

ABBREVIATED MINUTES
PLANNING COMMISSION MEETING

AUGUST 24, 2005

The City of Bradenton Planning Commission met on Wednesday, August 24, 2005 at 3:00 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. Coord. Dianna Loudermilk			

PRELIMINARIES

Meeting called to order by Chairman Diane Barcus at: 3:06 P.M.

- 1) Chairman Barcus called the 8-24-05 meeting to order at 3:06 p.m.
- 2) Pledge of Allegiance at 3:07 p.m.
- 3) Mr. Surface stated that in the ninth paragraph of page 7 he spoke of the drainage system not the green system and he moved that the Minutes of 7-20-05 be approved as corrected. The motion was seconded by Mr. Yearick and approved unanimously.
- 4) Chairman Barcus explained the new Audio Visual System.
- 5) Ms. Loudermilk swore in all those wishing to speak before the Board.

OLD BUSINESS-

CP.05.0006, LU.05.0010, PR.05.0013, WARD 3 NEIGHBORHOOD 6.01 RS

Ms. Seewer advised that the three items under Old Business relate to the same project so she would read them together but each would require separate motions.

Requests of King Engineering & Associates, agent for Wares Creek Development LLC, owners, (1) for a Small Scale Comprehensive Plan Amendment changing the Future Land Use from City Residential-10 to Professional located at 1915 Manatee Avenue West (Zoned R-1C), (2) for a Land Use Atlas Amendment to change the zoning designation from Professional and R-1C to PDP for the property located at 1915 Manatee Avenue West (Zoned R-1C), and (3) for a Preliminary Planned Development Project approval for a professional office complex located at 1915 Manatee Avenue West (Zoned R-1C).

Ms. Gaufillet recused herself from discussion and voting as she was employed by King & Associates and had worked on this project.

Jamie Ebling, co-developer, presented the project. He stated that the planning staff had done a wonderful job with the report. He advised that he had worked with the community and had at least one neighborhood meeting and as a result of that meeting, he would like to add a stipulation at the end of the meeting to accommodate the community's needs.

Peg Bors, landscape architect with King Engineering, presented the landscaping plans and showed the traffic pattern stating that the proposed changes will enhance the neighborhood.

Mr. Ebling answered questions of the Commission.

Roberto Paredes, architect, described the design of the building.

Mr. Ebling stated that he understood why stipulations #1 and #4 were in the report; however, he explained that with regard to stipulation #1 this access was kept because they had eliminated three other points of access to the back plus they were reducing trip generation by 277 trips per day which was significant. Mr. Ebling further explained that it would alleviate congestion on site as well as congestion off the property at the stop sign at 19th Street and the stop sign at Manatee Avenue. He stated that those in the community with whom they had met were in agreement. Mr. Ebling objected to stipulation #4 with regard to the perimeter landscaping and fencing at 6th Avenue West which was being requested prior to the commencement of vertical construction because he remarked that they were going to put in nice fencing and it would not look like that if they had to put it in before construction. He further explained that this wall was not a very big wall and was meant for décor, not security. Mr. Ebling stated that the way the wall was designed it would not abate much noise, and dust and debris would still be able to escape through it. He requested that they be allowed instead to put up a chain link fence with some mesh to control whatever occurred on site. Mr. Ebling stated that he did agree with Patrick Roth, spokesperson for the neighborhood, as a good faith gesture to eliminate the multifamily house, which sat on the property as part of the initial demolition.

Ms. Seewer then answered questions of the Commission.

Public Hearing:

Chairman Barcus re-opened the public hearing, which had been continued from the July 20, 2005 meeting. Chairman Barcus requested those wishing to speak in favor of the project and had been sworn to come forward.

Patrick Roff, 602 Virginia Drive, representing the Wares Creek neighborhood, thanked the developers for working with the group and keeping them informed. Mr. Roff stated that he had found no one in the neighborhood who had not been in favor of the project once they knew what was involved. He said that the residents had fought for the neighborhood to go back to single family zoning which would help improve their neighborhood, which had been on a downslide. Mr.

Roth commented that the neighborhood was now in repair and the problems were getting less and less.

Ruth Lawler, 425 19th Street Court West, was sworn in. She advised that she had sold real estate for 22 years in this immediate area and knew the neighborhood very well and had seen tremendous improvement. Ms. Lawler commented that she wholeheartedly supported the project because it would be an asset to the community and solve many of its traffic problems.

The Chair requested those who wished to speak in opposition to come forward. There were none. The Chair closed the public hearing.

