

**CITY COUNCIL MEETING  
May 24, 2006**



The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on May 24, 2006 at 6:00 p.m.

**Present:** Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

**City Officials:** Wayne Poston, Mayor; Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

**Press:** Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.  
Ecumenical invocation was led by Councilman Golden.  
Flag salute was led by Mayor Poston.

*Mr. Callahan administered the Oath to any individuals who wished to speak during the public hearings.*

CITIZEN COMMENTS

No one came forward.

COUNCIL REPORTS

**Vice Mayor/Councilman Gene Gallo, Ward I:** Reported that there were no objections by the Joint Planning Committee (JPC) regarding a future proposed annexation request located at 4915 1<sup>st</sup> Avenue East.

**Councilwoman Marianne Barnebey, Ward II:** Nothing to report.

**Councilman Patrick Roff, Ward III:** Announced that all permitting should be completed by August to move forward with the Wares Creek project.

**Councilman Bemis Smith, Ward IV:** Stated he was working with Tim Polk to strengthen the Historic Preservation Ordinance.

**Councilman James Golden, Ward V:** Reported that a meeting had been held with the Public Works Department and Manatee County on road resurfacing and intersection improvements for the 15<sup>th</sup> Street East project.

Discussion: Right-of-way for the Historical Park on Manatee Avenue East.

**Mayor Wayne Poston:** Reported that he had been in Tallahassee lobbying for the City and anticipated \$500,000 to be designated for the Wares Creek project with other funds designated toward McKechnie Field and Pirate City.

Mayor Poston stated that he and Councilman Smith had attended the Governor's Hurricane Conference and received important information for this year's hurricane season.

Mayor Poston stated that the Department Head's Retreat had been held last week and discussion had focused on hurricane preparations, having the department heads successors in place and plans for city employees and citizens.

## CONSENT AGENDA

### **Approval of minutes for May 10, 2006.**

### **Approval of budget adjustment for Bradenton Fire Department.**

Councilman Smith abstained from voting on the May 10, 2006 minutes as he was not present at the meeting.

**MOTION TO APPROVE the Consent Agenda consisting of the May 10, 2006 Council minutes and the budget adjustment for the Bradenton Fire Department was made by Councilman Golden/Vice Mayor Gallo and carried 5-0 for approval with Councilman Smith's vote not being counted on the approval of the May 10, 2006 minutes.**

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

### **CP.06.0014 WARD 4 NEIGHBORHOOD 20.03 RS**

Request of Stephen W. Thompson, Esquire, agent for Southern Hospitality Association, LLC, owner, to change the Future Land Use Designation from County Residential 6 to City Residential 6 for a 20' strip of property located at 245 48<sup>th</sup> Street Court East.

#### **FIRST READING OF PROPOSED ORDINANCE 2827**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 245 48<sup>TH</sup> STREET COURT EAST, BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.06.0014) CHANGING THE FUTURE LAND USE DESIGNATION FROM RES-6 (COUNTY) TO RES-6 (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.*

**MOTION TO APPROVE the first reading and set the second reading and public hearing for CP.06.0014, Ordinance 2827 on June 14, 2006 was made by Councilman Smith/Councilwoman Barnebey and carried 5-0 for approval.**

### **LU.06.0026 WARD 4 NEIGHBORHOOD 20.03 RS**

Request of Stephen W. Thompson, Esquire, agent for Southern Hospitality Association, LLC, owner, to change the Land Use Atlas Designation from County A-1 to City PDP for a 20' strip of property located at 245 48<sup>th</sup> Street Court East.

#### **FIRST READING OF PROPOSED ORDINANCE 2828**

*AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM A-1 (COUNTY) TO PDP (CITY) FOR THE PROPERTY LOCATED AT 245 48<sup>TH</sup> STREET COURT EAST AND LEGALLY DESCRIBED AS FOLLOWS:*

*A STRIP 20 FEET WIDE ENTIRELY ACROSS THE NORTH SIDE OF THE SE ¼ OF THE NE ¼ OF SECTION 28, TOWNSHIP 34 SOUTH, RANGE 18 EAST MANATEE COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAY FOR 48<sup>TH</sup> STREET COURT EAST ON WESTERN SIDE OF DESCRIBED PROPERTY IN MANATEE COUNTY, FLORIDA*

