

**ABBREVIATED MINUTES  
PLANNING COMMISSION  
SPECIAL MEETING  
JULY 30, 2008**

The Planning Commission met in a special meeting in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on July 30, 2008 at 2:00 p.m.

**ATTENDANCE**

**Present:**

**Planning Commission Members:** Lucienne Gaufillet, Chair; Allen Yearick, Vice-Chair; Diane Barcus; Allen Prewitt; Adam Buskirk, Joseph Thompson

**City Staff:** Tim Polk, Planning Director; Thomas Cookingham, Assistant Planning Director; Ruth Seewer, Development Review Manager; Arlan Cummings, Public Works; Kenny Langston, Fire Marshal; Karen Aihara, Executive Assistant

**Absent:**

**Planning Commission Members:** Carlos Escalante, Brady Cohenour (alternate)

**PRELIMINARIES**

Meeting called to order by Chairperson Lucienne Gaufillet at 2:00 p.m.

- 1) The Chair advised that this Special Meeting was being held in lieu of the July 14, 2008 Regular Meeting.
- 2) Pledge of Allegiance was recited.
- 3) Mr. Prewitt moved, with a second by Mr. Yearick, to approve the Minutes of June 18, 2008. Motion carried unanimously, 6-0.
- 4) The Chair advised that with the exception of variance requests, all items being considered at this meeting would be heard by City Council at its regularly scheduled meeting on Wednesday, August 13, 2008 at 8:30 a.m. unless otherwise announced. Any display materials or boards used for presentation are required in duplicate for public hearings.
- 5) Ms. Aihara swore in all those wishing to speak before the Commission.
- 6) Ms. Gaufillet suggested that the Board hear New Business first, to accommodate Bella Sole's comprehensive presentation. No objections.

**NEW BUSINESS**

**VA.08.0048 WARD 4 NEIGHBORHOOD 7.02A RS**

Request of Andrew Mead, Florida Fence, agent for Two Rivers Inc., owner, for approval of a Variance for an increase in fence height in a technical front yard for property located at 2800 Manatee Avenue East (Zoned R-4)

Ms. Seewer read the request.

Mr. Andrew Mead and Ms. Michelle Mead, 5715 Pinkney Avenue, Sarasota presented the request and answered questions.

**Public Hearing**

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

**Public Works** - Mr. Cummings had no objections, but wanted to state that the owner would be responsible for graffiti removal on the fence, not the City.

**Fire Department** - Fire Marshal Langston had no objections.

**Staff Report** - Ms. Seewer stated that the staff recommends approval with the stipulation that the fence be setback five feet and adequate landscape buffering be installed along the right of way 100 feet east and west of the 28<sup>th</sup> Street East entrance. Specific materials and placement will be subject to approval of the Planning and Community Development Director.

**PLANNING COMMISSION ACTION:** APPROVAL with the following stipulations:

1. To the extent possible landscape buffering will be installed along the right of way 100 feet east and west of the 28<sup>th</sup> Street East entrance. Specific materials and fence placement will be subject to approval of Planning and Community Development Director.
2. The fence will be wood shadowbox or PVC.

Mr. Buskirk moved, with a second by Ms. Barcus, to approve VA.08.0048 with the staff's stipulations. Motion carried, 6-0.

**SA.08.0011 WARD 5 NEIGHBORHOOD 7.03 RS**

Request of Melondy A. Jones, d/b/a Grandma Jones Learning Center, agent for James Brown, owner, for approval of a Special Use Amendment to add an additional building for kitchen facilities and offices for the business located at 900 3<sup>rd</sup> Street East (Zoned C1A)

Ms. Seewer read the request.

Ms. Jones presented the site plan advising that the additional building was for office and storage space and limited kitchen facilities. Ms. Jones answered questions of the Commission Members.

**Public Hearing** - The Chair opened the public hearing for those wishing to speak in favor or against:

In Favor: Mr. Elston Brown, 807 31<sup>st</sup> Street, East Palmetto, representing the owner of rental property, for approval of Special Use Amendment.

Opposed: Mr. Richard Thomas, 904 4<sup>th</sup> Street East, Bradenton (read into the record by Ms. Seewer).

**Public Works** - Mr. Cummings had no objections.

**Fire Department** - Fire Marshal Langston had no objections, but wanted to emphasize the kitchen cooking is restricted to toaster oven, crock pot, and microwave at this time.

**Staff Report** - Ms. Seewer stated that the staff recommends approval of SA.08.0010 with the following stipulations:

1. Exhibit F will be part of this approval.
2. The hours of operation will be from 5:30 a.m. to 11:00 p.m. with approval by the Fire Marshal to insure all fire codes are met.

