ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
AUGUST 14, 2006

The City of Bradenton Planning Commission met on Wednesday, August 14, 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
Assistant Director Matt McLachlan	Arlan Cummings		
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

PRELIMINARIES

The meeting was called to order by Chairman Barcus at 2:00 p.m.

1) Pledge of Allegiance at 2:02 p.m.
2) The Chairman stated that with the exception of variance requests, all items being considered at this meeting would be heard by City Council on Wednesday, September 13, 2006 at 8:30 a.m. unless otherwise announced.
3) Mr. Barnhill moved, with a second by Mr. Thompson, to approve the Minutes of July 17, 2006. Motion carried unanimously
4) Ms. Kahl swore in all those wishing to speak before the Commission.

OLD BUSINESS - None

NEW BUSINESS

VA.06.0028 WARD 2 NEIGHBORHOOD 12.02 RS

Request of Ugarte & Associates, Inc., agent for Claude Tankersley, owner, for Variance approval to reduce the front yard setback from 25 feet to 14 feet for property located at 215 23rd Street West (Zoned R-1B)

Ms. Seewer read the request.

Carlos Ugarte of Ugarte & Associates, Inc. advised that Mr. Tankersley was requesting a variance; but, he wanted to preserve the general character of the house. Mr. Ugarte remarked that after they studied the house, they realized what was missing was a front porch which was a central component of a traditional neighborhood. Mr. Ugarte presented the plans. He explained why the front yard setback from 25 feet to 14 feet was necessary in order to remodel the existing historic structure and add a front porch and trellis patio. Mr. Ugarte answered questions.

Public Hearing
The Chair opened the Public Hearing. No one appeared. The Chair closed the Public Hearing.

Public Works
Mr. Cummings stated that Public Works Department had no objections to the request.

Fire Department
The Chair noted that although the Fire Marshal was not present, there were no objections in the Staff Report.

Staff Report
Ms. Seewer advised that it was staff's opinion that the request met the objectives of the Land Use Regulations when coupled with the Historic Preservation guidelines. Ms. Seewer remarked that prior to 1973 there were not specific standards for development and as a result, the majority of the older homes within the City did not meet current setbacks which was evident by the existing residences surrounding the subject property. Ms. Seewer advised that failure to grant the variance would leave the applicant no alternative but demolition since substantial improvements could not commence on non-conforming structures. She pointed out that the City wanted to encourage preservation of its older structures so in order to comply with one regulation, setback, the applicant would be required to violate another regulation, preservation. She commented that based on the location of the house as it existed, the variance was acceptable to encourage the historic preservation. Questions of the Commission were answered by Ms. Seewer.

Mr. Yearick moved, with a second by Mr. Thompson, to approve VA.06.0028. Motion carried unanimously.

RV.06.0013 WARD 4 NEIGHBORHOOD 7.02A RS
Request of Roy Fairbrother, agent for Yaron Divald, owner, for reversion of subdivision of 28 lots within Blocks 3 and 4 of the South Braden Castle Camp Subdivision for property located at 1201 27th Street East

LU.06.0031 WARD 4 NEIGHBORHOOD 7.02A RS
Request of Roy Fairbrother, agent for Yaron Divald, owner, to change the Land Use Atlas designation from R-1B to PDP for property located at 1201 27th Street East

PR.06.0024 WARD 4 NEIGHBORHOOD 7.02A RS
Request of Roy Fairbrother, agent for Yaron Divald, owner, for preliminary approval of a Planned Development Project known as Forest Green Village for property located at 1201 27th Street East

Ms. Seewer read the requests together stating that they all pertained to the same project; however,

each would need a separate motion.

Stephen W. Thompson, Esquire, representing the applicant, Roy Fairbrother, who was present along with Bob Schmitt, Land Planner, and Mike Tenney, Traffic Consultant. Mr. Thompson advised that they have been working for a year on this project to make it compatible and sensitive to the neighborhood by emphasizing open space and providing recreational opportunities within the community. Mr. Thompson said that they held a neighborhood meeting which was not well attended but the majority of those in attendance indicated support. Mr. Thompson stated that after Mr. Schmitt presented the site plan he would propose some changes to the City's stipulations dealing with parking and timing before the City Council.

Mr. Schmitt of Land Planning Associates gave an overview of the site plan. He advised that the units would be attainable, workforce housing with a range from $190,000.00 for condo units up to $320,000.00 for single family units. Mr. Schmitt said a knee wall and wrought iron fence would be put in to respond to safety concerns by the Police Department. He said the Planning Department expressed concern about not enough parking spaces for the condominium units. He pointed out areas on the plan where parking could be added. He proposed adding a bus stop at 11th Avenue East and 27th Street East. He stated that they foresaw the condominium units, which were 1,100 square feet in size, would be occupied mostly by single, workforce residents and mass transit would be encouraged. Mr. Schmitt said that all the buildings would be sprinkled.

