

ABBREVIATED MINUTES  
 PLANNING COMMISSION MEETING  
 SEPTEMBER 20, 2006

The City of Bradenton Planning Commission met on Wednesday, September 20, 2006 at 2:15 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:**

<b>Development Services</b>	<b>Public Works</b>	<b>Fire</b>	<b>Police</b>
Director Tim Polk	Arlan Cummings	Kenny Langston	
Assistant Director Matt McLachlan			
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

**PRELIMINARIES**

Meeting called to order by Chairman Diane Barcus at: 2:15 p.m.

- 1) The Chair advised that with the exception of variance requests, all items being considered at this meeting would be heard by City Council on Wednesday, October 11, 2006 at 8:30 a.m. unless otherwise announced.
- 2) Pledge of Allegiance at 2:16 p.m.
- 3) Mr. Barnhill moved, with a second by Mr. Thompson, to approve the Minutes of August 14, 2006. Motion carried unanimously.
- 4) Ms. Kahl swore in all those wishing to speak before the Board.

**OLD BUSINESS** - None.

**NEW BUSINESS**

**VA.06.0029 WARD 2 NEIGHBORHOOD 12.02 RS**

Request of John V. Quinlan, owner, for Variance approval to reduce the side yard setback for installation of an attached carport to accommodate two vehicles for property located at 3305 Riverview Boulevard West (Zoned R-1B)

Ms. Seewer read the request.

Mr. Quinlan presented the request to the Commission relating a history of the property when he and his wife acquired it in 1982. Mr. Quinlan explained that presently only one car could park in the carport and since the carport was in need of significant repair due to a leak and would be a continual maintenance nightmare, he proposed tearing it down and constructing a porte-cochere more to the front of the property on the east side of the residence with the capability of covering two cars. Mr. Quinlan advised that his eastern neighbor was Richard Fawley, whose firm was the architect for the project, and who had provided the Commission with a letter of support. Mr. Quinlan stated as he and his wife studied the problem, they realized that all these years they have been staring at the Fawleys' pool area and back yard from their deck so they tried to solve two issues: (1) the design problem, and (2) privacy to the Fawleys. Mr. Quinlan presented various scenarios and the problems associated with each. He observed that a close-by neighbor had done a similar plan with his carport being a foot or two from the property line. He pointed out that the existing footprint had been maintained as well as keeping the house in the old Florida style. He stated that the improvements would bring the house in line with current building trends while preserving the character of the neighborhood.

**Public Hearing:**

The Chair opened the public hearing for those wishing to speak in favor or in opposition. No one appeared. The Chair closed the public hearing.

**Staff Report-**

Ms. Seewer commented that a new historic building ordinance required the City to work with homeowners to try to maintain historic buildings rather than tear them down and rebuild more modern homes which did not blend in with older neighborhoods. She advised that the ordinance addressed homes built prior to 1946, and although the Quinlans' home was built in 1950, it was close enough for staff to support the variance. Ms. Seewer said that since the house was built prior to regulations, staff felt justified in recommending approval although the carport would be on the property line. Ms Seewer said the second story met the setback and the proposed design removed the second story deck which was more obtrusive into the neighbors' property than a carport. Ms. Seewer advised that the hardship was based on the narrowness of the lot and the location of the existing structure making it difficult to construct a carport anywhere on the lot and have it meet all the setbacks.

Mr. Yearick moved, with a second by Mr. Thompson, to approve VA.06.0029 based on the hardship of lot size and placement of the existing residence on the lot. Motion carried unanimously.

**VA.06.0030 WARD 5 NEIGHBORHOOD 7.02B RS**

Request of Chris Moskowitz, agent for Building a Brighter Tomorrow Foundation, owner, to allow construction of a single family home on a non-conforming lot for property located at 2108 7<sup>th</sup> Avenue East (Zoned R-1C)

Ms. Seewer read the request.

Mr. Moskowitz presented his request.

Questions of the Commission were answered.

Mr. Barnhill noted that he felt a 37 foot lot was out of character for the area.

Mr. Moskowitz responded that it was out of character for the properties to the left and right; but, there were other lots in the area that maintain that size, not to mention that it was a 150 foot deep lot. He said the square footage was there; however, it was just a skinny lot especially because it was a piece of property that had been owned by a mobile home park.

