

ABBREVIATED MINUTES  
 PLANNING COMMISSION MEETING  
 SEPTEMBER 21, 2005

The City of Bradenton Planning Commission met on Wednesday, September 21, 2005 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 Donald Surface	Carlos Escalante	Lucienne Gaufillet
Richard Barnhill	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
Director Larry Frey	Arlan Cummings	Kenny Langston	
Assistant Director Matt McLachlan	Seth Kohn		
DRM Ruth Seewer			
Rev.Cord. Dianna Loudermilk Susan Sileo			

**PRELIMINARIES**

**Meeting called to order by Chairman Diane Barcus at: 2:05 P.M.**

- 1) Chairman Barcus called the 9-21-05 meeting to order at 2:05 p.m.
- 2) Pledge of Allegiance at 2:06 p.m.
- 3) The Chair advised that on page 2 of the Minutes of August 24, 2005 the Public Hearing was continued from July 20, 2005 not August 24. Mr. Yearick moved, with a second by Mr. Surface, to approve the Minutes as corrected. Motion carried unanimously.
- 4) Chairman Barcus announced that Deputy Fire Marshal Kenny Langston had been promoted to Fire Marshal.
- 5) Chairman Barcus announced that it was Dianna Loudermilk's last meeting as Review Coordinator because she was moving to South Carolina. Ms. Barcus presented flowers to Dianna on behalf of the Commission and expressed appreciation to her. The Chair then introduced Susan Sileo who would be filling that position.
- 6) The Chair announced that all items being considered today would be heard by the City

Council on October 12, 2005 at 8:30 a.m. unless otherwise announced. Ms. Barcus advised that with regard to applicants applying for variances, if those were approved, an affidavit would be included in notification which had to be signed, notarized and sent back to the City with the appropriate recording fee.

7) Mrs. Loudermilk swore in all those wishing to speak before the Board.

**OLD BUSINESS-** None.

**NEW BUSINESS**

**RV.05.0006 WARD 5 NEIGHBORHOOD 1.03/1.04 RS**

Request of the City of Bradenton for a vacation of Right of Way at 1227 12<sup>th</sup> Street West (Zoned R3B / VAOD).

The request was read by Ruth Seewer. Ms. Seewer explained that Mr. Mark Runnells of the Village of the Arts had originally approached the City Council to waive the fee to get the alley vacated. Ms. Seewer advised that since the City could not waive the fee but it did not need the alley, the City decided to be the applicant. Ms. Seewer requested that Mr. Runnells give some insight into the reasons why the vacation was being requested.

Mr. Runnells explained that this alley runs behind his property as well as several other properties and had basically been abandoned by the City. He explained that it had become an ingress and egress for drug dealers and prostitution, therefore, the residents were requesting that the alley be vacated. In that way they could control it by moving their fencing and landscaping in order to block the access from the southern portion. Mr. Runnells further explained that the northern portion would have to remain open for fire and emergency vehicles.

Mr. Yearick inquired whether the alley could be transversed by vehicle, and Mr. Runnells responded that the Fire and Police Departments came in to look at it and they were able to get their vehicles in because there was a 10 foot wide right of way. Mr. Runnells explained that he had to keep the back part open to be able to get access to the back house. He further explained that the other houses could all be served from the main avenues and streets.

The Chair inquired whether all the property owners had signed the waiver form, and Ms. Seewer advised that all waiver forms were received with one exception, and it would be a question for the City Attorney as to whether the City could vacate all the portions except the one that abuts that particular property or whether the City could vacate it anyway.

The Chair inquired as to what would happen if that property owner did not sign the waiver and Ms. Seewer stated that she did not know although the City could vacate everything with the exception of the parcel that sits behind but Bill Lisch, City Attorney, would have to make that determination at the City Council meeting.

The Chair stated that Mr. Runnells had mentioned fencing and landscaping, and Ms. Barcus wanted to remind him that there would have to be a utility easement.

Mr. Cummings stated the relocation of fences could occur which was usually done by an affidavit signed by the property owners stating that they would be responsible for moving it if ever there had to be work done on the utilities.

**Public Hearing:**

Chairman Barcus opened the Public Hearing.

No one appeared to speak in favor or in opposition and the Chair closed the Public Hearing.

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

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

**Staff Report-**

Ms. Seewer advised that the criteria in the Land Use Regulations provide that if it could be determined that it was not detrimental to the public health, safety, welfare, and convenience of the City residents, then the street could be vacated and in staff's opinion it would be a benefit to the public health, safety and welfare so the City was recommending approval of its own request.

Ms. Seewer answered questions of the Commission.

Mr. Surface moved, with a second by Mr. Thompson, to approve RV 05.0006 Ward 5 Neighborhood 1.03/1.04.

Mr. Yearick inquired whether the motion should be contingent on the property owner of lot 7 signing the waiver. Ms. Seewer responded in the negative advising that just that section would not be vacated but that the City Attorney would make that determination legally as to whether it could be done without her signature. Ms. Seewer added that she believed the City could vacate the property without her signature although she did recommend that a stipulation be added to the motion for an easement. Mr. Surface explained that his motion included the recommendation of the staff report.

Motion carried unanimously.

**VA.05.0019 WARD 2 NEIGHBORHOOD 12.02 RS**

Request of Phippen – Rowe, Inc., owner, for a Variance to reduce building setbacks and buffer on the property located at 408 30<sup>th</sup> Street West (Zoned C2).

Ms. Seewer read the request.

Mike Phippen, 6810 Riverview Boulevard, advised that the application request was to create an office in that building for a company with five people. He explained that the building was the second one down from Manatee Avenue on that road and had been a home. Mr. Phippen advised that that was the way it was zoned and that was the way the company had purchased it.

Ms. Guilfillet inquired about the signage and the kind of business it was.