**MOTION TO APPROVE the first reading and set the second reading and public hearing for LU.06.0026, Ordinance 2828 on June 14, 2006 was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.**

**FIRST READING OF PROPOSED ORDINANCE 2830**

**PUBLIC HEARING**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING THE TIDEWATER PRESERVE COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES, SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE ADMINISTRATION, OPERATION, MAINTENANCE, AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING FOR AN EFFECTIVE DATE.*

Mr. Callahan stated that the ordinance had been advertised five (5) consecutive weeks pursuant to Section 190 Florida Statutes. He stated the ordinance outlined all the duties and requirements associated with a community development district, what the improvements would be, and how the district would be funded.

The public hearing was opened, to those wishing to speak in favor.

**Dave Persson**, representing WCI Communities stated he would be glad to answer any questions the Council may have.

Those in opposition, hearing none the public hearing was closed.

**MOTION TO APPROVE for the first reading and public hearing and set the second reading and public hearing for Ordinance 2830 on June 14, 2006 was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.**

**PR.06.0022 WARD 4 NEIGHBORHOOD 7.02A RS**

**PUBLIC HEARING**

Request of George F. Young, Inc., agent for James Wood, Thorwald III, LLC, c/o Dolphin Equity, owners, for preliminary approval of a Planned Development Project known as Thorwald located at 208 & 210 22nd Street Court Northeast & 327 Riverpoint Drive Northeast. (Zoned R1B)

**SP.06.0004 WARD 4 NEIGHBORHOOD 7.02A RS**

Request of George F. Young, Inc., agent for James Wood, Thorwald III, LLC, c/o Dolphin Equity, owners, for preliminary approval of a Subdivision known as Thorwald located at 208 & 210 22nd Street Court Northeast & 327 Riverpoint Drive Northeast. (Zoned R1B)

The public hearing was opened to those wishing to speak in favor.

**Caleb Grimes**, representing Thorwald III, LLC displayed renderings and gave a brief overview of the development project site plan which consisted of approximately 4 acres to allow up to 10 units per acre for a total of 38 units.

Mr. Grimes stated that at a future meeting the applicant would request boat docks for the project.

Questions were asked and answers given regarding a wall, moving the roadway, landscaping, building locations, and a homeowner association.

Chief Souders stated that the turn-around was acceptable without the 90-foot radius. He commended the developer for going beyond the general requirements and including sprinkler systems.

Those in opposition, come forward.

**Michelle Hall**, representing Mike Nuckols owner of the northern two lots adjacent to the proposed development, was concerned that the landscape requirements, were inadequate to maintain the privacy of his property.

Ms. Hall stated that Mr. Nuckols was requesting various types of palms of different heights to provide privacy for his residential home.

Questions were asked and answers given regarding Mr. Nuckols' property line and landscaping and screening of the proposed project.

**Ruth Seewer**, Development Review Manager gave a brief overview of the Planned Development Project and typical setback requirements.

General discussion regarding buffering and setback requirements.

Caleb Grimes stated that the number of trees required had been doubled utilizing exotic trees.

Councilman Roff recommended fast growing oak trees which would double in size and give more than adequate screening.

**Mike Nuckols** voiced his concern for his view of the river and requested proper screening consisting of 25-foot to 30-foot trees which was not an unreasonable request.

**Edward Stonham**, 215 22<sup>nd</sup> Street Northeast, an adjacent neighbor of Mr. Nuckols, requested a solid concrete wall, nicer landscape and taller trees.

Caleb Grimes, in rebuttal, stated that the developer planned to build two-story homes due to FEMA rules. He stated that the landscape and buffers had been closely considered and the wall would be solid.

Mr. Grimes stated that the developer chose not to place fill dirt on the property but had gone beyond the requirements to make a superior project with neighbor-friendly amenities.

Mr. Grimes stated that pine trees would not be used in the project.

The public hearing was closed.

