

ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
 April 20, 2005

The City of Bradenton Planning Commission met on Wednesday, April 20, 2005 at 2:00 p.m. in City Hall Council Chambers.

ATTENDANCE

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

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

City Staff:

Development Services	Public Works	Fire	Police
<i>Director Larry Frey</i>	<i>Arlan Cummings</i>	<i>Kenny Langston</i>	
<i>Assistant Director Matt McLachlan</i>		<i>David Dobrzykowski</i>	
<i>DRM Ruth Seewer</i>			
<i>Rev. Coord. Dianna Loudermilk</i>			

PRELIMINARIES

Meeting called to order by *Chairman Diane Barcus* at: 2:06 P.M.

- 1) *Chairman Barcus* called the 4-20-05 meeting to order at 2:06 p.m.
- 2) Pledge of Allegiance at 2:06 p.m.
- 3) *Mr. Yearick* made the motion to accept the Planning Commission meeting minutes from 03-16-05. Motion seconded by *Mr. Cohenour*, approved unanimously.
- 4) *Ms Loudermilk* swore in all those wishing to speak before the board.

OLD BUSINESS

PR.04.0009 WARD 4 NEIGHBORHOOD 7.03 RS

Request of *Rev Dexter McDonald*, Agent for Community Outreach Church, owner, for preliminary Planned Development Project approval for construction of a new church facility located at 650 27th St East (Zoned PDP)

Mr. McLachlan presented the staff report and recommended approval with the substitution of religious establishment where the term classroom was used in the staff report. He understood that this change, according to *Deputy Fire Marshall Langston*, would have implications as to how it is treated under the city's life safety code.

Rev McDonald, pastor of Community Outreach Church, stated that he attempted to produce all the info that was asked for by the board. He stated that the architect *John Ziemnicki* and the Engineers were with him if the board had any questions for them.

Mr. Cohenour asked *Rev McDonald* how he felt about the wording being changed from classroom to assembly as recommended by staff and *Rev McDonald* said that he thought it was wonderful.

Mr. Yearick stated that it appeared from the staff report that there were some life safety questions that still need to be addressed. He asked *Rev McDonald* if those issues had been discussed with him. *Rev McDonald* stated that he had attended a meeting prior and that most of those issues had been addressed. *Chairman Barcus* interjected that there were some other things that would have to be done if it was defined as an assembly as opposed to a classroom and that would be discussed later in the meeting.

Ms Gaufillet had some questions regarding the portable. She stated that there was a bit of conflicting information on the plans about the size of the portable, how long it would remain, whether or not it would become part of the structure, what the use would be and what the times of use would be. She asked *Rev McDonald* if he could tell the board what his ideas were for the portable. *Rev McDonald* stated that initially they did not have a portable and then they put a small portable on the northeast side of the building however that did not work because of regulations and the building that is on the plans now is only temporary during the time of construction and when the construction is complete it will be removed. The portable is leased not purchased. *Ms Gaufillet* asked what the use of the portable will be and *Rev McDonald* stated that it would be used for educational purposes. The use would be for church programs that are for the youth. *Ms Gaufillet* asked if he would be open to some stipulations that would limit the uses...she had some concerns about the safety of a portable being used as an educational facility. She felt that the size of the portable was unclear and suggested a stipulation to limit the size. *Ms Gaufillet* had questions regarding the hours of use and as to whether children would be present when heavy construction would be in progress. *Rev McDonald* clarified that the children would not be there during the day hours. It will be used in the afternoon and evening, someone is there Monday through Friday but the bulk of the children will be there Tuesday and Thursday. *Mr. Escalante* asked what the largest number of attendance of any one class and *Rev McDonald* replied 20-25.

