

ABBREVIATED MINUTES
 PLANNING COMMISSION MEETING
 JANUARY 18, 2006

The City of Bradenton Planning Commission met on Wednesday, January 18, 2006 at 2:05 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 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: 2:05 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, February 8 at 8:30 a.m. unless otherwise announced.
- 2) Pledge of Allegiance at 2:06 p.m.
- 3) The Chair called for the elections of Chairperson and Vice-Chairperson. Mr. Barnhill moved, with a second by Mr. Yearick, to nominate Diane Barcus as Chairperson. Mr. Surface moved, with a second by Mr. Thompson, to close the nominations. Motion carried unanimously. Voting in favor of electing Diane Barcus as Chairman: Messrs. Barnhill, Yearick, Surface, Thompson, and Cohenour. Voting against: Ms. Barcus. Motion carried 5-1. Mr. Barnhill moved to nominate Donald Surface as Vice-Chairperson. There being no further nominations, Mr. Barnhill moved that nominations be closed. Voting in favor of closing nominations: Ms. Barcus, Messrs. Barnhill, Yearick, Surface, Thompson, and

Cohenour. Voting in favor of electing Donald Surface as Vice-Chairperson: Ms. Barcus, Messrs. Barnhill, Yearick, Thompson, and Cohenour. Voting against: Mr. Surface. Motion carried 5-1.

- 4) Mr. Barnhill moved, with a second by Mr. Thompson, to approve the Minutes of December 21, 2005. Motion carried unanimously
- 5) Ms. Kahl swore in all those wishing to speak before the Board.

OLD BUSINESS- None.

NEW BUSINESS

SU.05.0019 WARD 4 NEIGHBORHOOD 7.02B RS

Request of Cyrix Engineering, Inc., agent for Pinnacle Storage Services, L.L.C., owner, for Special Use approval for outdoor storage for property located at 2330 Manatee Avenue East (Zoned C3).

Ms. Seewer read the request.

Dale Reaume of Cyrix Engineering, agent for Pinnacle Storage, presented the request to the Commission. Mr. Reaume stated that they have received the Staff Report and agreed with the stipulations with the exception of the issue of a wall screening the neighborhood. He advised that the facility was surrounded by a dense vegetative buffer and they would like to continue the vegetative buffer around the property without putting up a hard-scape fence.

Mr. Barnhill asked why Mr. Reaume did not want a hard wall fence around the property, and Mr. Reaume replied that there was already a chain-link fence for protection of the property.

Mr. Barnhill queried whether there have been complaints from neighbors and whether neighbors would appreciate looking into his storage facility from their backyards, and Mr. Reaume responded that there have been no complaints that he was aware of from the adjacent property owners. He said they have been using this as a storage facility for some time.

Mr. Barnhill stated that, in other words, it has been used against the basic Code, and Mr. Reaume advised that they were cited and that was the reason for the request.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor, and no one appeared. The Chair then opened the public hearing for those wishing to speak in opposition. There being no further individuals to speak in opposition, 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, as the Commission heard, this request was a result of a Code enforcement violation. She stated that the property was bounded on three sides by residential

homes and that was the reason staff recommended a solid wall or a fence. Ms. Seewer pointed out that if the Commission looked at the aerial, it could see that there were not many vehicles, but she opined that if approval were granted, that could change or if the facility were ever sold to someone else, storage of vehicles and boats could occur at maximum capacity and then it would be unfavorable to the neighbors. Ms. Seewer recommended approval with the following stipulations:

1. A six-foot finished masonry wall will be installed on the east, west and south sides around the outdoor storage area. On the east side, the wall will be recessed 15 feet and a landscaped buffer, approved by the DDS Director, will be installed.
2. Trees will be installed 25 feet on center on the south side.
3. No existing trees will be removed.
4. Install non-compacted shell within the storage area.
5. Low sodium lighting will be utilized in the storage area, and directed away from the residences.