Tim Polk gave the Department of Planning and Community Development staff report with the staff recommendation for approval for PR.06.0022 and SP.06.0004 based on the Findings of Fact and Analysis of the proposed Atlas Amendment, and pursuant to the General Standards and Regulations requirements of Section 404.A., of the Land Use and Development Regulations, with eight (8) stipulations. They were as follows:

1. The utilities and roadway would be installed according to Public Works specifications and would be privately owned and maintained by an established homeowners association.
2. The proposed private roadway would be moved five feet east in front of Lots 10, 11 and 12, and the front setbacks for Lots 10, 11 and 12 would be reduced to 15 feet.
3. A fence or wall, the design subject to approval of the Planning and Community Development Director, would be installed at a height no less than 8 feet along the west and south property line, the fence height would be reduced to four feet within 25 feet of the public right-of-way of 22<sup>nd</sup> Street Court Northeast.
4. The fence or wall would be installed prior to commencement of any vertical construction.
5. The landscaped buffer would be comprised of trees no less than 15 feet high, and palm trees with a 10-foot minimum clear trunk. The pine trees north and south of the roadway buffer would be no less than 20 feet on center.
6. A planting design for the wetland buffer would be submitted prior to the City Council meeting.
7. R-13 residential fire sprinkler systems would be required in all residences due to the design of the hammerhead at the cul-de-sac and the lack of sufficient water flows.
8. Infrastructure upgrades may be required.

Mr. Polk stated that the Planning Commission recommended approval of PR.06.0022 and SP.06.0004 with nine (9) stipulations. They were as follows:

1. The utilities and roadway would be installed according to Public Works specifications and would be privately owned and maintained by an established homeowners association.
2. The proposed private roadway would be moved five-feet east in front of Lots 10, 11 and 12, and the front setbacks for Lots 10, 11 and 12 would be reduced to 15 feet.
3. A solid fence or wall, the design subject to approval of the Planning and Community Development Director, would be installed at a height no less than 8 feet along the west and south property line. The fence height would be reduced to four feet within 25 feet of the public right-of-way of 22nd Street Court Northeast.
4. The fence or wall would be installed prior to commencement of any vertical construction.
5. The landscaped buffer would be comprised of trees no less than 15 feet high, and palm trees with a 10-foot minimum clear trunk. The trees north and south of the roadway buffer would be no less than 20 feet on center. Tree species are subject to the approval of the Planning and Community Development Director.
6. The wetland buffer shall be designed in accordance with the Environmental Resource Permit to be issued by Southwest Florida Water Management District (SWFWMD) for this project.
7. R-13 residential fire sprinkler systems would be required in all residences due to the design of the hammerhead at the cul-de-sac and the lack of sufficient water flows.
8. Infrastructure upgrades may be required.
9. A construction fence would be installed prior to land clearing and horizontal construction.

Mr. Polk stated the request was continued from the May 10, 2006 meeting so the applicant could meet with the property owners. He stated the applicant had provided revised plans which were amended to incorporate several of the staff stipulations as well as to address some of the concerns of the abutting property owners. Four stipulation changes were as follows:

- The proposed private roadway along the west property line had been moved five feet to the east, and the setbacks for lots 10, 11, and 12 had been changed to 15 feet. (Stipuation#2).
- The fencing along 22<sup>nd</sup> Street Court East to the setback line of 25 feet would be four feet of solid fence, with the remainder along the top aluminum picket. This change was made to reduce the solid portion of the fence to four feet within a front setback area, and to provide visibility while maintaining security. Additionally, the fence was set back approximately 10 feet from the 22<sup>nd</sup> Street Court East right-of-way. (Stipulation #3).
- The trees proposed along the west property line were now indicated at 15 feet high, 20 feet on center. Those along the northern portion were staggered between 10 and 15 feet in height, 15 feet on center. (Stipulation #5).
- Landscaping along the north side of the entrance road had been redesigned to maintain the access drive for the abutting property owner to the east.

Mr. Polk stated that the Department of Planning and Community Development staff revised recommendation would be for approval with stipulations #1, 4, 6, 7, 8 and 9.

Councilman Smith stated that he understood Mr. Nuckols concern and that the developer had been willing to address the concerns of the neighborhood. He stated that this was a quality project and he would support the request.

Councilman Roff stated that, as a professional arborist, he would recommend live oaks which would grow to a good height and width for the screening area. He suggested placing more emphases on adding a better quality soil for tree plantings.

Councilman Golden stated that the developer could have developed a high density six-story project but had gone to considerable efforts to maintain compatibility with the neighborhood.