Chairman Barcus noted that on page C2 of the plan the proposed church of 4,655 sq feet; temporary modular of 864 sq feet; legend shows church building of 4,655 sq feet shows a porch; then it shows a classroom modular of 672 sq ft and total under roof 5,743 sq feet so this appears that another modular is going to be part of the building somehow. *Rev McDonald* stated that there is only going to be one portable and it will not be under the roof of the building. *Mr. Ziemnicki* came

up to state that it was an error on the architect's part from when they changed from the old portable which was going to be on the north side of the property to this other modular that is being brought in. The church itself is 4,500 sq ft there is nothing else under roof other than the church. The modular is the 860 sq ft, which is to the south of where the proposed sanctuary is going to be. That is a modular building that is approved by DCA, which is an approved modular building that the state does all the inspections on and then it is moved on site. *Chairman Barcus* ask if the drawing that was submitted was incorrect. *Mr. Ziemnicki* stated that the total under roof is incorrect. *Chairman Barcus* ask if the modular classroom was 864 sq ft not the 672 sq ft and *Mr. Ziemnicki* stated that she was correct and he apologized for the confusion.

Public Hearing: None

Staff Recommendation:

Public Works-No Objections to the plan. *Mr. Cummings* did point out that Southwest Florida Management District issued a permit December 5, 2001, which expires December 5, 2006. *Chairman Barcus* ask *Mr. Cummings* if Public Works would have a problem with the dumpster pad being in a low-lying area. He stated that it would be elevated to a point where they can get to it. It will not impede the flow of water leaving that site.

Fire Department-*Deputy Fire Marshall Langston* addressed a few issues. He stated that *Mr. Ziemnicki* brought up that the portable was a state certified educational building and that it had been clarified that it is not going to be an educational building according to City of Bradenton Fire code. It will be an assembly occupancy so they must meet at permitting all of the assembly requirements. There are many different requirements that *Mr. Ziemnicki* is aware of.

One other issue was that the calculations were never right, they were back and forth, and he asked *Mr. Ziemnicki* if the proposed sq footage of the church was 4,655 plus the porch. *Mr. Ziemnicki* responded that it was. *Deputy Fire Marshall Langston* stated that it would now be 5,071 sq ft, which under the City of Bradenton Fire Code required that it be sprinkled. Anything that is an assembly occupancy over 5,000 sq ft or two story or more has to be sprinkled and have an alarm system put in it.

Deputy Fire Marshall Langston wanted to clarify in regard to the modular the use, the attendees and the hour of use. No one should be in the building during the day due to construction.

Mr. McLachlan read the staff evaluation and recommended approval with the following stipulations:

1. Information required by the Fire Department for the temporary religious establishment will be submitted prior to the issuance of a building permit.
2. The temporary religious establishment will be removed upon completion of the sanctuary, or within two years from final PDP approval whichever comes first.
3. Enhanced landscaping materials will be installed within the buffer along 27th Street East. Trees installed will be four inches in diameter at breast height, and the hedge material proposed will be no less than 36 inches high, planted 24 inches on center.
4. All paving will be completed prior to occupancy of the temporary religious establishment.

And if they wanted to add hours of operation they can also cover that through a stipulation.

Ms Gaufillet discussed a few revisions to the stipulations for the commission to consider.

Number 2-The temporary portable facility not to exceed 864 sq ft under air will be removed upon completion of the sanctuary, or within one year from final PDP approval whichever comes first.

Number 4- Change paving to required improvements, which would include the required landscaping.

Number 5-Not sure if this necessary...to relocate the dumpster to another location. Mr. Cummings said that it would match the parking grade, another location can be found at a later date. *Ms Gaufillet* then withdrew change recommendations for number 5.

Mr. Barnhill had questions regarding the Fire Dept issues. Hours of operation need to be addressed and the type of construction and access to the building will be addressed at permitting.

Mr. Cohenour commented on *Ms Gaufillet's* recommendation that he agreed on the change to Number 2 stipulation to change the term from two years to one year. He also would like to include the hours of operation.

Hours of operation were discussed with *Rev McDonald* and it was concluded that the building will be occupied Monday through Friday from 5 p.m. to 9 p.m. and the children will be there on Tuesday and Thursday from 5 p.m. to 9 p.m.

Mr. Ziemnicki had a question about having all the improvements in place i.e. landscaping. This project is under construction and it would be very hard to have all the landscaping in place and there could be damage, etc. The irrigation won't be there and it may be a bit of a hindrance to require landscaping while the project is under construction. It would hinder and may cost additional funds.