Mr. Barnhill asked why Mr. Moskowitz did not put the house on the back part of the lot thereby eliminating the need for a variance.

Mr. Moskowitz explained that he wanted to keep that lot in line with the other houses that he had planned in order to keep it aesthetic.

Responding to Mr. Yearick's question, Mr. Moskowitz advised that all the houses would be similar, but each would be a little different. He advised that some of the amenities would be a Boston hip roof with dimensional shingles, PVC white railing, and landscaping, which was unusual in affordable housing.

**Public Hearing:**

The Chair opened the public hearing for those wishing to speak in favor and no one appeared. The Chair opened the public hearing for those wishing to speak in opposition to the request.

Ms. Mitchell was sworn in by Ms. Kahl.

Ms. Margaret Mitchell, 2106 7<sup>th</sup> Avenue East, spoke in opposition stating that affordable housing would bring the price of the properties down as well as not knowing who would be moving in. She said she only had one neighbor to the left and one to the right and the neighborhood had been very quiet. She stated that it would bring more traffic and people into the area. Ms. Mitchell advised that they tried to purchase the property but they could not find out who owned it. She said they were surprised when they heard that this was going to happen. Ms. Mitchell commented that it sounded good but it was not desirable to build that close. She remarked that she liked to sit on the front porch, too, but she wanted it to remain quiet as it had been for the 15 years she lived there.

There being no further individuals wishing to speak, the Chair closed the public hearing.

Mr. Moskowitz responded that he had brought a property appraiser to the property who said that building new houses would bring the prices of the property up and make the properties more valuable and a more viable place to live. He said, of course, one would not know who would be buying the houses but if a neighbor sold a house, one would not know who would be moving into that either. He mused that the people buying these homes would probably be young professionals with good credit and stature because in order to buy a home one would have to have a good job. He opined that the positives outweigh the negatives although he respected Ms. Mitchell's thoughts.

**Public Works -**

Mr. Cummings stated that he had no comments.

**Fire Department –**

Fire Marshal Langston expressed concern about the separation issue of the homes because of the small lots noting if two foot overhangs were put on the houses, they would be too close together.

**Staff Report-**

Mr. Polk stated that he had worked with Mr. Moskowitz and to Mr. Moskowitz's credit he had come a long way from the plans he first brought to his office. Mr. Polk stated that first time homeowners would be able to qualify for a mortgage and workforce housing, such as, firemen, policemen, and City Hall workers would be able to afford these houses. Mr. Polk advised that he had worked with Mr. Moskowitz on the design and this would create value to this neighborhood.

Ms. Seewer pointed out that only one lot needed a five foot setback.

Mr. Polk pointed out that there would be 12" overhangs. Mr. Polk commented that the City wanted builders who would build affordable housing between 800 and 1,200 square feet. He remarked that the City would be willing to bend a little bit and still meet all the codes and ordinances. He noted that the City wanted good houses to create value and to make sure value was retained. Mr. Polk said he would vouch for Mr. Moskowitz as he would not get a building permit unless the homes were pretty and he did everything he talked about doing. Mr. Polk noted that he would work tooth and nail with those builders who build affordable housing in the City making sure the houses have long term sustainability including design compatibility and architectural compatibility.

Ms. Seewer said that staff recommended approval for the variance for setbacks to allow a wider house and although not noted in the Staff Report, she suggested that if the Commission approved the variance, it include a stipulation tying the architectural design of the buildings to the approval of Tim Polk as Director and in that way the City would get a good, quality product.

The Chair asked if there should be a stipulation for approval by the Fire Department.

Fire Marshal Langston pointed out that he did not review single family homes.

Ms. Seewer stated that an exception could be made in this case.

The Chair commented that Mr. Moskowitz could build this house at the southern end of his property and not need a variance.

Ms. Seewer affirmed the statement advising that Mr. Moskowitz could also build a narrower house without approval of the Commission.

Mr. Thompson moved, with a second by Mr. Yearick, to approve VA.06.0030. Voting in favor: Thompson and Yearick. Voting against: Barnhill and Barcus.