Responding to a question by Mr. Surface, Louis Edmondson, owner of the property, advised that he had already put a 6 foot chain-link fence around the property. He stated that there were PVC slats which could be put into the chain links which were nice to look at and different colors could be used. He stated that a vegetation buffer could be extended on the west side and on the south side.

Ms. Seewer noted that with respect to the wall it did not necessarily have to be a concrete wall but it needed to be something more than slats to act as a sound buffer as well for everyone's protection.

Mr. Cohenour asked about a wooden fence.

Ms. Seewer pointed out that wood was very high maintenance, and she preferred something sturdier than wood.

Mr. Surface asked about pre-cast, and Ms. Seewer stated that pre-cast would be fine as long as it was solid.

Mr. Barnhill stated that he agreed with staff that he did not feel the chain-link fence with slats would suffice because there needed to be a sound barrier. He noted that at the same time if there could be anything other than concrete that would suffice, he would be in favor of it.

Mr. Cohenour remarked that he, too, favored a solid wall.

Mr. Surface moved, with a second by Mr. Barnhill, to amend stipulation 1 by adding the words "or pre-cast concrete" between the words masonry and wall. Voting in favor of the amendment: Surface, Barnhill, Yearick, Cohenour and Thompson. Voting against: Barcus. Motion to amend carried 5-1.

Mr. Surface moved, with a second by Mr. Barnhill, to approve SU.05.0019 with the 5 stipulations recommended by staff along with the amendment to stipulation 1. Motion carried unanimously.

VA.05.0020 WARD 5 NEIGHBORHOOD 7.02B RS

Request of Ben Shives, owner, for front yard and lot size Variance for property located at 1001 19th Avenue West (Zoned R-3A).

Ms. Seewer read the request and since the applicant was not present, Ms. Seewer presented an overview. The Commission Members discussed why no one showed up to present the request.

Public Hearing:

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

A gentleman from the audience requested that a picture be shown for the public to view.

Ms. Seewer displayed a photo of the property on an overhead screen.

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

Public Works -

Mr. Cummings stated that he had no objections.

Fire Department –

Fire Marshal Langston had no objections.

Mr. Surface moved, with a second by Mr. Barnhill, to approve VA.05.0020 based on the hardship of two front yards. Motion carried unanimously.

The Chair noted that when staff notified Mr. Shives of the result of his request to let him know, for the future, that it would be nice for him to attend the meeting to present his request.

CP.05.0013 WARD 2 NEIGHBORHOOD 5.01 MM

Request Ron Travis and Dave Coupland, owners, for Small Scale Comprehensive Plan Amendment from Res-10 to Commercial for property located at 602 30th Street West.

LU.05.0023 WARD 2 NEIGHBORHOOD 5.01 MM

Request Ron Travis and Dave Coupland, owners, for Land Use Atlas Amendment from R1C to C2 for property located at 602 30th Street West.

Ms. Seewer read the requests together but advised that each request would require separate actions by the Commission.

Lynn Townsend, representing Ron Travis and Dave Coupland, owners of the Remax Building, presented the requests to the Commission. Ms. Townsend advised that the Remax Building was undergoing extensive reconstruction and the request was for recreating and redesigning the parking lot, the landscaping and the retention areas which were non-existent on the historical building which had been there. Ms. Townsend stated that they were requesting a rezone to change the use to extend the parking into lot 6 only.

Mr. Yearick asked how much parking, and Ms. Townsend stated that there was an entire strip which enabled them to reconfigure the parking lot for better ingress and egress and safer maneuverability within the parking lot. Ms. Townsend pointed out that the site plan showed an addition of four more spaces.

Mr. Barnhill asked if any of the residents had any objections to the plan.

Ms. Townsend replied that Mr. Coupland and Mr. Travis had advised that there were no objections

made at their office.

Ms. Seewer noted that she had previously spoken to a woman who lived behind the property before a building permit was even applied for, who was opposed to the parking lot being directly behind her house. Ms. Seewer stated that she believed that when she looked it up, only the retention area was behind her house. Ms. Seewer stated that she had had no further comments from her and she would have been aware of what was happening because she would have been notified as a resident within 300 feet.