Deputy Fire Marshall Langston asked *Rev McDonald* what the expected time frame was for the construction. *Rev McDonald* responded that construction is planned to begin in August and they expect it to take 6 to 8 months to complete the construction. *Chairman Barcus* ask *Mr. Ziemnicki* about the construction schedule. The original dates showed that the construction would take 3 years; *Mr. Ziemnicki* cleared it up by stating that applied to the PDP and not the actual construction schedule.

No Correspondence for this application.

Actions:

Ms. Gaufillet made a motion for approval of PR.04.0009 with the following stipulations:

1. *As listed in the staff report:* Information required by the Fire Department for the temporary portable religious establishment will be submitted prior to the issuance of a building permit.
2. The temporary portable facility, not to exceed 864 ft in size under air will be removed upon completion of the sanctuary or within one year from final PDP approval whichever comes first.

3. As listed in the staff report: Enhanced landscaping materials will be installed within the buffer along 27th Street East. Trees installed will be four inches in diameter at breast height, and the hedge material proposed will be no less than 36 inches high, planted 24 inches on center.
4. All required improvements with the exception of foundation landscaping will be completed prior to occupancy of the temporary portable classroom.
5. Hours of operation 4 p.m. to 9 p.m. Monday through Friday

Mr. Barnhill seconded the motion.

Chairman Barcus ask if required improvements include the landscaping and *Ms Gaufillet* stated yes that was included. *Mr. Escalante* stated that he felt it was unfair to include the landscaping. *Mr. McLachlan* suggested the preliminary landscaping being installed as opposed to the foundation landscaping, which would pose a conflict with the construction. *Ms. Gaufillet* stated that she was not referring to the foundation landscaping; she was referring to perimeter buffers. She apologized for the confusion. *Mr. Barnhill* acknowledged that his second was still standing with the amendments.

Mr. Cohenour brought up that the stipulations still had the word classroom and should be changed to religious establishment.

Vote: Unanimously Recommended Approval 6-0 with the following stipulations:

1. Information required by the Fire Department for the temporary portable religious establishment will be submitted prior to the issuance of a building permit.
2. The temporary religious establishment, not to exceed 864 ft in size under air will be removed upon completion of the sanctuary or within one year from final PDP approval whichever comes first.
3. Enhanced landscaping materials will be installed within the buffer along 27th Street East. Trees installed will be four inches in diameter at breast height, and the hedge material proposed will be no less than 36 inches high, planted 24 inches on center.
4. All required improvements with the exception of foundation landscaping will be completed prior to occupancy of the temporary portable religious establishment.
5. Hours of operation 4 p.m. to 9 p.m. Monday through Friday

NEW BUSINESS

LU.05.0005 WARD 5 NEIGHBORHOOD 1.01 MM

Request of Deborah Schreiber, agent for several Point Pleasant Homeowners for a Land Use Atlas Amendment to change the zoning designation from R3B to R1C.

Mr. McLachlan read the opening statement of the staff report.

Ms Schreiber presented a slide show to allow the Planning Commission a view of what they are trying to save.

She began with 1st Avenue, which would be the first street when entering the Point Pleasant neighborhood from 15th Street, then down 18th Street, continuing on to Point Pleasant Avenue, next to 17th Street, 15th Street, 1st Avenue Drive, 3rd Avenue and lastly 16th Street.

She showed slides of the homes belonging to the following families: Connie Barnes, Klinger, Fieser, Simmons, DeGeorge, Wowak, Cascaddan, Shumaker, Alvis, Schreiber, Dick Stagner, Sheila Leach, Lawrence, Morris, Howard, Marshall, Judy Alvis, Don Yetter, Virginia Lambeth, Mireille McGail, Bobbie Briggs, Messer, Rossi, Karen Brazell, Brantley, Fernandez, Hassell, Schmidt, Long, Scott, Fieser Rental, Hoffman, Jeremy Reece, Virginia Johnson, Miller and Bridgewater Condominiums.

Ms Schreiber commented and referenced a packet that she had prepared and distributed to the board members and referred to it often.