The Chair stated that she recommended that Mr. Moskowitz build the house on the back of the lot.

Mr. Barnhill changed his vote to yes. The vote carried 3-1.

**MA.06.0013 WARD 4 NEIGHBORHOOD 20.03 RS**

Request of WilsonMiller, agent for WCI Communities, owner, for a major amendment to a Planned Development Project to reduce the building heights and reduce the number of dwelling units and add boat docks for property located at 501 48<sup>th</sup> St Ct NE (Zoned PDP)

Ms. Seewer read the request advising that the reduction in the building heights and reduction to the number of dwelling units had already been approved administratively. Ms. Seewer advised that the applicants just wanted to bring it to the Commission's attention.

Stephen Thompson, attorney, representing WCI Communities, owner, presented the request. He advised that the boat docks with a boat lift system were internal to the development and no docks would be on the Manatee River. He said that the applicants agreed to staff's stipulations.

Betsy Benac of WilsonMiller reviewed the changes which had been made. She showed photos of the model of the condominium towers housed at the Design Center which she invited the Commission to visit. She updated the Commission on the status of 48<sup>th</sup> Street Court East. Ms. Benac said that there would be a 149 congregate boat facility which was not a boat launch. She remarked that there were also 118 lots with dock options. She advised that SWFWMD required boat lifts and would not give final permit approval until local approval was granted and that was the purpose of the request before the Planning Commission today. Ms. Benac said after the build-out phase and sale of the project, boat slips not taken by the residents would be offered to the public. She stated that there would be tennis courts, parking, ship's store and community building.

Mr. J. Thompson asked if a person wanted his own dock, would he be required to have a boat lift.

Ms. Benac responded affirmatively explaining that it was a requirement of SWFWMD that the boats be suspended over the water and not be in the lake since it served as storm water treatment as well. She said that the environmental team was present to answer questions.

Dana West, Vice President of Biological Research Associates, responded that WCI made a commitment to SWFWMD. He explained that by having the boats on a lift they could remove a lot of pollutant loading which could take place in the water. He advised that most of the time when boats were stored in an estuarine environment, they required anti-fouling paint which contain contaminants to keep fouling communities from growing on the bottom of the boat. To eliminate the need for anti-fouling paint altogether, Mr. West stated, they put the boats on lifts.

Mr. Barnhill inquired about the heights of the boats to be able to get out of the lake area to the river through a canal and under the roadway

Gabriel Crocker of WilsonMiller explained that there would be a little less than a 19 foot clearance. He explained that there was a 2¼' elevation from the lake so the clearance would be between 17 and 19 feet.

Mr. Barnhill remarked that one could get a pretty good sized boat through there.

Mr. Crocker responded that the trouble would be with the draft and height requirements for the lift itself.

Mr. West stated that they put a restriction on the size of the boat for the lift at 35 feet in length and three feet, or 36", in draft. He explained that the lift was set up that way and would not be able to accommodate a boat of any larger size.

The Chair inquired about the size of the congregate docks.

Mr. West advised that the congregate docks were designed to handle 30 foot boats. He stated that the individual slips had an opening of 30 feet in width which were designed for two vessels, 15 feet in width for each vessel with a 50 foot separation between adjoining piers of slips.

**Public Hearing:**

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

**Public Works -**

Mr. Cummings advised that the applicants have agreed to participate in the Clean Marina Program.

Responding to an inquiry by the Chair, Mr. West explained that the Clean Marina Program was a voluntary program sponsored by the Department of Environmental Protection requiring strict guidelines and WCI had agreed to the criteria. Mr. West reviewed the criteria.