Mr. Yearick asked if parking changes were going to be made or were they simply avenues to consider.

Mr. Schmitt replied that there was one parking space per unit on the multi family whereas there were two parking spaces per unit on the single family. He proposed a 1.6 ratio.

Ms. Gaufillet expressed concern about the wrought iron fence in the backyard commenting that it was like having bars on windows.

Roy Fairbrother of Counsel Tech Development Services stated that one option that had been discussed was putting a single access cage at the rear of each unit which the resident could keep opened or latched.

Ms. Seewer explained that staff suggested the open wrought iron fence which offered protection to the residents yet kept it open to blend in with the single family neighborhood on each side of the development. Ms. Seewer pointed out that a four foot solid fence could be put up by City Code.

Ms. Gaufillet suggested that parallel parking in the roadways and the entire internal loop, except where the townhouse garages were, should not be an issue with Public Works. She suggested that a parking lot be put between the south condo units noting that it was important to get closer to a 2.2 ratio especially in the condominiums where there would be young families who entertain.

Ms. Seewer pointed out that the problem with parallel parking was that the Fire and Sanitation Departments needed wider paved areas to keep the two lane traffic flowing.

Mr. Cummings also expressed concern about having room for fire, garbage and service trucks to get in and out.

Mr. J. Thompson asked whether the water management ponds would be fenced.

Mr. Fairbrother answered that the final plan was not yet done but the intent would be a 4-1 or 5-1 slope which would be aesthetically pleasing and safe. He remarked that they did not want to look at too many interior fences in a fenced-in community.

Mr. J. Thompson pointed out that water was an attractive nuisance to kids.

The Chair pointed out that the condo units Floor Plan B showed no closets in Bedroom 1, therefore, they would not be considered bedrooms but dens.

Mr. Schmitt responded that there was room for a closet but that it did not show on this plan.

The Chair stated that it was mentioned that the condo units were geared for a single occupant, and there would not be a need for an additional parking space yet the plans showed two bedrooms and a den and there was not sufficient parking already.

Mr. Schmitt said it was being marketed for a single professional and if someone wanted a one bedroom unit, the den could be enlarged; the plan merely showed how many bedrooms could be accommodated.

The Chair remarked that it went back to not enough parking. Ms. Barcus noted she did not feel there was enough room for a dumpster and she was told by Mr. Cummings said that they were planning to go to compactors.

Mr. Fairbrother stated that he would work with Mr. Cummings in this regard. Mr. Fairbrother commented that he could get the parking that was needed. He also remarked that some of the units may have to be moved around a little bit in order for tree preservation, but they would be working with staff. He said they wanted to be compatible with the surrounding area.

Public Hearing

The Chair opened the Public Hearing for those wishing to speak in favor of the project.

Fred Munn stated that he was developing Hidden Lagoon down the street from this development. He advised that developers and builders have been working hard to bring this area up because it had gone down over time. He stated that big things were being done in East Bradenton and this development fit in with what the City wanted to accomplish. Mr. Munn opined that 27th Street and 11th Avenue were going to be beautiful. He commented that when these projects were started, there were no lights and now there were lights and families were able to walk at night with their kids. Mr. Munn stated that, as a developer, this was a very good looking project and a good fit.

The Chair then opened the Public Hearing for those wishing to speak against.

Deborah Stevenson, 1202 27th Street East, appeared speaking against changing the zoning to multi family which would attract more people to the area. Ms. Stevenson noted that one could barely get out of a driveway now because there was too much traffic. She stated that the neighborhood was already surrounded with multi-family dwellings. She said that the land was zoned for single family and single family homes should be built in the area. She remarked that she did not know who the developers spoke with but all the neighbors she talked with on 27th Street wanted the zoning to remain single family. Ms. Stevenson said they did not want to be sandwiched in with multi-family complexes. She commented that when they brought their homes, they expected the neighborhood to be single family, and it was not fair to them.

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

Mr. S. Thompson rebutted that they did have a neighborhood meeting and concern about multi family was expressed because people were afraid there would be rentals. Mr. Thompson said that he explained that all the units would be for sale. He stated that the request for reduced parking

was just for the condominiums as the rest of the development would meet the parking requirements. Mr. Thompson remarked that a bus stop would be provided. He said the last thing a developer wanted to do was create a situation without enough parking, but they felt comfortable that the demand for parking in the condominiums would be closer to the 1.6 as opposed to the 2.2.