**MOTION TO APPROVE PR.06.0022 as recommended by the Department of Planning and Community Development staff and Planning Commission to include stipulations #1, 4, 6, 7, 8 and 9 with no pine trees was made by Councilman Smith/Councilman Golden and carried 5 – 0 for approval.**

**MOTION TO APPROVE SP.06.0004 as recommended by the Department of Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Golden and carried 5 - 0 for approval.**

**AP.06.0001 WARD 4 NEIGHBORHOOD 7.03 RS**

**PUBLIC HEARING**

Appeal of Dale Johnson, agent for Riviera Southshore, owner, regarding the decision of Architectural Review Board pertaining to property located at 1203 Manatee Avenue East (Zoned R1B/C1A).

The public hearing was opened, those in favor come forward.

**Edward Vogler**, representing the applicant, gave a brief overview of the request to clarify and correct certain language that had previously been adopted by the Architectural Review Board (ARB) on March 16, 2006. He stated the ARB application required demolition of historical structures within the area bounded by 10<sup>th</sup> Street East, 12<sup>th</sup> Street East, Manatee Avenue East and Manatee River. He stated that the applicant was appealing stipulation #4 and #5 made by the ARB which read as follows:

4. Preservation of the four (4) structures, 330 11<sup>th</sup> Street East; 416 14<sup>th</sup> Street East; 1219 2<sup>nd</sup> Avenue East and 332 12<sup>th</sup> Street East, with an emphasis placed on preservation in place.
5. Completion of an archeological assessment of the site for all archeological resources, as well as preparation of a historic study for each of the 19 properties to be kept at the historic library prior to demolition of any of the properties.

Lengthy discussion regarding efforts to preserve the four structures and the process of archeological preservation of the area.

Mr. Vogler submitted a recommended motion to appeal the decision and to clarify stipulations #4 and #5 as follows:

1. To delete paragraphs #4 and #5 of the decision of the ARB set forth in its letter of April 4, 2006.
2. To add the following additional provisions and conditions to the approval of AP.06.0001:
  - a. The applicant shall make every effort possible to preserve the four (4) structures, 330 11<sup>th</sup> Street East; 416 14<sup>th</sup> Street East; 1219 2<sup>nd</sup> Avenue East, and 332 12<sup>th</sup> Street East and shall regularly and periodically inform City staff of such efforts made during the 180-day period following this approval.
  - b. Final approval of any building plans by the building division of the Department of Planning and Community Development (DPCD) shall include the City of Bradenton's normal and customary stipulation protecting and preserving archeological resources discovered during development or construction.
  - c. A bound copy of the Historic Resources Preliminary Analysis Report prepared by Janus Research for the Riviera Southshore Planned Development Project, October, 2005, would be delivered to the historic library prior to demolition of any of the homes on the properties.

After a lengthy discussion and concerns voiced by Council to make every effort to preserve this most historical area of Bradenton, Mr. Lisch added the following stipulation:

- d. Demolition of any structures shall be conducted in a manner so as to avoid, as far as reasonably possible, ground disturbance.

**Preston Griffith**, 112 10<sup>th</sup> Street East, voiced his opinion that the developer was doing everything possible to preserve this area.

Those in opposition, hearing none, the public hearing was closed.

In a memorandum from Ruth Seewer dated May 24, 2006 the following was recommended by the Department of Planning and Community Development staff:

4. Requires preservation of the four (4) historical structures in place. Legal opinion was that although it may not be an outright taking, liability under the Bert Harris Act may apply.
5. Requires architectural assessments of the site for all archeological resources, was not within the scope of the powers of the ARB. An historical assessment of the site was presented to the ARB.

Therefore, the Department of Planning and Community Development staff's opinion was that the appeal be granted and stipulations #4 and #5 be removed as a condition of a Certificate of Appropriateness.

Bill Lisch stated that the ARB did not have the authority to order archeological assessment of the area and therefore, he recommended approval of the appeal and the stipulations submitted by Mr. Vogler with the added stipulation (d).

Mr. Polk stated that the Department of Planning and Community Development staff concurred with the recommendation made by Bill Lisch, City Attorney.

