

**ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
JULY 19, 2010**

The Planning Commission met in the City of Bradenton Council Chamber, 101 Old Main Street, Bradenton, Florida on July 19, 2010 at 2:00 p.m.

Present:

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

City Staff: Tim Polk- Planning Director; Thomas Cookingham-Assistant 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, Peter Keenan, Allen Prewitt, Gregg Guinta (alternate), O.M. Griffith (alternate)

REGULAR MEETING

Meeting was called to order by the Planning Commission Chair, Mr. Taylor at 2:02 p.m.

- All items considered today, with the exception of variances, will be heard by City Council on August 18, 2010.
- The Pledge of Allegiance was recited.
- Approval of Minutes – Ms. Barcus made a motion to approve the June 16, 2010 meeting minutes as presented, second by Mr. Thompson. Minutes approved and carried, 5-0.
- Ms. Aihara swore in all those wishing to speak before the Commission.

NEW BUSINESS

CP.10.0028 WARD 4 NEIGHBORHOOD 20.04A RS (1st Reading July 21, 2010, 8:30 am)

Request of James Toomey, owner; for a Small Scale Comprehensive Plan Amendment to change the Future Land Use Designation on a recently annexed property from County Res-6 to Suburban Commercial Corridor. The property is located at 800 & 816 57th St. East (Morgan Johnson Rd).

LU.10.0046 WARD 4 NEIGHBORHOOD 20.04 RS (1st Reading July 21, 2010, 8:30 am)

Request of James Toomey, owner; for a Land Use Atlas Amendment to change the Land Use Designation on a recently annexed property from County A-1 to City Suburban Commercial Corridor. The property is located at 800 & 816 57th Street East (Morgan Johnson Road).

Ms. Seewer read both requests, which must be approved by the Planning Commission separately. First reading is on July 21, second reading and public hearing on August 18, and will be adopted by ordinance. Jim Toomey, 800 Morgan Johnson Road, presented his request to be changed to suburban commercial corridor connector between Social Security Building and Bennett/Kezar properties.

Public Hearing for CP.10.0028 and LU.10.0046: No one appeared in opposition or in favor. Public hearing was closed.

Public Works/Fire: No objections.

Staff Recommendation: Ms. Seewer stated that staff recommends **APPROVAL** and will make property consistent with abutting properties.

Planning Commission Questions and Comments: None

Planning Commission Action: APPROVED

Ms. Barcus made a motion to approve CP.10.0028. Mr. Thompson seconded the motion. Vote 5-0 in approval. Motion carried.

Mr. Thompson made a motion to approve LU.10.0046. Mr. Whetstone seconded the motion. Vote 5-0 in approval. Motion carried.

MA.10.0024 WARD 4 NEIGHBORHOOD 20.03 RS

Request of David McNabb, White Oak Development, agent for Florida Coast Development Corp. owner; for a Major PDP Amendment for the Cottages at San Casciano located at 121 48th Street Court NE (zoned R-1).

Ms. Seewer read the request. David Meyer, Esquire, 1401 8th Avenue West gave an overview of the project, seeking application for 99 single family homes with reduced density to preserve wetlands and trees.

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

Public Works/Fire: Public works noted that Florida Power & Light will be responsible for street lighting. No objections.

Staff Recommendation:

Ms. Seewer stated that staff recommends **APPROVAL** with the following ten stipulations:

1. Any historical or archaeological resources that may be discovered during development must be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and mitigation would be determined by the DHR and the City of Bradenton prior to resuming disturbance activities.
2. If any endangered, threatened, or species of special concern listed in Rule 68A-27.003 through 68A-27.005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures will be taken, with immediate notification provided to the Department of Planning and Community Development.
3. The wetland and wetland buffer shall be designated with a conservation easement and indicated as preserved and non-disturbed. Any disturbance to the prescribed buffer areas not reviewed as part of this approval will require review and approval by the Planning and Community Development Director.
4. Oak tree preservation shall be provided to the fullest extent possible. All oak stands proposed for removal shall require approval by the Planning and Community Development Director. All 16" and larger oak trees proposed for removal in the proposed site plan must be individually identified, with removal requiring approval by the Planning and Community Development Director for a determination of preservation versus mitigation. All trees identified for removal will be replaced in accordance with Section 2.2.3.2 of the Land Use Regulations.
5. The architectural design and features of the proposed residences will be approved by the Design Review Committee.
6. The Final PDP must address all Stipulations and other Staff/DRC recommendations/concerns included in this report, including but not limited to easements and fire separation.
7. Front setbacks shall be 15 feet, rear setbacks shall be 10 feet, and side setbacks shall be six (6) feet.
8. Overhangs into side yards cannot be located over an easement.