**Staff Report-**

Ms. Seewer reviewed the following 11 items which the developer had agreed to comply with which were referenced in the recommended four stipulations:

1. Locate the boats within the stormwater pond to eliminate pollutant loading and shoreline erosion in the Manatee River.
2. Locate the boats within the stormwater pond to avoid the pre-emption of sovereign lands and elimination of public access.
3. Oversize the treatment volume of the stormwater pond to negate the additional pollutant loading from boats.
4. Utilize a boat lift system to access the Manatee River, which will also control the draft and size of boats within the pond.
5. Distance the boat lift from the high-energy northwestern corner of the property to minimize erosion, dredging and impacts to seagrasses.
6. Locate the boat lift to minimize dredging in the Manatee River
7. Maximize the distance between the littoral shelf/stormwater discharge point located behind the multi-family and the boat lift to decrease water quality concerns.
8. Prohibit sewage pump-outs, fish cleaning stations, and fueling facilities.
9. Deliberately do not plat lots to mean high water to withhold riparian rights adjacent to the Manatee River.
10. Utilize greenheart wood to eliminate pollutant leaching from pilings.
11. Utilize boat lifts at each dock so boats are not stored in the water.

Ms. Seewer advised that staff recommended approval with the following stipulations:

1. The applicant will comply with the commitments outlined in the environmental narrative and identified in the staff analysis as numbers 1-11.
2. The applicant will operate under the Clean Marina program.
3. Restrictions identified by the Fire Department will be complied with.
4. All conditions and stipulations of the original PDP approval will remain in effect.

The Chair asked whether there should be a stipulation about lights so as not to disturb the surrounding residents or hurt any fish in the water.

Mr. West responded that storm water facility lights attract fish so lights were not a deterrent. He stated that the lights were located close to walking surfaces so he did not anticipate a problem.

Ms. Benac showed where the congregate docks were stating that they were quite a distance from the homes. She also noted that the Home Owners Association would deal with any problems.

Mr. Barnhill moved, with a second by Mr. Yearick, to approve MA.06.0013 including the four stipulations. Motion carried unanimously.

**SU.06.0025 WARD 4 NEIGHBORHOOD 7.03 RS**

Request of Duncan Seawall, Dock, & Boat Lift, Inc., agent for Linda Svenson, owner, for approval of a Special Use to build a 30' dock extension for a boat lift for property located at 1498 1<sup>st</sup> Avenue East (Zoned R-1B)

Ms. Seewer read the request.

No one was present to answer questions of the Commission.

**Public Hearing:**

The Chair opened the public hearing. No one appeared to speak in favor or in opposition and the Chair continued the public hearing.

Mr. Barnhill moved, with a second by Mr. Thompson, to continue SU.06.0025 until the October 18 Planning Commission Meeting. Motion carried unanimously.

**SU.06.0026 WARD 4 NEIGHBORHOODS 1.03/1.04 MM**

Request of Duncan Seawall, Dock, & Boat Lift, Inc., agent for Rebecca Jepsen, owner, for approval of a Special Use to construct a dock for property located at 1804 Riverside Drive East (Zoned R-1B)

Ms. Seewer read the request.

No one was present to answer questions of the Commission.

**Public Hearing:**

The Chair opened the public hearing for those wishing to speak in favor.

Terry Klein, 1810 Riverside Drive East, stated that he favored the dock; however, he requested that it be moved 15 feet more from the east property line.

Mr. Yearick asked Ms. Seewer if there was any reason given about this particular location.

Ms. Seewer responded negatively stating as long as the 25 foot minimum requirement was met, she did not see a problem with Mr. Klein's request, and she would suggest it to the applicant.

Mr. Klein then expressed concern that there were other docks with halogen lights which blached the view of the Manatee River. He said it would be better if people were required to shield them.

The Chair opened the public hearing for those wishing to speak against and no one appeared. The Chair continued the public hearing.

Mr. Yearick moved, with a second by Mr. Barnhill, to continue SU.06.0026 until the October 18, 2006 Planning Commission Meeting. Motion carried unanimously.

**LU.06.0033 WARD 5 NEIGHBORHOODS 1.03/1.04 MM**

Request of Kiernan Fradette, agent for the Artists Guild of Manatee, Inc., owner, for text amendments to the City of Bradenton Land Use Regulations relating to the Village of the Arts (VAOD) to allow artists in the said Village of the Arts Overlay District to construct on their property, in addition to their own living and studio space, a second and separate living unit that may be rented to produce revenue (Zoned R3B/Urban Village/VAOD)

Ms. Seewer read the request.

