use permit for Cortez Commons Shopping Center. He explained that this center was built more than 20 years ago and needed to be improved and redeveloped. Mr. Thompson said that the redevelopment plan included updating the landscaping and parking and providing a newer and more attractive shopping center and safer access.

Bruce Westling of MLG Commercial, 13400 Bishops Lane, Brookfield, Wisconsin, advised that he had not been sworn.

Ms. Kahl swore in Mr. Westling as well as others who had not yet been sworn.

Mr. Westling stated that they were very excited about the opportunity to reposition this shopping center which had been an amenity in the neighborhood for many, many years. He advised that Publix had been a part of the neighborhood for 20 plus years, and they wanted it to remain so.

Jay Brown of Cohaci & Peterson Architects, 1925 Prospect Avenue, Orlando, Florida, presented the architectural renderings advising that they were pursuing the connection of the existing shopping center to 43 Avenue West. Mr. Brown discussed the upgraded landscaping.

John Melendez, 12214 Coldstream Lane, traffic engineer, CPH Engineers, stated that a traffic distribution analysis was conducted based on comments from staff as well as input from local residents. He summarized the findings noting that the focus of the study was not an increase in traffic but the distribution of traffic due to the proposed site access. Mr. Melendez said that they looked at the existing conditions and the proposed conditions and the differences. He presented, for the record, copies of crash reports from accidents over the past five years for the full median opening at 56th Street and Cortez Road in front of the site. He pointed out that this was a tremendous opportunity to improve this opening and alleviate this situation. He reported that there was a very high volume of southbound left turning traffic from 59th Street onto Cortez not due to the project but just due to the volumes coming from the north as well as the traffic crossing Cortez from the median opening would be alleviated by providing access to Cape Vista. He said that counts were done all around the site of Cape Vista where the signal was, and there were only five southbound left-turning vehicles at the hour they analyzed which showed trips could be diverted where capacity existed. He said they also evaluated sites to the north and to the east and the effect appeared nominal. He commented there would be an increase in traffic from local users of the grocery store from those already traveling some of the roads like Cape Vista because they would be making a turn earlier than they would have previously.

Kim Binkley-Seyer of the Seyer Group, 7321 Merchant Court, Sarasota stated that she worked on the neighborhood outreach. She said that her office sent out 35 packets to residents from a 500 foot radius to the property line advising that they would meet with the residents on their schedules. She commented that they only heard from three families in Cape Vista, and she met with them including the one most impacted, the Cannon family. Ms. Binkley-Seyer said that the Cannon family preferred that there never had been a shopping center in the first place but they requested a concrete block fence rather than a wooden fence. She offered that the fence "el" out 15 feet or so to give them additional screening, but she had not yet heard back from them. Ms. Binkley-Seyer advised that a consistent complaint was truck traffic; however, the concrete would serve as an additional noise buffer. Ms. Binkley-Seyer stated that the other family did not want to see an increase in truck traffic. She advised that she had received calls south of Cortez from residents of the Highland Lakes subdivision who supported the project. She said they lived closer to Albertson Shopping Center; but; they considered Cortez Commons more of their shopping center than Albertson and were enthusiastic about being able to go to the Cape Vista light to go back.

Public Hearing:

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

Susanne Doerr, 5216 43rd Avenue West, said she had not received notice because she did not live within 300 feet of the shopping center; however, she lived directly on 43rd Avenue on the corner facing the businesses on Cortez Avenue. She opined that the shopping center wanted more customers and the shopping center and its customers were concerned about the difficulty and safety exiting the shopping center. Ms. Doerr stated that the owners' reason for opening access at 43rd Avenue West was so neighbors would not have to access Cortez Road. Ms. Doerr expressed concern that opening access would definitely increase traffic on 43rd not just by neighbors in their subdivision but by neighbors in Ironwood and by anyone who shopped at Cortez Commons. She noted there were 2,000 to 3,000 senior citizens from Ironwood, and she queried how 43rd Avenue would be able to accommodate all that traffic. She named all the businesses from which they already receive traffic from truck and semi-truck deliveries on 43rd Avenue. She commented that to

mix that with senior citizens from Ironwood trying to access 43rd Avenue would be a real nightmare especially when they exit Cortez Commons turning left onto 51st Street.