**MOTION TO APPROVE AP.06.0001 with the recommendation from Bill Lisch and the Department of Planning and Community Development staff with the recommendation made by Mr. Vogler and the added stipulation made by Mr. Lisch was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.**

**CP.05.0010 WARD 5 NEIGHBORHOOD 7.02/8.03 MM PUBLIC HEARING**

Request of King Engineering Assoc., Inc., agent for Mixon Fruit Farms, owner, to amend the City's Comprehensive Plan by changing the Future Land Use Designation from County Residential - 6 to City Residential - 6 for property located at 2605 26th Avenue East.

**SECOND READING OF PROPOSED ORDINANCE 2831 PUBLIC HEARING**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 2605 26<sup>TH</sup> AVENUE EAST, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0010) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY RESIDENTIAL 6; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.*

The public hearing was opened, those in favor come forward.

**Bill Merrill**, 2033 Main Street, Sarasota, Florida, representing the applicant stated that he would be glad to answer any questions asked by Council.

Those in opposition, hearing none, the public hearing was closed.

Tim Polk stated the Department of Planning and Community Development staff and Planning Commission recommended approval based on the Findings of Fact and the request being consistent with the City's Comprehensive Plan with the following recommendation:

- New development south of 13<sup>th</sup> Avenue shall be generally based on Traditional Neighborhood Development/Design (TND) principles and practices.

**MOTION TO APPROVE CP.05.0010, Ordinance 2831 as recommended by the Department of Planning and Community Development staff and Planning Commission was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.**

**LU.05.0022 WARD5 NEIGHBORHOOD 7.02/8.03 MM**

**PUBLIC HEARING**

Request of King Engineering Assoc., Inc., agent for Mixon Fruit Farms, owner, for Land Use Atlas Amendment from County A-1 to City PDP for property located at 2605 26<sup>th</sup> Avenue East.

**SECOND READING OF PROPOSED ORDINANCE 2832**

**PUBLIC HEARING**

*AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 2605 26<sup>TH</sup> AVENUE EAST AND LEGALLY DESCRIBED.*

The public hearing was opened, those in favor come forward.

**Bill Merrill**, 2033 Main Street, Sarasota, Florida, representing the applicant stated that he would be glad to answer any questions asked by Council.

Those in opposition, hearing none, the public hearing was closed.

Tim Polk stated the Department of Planning and Community Development staff and Planning Commission recommended approval based on the Findings of Fact and the request being consistent with the City's Comprehensive Plan.

**MOTION TO APPROVE LU.05.0022, Ordinance 2832 as recommended by the Department of Planning and Community Development staff and Planning Commission was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.**

**CP.05.0012 WARD 4 NEIGHBORHOOD 20.03 RS**

**PUBLIC HEARING**

Request of Marcus Helmuth and David McNabb, White Oak Development, Ltd., agent for Steven, Tonya and Johnny Rice, owners, to change Land Use Atlas Amendment from County Residential - 6 to City Residential - 6 for property located at 5050 1st Avenue East.

**SECOND READING OF PROPOSED ORDINANCE 2833**

**PUBLIC HEARING**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5050 1<sup>ST</sup> AVENUE EAST, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0012) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY RESIDENTIAL 6; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.*

**LU.05.0024 WARD 4 NEIGHBORHOOD 20.03 RS**

**PUBLIC HEARING**

Request of Marcus Helmuth and David McNabb, White Oak Development, Ltd., agent for Steven, Tonya and Johnny Rice, owners, for Land Use Atlas Amendment from County A-1 to City PDP for property located at 5050 1st Avenue East.

**SECOND READING OF PROPOSED ORDINANCE 2834**

**PUBLIC HEARING**

*AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 5050 1<sup>ST</sup> AVENUE EAST AND LEGALLY DESCRIBED.*

The public hearing was opened, those in favor come forward.

**Stephen Thompson**, representing the applicant stated that this property had previously been annexed, and the request was a process to change the Comprehensive Plan and Land Use designation.

Those in opposition, hearing none, the public hearing was closed.

Tim Polk stated the Department of Planning and Community Development staff and Planning Commission recommended approval based on the Findings of Fact and the request being consistent with the City's Comprehensive Plan.