The packet contained the following:

Historical photos from the Library website showing an aerial view of Pt Pleasant neighborhood in 1972 when the homes were low storied and undeveloped; a photo from 1953 showing Pt Pleasant Condominiums; a photo of the Pt Pleasant Condominiums from 1950 showing little development, a photo from 1909 taken from Mr. Curry's home looking toward 1st Avenue.

TAB A: Wares Creek Rezone report. *Ms Schreiber* pointed out the resemblance of the Wares Creek Rezone and the Pt Pleasant request to rezone.

TAB B: Letter from Margaret Swanson the director of planning for the City of Lake Wales who was the author of the City of Bradenton Comprehensive Plan.

TAB C: Future Land Use Element. *Ms Schreiber* stated that she felt *Mr. McLachlan* skipped over Goal 1 Policy 1.1.2; Policy 1.1.4;

TAB D: Recommendations for Pt Pleasant.

TAB F: Historic Preservation Element

TAB G: List of Historical Homes; photocopies of newspaper articles referring to historic homes that have been torn down

TAB H: Coastal Management Element

Mr. Barnhill referenced that a large portion of property west of 15th Street and slightly south of 3rd Avenue was omitted from the petition. *Ms Schreiber* stated that the property was left out because they were making a more defined area. The single-family homeowners were not asked to join the petition they were not eliminated.

Mr. Barnhill asked how long has this section of land been zoned R3B and *Mr. McLachlan* responded that it has been zoned multi-family since 1958.

Mr. Escalante brought up for discussion that the developers had destroyed the homes and not the people who sold the homes. *Ms Schreiber* agreed.

Ms Gaufillet asked if any of the properties had received historical designation and *Ms Schreiber* brought up that having historic designation does not necessarily protect a building from being destroyed. *Ms Schreiber* goes on to say that by changing the zoning the homeowner has no other alternative but to repair the home or sell it as a single family home. She used as an example a homeowner who currently has a home sitting in disrepair waiting for a developer to buy his property.

Mr. Cohenour asked *Mr. McLachlan* that in his evaluation that rezoning to R1C does not create a safeguard of loss of historical homes. *Mr. McLachlan* stated that by itself it does not create a safeguard against demolition of historic structures.

Public Hearing:

In Favor:

Ms Schreiber read a letter in behalf of *Susan Hassell*, resident homeowner expressing her support of their historic neighborhood. She believes the area has a good mix already right now and does not believe the area can handle more multi-family or business development.

Don Yetter, resident homeowner stated that the previous owners of his home strived to maintain the unique structure and the heritage of it's construction in 1922. He feels the majority of the people who have signed this petition are people who have moved into these homes, appreciate the very nature of what they have, the uniqueness of that portion of the City of Bradenton and wish to be able to continue and to be able to contain the word historic along with the words Pt Pleasant.

Michael Messer, resident homeowner commented that he had called the City 4 times in the last 6 months due to raw sewage spilling into the streets. He said that the last time the guys were there with the pump truck he had a conversation with one of them and was told that the sewage pipes in the Pt Pleasant area are really old and in his opinion doesn't believe that it can handle a high density building. Mr. Messer and his wife settled here 5 years ago and love that little area and would like to see it stay that way. He stated that he is begging the commission to save their area.

Martha Morton Morris, owner of home in Pt. Pleasant, which faces the river stated that a high rise ruins the one and two story rise in home and it blocks the view of others living behind them. It is the beginning of a breakdown of ample yards and houses, it will suddenly become crowded. It is not in keeping of the neighborhood. It cuts out river vistas for the existing homes. She questions whether developers will live here or is it just an investment.

Ed Vogler, lives in Northwest Bradenton and owns a Condominium Unit in downtown Bradenton. The downtown business community and development community have strived to assist in the transformation of downtown Bradenton as a livable and thriving area. This has been a primary and important goal. To accomplish the goal of livability is to enhance and preserve the existing

neighborhoods, not only the downtown neighborhoods, but all those neighborhoods that surround the core that make up the framework of what this wonderful city is all about. There are good examples, the Wares Creek Neighborhood is one, The Village of the Arts is another and Pt. Pleasant could be another. Pt. Pleasant is one of the oldest and most historic neighborhoods in Bradenton. This petition respects the existing projects, which have already been approved in this area, but provides a framework to accomplish these important goals of livability and neighborhood preservation and feels the Planning Commission should give serious consideration as a policy question to supporting the petition.