The Chair told Ms. Doerr that her time had expired and there were other speakers wishing to speak. Ms. Doerr asked if she could continue speaking after the other speakers had finished, and the Chair advised only if one of the other speakers had relinquished their time to her.

Mark Cannon, 4212 Cape Vista Drive, advised that 43rd Avenue dead-ends at the end of his property. He said it had been a dead-end for over 45 years since Cape Vista was built and he saw no reason to open it because there was a light at Cortez and Cape Vista and a light at 59th and Cortez. He said it was too close to put any traffic signs there because traffic would back up, and it would open this residential neighborhood into commercial. Mr. Cannon stated that he did not know of any other residential area which would be opened up like that for commercial business. Mr. Cannon expressed concern about taking away this quiet dead-end which he had enjoyed for 35 years.

Steven Tratz, 5308 43rd Avenue West, said the traffic on 43rd would cause diminishing value to his property. He advised that they already get deliveries constantly through the day. He said traffic from Ironwood could come down 38th Avenue West around Moody Elementary and the entire residential community would be affected by this. He expressed concern about the increased traffic when children were out walking because there were no sidewalks on either side of 43rd Avenue. Mr. Tratz remarked that he was never asked to participate in a study. He requested that they redo the buildings but not put in the access road. Mr. Tratz asked that the Commission keep the neighborhood residential as less traffic would be better.

Jennifer Tratz gave her time to Susanne Doerr.

Ms. Doerr expressed concern that there were no sidewalks. She suggested that the two shopping centers on the opposite sides be connected: Cortez Commons and Wal Mart so customers could access both shopping centers with a light. She suggested that a new traffic light be put at the left side of Golden Corral Restaurant, where there already was a road, straight across to the right side of the Mexicali Restaurant, where there was an entrance already to Cortez Commons. She said the light could be removed at Cortez and Cape Vista. Ms. Doerr suggested that another route could be taken from Ironwood straight across 38th Avenue, left at Cape Vista and into the new entrance; however, 38th led to Moody Elementary and Sugg Middle School, and she did not believe the Planning Commission would want more cars going down that already busy road.

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

The Chair asked Mr. Thompson if he wanted rebuttal time.

Mr. Thompson stated that part of the plan came from customers living east of the shopping center who indicated that going onto Cortez Road, making a left into the shopping center, and leaving on 59th Street created a lot of problems. He commented that it was not a safe situation as shown by the number of accidents in the accident reports. Mr. Thompson stated that they went beyond the City's required notification of 300 feet to 500 feet, and Ms. Doerr evidently lived beyond the 500 feet. Mr. Thompson noted that with regard to the sidewalk issue 43rd Avenue was in the jurisdiction of the County not the City; however, County approval was received to open up 43rd Avenue. Mr. Thompson asked Mr. Melendez to again address the traffic, but he added customers were not going to cut through the shopping center to avoid traffic; it simply was for the convenience and safety of shoppers in the shopping center.

Mr. Melendez stated that there was no question that there would be an increase of traffic on 43rd

Avenue because there would be a new driveway at the end of the road. He stated that there were 48 trips at peak hour at the corner lot where the road dead ended going right at the signal so it was not completely quiet now. Mr. Melendez said as far as 43rd Avenue, he was unable to accurately predict the number of vehicles that would shift because it was based on driver behavior and shifts in driver patterns, but he reported that the volumes north of 33rd on Cape Vista and east of Cape Vista on 43rd were very low in the p.m. peak hour. Mr. Melendez remarked that on the west side of the intersection of 59th Street there were about 1,000 cars coming from the south at the site so they looked proportionately at the number of vehicles coming out of the stream into the project which was about 10% . He said they found so little volumes to pull from that the numbers were pretty low but a 10% shift of vehicles from Cortez to 43rd would be a 10 to 20 vehicle increase in the p.m. peak hour. He stated that pertaining to traffic accidents, accidents occurred at traffic signals but were less severe usually being rear-end type.