Kiernan Fradette, 19407 64<sup>th</sup> Street East, representing the Arts Guild of Manatee, Inc., appeared stating that there had been a revitalization of the Village of the Arts, but the difficulty from an artist's point of view was that it was not an art destination on a regular basis but only four or five days a month on Saturdays and during Art Walks. He said that if the Village of the Arts were truly an arts district, it would be open on a daily basis where people could be sure to see artists working in their studios and selling their work. Mr. Fradette said that the people who were inclined to come from long distances, such as, Longboat Key, Sarasota, Tampa, or St. Petersburg would not come back if the studios were not open. Mr. Fradette commented that this was the purpose behind this proposal along with his own needs as a sculptor. Mr. Fradette hoped reconsideration be given to

the amount of floor space in an ancillary dwelling. He explained that his architectural type sculpture were large pieces so he needed floor space to show his sculptures as well as an area to teach classes. Mr. Fradette stated that the Guild wanted to lure full time artists to the Village of the Arts and help the artists already present to convert their properties so they could become full-time artists. He said that the advantage of rent as an income was that one would know what his income was and cost the City nothing. Mr. Fradette remarked that to make \$1000 a month one had to sell \$2000 because 50% had to be given to the gallery showing the work which made it difficult for many artists as well as being unpredictable. He commented that if one received a predictable amount for rent, one could more easily direct one's career to the development of one's art or becoming a full-time artist or at least an artist who could be open every afternoon. He advised that he planned to build his own living space and studio but the limitation of 1,000 square feet would be inadequate because he needed space to display the sculpture as well as a separate room for carving. He noted that he would need a space of 24 x 36 square feet with living space above. Mr. Fradette asked the Planning Commission to entertain the idea of larger studio space. He said that his planned building would be 1,700 square feet and would be invisible from the road.

The Chair inquired whether his exception was to "that in no case shall the floor space of an accessory dwelling exceed 80% of gross floor area of the principal dwelling or 1,000 square feet."

Mr. Barnhill commented that he thought Mr. Fradette took exception to the gross floor area of the artisan workshop not to exceed 400 square feet.

Mr. Fradette responded that in talking with Mr. McLachlan he was told that if the 1,000 square feet were combined with the 400 square feet, he could have 1,400 square feet. He remarked that having a separate building with 400 square feet and a separate building for living space was one thing; but, it would be far more economical if one structure could be built.

The Chair asked about using the principal dwelling as a studio since it had more than 1,000 square feet.

Mr. Fradette said it would be totally inappropriate for use as a sculpture place. He commented that he did not know how that impacted the proposal since it was for two living spaces, one to rent and one to live in by the artist and if one used a separate building for a studio without living value, he did not know how that would help support the artist's living as an income because one of the places would be taken up as a studio.

The Chair asked what guarantee the proposal had on the Village of the Arts being open every day.

Mr. Fradette answered that this was not a mandate but an opportunity for artists. He said the City would be in partnership with the artists giving them the opportunity to live and sell their work and make an income that was steady through the rental unit. He added that if the Chair stated that someone could abuse this, he said the answer was probably but what was really needed was about 10 to 12 people setting up shop so they could advertise to come to the Village and see artists at work, whereas, they could not do that now.

Mr. Barnhill commented that Mr. Fradette brought up a point about the limitation of 400 square feet on an artist's workshop which would inhibit his artistic capability because of the style of his work. Mr. Barnhill asked why there was a limitation of 400 square feet unless it was to limit the size of the commercial art facilities.

Mr. McLachlan answered that the 400 square feet came from a recommendation by the Art Guild. He advised that the restriction related to limiting the scale and intensity of the building. He noted that it was previously 200 square feet as a storage building.

Mr. Barnhill commented whether this was an attempt to keep the size and scope of the facility under control. He posed the question of how much square footage would one artisan need to do his work and sell his trade.

Ms. Seewer noted that the accessory building could not be bigger than the principal building.

Responding to Mr. Barnhill's inquiry, Mr. McLachlan said that right now one could have a principal dwelling, a garage, and a storage building, all on one lot. He stated what was being suggested was to allow the Village of the Arts to use that storage building as an artisan workshop and the garage could have a living unit above it, or if there were no garage to have an accessory dwelling.

**Public Hearing:**

The Chair opened the public hearing for those wishing to speak in favor.