Gary Schmeichel, partner in Pt Pleasant Partners, owners of several parcels at 1720 1st Avenue West. When getting approval for their project they spent diligent time with the Pt Pleasant neighbors in getting a project that would be conducive to the existing nature of the neighborhood and after accomplishing that with the neighborhood support they would like to return the support for this petition.

Marvin Slovacek, partner in Pt Pleasant Partners, owners of several parcels at 1720 1st Avenue West. Spoke in favor of the petition. They spent a great deal of time with the neighbors to make sure that what they developed was in keeping with the ambiance and the feel of the neighborhood. This petition is put forth in order to maintain that ambient feel in the neighborhood. He felt this petition is in the best interest in the neighborhood and he wanted to speak out in favor of the petition. *Mr. McLachlan* interjected that the project that *Mr. Schmeichel*, and *Mr. Slovacek* were referring to is a multi-family project that would be prohibited by this petition.

Opposed:

Linda Chapman and Jake Fernandez, resident homeowners, stated that they are renovating their Old Spanish house and have lived in the neighborhood for 15 years. They are currently not using their R3B rating but do not want to give up their right to do so in the future. Bridgewater Condos are across from their home and they feel that the condos are well taken care of. It was a disappointment to see it go in as it blocked the view of the water, however the empty lot served as a place for undesirable activities.

Bob Schermer, representative for a resident homeowner, pointed out that his client owns one contiguous parcel but only one of the three lots were included in the petition. He continued saying that it is a gerrymandered line around that takes out people and includes people based on how they think this might go. And if all of his clients parcel had been included they would not have had the 51% because his client would have voted against that. He also pointed out that *Ms Swanson's* supposed remarks as to the intent for this was just one person...she left in early nineties and this Comprehensive Plan has been amended several times since then and it is the will of this board and the people, not what *Ms Swanson* said. He stated that they are in support of the staff report.

Terry Lawrence, resident homeowner since 1975 stated that he knew what the zoning was when he purchased his property and he assumed that all other buyers did too. He felt that this was a very selective process according to the methodology there. Parts of several subdivisions were selected with no recap of any one section. He feels that the right thing to do would be to redo the methodology and get a true

feeling of the entire neighborhood or follow the recommendation of the study commission and uphold the denial.

Jerry Snyder, resident homeowner, felt that he was isolated from looking at the petition or being advised of the petition. He feels he certainly would be impacted. He brought up that there are multi-family homes currently there and it has not changed the character of the area. He concluded saying he is not in favor of a rezone.

Dan Nettuno, resident homeowner brought up that some of the areas that are in question have not voted on the petition. The waterfront properties will bring residents to Bradenton who would like to retire there.

Diana Lawrence, resident homeowner for 30 years took offense that it was said that they have not kept their home up. They have estimates of \$400,000 and up to remodel and they are waiting to see the outcome of this request before they put money into remodeling it. She always wanted to stay there and wanted to build a duplex. She doesn't like the assumptions made about her and her family.

Public Hearing Closed

Rebuttal:

Ms Schreiber stated that the characteristic of the neighborhood that they are seeking to preserve is all single family with the exception of about four properties. The four families that the other gentleman spoke about and other people that have multi-family properties currently are being asked to be exempted out so these properties will not be negatively impacted. They will be able to continue to operate their homes in exactly the same manner as they currently operate them.

The neighborhood was cut up the way it was because the places that were not included were high-rise already so there is no point in asking for a rezone because this would not affect them. That is why they were not included in this. That is why the neighborhood is carved the way it is because the high-rise and multi-families have been left out.

Public Works-No Comments

Fire Department-No Comments

Ms Gaufillet asked *Mr. McLachlan* if there were any existing single family homes that are in excess of the 25 ft requirement that would come with the rezoning if it were approved and if there is currently an exception written that those homes can be reconstructed in the event of fire, hurricane damage, anything of that nature above that limit or would they then be subject to the 25 ft height restriction. *Mr. McLachlan* replied that they would be subject to the height restriction as well as current code.