**MOTION TO APPROVE CP.05.0012, Ordinance 2833 as recommended by the Department of Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Golden and carried 4 - 0 for approval. (Councilwoman Barnebey absent from the chamber.)**

**MOTION TO APPROVE LU.05.0024, Ordinance 2834 as recommended by the Department of Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Golden and carried 4 - 0 for approval. (Councilwoman Barnebey absent from the chamber.)**

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**CP.05.0007 WARDS 3&5 NEIGHBORHOODS 1.03/1.04, 6.01, 6.02 MM**

Request of City of Bradenton for Large Scale Comprehensive Plan Amendment Application to change Future Land Use Designation from Commercial Residential 10 and Residential 15 to Urban Village for property located on Tamiami Trail from approximately 9th Avenue West to 18th Avenue West between 13th Street West and 15th Street West and make policy changes to the Future Land Use and Housing Elements relating to desired uses, density and intensity limits, moderate income housing incentives, establishment of design guidelines and architectural controls in the Urban Village and Urban Central Business District and incorporating as a reference the Tamiami Trail Revitalization Strategy and amend the Capital Improvement Element to incorporate changes of scheduled public facilities.

**SECOND READING OF PROPOSED ORDINANCE 2835**

**PUBLIC HEARING**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTIES GENERALLY LOCATED IMMEDIATELY SOUTH OF 9<sup>TH</sup> AVENUE WEST TO 18<sup>TH</sup> AVENUE WEST (NORTH TO SOUTH) AND 13<sup>TH</sup> STREET WEST TO 15<sup>TH</sup> STREET WEST (EAST TO WEST) FROM CURRENT FUTURE LAND USE DESIGNATIONS TO URBAN VILLAGE; PROVIDING FOR INCREASE IN DENSITY; PROVIDING FOR POTENTIAL DENSITY BONUSES FOR AFFORDABLE HOUSING; PROVIDING FOR INCREASED RESIDENTIAL DENSITY IN THE URBAN CENTRAL BUSINESS DISTRICT FUTURE LAND USE DESIGNATION WITH POTENTIAL BONUSES FOR AFFORDABLE HOUSING, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0007); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.*

The public hearing was opened; those in favor come forward, no one came forward.

Anyone in opposition, hearing none, the public hearing was closed.

Tim Polk stated that the Department of Planning and Community Development staff recommended approval and stated that the DCA had issued the Objections, Comments and Recommendations Report which identified two objections with the proposed amendments.

He stated that the following two objections had been properly addressed:

1. Objection to the density increase in the Urban Central Business District (UCBD) within the Coastal High Hazard Area (land north of 3<sup>rd</sup> Avenue) this portion had now been removed from the amendment.
2. The increase in density versus student population for schools. Data and analysis had now been provided to the DCA and the staff could now move forward with the proposed amendment.

**MOTION TO APPROVE CP.05.0007, Ordinance 2835 as recommended by the Department of Planning and Community Development staff was made by Councilman Roff/Councilman Golden and carried 5 – 0 for approval.**

**LU.06.0027 WARDS 3 & 5 NEIGHBORHOODS 1.03/1.04, 6.01, 6.02**

Request of City of Bradenton to amend Land Use Atlas from C-1, C-3, R-3A, R-2B, and R3-B to Urban Village for properties identified in Map Exhibit, generally located immediately south of 9th Avenue West to 18th Avenue West (north to south) and 13th Street West to 15th Street West (east to west) in the City of Bradenton, Florida. The Urban Village district will provide for a mixture of land uses as recommended in the City's adopted Future Land Use Element with a maximum residential density of 30 dwelling units per acre and a potential density bonus of up to 10 dwelling units per acre contingent upon certain requirements being met relating to the creation of affordable housing. Non-residential land uses will be limited to a maximum floor area ratio of 0.70. In addition, the City proposes to increase the maximum residential density inside the currently adopted Urban Central Business District overlay, as shown on Map Exhibit, from 25 dwelling units per acre to 40 dwelling units per acre plus a potential density bonus of up to 10 dwelling units per acre contingent upon certain requirements being met relating to the creation of affordable housing. Concurrently, the floor area ratio for non-residential land uses in the C-1 district is proposed to be reduced from its current maximum of 10.0 to 5.0.