Public Hearing:

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

Gary and Shirley Myers, 601 31st Street West, stated that they live directly behind the property. They presented a petition signed by twenty of their neighbors who were opposed to this proposal.

Mr. Surface inquired why the residents were against the proposal.

Mr. Myers explained that there was a parking lot to the north side of them now which was not being taken care of and had attracted rats and so forth. He stated that they did not want it for the heat, the way it looked, and when they purchased their home, they were told it was residential.

Mrs. Myers stated that they did not want commercial coming back any further.

The Chair pointed out that the parking lot which the Myers were talking about did not belong to the applicants and if it was not being taken care of, Ms. Barcus queried whether they spoke with City Code Enforcement about it.

Mr. Myers stated that he knew that but they did not want to be surrounded by parking with the dirt, heat and mosquitoes. He said he spoke with the owner of that parking lot about taking better care of it.

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

Public Works -

Mr. Cummings asked for clarification about the extended parking.

Mr. McLachlan explained that this was a land use to change the zoning from residential to commercial because parking lots were not allowed in a residential area.

Ms. Seewer explained further that Mr. Cummings would see this in his office as a site improvement.

Fire Department –

Fire Marshal Langston stated that there were no issues.

Ms. Townsend stated that in response to the concerns of the neighbors she would like to point out that there was a 36" oak tree which was being used to buffer and screen the existing residences surrounding this property. She stated that it was planned to extend the present parking lot. She advised that there would not be cars parking behind the house. Ms. Townsend explained that although the request was for all of lot 6, they only plan to use what was needed, not the entire lot.

Mr. Surface stated that he would like to find a compromise, such as, a wall to buffer their property.

Ms. Townsend explained that the vegetation was very thick and would all have to be taken out to accommodate a wall. She commented that if it were her house, she would rather look at nice trees and vegetation rather than a concrete wall.

Mr. Travis explained that the oak was a massive tree. He stated that a wall could not be put there unless the tree were taken down. He also pointed out that the parking lot was designed with many areas of ingress and egress along 30th Street which was a very busy street with the Foodway parking lot as well as traffic coming along 30th Street back and forth from Manatee High School, and the gas station on the corner.

Mr. Coupland commented that if the Commission wanted them to put a wall up and take the tree down they would do so, but they did prefer the tree for aesthetic reasons.

The Chair commented that environmentally a tree would be better to soak up more carbon monoxide rather than putting up a wall. Moreover, she remarked that they were losing focus.

Staff Report-

Mr. McLachlan commented that this was a close call based on policy guidance in the Comprehensive Plan. He explained that there was a saw-tooth pattern to the commercial zoning district as one looks at Manatee Avenue. He explained further that there was a recommendation for the neighborhood to smooth out the edge of the commercial district. Mr. McLachlan stated that the current zoning district boundary ran along the center line of 6th Avenue West so if it were extended it would bi-sect the property. He remarked that the other test in the Comprehensive Plan would be how it would affect traffic patterns in the residential area. Mr. McLachlan said that as the applicant had indicated, most of the traffic entering the existing site would be from Manatee Avenue thereby not significantly disrupting the traffic in the residential area south. He pointed out that when one looked at the adjacent character of the area, there was commercial on the east side and residential on the west and south and office use to the north. With respect to urban design, Mr. McLachlan stated that it was favorable to have buildings up on the edge of the street with parking behind. He opined that the request was compatible with the Comprehensive Plan and approval was recommended along with the Land Use change. Mr. McLachlan stated that he had noted the input of the adjacent property owners and their input would be considered with the site improvement permit if this should be approved.

Mr. Barnhill moved, with a second by Mr. Thompson, to approve CP.05.0013. Motion carried unanimously.

Mr. Barnhill moved, with a second by Mr. Thompson, to approve LU.05.0023. Voting in favor: Ms. Barcus and Messrs. Barnhill, Thompson, Yearick, and Cohenour. Voting against: Mr. Surface. Motion carried 5-1.