Public Works

Mr. Cummings expressed the following concerns: (1) Public Works recommended "no on-street parking". He said if the City were going to manage these facilities, Public Works would not like vehicles parking on City utilities. Mr. Cummings noted that although the Fire Department was not present he knew there had to be accessibility to fire hydrants. (2) He supported fencing the ponds, especially the wet ones. He concurred with Mr. J. Thompson that children were attracted to them so fencing was needed to secure them. (3) Public Works requested a stipulation to extend the 6" water main along 11th Avenue East from 27th Street to the east property boundary. Mr. Cummings pointed out that the developer would have to grant the City easements for the water main and the sanitary sewer line to cover the two facilities within this private road area. (4) Mr. Cummings noted that the issue regarding a dumpster, whether a compactor for the whole area or can for partial and recycle bin location, would be subject to approval but could be worked out during the construction phase. (5) Mr. Cummings requested a template to show the radius guides that the Fire Department and Public Works would use to get around the site.

Staff Report

Ms. Seewer said that during the review process staff noted that the traffic study submitted was not an actual study but a preliminary review and the City Code required a study. She explained that the traffic study would show ahead of time what the developers would have to do to meet concurrency. Ms. Seewer advised that the third party reviewer, who was a traffic engineer with HNTB, reviewed all traffic studies on behalf of the City. Ms. Seewer stated that was the reason for staff's stipulation 1: "The applicant will provide a traffic study approved by HNTB prior to moving forward for City Council review and approval." Ms. Seewer advised that it was staff's intention not to automatically move this project forward until the stipulation was met. She said that the applicant had requested that the stipulation be changed, but that would be up to the Planning Commission.

Ms. Seewer pointed out that some of the trees which were going to be removed within the building footprints were not identified on the landscape plan. She remarked that staff wanted to be assured that it had the correct count of all the trees being removed including those in the building footprints and they needed to be included in the calculations for replacements. Ms. Seewer noted, however, that on the landscape plan they were happy with the tree replacements because the developer was putting in larger trees at planting which would fit in better.

Ms. Seewer advised that City Code required 2.2 parking spaces per unit in order to accommodate guest and recreational parking. Ms. Seewer advised that the developer proposed 2 spaces per unit and while she did not want them to have to remove a recreational area for parking, she wanted to make certain there was sufficient parking. Ms. Seewer suggested that it could be stipulated that the parking be monitored, an area set aside for parking and, if necessary, put in. She advised that staff's stipulation 4 stated: "Additional parking will be provided in front of the 12-plex buildings and west of the community pool to meet the ratio of 2 per unit. Justification for any reductions proposed must be presented to the City Council in a revised Project Narrative." Ms. Seewer pointed out that staff was willing to go to a .2 reduction. She read the applicant's request: "Additional parking will be provided in front of the 12-plex buildings and west of the community pool. The parking ratio shall be 1.6 spaces per unit or 84 parking spaces for the 12-plex buildings. The applicant must work with the County to locate a bus stop and shelter on their property. Justification of any reductions proposed must be presented to the City Council in a revised Project Narrative." Ms. Seewer said when she spoke with the developers on the issue of parking, it was felt that people would be taking buses. She told them that a bus stop should be located there.

Ms. Seewer advised that 71 notices were sent out to property owners within 300 feet and only one telephone call was received from Ellen Stokes who felt it did not make any sense to put condos there.

Mr. S. Thompson retracted the request for parking reduction stating they would go along with staff's recommendation; however, he asked that the request be allowed to move forward while they worked with the City traffic consultant. He stated that if they did not come to an agreement, a continuance could be requested at City Council.

The Chair commented that Mr. Thompson has repeatedly said that the condos would be for sale. She inquired whether the documents for the association were done yet.

Mr. Thompson stated that there would not be a restriction on rentals because an absentee owner could rent them out but it was their feeling that they would be owner occupied.

The Chair asked whether there would be separate associations for the condo association and overall homeowners.

Mr. Thompson answered that there would be levels of associations: a master association and an association for homeowners of single family homes and town homes and an association for the condos.

The Chair inquired about maintenance fees.

Mr. Thompson advised that they have not been set at this time but that would be an amenity under the master association.

The Chair asked about fees for maintenance of the walls, ponds and pool.

Mr. Thompson responded that there would be ongoing monthly assessments under the master association.

The Chair inquired about workforce, attainable housing.

Ms. Seewer pointed out that the City's affordable housing capped out at $215,000 so the development fell within the affordable housing description.

Ms. Gaufillet asked whether the replacement trees, over 100, were all going to be accommodated in the required landscaping and buffers.