9. Impact fee equivalency will be required in accordance with the definitions of the ACCORD prior to the issuance of a Certificate of Occupancy as determined by the City of Bradenton Planning and Community Development Director.
10. Any deviation from the approved requirements, as determined by Planning and Community Development, may require a PDP amendment.

Commission Questions/Comments:

- Ms. Barcus expressed concern over the 45 feet or less width of 10-15% of the lots.
- Mr. Cummings confirmed the 20 foot easement for drainage was addressed in the staff report.

Response from Mr. McNabb:

The smaller lots near the water tower are a different product, like a cottage. Some of the lots will be lost due to the stipulations. The concern was heard and will look into addressing this concern.

Planning Commission Action: APPROVED

Mr. Thompson made a motion to approve LU.10.0045 with the ten stipulations. Mr. Buskirk seconded the motion. Vote 5-0 in approval. Motion carried.

Comments from Mr. Polk: It is important to note that the development industry because of market conditions, are resubmitting approved PDPs with a refined product with less density, single family, smaller products, and price points relevant to the market today. Our challenge is to make sure we are getting a good product, and ensure requirements of easements and set-backs are being met. These are good for first time homebuyers and empty nesters who want to live in Florida. We are not discounting the look, feel, or character in particular corridors or areas.

SU.10.0078 WARD 5 NEIGHBORHOOD 7.03 RS

Request of M. Andrew Allison, Allison Engineering, agent for Melvin Stevenson, owner; for a Special Use to expand an existing Building Material Establishment located at 701 9th Avenue East (zoned UCBD).

Ms. Seewer read the request. Andrew Allison, Allison Engineering, 926 14th St West gave a brief overview of the project of additional 3,342 sq. ft. storage building. Mr. Allison is in agreement with staff report with the exception of stipulation #3 for confederate jasmine along fence.

Commission Questions/Comments: None

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

Public Works: Mr. Cummings confirmed that the irrigation will use the existing water system.

Fire: No objections.

Staff Recommendation: Ms. Seewer stated that staff recommends **APPROVAL** with three stipulations with the revision to stipulation #3:

1. Landscaping indicated on the original site plan approval (SE.98.19) is still in effect and must be complied with. Any missing trees, shrubs or landscape materials will be replaced.
2. The additional landscaping proposed with construction of the accessory building will be installed prior to occupancy of the building.
3. Slats will be installed along the north fence in order to buffer the accessory structures as well as the outdoor storage areas.

Planning Commission Action: APPROVED

Mr. Whetstone made a motion to approve SU.10.0078 with the revised stipulation #3. Mr. Thompson seconded the motion, vote 5-0, motion carried.

SU.10.0079 WARD 1 NEIGHBORHOOD 4.05/4.06 RS

Request of Scott Palmer, agent for WDC/HLP Cortez LLC, owner; for a Special Use to allow an Arcade Amusement Establishment at 5502 Cortez Road West (zoned Suburban Commercial Corridor).

Ms. Seewer read the request. Scott Palmer, 7317 Merchant Court, Suite A, representing WDC/HLP Cortez LLC, owner, of unit 5566 gave an overview of arcade amusement project. Payouts will be no greater than 75 cents on a dollar. 116 gaming units are planned for the space. Side door will be changed to match front entrance facade.

Commission Questions/Comments:

- Ms. Barcus confirmed orientation of the site plan.
- Mr. Whetstone confirmed the age of patrons will be over 21 with average age of 55.
- Mr. Taylor confirmed that these are games of amusement or skill. No alcohol or food, free snacks available. No outside food allowed into arcade. No smoking inside arcade. Plenty of parking with side parking dedicated to arcade. 24 hour surveillance and parking lot lighting.
- Mr. Whetstone confirmed all payments will be on a check card, no cash value.

