

**ABBREVIATED MINUTES  
PLANNING COMMISSION MEETING  
MAY 20, 2009**

The Planning Commission met in the City of Bradenton Council Chamber, 101 Old Main Street, Bradenton, Florida on May 20, 2009 at 2:00 p.m.

**Present:**

**Planning Commission Members:** Allen Yearick-Chair; Diane Barcus, Allen Prewitt, Jason Taylor-Vice Chair, Joseph Thompson

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

**Absent:**

**Planning Commission Members:** Adam Buskirk, Lucienne Gaufillet, Brady Cohenour (alternate), O.M. Griffith (alternate)

**REGULAR MEETING**

The meeting was called to order by the Planning Commission Chair, Allen Yearick at 2:01 p.m.

- The Pledge of Allegiance was recited.
- Approval of Minutes – Chair Allen Yearick requested that Ms. Barcus' remarks about the many favorable citizen comments and the pleasant dealings with the City Planning Staff are added to the April 15, 2009 minutes. The Planning Commission wants to acknowledge and commend the Staff for a "Job Well Done". This is consistent and accurately reflects the City's motto/slogan, "The Friendly City". Ms. Barcus made a motion to approve the April 15, 2009 minutes with the corrections as noted, second by Mr. Taylor. Motion carried unanimously, 5-0.
- Ms. Barcus congratulated and thanked the Public Works Department on their outstanding job in her neighborhood and the City of Bradenton.
- Ms. Aihara swore in all those wishing to speak before the Commission.

**NEW BUSINESS**

**SA.08.0012 WARD 5 NEIGHBORHOOD 7.03 RS**

Request of Pastor John Marlow, agent for the Bradenton Gospel Tabernacle, owner, for a Special Use Amendment for church expansion for inclusion of living facilities for the property located at 1218 7th Avenue East (zoned C-1A).

Ms. Seewer read the request.

Pastor John P. Marlow, minister of the Bradenton Gospel Tabernacle gave an overview of the special use amendment request. Two years ago, the City notified the church that they were in violation of electrical, fire, and other codes. The City requested that the church apply for exemption permits for the additional housing that the church has done for the last 49 years. The church houses members of the church, not derelicts or people off of the streets. The church does not offer a daily feeding program. Over the years, the church has bought surrounding properties

as available. Bradenton Gospel Tabernacle offers small apartments or rooms to members that could not afford housing, as part as their church mission. The church has tried to comply, even when they did not agree with the City of Bradenton's rules and standards. Pastor Marlow's request is to continue to house people on the church grounds.

**Commission Questions:**

Ms. Barcus asked about a For Sale sign on the 14<sup>th</sup> Street corner. Pastor Marlow believes it was left from a lawn mower repair service and has been removed. Ms. Barcus asked if the gates are kept locked during the day. Pastor Marlow stated that the 7<sup>th</sup> Avenue gate by the sanctuary is unlocked. The 14<sup>th</sup> Street gate and the Christian School gate on 8<sup>th</sup> Avenue are kept locked for safety reasons.

Mr. Taylor asked if the church office has a bathroom. Pastor Marlow stated that the church office opens into a shared bathroom. Studio apartment off the dining hall marked "R" on site plan is mismarked and is a storage room. All apartments have kitchen areas and bathrooms. Pastor Marlow confirmed that handicapped accessible bathrooms are available on the property.

Mr. Yearick asked how people get to stay at the church. Pastor Marlow stated that the church trustees approve housing for congregation members on a case by case basis. The church does not deal in homeless or transient citizens.

Ms. Barcus asked that if people live at the church four or five years, does the church collect any money? Pastor Marlow stated that the church does not collect or have a rent scale and operates on an offering basis. The utilities are paid by the occupants, as they are able to pay.

Mr. Thompson asked how many people are living on the campus. Pastor Marlow believes there are 42-44 people currently living on the grounds.

**Public Hearing:** The Chair opened the public hearing for all those wishing to speak.

**In Favor:**

Terry J. Harrison, 7030 48<sup>th</sup> Avenue East, Palmetto has been associated with the church for 50 years. Terry testified on the benefits of the work of the church, where he was raised with his mother and her five children. The church provided support and contributed to his success over the years. Terry is an elder of the church and a plumbing contractor. He requests the Commission to consider the request.

Matthew Knopf, 2620 33<sup>rd</sup> Avenue Drive East, Bradenton is an elder and one of the contractors representing the church. Mr. Knopf reiterated Mr. Harrison's remarks. He also lived on the church grounds for over nine years and graduated from Tabernacle Christian School. After graduation, Mr. Knopf has several degrees and is a local licensed contractor. As a resident living on the grounds, each person is required to attend church and help maintain the property, i.e. raking leaves, mowing grass. Mr. Knopf requests that the Commission approve the special use permit of the church.

**Opposed:** No one appeared. Public hearing was closed.

**Public Comment:** Ms. Seewer read two letters into the record:

- Letter from James M. Wallace, President, Florida Fidelity Corporation that “fully approves their request and prays that their request be granted”.
- Letter from the School District, “The School District has no concerns at this time.”

**Public Works:** Mr. Cummings requests an on-site dumpster with sprinkler is installed.

**Fire:** Fire Marshal Langston has been working with the church and Pastor Marlow and recommends that this request is approved.

**Board Comments:**

Mr. Yearick expressed the Planning Commission’s mindfulness of changes regarding public health and life safety, and acknowledged the good works done by the church in our community.