Mr. Schmitt advised they would be doing the minimum replacement as well as enhancement.

Ms. Gaufillet noted that it did not appear there would be enough room to put in all the trees which would be required.

Ms. Seewer advised that they would then have to pay into the City's tree program which was $165 per tree based on 2" dbh.

Ms. Gaufillet asked what improvements would be done by virtue of the traffic study.

Mike Tenney, CPH Engineers, stated that he had not yet done the traffic study but there would be in the neighborhood of 60 pm peak trips generated and from what he could tell today there would probably be improvements at 11th and 27th.

Ms. Gaufillet suggested that a traffic light be placed at 11th and 27th. She opined that the developer work with other developers in the area regarding traffic improvements.

Ms. Gaufillet stated that it was reasonable to assume that the condominiums would be maintenance free but she queried about the rest of the subdivision.

After discussion, the applicant said that it made more sense to make the entire subdivision maintenance free.

Ms. Gaufillet moved, with a second by Mr. Thompson, to approve RV.06.0013. Voting in favor: Gaufillet, Thompson, Yearick, and Barcus. Voting against: Barnhill. Motion carried 4-1.

Ms. Gaufillet moved, with a second by Mr. Thompson, to approve LU.06.0031. Voting in favor: Gaufillet, Thompson, Yearick, and Barcus. Voting against: Barnhill. Motion carried 4-1.

Ms. Gaufillet moved, with a second by Mr. Yearick, to approve PR.06.0024 with the following staff stipulations as amended:

1. Not only will the applicant provide a traffic study approved by HNTB prior to moving forward to City Council for review and approval but also prior to advertising, prior to placing on the Agenda, prior to finalizing the Staff Report.
2. All trees proposed for removal will be identified and included in the calculations for replacements.
3. All significant trees remaining on the site will be properly barricaded as required by code.
4. Additional parking will be provided in front of the 12-plex buildings and west of the community pool to meet the ratio of 2 per unit. Justification for any reductions proposed must be presented to the City Council in a revised Project Narrative.
5. Revise the landscape plan prior to the City Council meeting to provide enhancements around the buildings, parking areas and common areas.
6. Public Works recommendations will be complied with.

Voting in favor: Gaufillet, Yearick, Thompson, and Barcus. Voting against: Barnhill. Motion carried 4-1.

PR.06.0026 WARD 4 NEIGHBORHOOD 7.02A RS
Request of Fred Munn, owner, for preliminary approval of a Planned Development Project known as Hidden Lagoon Phase II for property located at 701 Oak Street (Zoned PDP)

SP.06.0006 WARD 4 NEIGHBORHOOD 7.02A RS
Request of Fred Munn, owner, for preliminary subdivision approval of a project known as Hidden Lagoon Phase II for property located at 701 Oak Street (Zoned PDP)

Ms. Seewer read the requests together, but advised that separate motions had to be made for each request. She clarified that the property was zoned PDP and even though Mr. Munn was doing a standard subdivision he had to do the preliminary PDP also because of the zoning. Ms. Seewer explained that if the project was approved, all he would have to file at the end was a final subdivision and he would not have to file a final PDP.

Fred Munn, 908 40th Avenue West, presented the requests to the Commission. He advised that he planned to put the road all the way through; but, there were some issues being debated with the County. Responding to the Chair, Mr. Munn advised that they planned to bring the road to Lot 2, make a circle and bring it back out. He said that there was a dangerous curve at the intersection and by bringing the road straight through and make it high and dry would be better for evacuation purposes, for fire trucks and for safety. He said he had seen pictures where the road had to be

blocked off by the Fire and Police Departments because it was flooded out and by coming straight through and raising the road five to six feet they were hopeful that it would never flood.

The Chair stated that it was her understanding that Mr. Munn wanted to take Hubbel Road straight down from where it was now without connecting it from 30th Court East.

Mr. Munn concurred with the Chair's assessment advising that it would give another access from 11th to 29th to Manatee Avenue rather than just 27th. Responding to Ms. Seewer, he emphasized that they were proposing to connect the road. He said that there were two culverts there and his biggest concern was that someone would not see a stop sign and drive right through and hit another vehicle. Mr. Munn stated that it was a very dangerous curve. He remarked that if they had to put a stop sign there, they would do so but he felt it would be a lot safer if it were blocked off.

Dale Reaume, 1144 Tallavast Road, and Mr. Munn answered further questions of the Commission.

Ms. Gaufillet noted that the plodding lot lines went all the way to the lagoon which meant the 25 foot wetland buffer would end at the back of the building pad and be part of the yard.