Public Works- Mr. Cummings had no objections to the project.

Fire Department- Deputy Fire Marshal Langston had no objections.

Staff Report-

Mr. Frey stated for the public record that he wished to commend the applicants for providing the City with a historic neighborhood impact analysis report. He advised that there was a moratorium on the demolition of any buildings 65 years or older and he assumed that these buildings would be demolished. Mr. Frey wanted the public to be aware that this document, which had pictures and descriptions in detail of the subject properties, would be included in the historic record database.

Ms. Seewer stated that approval was recommended based on the Findings of Fact and Analysis of the proposed Atlas Amendment, and pursuant to the General Standards and Regulations requirements of Section 404.A of the Land Use and Development Regulations. Ms. Seewer explained that a stipulation was recommended that the access drive be removed because of the Comprehensive Plan, but it was up to the developers to change it because they had the authority to do so. Ms. Seewer stated that there would be no objection to a temporary chain-link fence with slats to protect the residents during construction but the permanent fence would have to be installed prior to the first Certificate of Occupancy. Ms. Seewer inquired whether there was consensus on this issue, and Mr. Ebling stated that they had a consensus. Ms. Seewer advised that the staff report would be changed to include that the permanent fence and landscaping would be installed prior to the Certificate of Occupancy and a temporary chain link fence with slats would be installed prior to any vertical construction. Ms. Seewer reviewed the stipulations as follows:

1. The access drive on 6th Avenue West will be removed.
2. Landscaping will be installed as per the plans submitted and identified as Exhibit F.
3. Trees proposed for preservation will be barricaded prior to commencement of any on-site improvements or alterations.
4. The perimeter fence and landscaping along 6th Avenue West will be installed prior to the Certificate of Occupancy. The temporary chain-link fence with slats will be installed prior to commencement of any vertical construction.
5. Prior to any vertical construction the southernmost multifamily building at the corner of 19th Street and 6th Avenue will be demolished.
6. Responding to the Chair's concern regarding egress onto Manatee Avenue, it was stipulated that egress from the subject property onto Manatee Avenue would be eastbound

only. Mr. Cummings pointed out that this would be a DOT decision but Mr. Cummings stated that a sign would be put up.

Actions:

Mr. Barnhill moved, with a second by Mr. Surface, to approve CP.05.0006. Motion carried unanimously. (Mr. Cohenour voted in lieu of Ms. Gaufillet who had recused herself.)

Mr. Barnhill moved, with a second by Mr. Surface, to approve LU.05.0010. Motion carried unanimously. (Mr. Cohenour voted in lieu of Ms. Gaufillet who had recused herself.)

Mr. Barnhill moved, with a second by Mr. Surface, to approve PR.05.0013 with stipulations 2, 3,4, 5, 6 and eliminating stipulation 1. Motion carried unanimously. (Mr. Cohenour voted in lieu of Ms. Gaufillet who had recused herself.)

NEW BUSINESS

MA.05.0009 WARD 4 NEIGHBORHOOD 1.01LF

Request of Wilson Miller Inc., agent for The Promenade at River walk LLC, owners for a Preliminary Planned Development Project to modify the height of buildings 8 and 9 from eight stories to fifteen stories located at 800 3rd Avenue West. (Zoned PDP).

Request read by Ruth Seewer.

Ed Vogler, attorney for the applicant of the project, presented site plans. Mr. Vogler stated that he was requesting the configuration of two residential build, in essence, to reduce the linear mass and increase the height . Mr. Vogler answered questions of the Commission.

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 made no comment.

Fire Department- Deputy Fire Marshal Langston made no comment.

Staff Report-

Mr. Frey stated that the project had merit and was an important project for the City. He advised that during the workshop discussion took place regarding how staff evaluated the project and what criteria were used, what criteria the applicants could use and what criteria the City Council may also use as well. Mr. Frey pointed out that there were some discrepancies on the site plans and some unclear calculations probably due to the calculations being done differently between the sets of plans and reviews for approvals. Mr. Frey advised the Department of Development Services actually came up with an additional 3% of open space rather than the 2% indicated on the latest site plan. He clarified that there were some reallocations of nonresidential area but the square footage remained the same. Mr. Frey stated that in the workshop they discussed the nine criteria which were used to review a project and Mr. Frey read the nine criteria into the record as found in the staff report. He then answered questions of the Commission. Mr. Frey stated that the Department of Development Services recommended denial of the project because

he felt staff needed further guidance. He explained that while height is permissible and acceptable, staff did not have the guiding framework or standards to recommend approval, therefore, staff wanted to be conservative with this request because of the lack of standards.