AB.05.0013 WARD 1 NEIGHBORHOOD 4.07

Request of Kevin Parker, agent, for Westport Holdings Bradenton L.P. d/b/a Freedom Village, for Alcoholic Beverage License Application at 6601 17th Avenue West (Zoned PDP).

Ms. Seewer read the request.

Kevin Parker, agent for Westport Holdings L.P., d/b/a Freedom Village, advised that they were requesting permission to sell alcoholic beverages in its private dining facilities.

Public Works -

Mr. Cummings stated that he had no objections.

Fire Department –

Fire Marshal Langston had no objections.

Public Hearing:

The Chair opened the public hearing. No one appeared to speak in favor or in opposition to the request. The Chair then closed the public hearing.

Staff Report –

Ms. Seewer stated that the Department of Development Services had received one telephone call today in opposition which she wanted to get on the record from a Janet Gabler who stated that she had received the notice as a resident within 300 feet of the subject property. Ms. Gabler stated that the residents take medicine and some of them drive, therefore, she did think it was wise for Freedom Village to serve alcohol. She said she had reservations. She did not see the need for it and that it could cause problems. Ms. Seewer stated that DDS had been working with Mr. Parker for about a year trying to resolve these issues so that they could serve beer and wine in their dining areas. Ms. Seewer explained that the Land Use Regulations had to be changed because alcoholic beverages were prohibited in residential districts; however, this would be allowed only in an approved PDP. She advised that approval was recommended based upon the General Standards and Regulations requirements pursuant to Section 303.A of the Land Use and Development Regulations with the following stipulation:

- The sale of alcoholic beverages is approved in conjunction with the dining facilities. If the dining facilities are eliminated, additional review and consideration by the City Council will be required.

Mr. Barnhill moved, with a second by Mr. Thompson, to approve AB.05.0013 with the stipulation recommended by DDS. Motion carried unanimously. (Mr. Yearick was not present for the vote.)

CP.05.0007 WARDS 3 & 5 NEIGHBORHOODS 1.03, 1.04, 6.01, 6.02: PROPOSED AMENDMENTS RELATING TO THE URBAN CENTRAL BUSINESS DISTRICT AND CREATION OF AN URBAN VILLAGE ON TAMIAM I TRAIL FROM APPROXIMATELY 9TH AVENUE WEST TO 18TH AVENUE WEST BETWEEN 13TH STREET WEST AND 15TH STREET, WEST MM

Request of City of Bradenton for Large Scale Comprehensive Plan Amendment Application to change Future Land Use Designation from Commercial, Res-10 and Res-15 to Urban Village for property located on Tamiami Trail from approximately 9th Avenue West to 18th Avenue West between 13th Street West and 15th Street West and make policy changes to the Future Land Use and Housing Elements relating to desired uses, density and intensity limits, moderate income housing incentives, establishment of design guidelines and architectural controls in the Urban Village and Urban Central Business District and incorporating as a reference the Tamiami Trail Revitalization Strategy and amend the Capital Improvement Element to incorporate changes of scheduled public facilities.

Ms. Seewer read the request advising that it would come before the City Council on January 25th.

Mr. McLachlan discussed the Large Scale Comprehensive Plan Amendment. He showed a power point presentation and gave the City's vision for downtown and the framework upon which a more specific downtown master plan for the urban core would be built. He spoke of density with design. He gave a history of the Downtown Development Authority which was created to deal with

declining conditions and promote economic growth. Mr. McLachlan advised that one year later a master plan was presented and many of those recommendations were still relevant today. He stated that it was very visionary in its scope which called for intensifying new housing in the downtown to help overcome the 9 to 5 image. Mr. McLachlan reviewed the projects which were presently underway or planned. He answered questions of the Commission.

The Chair noted that the “Density with Design” phrase which Mr. McLachlan used, in his presentation, would be a good catch phrase for the development of Tamiami Trail and the proposed Urban Village.