**SECOND READING OF PROPOSED ORDINANCE 2836**

**FIRST PUBLIC HEARING**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA AND AMENDING ITS LAND USE ATLAS FOR PROPERTIES GENERALLY LOCATED IMMEDIATELY SOUTH OF 9<sup>TH</sup> AVENUE WEST TO 18<sup>TH</sup> AVENUE WEST (NORTH TO SOUTH) AND 13<sup>TH</sup> STREET WEST TO 15<sup>TH</sup> STREET WEST (EAST TO WEST) FROM CURRENT LAND USE DESIGNATIONS TO URBAN VILLAGE; PROVIDING FOR INCREASE IN DENSITY; PROVIDING FOR POTENTIAL DENSITY BONUSES FOR AFFORDABLE HOUSING; PROVIDING FOR INCREASED RESIDENTIAL DENSITY IN THE URBAN CENTRAL BUSINESS DISTRICT OVERLAY WITH POTENTIAL BONUSES FOR AFFORDABLE HOUSING; REDUCING FLOOR AREA RATIOS FOR NON-RESIDENTIAL USES IN THE C-1 DISTRICT; AMENDING PERMITTED AND SPECIAL USES; AND PROVIDING AN EFFECTIVE DATE.*

The public hearing was opened; those in favor or opposition come forward, no one came forward.

The public hearing was closed.

**MOTION TO APPROVE the first public hearing and to set the second reading a second public hearing for LU.06.0027, Ordinance 2836 on June 14, 2006 was made by Councilman Golden/Councilman Roff and carried 5 – 0 for approval.**

**SF.06.0005 WARD 4 NEIGHBORHOOD 20.03 RS**

Request of Wilson Miller, agent for WCI Communities, Inc., owner, for final plat approval for subdivision known as Tidewater Preserve, Phase I located at 501 48<sup>th</sup> Street Court Northeast.

**Ruth Seewer**, Development Review Manager stated that the Department of Planning and Community Development staff recommended approval of SF.06.0005 based upon the General Standards and Regulations of Section 202J of the Land Use Regulations, and Florida Statutes Chapter 177.

**MOTION TO APPROVE SF.06.0005 as recommended by the Department of Planning and Community Development staff was made by Councilman Smith/Councilman Roff and carried 5 – 0 for approval.**

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

**ORLANDO SPECIAL EFFECTS, INC. is requesting to conduct a fireworks display for the Manatee High School's graduation ceremony on Saturday, May 27, 2006 at 8:30 p.m. at the high school football stadium.**

Mr. Callahan stated that the application was in order and recommended approval of the request.

Councilwoman Barnebey voiced her concern about the very dry weather conditions and requested **one stipulation:** That the fire department would meet with the applicant prior to the event; and that any fireworks that involved a large amount of fire fallout would be eliminated; and that the fire department would have an engine standing by.

Discussion: The application indicated 150 aerial shells were planned but should not be allowed to be displayed.

Chief Souders stated that the weather conditions were too dry and that the applicant would have to comply with the fire department regulations.

**MOTION TO APPROVE the request with one stipulation (no aerial displays) was made by Councilwoman Barnebey/Vice Mayor Gallo and carried 5 – 0 to approval.**

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**FOUNDATION FOR DREAMS is requesting permission to hold a run on Saturday, June 17, 2006, beginning at 7:30 a.m. at Lifestyle Family Fitness located at 4901 Cortez Road West.**

No discussion followed.

**MOTION TO APPROVE the Foundation for Dreams request was made by Councilwoman Barnebey/Councilman Smith and carried 5 – 0 for approval.**

Tim Polk

**BUILDING DEMOLITION AT 1921 10<sup>TH</sup> AVENUE EAST**

Volker Reiss, Compliance Manager, gave a brief overview of the request to demolish the structure at 1921 10<sup>th</sup> Avenue East which had previously been destroyed by fire. He stated that the property owner was unable to restore the structure; therefore, the Code Enforcement Division sent the owner and all interested parties a notice to demolish on March 10, 2006. He stated the notice to two interested parties came back unclaimed and legal ads had been displayed in the Herald on April 29, 2006 and May 6, 2006.

Councilman Golden voiced his concern for the woman who had lived in the house and that she had no other place to live. He voiced his concern for a solution to help this woman.

Mr. Reiss stated that the structure was not able to be rehabilitated and was uninhabitable.