3. Approval for food preparation is with a microwave, toaster, toaster oven, and crock pot only. Installation of a stove will require that all commercial standards be complied with, specifically for fire prevention.

**PLANNING COMMISSION ACTION: APPROVAL**

Ms. Barcus moved, with a second by Mr. Yearick, to approve SA.08.0011 with the staff's stipulations. Motion carried, 6-0.

**OLD BUSINESS:**

**MA.08.0022 WARD 4 NEIGHBORHOOD 20.03 RS**

Request of Stephen Thompson, Esq., agent for Camlin Home Corporation, owner, for approval of a Major Amendment to a Planned Development project known as "Bella Sole" to increase the lots from 18 to 37 for property located at 4001 5<sup>th</sup> Avenue NE (Zoned PDP)

Mr. Thompson, attorney with Porges, Hamlin, Knowles, Prouty, Thompson & Najmy, PA representing Camlin Homes, introduced:

- Ken Keating, President, Camlin Homes
- John Ireland, Project Manager, Post Buckley
- Karin Murphy, AICP, Planner, Wilson Miller
- Frank Domingo, Traffic Engineer, Wilson Miller
- Bob Boyd, Architect, BSD
- Paul Fletcher, Designer, BSD

Mr. Thompson requested 25 minutes for a presentation by Karin Murphy, Wilson Miller. Request approved. Commission questions answered.

**Public Hearing** - Ms. Gauffillet said that those individuals who wished to speak for or against and the following appeared:

**Opposed:**

Susan David, 3615 5<sup>th</sup> Avenue NE, secretary of Riverpointe Homeowners Association, concerns about single lane traffic access to Bella Sole with hairpin turn. Villas are not compatible with Riverpointe community. Lot 1020 entrance to Bella Sole is under the jurisdiction of Manatee County and zoned as single family home. Corporate Warranty Deed and Property Appraiser PARID submitted into the record.

Gerry David, 3615 5<sup>th</sup> Avenue NE, objections to size and density of homes, additional docks and vehicle traffic. Project will not benefit Riverpointe community.

Claire Donovan, 408 36<sup>th</sup> Street NE, said Bella Sole is a part of Riverpointe. Safety concerns of emergency vehicle access and environmental impact. Claire submitted a "Petition Requesting Denial of Major Amendment Change to Bella Sole" into the record.

John States, 3715 2<sup>nd</sup> Drive NE, Riverpointe, stated that he saw legal issues between the city and county lots. Riverpointe Use Restriction stated that the two lots at entrance of Bella Sole do not meet deed restriction and are in violation. Contiguous development does not fit with the communities of Hawk Island, The Inlets, and Riverpointe. Objection to lot widths of 47 feet, setbacks are unacceptable due to pool and air conditioner noise pollution.

Gary Golden, 213 36<sup>th</sup> NE, objections to increased density. Traffic concerns due to on-street parking and dangerous curve in road.

Charles E. Hindelang, 330 36<sup>th</sup> Street, NE, commented that the traffic and street parking creates one lane situations. Homes are not limited to a retirement community. Set back distance question.

In rebuttal, Mr. Thompson stated Bella Sole has vested rights for 44 single family homes. Lot 1020 is not a part of the proposed Bella Sole, revised site plan has addressed this issue with county.

Mr. Thompson asked Mr. Domingo, a registered Florida civil engineer to talk about traffic impacts. Mr. Domingo stated that a two lane street is appropriate for neighborhood; the hairpin turn is from the original plat and is traffic calming. Trip generation discussion about the average amount of traffic for this development.

Mr. Thompson discussed value of homes and does not believe that Bella Sole will reduce the value of the existing homes. Isolated wetlands mitigation included 200 square feet, not 44 acres, approved by SWFWMD. Emergency vehicles problem due to dead end road by Centex, Bella Sole installed a cul de sac in front of gate to benefit Riverpointe homeowners. The two lots are not part of Bella Sole development, subject to Riverpointe deed restrictions and Manatee County. Mr. Thompson requested approval as stipulated.

The Chair closed the public hearing.

**Public Works** – Mr. Cummings had no objections and is willing to work with developer regarding guard house access and Manatee County fire departments.

**Fire Department** - Fire Marshal Langston said only objection was access gate. Developer has worked with fire department, installed fire sprinklers, and provided access via exit side on county property.

**Planning and Community Development** - Mr. Polk stated that the City has worked with the developer on compatibility and setback concerns, which have been resolved. Smaller home sites are market favorable. Concerns were intensity of development, not density. Current property owners are being affected, but even with the narrower footprints, price points are still high.