Mr. Reaume stated that he would have to get back with the design engineer on that issue.

Ms. Seewer commented that there had been a similar issue on another development in the City and staff suggested putting in native plants, but SWFWMD only wanted grass. She opined that it would not be an issue with SWFWMD.

Responding to Ms. Gaufillet's concern, Mr. Munn advised that the development owned the entire lagoon. He explained that they have trimmed three-quarters of the lagoon so far and there have not been any issues. He stated that when it was necessary, they got a permit through the State and then trimmed the mangroves.

Public Hearing

The Chair opened the Public Hearing.

Greg Owens, 709 Hubbel Road, stated that anything that helped that road would be greatly appreciated. He said the project was a great idea. He also expressed concern about the bridge. He advised that he contacted the County and was told that the bridge was the purview of the City. Mr. Owens opined that he would love to see that bridge go when this road came in, and he suggested that a speed bump be put in to slow traffic down.

The Chair remarked that Mr. Owens would not want to see a speed bump put in because it became a liability nightmare.

Ms. Seewer commented that the police would slow them down.

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

Public Works

Mr. Cummings stated that Public Works had met with the developer and engineer to work out utility concerns. He suggested that a street light be installed at the new road and Hubbel or the usage of a three way stop sign. Mr. Cummings advised that the developer agreed to provide a turning template for Sanitation and Fire Department trucks, and the developer met everything else which Public Works had requested.

Staff Report

Ms. Seewer said that staff recommended approval based upon the General Standards and Regulations pursuant to Section 202.J and 302 of the Land Use Regulations with the following stipulations:

1. Oak trees on site will be preserved and barricaded during construction. Requests for removal must be authorized by the Director of Planning and Community Development and in no instance will the replacements be at a ratio of less than 2/1.
2. An adequate buffer will be installed along the lagoon to protect the existing mangroves.
3. Easements will be provided in accordance with Public Works recommendations regarding size and placement.
4. Street lighting will be installed in accordance with Public Works recommendations including a light at the intersection of Oak Street and Hubbel Road.
5. No slopes shall exceed a 4/1 incline.
6. All exotic species of vegetation will be removed prior to commencement of any construction.

Mr. Barnhill moved, with a second by Mr. Yearick, to approve PR.06.0026 with the six staff stipulations plus adding a 7th stipulation as follows:

1. Oak trees on site will be preserved and barricaded during construction. Requests for removal must be authorized by the Director of Planning and Community Development, and in no instance will the replacements be at a ratio of less than 2/1.
2. An adequate buffer will be installed along the lagoon to protect the existing mangroves.
3. Easements will be provided in accordance with Public Works recommendations regarding size and placement.
4. Street lighting will be installed in accordance with Public Works recommendations, including a light at the intersection of Oak Street and Hubbel Road.
5. No slopes shall exceed a 4/1 incline.
6. All exotic species of vegetation will be removed prior to commencement of any construction.
7. To install, if possible, a three way stop at Oak and Hubbel Roads.

Motion carried unanimously.

Mr. Barnhill moved, with a second by Mr. Thompson, to approve SP.06.0006. Motion carried unanimously.

LU.06.0032 CITY OF BRADENTON MM

Ms. Seewer read the request.

Mr. McLachlan reviewed text amendments to the City's Land Use Regulations relating to the Architectural Review Board and Design Compatibility Review.

The Chair asked whether a copy was sent to the County.

Mr. McLachlan responded that it had but he had not heard anything back from the County.

The Chair asked what would happen if in six months, the County objected in the newspaper.

Mr. McLachlan opined that having design guidelines would put the City in a stronger position in a potential lawsuit. He advised that until three or four years ago the City did not have large complex development proposals, but because of Mira Isles, the City came to realize it had to better express what relationships it tried to achieve in terms of existing developments.

Mr. Barnhill asked what percentage of the projects would relate to these amendments.

Mr. McLachlan said he did not know the percentage but it would probably be a dozen projects. Mr. McLachlan stated that with respect to projects subject to design and compatibility review, he should clarify "existing" to single family districts because many projects have a rezone petition associated with them and it should be clarified that it was an existing single family district.

Public Hearing

The Chair opened the Public Hearing. There being no one wishing to speak for or against, the Chair closed the Public Hearing.

Ms. Gaufillet moved, with a second by Mr. Barnhill, to approve LU.06.0032 as presented with the minor change of adding "existing" to single family zoning district infill criteria. Motion carried unanimously.

ADJOURNMENT

Mr. Barnhill moved, with a second by Mr. Thompson, to adjourn the meeting at 4:17 p.m. Motion carried unanimously.

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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.*