Pastor Bill Johnson stated that he lived at 1419 10<sup>th</sup> Street West in the southern part of the Village and was one of the original owners. He was opened every Friday and Saturday. He agreed this was a good idea to provide income to hold them over. Pastor Johnson complained, however, that no one came to South Village because there were no street lights and there was a large green strip that never got mowed which made people afraid to visit.

Carl Keeler, 926 12<sup>th</sup> Street West, advised that he was President of the Artists Guild, which was the parent organization of the Village of the Arts. He urged the Planning Commission to support this proposal as presented. He explained that if an artist had extra income from a rental property, he would be less likely to spend his time at a job and would be doing his art. Mr. Keeler advised that the property was owned by artists so they would be very selective as to who they rent to. He added that one thing that had not been brought up was that the cottages were built in 1925 and 1926 in the Arts and Crafts style, and he hoped the architectural style would be maintained. He emphasized the need for small rentals explaining that in the past couple of days telephone calls were received from artists from Vermont and Massachusetts who were interested in the Village and wanted to rent and then look around to buy. Mr. Keeler stated that this would allow flexibility. He advised that the Village of the Arts was featured in the October issue of Southern Living magazine and had been on national TV so it was a destination and becoming more of one but Mr. Fradette was correct in that they have to get more people there and keep the galleries open. He strongly urged the Planning Commission to approve the amendment.

Linda Bronkema, 407 Upper Manatee River Road, was sworn and stated that she owned a gallery in the Village of the Arts at 13<sup>th</sup> and 13<sup>th</sup> but had to work as a bookkeeper in order to have an income because she did not sell enough of her art on Saturdays and Sundays. She advised that the taxes on her property were \$400 a month and she did not generate that kind of income on her art. Ms. Bronkema stated that this amendment would allow artists to build a rental in the back of their property so there would be more income and they could be open more days.

Christy Cole, 2811 Avenue C, stated that she lived in Holmes Beach but she owned a gallery in the Village of the Arts which was opened on a regular basis. She favored the amendment to bring more artists into the community and more traffic in the area so they could stay open.

The Chair then opened the public hearing for those wishing to speak in opposition, and no one appeared. The Chair opined that there should be a continuance on this matter.

Mr. McLachlan stated that he had a couple of proposed changes based on conversations that he just had with Mr. Langston and Mr. Cummings. He said on page 2(6)(b) on permit renewal, it stated "A certificate of occupancy issued for an accessory dwelling unit shall expire if the accessory

dwelling unit is found in violation by the City of Bradenton Code Enforcement Board” adding the following language: “or other Code enforcement entity”. Then, it stated, “Once an affidavit of compliance is issued by the City of Bradenton Code Enforcement Division”, add the language “or other Code Enforcement entity”. Mr. McLachlan stated that the Fire Department could revoke the certificate of occupancy until the issue was resolved. Mr. McLachlan stated that on page 4 under definitions of “Artisan Workshop” to add the sentence: “High hazardous uses are prohibited.” Mr. McLachlan advised that those uses were defined under State of Florida Fire Prevention Code.

The Chair asked for an example of high hazard.

Fire Marshal Langston responded that would include storage of highly flammable materials.

The Chair queried whether that would be like paint thinner.

Fire Marshal Langston responded that one could have certain amounts; but it addressed large amounts and another example was painting versus spraying in a small area. He explained that certain ventilation would be required.

Mr. McLachlan stated that the 400 square feet limitation came from the fact that one could have two 200 foot storage buildings and what staff did was to combine those two storage buildings into one accessory structure for an artist’s workshop. He advised that the square footage restriction on the ancillary building was 80% of the principal building or 1,000 square feet. Mr. McLachlan noted that the applicant stated that his principal building was 800 square feet and with the 80% limitation could accommodate 620 square feet for the accessory building.

Mr. Barnhill commented that he could build on the back of his lot, convert that to his primary residence, expand his artisan workshop and use the existing dwelling as a rental unit. He asked if Mr. Fradette could take his existing 800 square foot building, use it as a rental, and build a new primary residence on the back.

Ms. Seewer responded negatively stating that he already had a primary residence whether he lived in it or not.