Mr. Thompson presented a petition signed by 49 of the tenants of the shopping center indicating their support. He advised that the applicants were in agreement with staff's report and stipulations.

Public Works -

Mr. Cummings stated that the new plan showed a turn-around at the east end at the rear of the new retail buildings B and C. He said that he and the Fire Marshal just discussed this factor and did not want truck traffic from the rear of the stores coming onto the roadway in front of Publix or 43rd Avenue to Cape Vista Drive. He said the truck traffic should be limited. Mr. Cummings noted that it was being shown as a cul-de-sac turn-around at the eastern end of the project and the problem was that they would be going over parking spaces. He commented that the City's cul-de-sac requirements allowed for a 100' clear zone for sanitation and fire trucks to turn around. Mr. Cummings noted that the developers were in excess of parking space requirements and they should be reduced to the required number. He said that 12 to 14 spots would be lost in the turn-around area because driving over the parking spaces would not be allowed.

Mr. Thompson stated that they did not have a problem removing the parking spaces to meet the radius. He concurred that truck traffic on 43rd Avenue would not be permitted.

The Chair commented that it was her understanding that truck traffic came off 59th Street to the rear of the shopping center for deliveries. Ms. Barcus noted that the loading docks were on the north end of the shopping center and that was not changing.

Mr. Thompson stated that was correct. He said as an over abundance of caution so that traffic would not go onto 43rd Avenue, it could be engineered to make it an impossibility.

Fire Department -

Fire Marshal Langston commented that there had to be room for fire trucks, but signage could be added. Other than that, Fire Marshal Langston stated he had no issues.

Mr. Cummings interjected that he had spoken with the engineer, and there would be new construction plans for him to review with these ideas in mind so he had no problems.

The Chair added that she hoped the residents understood that it was never the intent to take the truck traffic for deliveries down 43rd Avenue.

Mr. Cummings remarked that sidewalks should be built along 43rd Avenue to Cape Vista Drive from the shopping center so children would not be in the street.

The Chair pointed out it was a County road.

Mr. Thompson responded that they would have to get the County to approve it.

Staff Report -

Ms. Seewer recommended continuance until staff received a letter from Manatee County in support of the opening of 43rd Avenue West. She stated that staff went all the way back through documentation to see if 43rd Avenue had been purposely blocked off and nothing was found that indicated it could not be opened. Ms. Seewer further advised that based on past developments, a dead end was typical so that when another development came in, there was that interconnection. Ms. Seewer said that the continuance was also being recommended to have the opportunity to review the traffic analysis which had just been received. She advised that a plan was needed to buffer the single family residence in the northwest corner since that house would be the most impacted by noise and traffic although the developers indicated that they would put a wall along the east side of the shopping center.

The Chair asked Mr. Thompson whether he would have a problem with a continuance.

Mr. Thompson answered that they did not have a problem if the issues were specifically stated so they could respond. He did have a problem with the sidewalk because he felt the County would not approve it.

Mr. Escalante said he just wanted to explain before making a motion that the Planning Commission was a planning and zoning board and had to work within the framework it was given.

Mr. Escalante moved, with a second by Mr. Thompson, to continue SA.06.0007, Ward 1, Neighborhood 11.03, request of Stephen W. Thompson, Esq., agent for WDC/HLP Cortez, LLC, owner, for renovations and additional access at Cortez Commons Shopping Center located at 5502 Cortez Road West until the November 13, 2006 Planning Commission meeting. Motion carried unanimously.

Ms. Seewer reviewed that the continuance of the hearing was based on the following:

1. Work with Public Works on the dumpsters.
2. A plan for buffering concept with the wall and landscaping on the east side of the property.
3. Address the truck traffic.
4. Get with Manatee County about the feasibility of the sidewalks.
5. Review the traffic analysis.
6. Check with the City's Police Department with respect to the accidents at Cape Vista Drive and possibly 59th Street.

Adjournment

Mr. Thompson moved, with a second by Mr. Escalante, to adjourn the meeting at 4:30 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 *service charge*.