Mr. McLachlan took the board through the staff report as well as a power point presentation.

Mr. Escalante asked for clarification about the revision of the Comprehensive Plan and EAR what the approval process is. *Mr. McLachlan* responded that Planning Commission recommends

approval to the City Council and it goes to the State for approval. *Mr. Escalante* stated that there is not a single author to the Comp Plan and *Mr. McLachlan* replied that they are taking a neighborhood-based approach in preparing the Comprehensive Plan and that there will be a series of workshops with each of the neighborhoods in the city getting their input, it will be thoroughly evaluated, specific recommendations for each neighborhood and it will be a very collaborative holistic process.

General questions and responses between board and *Mr. McLachlan*.

Actions:

Ms. Escalante made a motion for denial of LU.05.0005

Mr. Barnhill seconded the motion.

Ms Gaufillet commented that she strongly supported the idea that historic preservation needs to be a priority of the city. She felt that this needs to be addressed but this is not the appropriate methodology of addressing this issue.

Vote: Unanimously Recommended Denial 6-0

BREAK-10 Minutes

PR.05.0010 WARD 5 NEIGHBORHOOD 1.03/1.04 RS

Request of Fawley Bryant Architects, Inc agent for Bradenton Housing Authority for preliminary approval for a 30 unit residential Planned Development Project on the property located at 408 13th Ave West (Zoned R2A/R1D)

David Bishop, Architect presents project. He addressed the stipulations that were required and indicated that there are no objections to them.

Mr. Cohenour asked about maintaining the residential feel in the Community Center. *Mr. Bishop* directed him to the streetscape diagram and explained in more detail as to what will be used.

Chairman Barcus asked about the colors that have been used on individual houses and *Mr. Bishop* explained that those colors indicate the overall concept for Bradenton Village.

Ms Gaufillet inquired if the Bradenton Village will continue with the low-income housing and *Mr. Bishop* replied that he believed so.

Public Hearing: None

Public Works-No objections based on the stipulated items

Fire Department- No objections based on the stipulated items

Staff Report- *Mr. McLachlan* stated that the project is a wonderful contribution to the community. The only missing element from the PDP as indicated in the staff report is the landscape detail that will be provided for the Council meeting that will be an enhanced form

of the foundation landscaping shown for the residential unit. We are suggesting you allow an 8-foot fence, two feet above the maximum along the railroad to serve as a protective barrier and noise buffer. We also recommend a cross walk be installed at the 3rd street intersection to make this area safer and more walkable and in addition we ask that a sidewalk along 13th Avenue West be placed as part of this project.

Recommend approval with the following stipulations:

1. Adjust the turn radius to accommodate sanitation and fire equipment.
2. Adjust the dumpster to accommodate sanitation trucks.
3. Provide a landscape plan for the Community Center prior to the City Council meeting.
4. The applicant will provide crosswalks at the intersection of 13th Avenue West and 5th Street West and 13th Avenue West and 3rd Street West.
5. The sidewalk along 13th Avenue West will be replaced.

Actions:

Ms. Escalante made a motion for approval of PR.05.0010

Mr. Thompson seconded the motion.

Mr. Yearick pointed out that the motion should have been for 25 units. *Mr. Bishop* stated that the on the application the owner originally submitted a request for 30 units and then changed it to 25 units.

Mr. Barnhill stated that the motion reads 25 units.

Vote: Unanimously Recommended Approval 6-0

RV.05.0004 WARD 5 NEIGHBORHOOD 7.02B RS

Request of Michael Pendley, agent for School Board of Manatee County for Vacation of Right of Way on 6th Avenue between 16th Street East and 17th Street East (Zoned C2)

Mr. Pendley explained that the purpose of this vacation request is for the future renovation and expansion of the campus. The design process has begun and construction is set for early next year. The renovation project would include both changes to the existing facility itself as well as some of the existing campus and the expansion would be primarily on the other side of Sixth Avenue East. They are requesting that the commission act on this now but would like the finalization to be held until the utilities have been moved.