Ms. Seewer added that a lot of thought and many meetings have gone into this development. Mr. Keating and Mr. Thompson have worked with the City and met their requirements to increase setback from 5' to 6', install sprinklers, and lower air conditioner noise. Density is less than originally platted and meets future land use density of 6 units/acre. Stipulation will be inserted to prevent construction road damage.

**Staff Report** - STAFF RECOMMENDATION: APPROVAL with the following stipulations:

1. The combined side yard setback of adjacent lots shall be no less than sixteen feet (16') in the front, excluding the portico, and shall be no less than twelve feet (12') in the rear.
2. Prior to construction, the Applicant will provide the office of Planning and Community Development with photographs of the intersection conditions at 39<sup>th</sup> Street and 2<sup>nd</sup> Drive NE, at 36<sup>th</sup> Street and 2<sup>nd</sup> Drive NE, and at 36<sup>th</sup> Street and Canal Pointe Drive. In the event that real or personal property at these intersections is damaged by Applicant or any of Applicant's contractors, subcontractors, suppliers or other authorized agents, Applicant shall repair such damage in a timely manner. Applicant reserves the right to require reasonable proof that such damage was caused by the above parties.

3. In the event the City determines that the entrance roadways eastbound into Bella Sole' will not accommodate governmental emergency, utility and solid waste vehicles, the Applicant shall work with the City to design reasonably appropriate traffic control measures so that such vehicles may access Bella Sole' utilizing the westbound (outbound) traffic lane. The intent of the traffic control measures are to minimize conflicts between inbound and outbound vehicles utilizing the same roadway.
4. Hours of construction activities shall be limited to 7 AM to 6 PM Monday through Friday, and 8 AM to 5 PM on Saturday. Construction activities are prohibited on Sunday. Construction activities shall include idling of supplier and delivery vehicles that may arrive prior to and after these times.
5. The individual residences are to include sprinkler systems in accordance with City requirements. As such, applicant agrees to include a provision within the Homeowner Association documents for Bella Sole' stating that, in the event an individual owner fails to pay their water utility bill, the City may bill the Homeowner Association to ensure that such water service will continue without interruption to assure continuous fire protection. However, the Homeowner Association shall not be responsible for taking any measures whatsoever to assure payment of water utility bills by any individual owner and shall only be responsible for payments billed to the Homeowner Association by the City of the above events occur. Such billing by the City shall only occur after the City has taken reasonable steps to require that the individual owner pays the water utility bill directly to the City.
6. Lot 135C shall have a twenty foot (20') waterfront setback.
7. Identical elevations will not be located side by side.

**Additional Comments by Planning Commission**

Commission understood the Riverpointe homeowners' concerns. Recommendations included that the homeowners petition the County regarding their traffic concerns. Bella Sole lots are the same size as Riverpointe; many lots are larger, quarter acre or better.

**PLANNING COMMISSION ACTION: APPROVAL**

Ms. Barcus moved, with a second by Mr. Thompson, to approve MA.08.0022 with the seven stipulations. Motion carried, 6-0.

**CP.08.0024 AMENDMENTS TO EAR BASED COMPREHENSIVE PLAN**

Request of the City of Bradenton for recommendation of transmittal of the EAR based text and map amendments to the City of Bradenton Comprehensive Plan to the Department of Community Affairs for an Objections, Recommendations, and Comments Report.

Mr. Cookingham presented a proposed new element, Design Element, and text amendments to the following elements: Future Land Use Elements, Transportation Element, Capital Improvements Element, Recreation and Open Space Element, Housing Element, and Historic Preservation Element. Ms. Nancy Roberts and Ms. Frances Marino, Gladding Jackson, were introduced, presented the EAR Based Amendments in detail, and were available for questions and comments with Mr. Cookingham. Questions of the Commission were answered.

**PLANNING COMMISSION ACTION: APPROVAL**

Mr. Yearick moved, with a second by Mr. Prewitt, to recommend the transmittal of the EAR based text and map amendments to the City of Bradenton Comprehensive Plan to the Department of Community Affairs for an Objections, Recommendations, and Comments Report. Motion carried unanimously, 6-0. Congratulations to the Planning & Community Development department and Gladding Jackson on an excellent job.

**Adjournment**

There being no further business to come before the Commission, Mr. Buskirk moved, with a second by Mr. Prewitt, to adjourn the meeting at 4:50 p.m. Motion carried unanimously.

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Lucienne Gaufillet  
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.**