**Staff Recommendation:** Ms Seewer stated that the staff has worked with Pastor Marlow and representatives of the church over the past 2 ½ years and the City’s goal has never been to stop what they were doing. Everyone has worked very hard to get here. The church has purchased properties over the years, to bring everything up to code on the exterior and interior – it is not possible. The staff feels comfortable with its recommendations; we are not asking for a re-do of the whole facility. In the future, we can work together on safety issues and that the intent of the code is covered. The church complex has added value to the surrounding properties and area, as stated by Pastor Marlow. The staff recommends APPROVAL with stipulations to the Planning Commission and if the church disagrees with any of the stipulations, the appeal should be made at the June 10<sup>th</sup> City Council Meeting. Staff recommends approval with the following stipulations:

1. Within 30 days from the date of this approval, install the dumpster pad, dumpster, and sprinkler at the location indicated on the plan identified as City of Bradenton Exhibit K submitted April 22, 2009.
2. Within 180 days from the date of this approval, the paving for parking spaces #112 through 119 shall be removed (approximately 525 sf), and bumper stops will be installed at these parking spaces.
3. Within 180 days from the date of this approval, provide a minimum 18 foot drive aisle between parking spaces 109-115 and 116-119 (approximately 600 sf).
4. Within 180 days, an architect or engineer assessment of the existing conditions of all the structures within the complex will be submitted to the Fire Marshal to determine if proper separation of uses has been accomplished. This assessment is the financial responsibility of Bradenton Gospel Tabernacle. Within 30 days of receipt of the assessment, the Fire Marshal shall establish a time-line for completion of life safety requirements, including, but not limited to fire separation for individual units and installation of a sprinkler system. The four single family residences will be exempt from this assessment upon inspection and verification that they continue to be single family units.
5. Within one year from the date of this approval, provide a paved drive aisle where the existing westernmost entrance is located, from 7th Avenue East to 8th Avenue East, a minimum 12 feet wide.
6. Within one year from the date of this approval, all landscaping must be installed as per the

landscape plan submitted with City of Bradenton Exhibit K dated April 22, 2009.

7. The approval is for the operation of the church with associated activities, and no more than 26 living units. Any future expansion of living units will require a Special Use Amendment.
8. Failure to comply with the stipulations in the time periods allotted will result in revocation of this special use amendment and the elimination of the residential units, unless a time extension is granted by the City Council. Such extension shall be submitted by an agent for the Bradenton Gospel Tabernacle in the form of a written request for review. Upon receipt of the request, the extensions shall be voted upon at the next regularly scheduled City Council meeting.

Ms. Seewer provided the Bradenton Tabernacle Church with a copy of the staff report with the stipulations.

**Planning Commission Action: APPROVAL**

Mr. Prewitt moved, with a second by Mr. Thompson, to approve APPROVAL of SA.08.0012 with the eight stipulations as recommended by Staff. Motion carried, 5-0.

**SU.09.0061 WARD 4 NEIGHBORHOOD 20.04 RS**

Request of Kay Jaynes of Tractor Supply Co., as agent for Ron-Ben Associates, owner, for a Special Use to allow outdoor display for the property located at 4404 State Road 64 East (zoned PDP/Commercial).

Ms. Seewer read the request.

There was no one in the audience to represent the applicant or property owner. The applicant received a copy of agenda when the sign was picked up and they were aware that a representative should attend this meeting.

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

**Public Works:** No objections.

**Fire:** No objections.

**Board Comments:**

Ms. Barcus stated that Tractor Supply has outdoor sales space available without using sidewalk space for additional display. The store is allowed two weeks four times per year for special promotions. Items displayed during her visit were not special promotional material. Ms. Barcus objected to the vehicle loading area, parking perpendicular to the sidewalk area.

Mr. Taylor, in addition to Ms. Barcus' objections, objected to the display area under the existing covered walkway system that runs the length of the plaza. This request would block the plaza's pedestrian pathway. Mr. Taylor also expressed concern of safety and security issues.

No other questions or comments for the Planning Commission. Mr. Yearick expressed concern that no one was present at the meeting.

**Staff Recommendation:** Denial of SU.09.0061 for the following reasons:

1. The facility has an existing outdoor display and sales area of 18,500 square feet.
2. Approval of outdoor display on the sidewalk would be setting a precedent.
3. Approval of outdoor display may result in obstruction of the sidewalk and be hazardous to pedestrians.

**Planning Commission Action: DENIAL**

Ms. Barcus moved, with a second by Mr. Prewitt, to deny SU.09.0061 for the following reasons. Motion carried, 5-0.

1. The facility has an existing outdoor display and sales area of 18,500 square feet.
2. Approval of outdoor display on the sidewalk would be setting a precedent.
3. Approval of outdoor display may result in obstruction of the sidewalk and be hazardous to pedestrians.
4. Safety and security may be compromised as a result of any outdoor display.

Mr. Cummings and Mr. Langston exited the meeting.

**REPORT OF PLANNING & COMMUNITY DEVELOPMENT DIRECTOR**

Mr. Polk gave an update of the current Planning & Community Development projects:

- Vetting candidates for the Building Official position
- Neighborhood Stabilization Program overview
- Economic Development Agency grants
- Pink Palace is in foreclosure – need to button up structure
- Vetting Artisan Walk
- Comprehensive Plan is close to completion

**ADJOURNMENT**

There being no further business to come before the Commission, Mr. Taylor moved, with a second by Ms. Barcus., to adjourn the meeting at 3:23 p.m. Motion carried unanimously, 5-0.

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Allen Yearick  
Chairperson

**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.