Public Hearing: None

Public Works-No objections based on the stipulated items

Fire Department- No objections

Staff Report- *Mr. McLachlan* stated recommend approval with the following stipulation:

1. All utilities will be removed, relocated and/or easements provided as specified in this report prior to recording this vacation.

Floyd Dupree stated that the proposed start date is Jan or Feb of 2006 would be the start date of the project.

Actions:

Mr. Escalante made a motion for approval of RV.05.0004 with stipulation proposed by staff.

Ms. Gaufillet seconded the motion.

Mr. Barnhill commented that the words 'with stipulation' should be added to the motion.

Mr. Escalante amended the motion.

Mr. Thompson seconded.

Vote to Amend: Unanimously 6-0

Vote: Unanimously Recommended Approval 6-0

MA.05.0008 WARD 5 NEIGHBORHOOD 7.03 RS

Request of Alan Prather, agent for Tropicana for a major Amendment to allow construction of additional juice storage tanks located at 917 12th Street Court East (Zoned I)

Alan Prather, Attorney for Tropicana, indicated that there were two items of discussion at the work session. One dealt with the issue of two separate applications being considered and the necessity for two separate votes. He asked for both public hearings to be open however when the vote is taken it will be for two separate items. For the presentation the evidence being submitted for the record will be reflected in both of those public hearings.

The second item dealt with a question that was asked by one of the commissioners dealing with the setbacks. A replacement for the document that was in question was given to the board members...it was a corrected landscaping plan.

Angela Barton, planner with Wilson Miller discussed a brief history of the Tropicana PDP. She then described the site using the displayed map. She asked to increase the existing approved PDP by .84 acres and to vacate all remaining right-of-ways located within the Tropicana properties.

*NOTE: Microphone Issues

Ms Barton continued with her presentation using the Aerial displays.

Mr. Prather summarized presentation.

Chairman Barcus noted that she observed the used chain link fence as opposed to the nice wrought iron fence. *Mr. Prather* responded that the chain link fence is not in the PDP and is not addressed by the enhanced area.

Ms Gaufillet asked about the reasoning behind 110 spaces for fruit truck parking. *Mr. Prather* explained the fruit trailer parking was approved in a separate PDP and is not part of this amendment.

There was a lengthy discussion regarding the sizes of the storage buildings.

Public Hearing: None

Public Works-No objections based on the stipulated items

Fire Department- No objections based on the stipulated items

Staff Report- *Mr. McLachlan* stated recommended approval with the following stipulation:

1. Adhere to the DRC recommendations as indicated in this report.
2. The storage tanks located along the 13th Street East right-of-way will not exceed 96 feet at the highest point (excluding a/c equipment and railings). Interior storage tanks may be constructed at 110 feet at the highest point. (excluding a/c equipment and railings)
3. The eight-foot fence will be decorative aluminum, wherever it abuts a public right-of-way.

Actions:

Mr. Barnhill made a motion for approval of MA.05.0008 with stipulations

Mr. Yearick seconded the motion.

Vote: Recommended Approval 5-1

RV.05.0005 WARD 5 NEIGHBORHOOD 7.03 RS

Request of Alan Prather, agent for Tropicana for a Vacation of Right-of-Way and Reversion of Subdivision at 917 12th Street Court East (Zoned I)

Public Hearing: None

Public Works-No objections based on the stipulated items

Fire Department- No objections based on the stipulated items

Actions:

Mr. Barnhill made a motion for approval of RV.05.0005with stipulations

Mr. Cohenour seconded the motion.

Vote: Unanimously Recommended Approval 6-0

Ms. Gaufillet for the record would like to have it noted that she voted against the previous approval. She has an inherent problem with tallest structure in the city being a juice storage facility.

Chairman Barcus entertained a motion to close.

Mr. Thompson made a motion to close.

Ms. Gaufillet seconded.

Meeting closed at 5:03 p.m.

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 INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Diane Barcus-Chairman

Note: This is not a verbatim record. A recorded cd is available upon request for a \$10.00 service charge.