**MOTION TO APPROVE the request to demolish a structure at 1921 10<sup>th</sup> Avenue East was made by Councilwoman Barnebey/Councilman Roff and carried 4 – 1 for approval with Councilman Golden in opposition.**

DEPARTMENT HEADS

**Carl Callahan:**

Mr. Lisch gave a brief overview of a blanket utility easement for Freedom Village in 1983. He stated that the following resolution was to release the specific easement for utility lines and would take effect immediately:

**RESOLUTION 06-34**

**A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, RELEASING EASEMENT; PROVIDING AN EFFECTIVE DATE.**

No discussion followed.

**MOTION TO APPROVE Resolution 06-34 was made by Councilman Smith/Vice Mayor Gallo and carried 5 – 0 for approval.**

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**REQUEST FOR CONSIDERATION by the Council to revise the Council Meeting Schedule for the summer to have one meeting on July 19, 2006 at 8:30 a.m. and one meeting on August 16, 2006, instead of the usual two meetings per month.**

Mr. Callahan recommended that both meetings begin at 8:30 a.m.

**MOTION TO APPROVE the revised the Summer Council Meeting Schedule for July 19<sup>th</sup> and August 16<sup>th</sup> to begin at 8:30 a.m. was made by Vice Mayor Gallo/Councilwoman Barnebey and carried 5 – 0 for approval.**

**Chief Souders:** Nothing to report.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Reported that as part of a fundraiser for Bradenton Christian School, he had been auctioned off to the highest bidder, **Master Joseph Vorbeck**, a kindergarten student who became honorary Police Chief for the day.

**John Cumming:** Nothing to report.

**Tim Polk:** Nothing to report.

**Bill Lisch:**

**RESOLUTION 06- 35**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA APPROVING THE TRANSFER OF LOT 60, SOUTH AVENUE PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 124, OF THE PUBLIC RECORDS OF MANATEE COUNTY FLORIDA, TO THE CENTRAL COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BRADENTON; PROVIDING AN EFFECTIVE DATE FOR THE SUM OF \$121,628.50.**

Mr. Lisch recommended this timely approval of the resolution as the Central Community Redevelopment Agency was meeting May 25, 2006.

**MOTION TO APPROVE RESOLUTION 06-35 as recommended by Bill Lisch was made by Vice Mayor Gallo/Councilman Roff and carried 5 – 0 for approval.**

Mr. Lisch stated that the city was in the process of acquiring a portion of a right-of-way for improvements at 48<sup>th</sup> Street Court East, a vacant piece of property.

He requested the following two resolutions which would be needed to acquire this property by eminent domain:

**RESOLUTION 06-37**

**A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND FOR PUBLIC PURPOSE OF CONSTRUCTING, WIDENING OR IMPROVING A PUBLIC STREET, ROAD OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM FOR 48<sup>TH</sup> STREET COURT EAST.**

**RESOLUTION 06-38**

**A RESOLUTION AUTHORIZING THE USE OF A QUICK TAKING CONDEMNATION PROCEEDING FOR THE PUBLIC USE FOR PUBLIC PURPOSE OF CONSTRUCTING, WIDENING OR IMPROVING A PUBLIC STREET, ROAD OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Lisch stated that the city would not be financial responsible for the cost of the property and recommended approval of the two resolutions.

**MOTION TO APPROVE RESOLUTIONS 06-37 AND 06-38 was made by Vice Mayor Gallo/Councilman Golden and carried 5 – 0 for approval.**

**REPORT GIVEN BY Mr. Lisch** on the Mira Isles issue which stated that the judge had issued an “Order to Show Cause,” which meant that the City had to respond to the applicant’s petition by June 30, 2006. He stated that the City’s previous action had been the appropriate action.

**REQUEST BY Mr. Lisch** for the City to participate with (or) to opt out of the adoption of a recently passed Manatee County ordinance stating that no one under the age of 21 could be in a bar.

General discussion to add “within the city limits.”

**MOTION TO APPROVE a resolution in support of the Manatee County Ordinance stating that no one under the age of 21 could be in a bar, within the City limits was made by Councilwoman Barnebey/Councilman Golden and carried 5 – 0 for approval.**

**Carolyn Moore:** Nothing to report.

**ADJOURNMENT**

There being no further business, Mayor Poston adjourned the meeting at 9:20 p.m.

NOTE: This is not a verbatim record. An audio CD or video tape recording of the meeting is available upon request.