Mr. McLachlan stated that the existing single family home had to remain as the principal structure. He remarked that he could add to the principal structure to include an artisan workshop as long as the setbacks and impervious surface requirements were met.

Ms. Seewer explained that the accessory specifically had to be behind the principal structure. She stated that the front structure could not be an accessory and the larger one in the back.

The Chair remarked that he could add a second or third story.

Ms. Seewer responded affirmatively noting that the secondary living units were for those lots which were under 8,000 square feet. Ms. Seewer said to keep in mind that if the lot was 8,000 square feet or more, they could put another unit on the property and not be limited to the size, or add to the house, or have a garage apartment. She stated that this proposal was for people who have lots that were not 8,000 square feet to give them the opportunity to have another living space.

Mr. McLachlan clarified that the Code prohibited two principal residences on one 8,000 square foot lot without first subdividing the lot unless a Planned Development Project were done. Mr. McLachlan stated that a duplex would be allowed. He said this proposal would help to maintain the single family character of the neighborhood while allowing increased density in the Village, provide affordable housing opportunities as well as additional revenue stream.

The Chair asked if the Commission wished to continue the amendment until the next meeting.

Mr. Yearick asked whether there was any urgency on the City's part.

Mr. McLachlan responded negatively adding that he wanted the Commission to be comfortable with its decision and if the Commission had additional questions, it should be continued.

Mr. Yearick stated that he did have some questions regarding parking.

Mr. Barnhill stated that he did not have a problem with the concept, but he questioned whether staff was firm on the language, firm on the policy, and firm on all the provisions and, if not, it should be continued.

Mr. McLachlan stated that this draft was modeled on best practices and he felt comfortable recommending approval with the changes made by the Fire Department and Public Works, but he wanted to make sure the Commission fully understood what it was considering and if there were unanswered questions, then the best thing to do would be to continue.

The Chair expressed concern that someone living in the Village of the Arts, who was not an artisan, would see this as an opportunity to make money, and build a rental unit, and build an artisan workshop and rent those out. Moreover, the artisan workshop would not be open full time because there would be no gallery to display the art and the rental unit would be occupied by someone who wanted a place to live who was not an artisan. Ms. Barcus commented there would be two non-artisans and one artisan on a lot. Ms. Barcus stated that it was her understanding that the original concept of the Village of the Arts was to get artisans regardless of their medium to live there and work there and allow them to open their workshops and galleries in their homes to make the area thrive and grow and that was what she wanted to see. Ms. Barcus said she would not want it to become an area of ancillary dwelling units to supplement incomes. She agreed with building an artisan workshop, but she said that building ancillary or accessory dwelling units to supplement incomes was not her concept of the Village of the Arts.

Mr. Polk stated that he felt they were close to coming to a consensus. He suggested that the proposal be continued and for staff, Fire Department and Public Works to meet with representatives of the Village of the Arts and Mr. Fradette. Mr. Polk felt the City should not move forward until there was a firm consensus of all groups. He noted that it would be important to prepare visuals to show what was being discussed before it moved forward to City Council.

The Chair concurred.

Ms. Seewer requested that the Commission Members e-mail any concerns as to what should be and should not be and staff could respond accordingly.

The Chair responded that she would be going out of town so she would not be able to respond until after October 10.

Ms. Barnhill moved, with a second by Mr. Thompson, to continue LU.06.0033. The Chair stated that the Public Hearing would be continued to October 18, 2006 if that was agreeable to the Commission Members. Motion carried unanimously.

Ruth Kay stated that she had a gallery on 13<sup>th</sup> Avenue and in view of what the Chair had said about extra units not being rented to artisans, she felt that was going on right now with speculators buying up properties and renting them to undesirables. She asked if there was a way this could be

stopped through Code Enforcement or some other means. Ms. Kay stated that this was depreciating the value of the Village right now.

The Chair suggested that Ms. Kay call Code Enforcement if the Village was being overpopulated. The Chair noted that “undesirables” was a definitive word but if there were problems of crime or harm, then Ms. Kay should call the Police Department.

**Adjournment**

Mr. Yearick moved, with a second by Mr. Thompson, to adjourn the meeting at 4:50 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 <i>service charge</i> .
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