Mr. Phippen responded that it was a development company and a minimal sign would be used.

**Public Hearing:**

The Chair opened the Public Hearing. No one spoke in favor and no one spoke in opposition. The Chair closed the Public Hearing.

**Public Works-** Mr. Cummings stated that Public Works had no objection and had worked everything out on the site plan with the engineers.

**Fire Department** – Fire Marshal Langston stated that the Fire Department had no objections.

**Staff Report** - Ms. Seewer advised that the existing building was nonconforming for commercial use, therefore, a variance was needed to make improvements to the building. She stated that it would be hard for the owners to get a mortgage and insurance without a variance. Ms. Seewer advised that staff had recommended approval with two stipulations, one for fencing and the other for landscaping. She advised that staff was, however, changing its recommendation regarding the three oak trees to urban oaks rather than the minimum 3-inches dbh previously recommended in the staff report.

Ms. Seewer advised that the stipulations would be as follows:

1. The vinyl fence will be installed prior to the issuance of permits for renovation of the building and site improvement.
2. The buffer along 30<sup>th</sup> Street will consist of the following:
  - a. Ground cover,
  - b. A continuous hedge a minimum of 30 inches high and two feet on center at planting,
  - c. An understory plant such as schefflera or crepe myrtle,
  - d. Three urban oak trees.

Ms. Seewer answered questions of the Commission.

Mr. Yearick moved, with a second by Mr. Thompson, to approve VA.05-0019 with stipulations. Motion carried unanimously.

**SU.05.0014 WARD 5 NEIGHBORHOOD 7.02B RS**

Request of Gayle P. Edwards, agent for Rogers Community UMC, owner for Special Use approval to operate a Day Care Center known as Rogers Community Child Development Center located at 1050 15<sup>th</sup> Street East (Zoned R1C).

Ms. Seewer read the request.

Mr. Thompson recused himself from participation in this request because he served as Treasurer for this organization.

Ms. Gayle P. Edwards, 1401 3<sup>rd</sup> Street West, and Pastor St. Claire Moore, were sworn in.

Ms. Edwards presented the request to the Commission.

Mr. Surface noted that surveillance cameras would be required as well as handicapped parking.

Pastor Moore responded that he was not aware of the surveillance cameras requirements.

Ms. Seewer reminded Pastor Moore that he was present when Officer Stoops made that recommendation.

Pastor Moore stated that he thought that was just a suggestion, not a requirement. He explained that to put that burden on the expense of this program would be too much to ask and requested the Commission to reconsider this stipulation because they have never had any problem.

Ms. Seewer stated that it was stipulated because of Officer Stoop's recommendation but the Commission could make that change.

Mr. Surface asked whether there were any grant monies available for the program.

Ms. Seewer stated that she thought there was. She also added that the first sentence regarding the surveillance cameras could be stricken and Pastor Moore could meet with Officer Stoops for further suggestions regarding safety measures.

### **Public Hearing**

The Chair opened the Public Hearing for those wishing to speak for or against the request. No one came forward, and the Chair closed the Public Hearing.

**Public Works** - Mr. Cummings advised that Public Works had approved the existing driveway for handicapped parking because it was 14 feet wide. Discussion took place regarding the pick up and drop off points.

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

**Staff Report** – Ms. Seewer advised that DDS staff had recommended approval with the following stipulations:

1. Oak trees would be planted at 50-foot intervals around the perimeter of the play area and at 75-foot intervals along the north side of the parking area.
2. An ornamental hedge would be installed along the parking area from the right-of-way up to the first walkway.
3. Surveillance cameras would be required. The applicant would meet with Officer Stoops regarding installation of surveillance cameras and other CPTED (Crime Prevention Through Environmental Design) practices.

Ms. Seewer stated that it was up to the Commission whether it wanted to keep in the requirement relating to the surveillance cameras.

Further questions of the Commission were answered regarding handicap parking and sprinkling systems.

Responding to the Commission's concerns, Ms. Seewer stated that the handicapped parking would be properly marked. The Chair stated that she would like a stipulation that signage be provided to show that the drop off and pick up points would be at the church parking lot entrance.

Ms. Seewer advised that she would add the two additional stipulations, one regarding a sign for handicap parking and one for a sign for the drop off and pick up points.

The Chair inquired whether Ms. Edwards had any problems with the stipulations. Mrs. Barcus explained that the Commission would strike the requirement that surveillance cameras be required but that the applicant would meet with Officer Stoops regarding other safety practices.

At the request of Mr. Surface, Ms. Seewer recapped the five stipulations.

Mr. Surface moved, with a second by Mr. Yearick, to approve SU.05.0014 with the five stipulations. Motion carried unanimously.

#### **LU.05.0015 REVISED SIGN REGULATIONS LF**

Request of the City of Bradenton for text amendments to the Land Use Regulations (LURs) regarding Sign Revisions.

Mr. Frey presented proposed text amendments to the Land Use Regulations (LURs). He indicated that the amendments were drafted pursuant to establishing a more sound, responsible, and defensible regulatory system for signage. Mr. Frey added that additional, non-related changes were also included for general clarification purposes of these LURs. He advised that the changes were consistent with the Comprehensive Plan. Mr. Frey answered questions from the Commission throughout the discussion and the Commission made its suggestions for changes.

Mr. Surface moved, with a second by Mr. Thompson, to approve LU.05.0015 Revised Sign Regulations with the following stipulations: (1) that all references to roof signage be eliminated from the Regulations, and (2) all revisions mutually agreed upon by the Commission and staff be accepted. Motion carried unanimously.

#### **Adjournment**

Ms. Gauffillet moved, with a second by Mr. Yearick, to adjourn the meeting at 3:55 p.m. Motion carried unanimously.

**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*.