Bill Theroux, Director of the Downtown Development Authority, updated the Commission on development trends happening within the urban central business district and Tamiami Trail and answered questions of the Commission.

Mr. Yearick applauded what was happening as a relatively new business owner downtown. He queried what was happening with regard to changing the facades along Old Main Street to make them more consistent and inviting.

Mr. Theroux stated that every building had undergone a façade transition with the exception of the Verizon Building.

Mr. Barnhill pointed out that a lot of the changes were done in the 1980’s.

Mr. Theroux advised that a new DDA Board started in 1999 and it placed more emphasis on facades, most of which has been done in the last five years.

The Chair commented that she felt this was all wonderful.

Mr. Barnhill commented that he felt the graphs were excellent but the public should be allowed a bit more time to absorb them.

Mr. Polk stated that 1,300 to 1,400 new residents would be coming to Bradenton in the next three or four years and there would probably be a market correction. He stated that Old Main would not look like Old Main anymore. Mr. Polk stated that Old Main Street was presently “ma and pa” retail and what would probably happen would be that the big franchises, such as, Starbuck’s would come into the area. Mr. Polk stated that Mr. McLachlan had talked about guidelines and the whole issue of how discussion was to be framed. Mr. Polk stated that one of the biggest things which needed to be done was collaboration. He remarked that once guidelines were formed and reviewed by the Planning Commission and then the City Council, they would not be the Planning Commission’s guidelines, or the City Council’s guidelines, but this community’s guidelines, and he was real excited about it.

The Chair inquired how the community could be convinced that density belongs downtown.

Mr. Polk responded that staff had talked with consultants and the County about having a forum to bring in other cities to discuss height, density and design which would set the framework for future development and attract larger developers looking at the waterfront. He stated that the City wanted to make sure that it was done right concerning the quality of life type of design. Mr. Polk advised that the City wanted to talk in layman’s terms so that the community knew what the City was talking about and in that way cooperation would be acquired. Mr. Polk stated that people who have lived in Bradenton all their lives would see that Bradenton was going to be different. Moreover, Bradenton would have its own stamp and be something of which to be proud.

Public Hearing:

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

Scott Hahlen, 1416 14th Avenue West, stated that he wanted to speak in favor but with some reservations. He commented that Bradenton used to be a wonderful place to walk around but the City declined after the Woolworth's Store moved out. He said the one creative thing that was done recently was the development of 12th Street with its center islands which slowed down traffic. He favorably cited the outside restaurants and the Village of the Arts. He stated that he would be happy to do whatever he could to have people be able to walk downtown and feel comfortable and have something to see, but he was not in favor of the City giving him a price on his property if the City wanted it. Mr. Hahlen remarked that prices in his neighborhood were getting quite interesting and he did not want to be told that his house would be torn down and he would get peanuts for it when a developer would be getting big tons of money for putting units on it. He said if that could be avoided, he would be happy to help in any way he could.

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

Mr. Barnhill commented that the plan looks great. He stated that it was very aggressive and energetic and all community leaders needed to get behind it if they were not already on board.

Mr. Surface stated that capital improvements may be required along with the improvements that were being proposed, and he hoped the two could go hand in hand rather than having one thing being done and six months later, having to tear it out.

Staff Report –

Mr. McLachlan advised that the 5th Amendment to the Constitution addressed Mr. Hahlen's concern about just compensation for any taking. He pointed out that the City did not condemn land for redevelopment although the Downtown Development Authority had that capacity. (Mr. Theroux interjected that the DDA never paid less than appraised value.) Mr. McLachlan remarked that he hoped Mr. Hahlen could be a partner in the City's revitalization process.

The Chair opined that it sounded as if Mr. Hahlen wanted to be.

Mr. McLachlan recommended approval of the request.

Mr. Surface moved, with a second by Mr. Yearick, to approve CP.05.0007. Motion carried unanimously.

Adjournment

Mr. Barnhill moved, with a second by Mr. Yearick, to adjourn the meeting at 4:23 p.m. Motion carried unanimously.

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 *service charge*.