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

Public Works/Fire: Developer did not fulfill previous build-out and still has outstanding issues regarding fire hydrants, fire extinguishers, and garbage. Mr. Langston asked to change stipulation #3 to "must be completed before permitting". List of outstanding items supplied to Mr. Palmer.

Staff Recommendation:

Ms. Seewer stated that staff recommends **APPROVAL** with the following stipulations:

1. Hours of operation will be as stated in the application, specifically 9 am to 10 pm.
2. Prior to occupancy, a representative of the Bradenton Police Department Crime Prevention Unit will conduct an inspection in order to provide suggestions and initiatives for safety for the business and the clients.
3. Prior to permitting, fire hydrant installation and dumpster relocation will be completed and approved by Public Works.

Planning Commission Action: APPROVED

Ms. Barcus made a motion to approve SU.10.0079 with the revised stipulation #3. Mr. Buskirk seconded the motion. Vote 4-1 in approval, Mr. Whetstone opposed, motion carried.

SU.10.0080 WARD 3 NEIGHBORHOOD 1.01 RS

Request of Glenn Murdoch, agent for Robert Woodring, owner; for a Special Use for light manufacturing of wine and mead on the property located at 406-412 Old Main Street (12th Street West) (zoned UC/Urban Core).

Ms. Seewer read the request. Robert Woodring, 406 12th St. West; Glenn Murdock, 104 50th St. NW; and Jon-Paul Taylor, 2016 Virginia Drive gave an overview of the request. Mr. Taylor asked for definition of mead. Mead is a wine product with a honey base. Mr. Murdoch gave a history of mead and described the processing at the site over the Lost Kangaroo Pub. The weight of the tanks should not be a problem, 1600 lbs/tank on wheels. No direct sales, mead will be available through a distributor. Alcohol content depends on yeast and fruit used in processing. Phase 2 may include a sampling bar, not available in Phase 1.

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

Public Works/Fire: No objections.

Staff Recommendation:

Ms. Seewer stated that in initial discussions, PCD staff asked Mr. Woodring to address all phases including mead production, tours, public sampling, and future expansion of building in special use, so they would not have to return for each phase. Staff recommends **APPROVAL** with the following three stipulations:

1. Prior to submittal of a building permit for tank installation, provide engineering that verifies the condition of the building and the ability to withstand the weight of the proposed tanks.
2. A Certificate of Appropriateness from the Architectural Review Board will be required for the exterior expansion of the balcony.
3. Hours of operation for the public use will be the same as those mandated by the State of Florida in accordance with the Alcoholic Beverage License.

Planning Commission Action: APPROVED

Ms. Barcus made a motion to approve SU.10.0080 with the three stipulations. Mr. Thompson seconded the motion. Vote 5-0 in approval, motion carried.

Mr. Cummings departed the meeting.

BRADENTON CRA EXPANSION TC

Request of the City of Bradenton for determination of Land Use Consistency to include Rossi Waterfront Park and the new Manatee Players Theater property in the Bradenton Community Redevelopment Area.

Mr. Cookingham gave an overview that finds the land use in the staff report and what is allowed in the Bradenton CRA is consistent with the comprehensive plan and request approval. Properties to be included are shown in figures 1, 2, & 3.

Planning Commission Action: APPROVED

Ms. Barcus made a motion to approve BRADENTON CRA EXPANSION is consistent with the City of Bradenton’s comprehensive plan. Mr. Thompson seconded the motion. Vote 5-0 in approval, motion carried.

REPORT OF PLANNING & COMMUNITY DEVELOPMENT DIRECTOR

- Form-Based Code presentations were made to Selection Committee last week. DPZ was selected, DPZ is partnering with Kimley Horn, Fawley Bryant, Bob Gibbs & Associates. Approval to negotiate the contract will be forwarded to City Council on July 21, 2010.

ADJOURNMENT

Motion to adjourn by Mr. Whetstone, second by Ms. Barcus, and approved 5-0. Meeting adjourned at 3:35 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 BASE