Responding to questions by Ms. Gaufillet, Deputy Fire Marshal Langston advised that high rise buildings were nearly impossible to protect the top floors from the ground and that was why fire trucks with fire pumps, standpipe systems, alarm systems, and communication systems between floors were constructed into the buildings. Deputy Fire Marshal Langston said with these extra features being put in the buildings he was satisfied that they were able to fight a fire. He added that it was required that those type buildings have a command room. He explained further that they require cameras in the security system where they can check those floors and be able to communicate with people on the top floors.

Ms. Gaufillet inquired whether the Fire Department had the necessary training to accommodate these type-high rise buildings that it has not had to deal with previously. Deputy Fire Marshal Langston responded that the Fire Department was fully equipped and already trained for all types of scenarios including high-rise buildings.

Further questions were answered by Mr. Vogler.

Mr. Escalante moved, with a second by Mr. Thompson, to approve MA.05.0009.

Ms. Gaufillet stated that she felt that it was premature to move forward with a project knowing that staff had recommended denial and to throw out its stipulations without gathering more information, such as, impact on the skyline study, analysis of increased public vistas, landscaping materials being sub-par from what were already reviewed, justification of increased green space versus increased height, no details or commitments as to floor areas or floor plans and some question of receipt of revised lease agreements with the City.

Mr. Barnhill agreed stating that the City was in the forefront and was looking at things that no one else had dealt with before. He stated that he was in favor of a continuation.

Mr. Escalante stated that the City has worked a long time with the developer on this project and he felt now was the time to approve the project.

Mr. Barnhill added that he was a proponent of height but he had always been in favor of a degree of setback and he was not even sure what the distance was from the property line to the river's edge.

Ms. Gaufillet stated that she would like to see the market studies that she had heard referred to in this discussion.

Mr. Barnhill reiterated that he would like more information about setbacks for a fifteen story building in order to make an informed decision.

The Chair remarked that she and Mr. Barnhill were the only two on the Commission when the project was approved the first time for eight stories and there discussion at that time
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about setbacks and nothing higher than eight stories had been approved before in the heart of the City. Ms. Barcus expressed concern about having tall buildings this close to public access without a setback.

Mr. Yearick stated that he had found no one who had not been in favor of a fifteen story building.

Voting in favor of the motion: Escalante, Yearick, (the two alternates, Messrs. Thompson and Cohenour split a vote in favor of the motion).

Voting against the motion: Surface, Gaufillet, Barnhill, and Barcus.

Motion failed 4-3.

Ms. Gaufillet moved, with a second by Mr. Barnhill, to continue this project with a request for additional information specifically including market information, skyline studies, analysis of the impact on public facilities more specifically Rossi Park, improvement to the landscape design if at all possible, comparison and justification of increased height space versus the amount of green space available or provided.

Mr. Vogler requested permission to address the Commission. He inquired as to what information Ms. Gaufillet was requesting and she responded that market information as used to determine how the same number of units at eight stories was not as beneficial to the City as fifteen stories, the skyline study which had not been received, quantitative analysis of the vistas, landscaping plan, comparison and justification of the increased height versus the amount of green space and the reduced setbacks.

Mr. Vogler responded that the enemy of every good idea and development project was time and the Commission was embarking on a program which would cause the developers extended delay.

The Chair remarked thirty days.

Mr. Vogler stated that it would take much longer to respond to the laundry list which Ms. Gaufillet asked of them. He stated it sounded like the Commission was asking the developers to do an evaluation and appraisal report. He commented that when they started this project, they were pioneers and visionaries. He stated that what has happened was that other people have come into the community and they have other visions. He stated that the City and County has had some conflict on these issues and now a planning firm has been hired to do a full study which will occur next year and he could see that they would be wrapped into this. Mr. Vogler stated that the project requires that they go forward with the residential development so they can bring the critical mass of people to the downtown core. He said he constantly hears the City does not have the commercial/mixed uses, but the people are not here. Mr. Vogler stated that moving past this meeting would be the most important part of where they were in this process. He remarked that he did not feel the Commission was going the right way.

The Chair stated that she could understand Mr. Vogler's frustration but the Commission has had less than one week to review the material and some information just an hour before the meeting began.

Mr. Barnhill withdrew his second to the motion stating that he wished to make a motion to deny the request. Motion failed for lack of a second.

Ms. Gaufillet pointed out that the critical mass had already been approved with the eight stories and there was no additional mass brought to the downtown area with the addition of seven more stories because it was existing already in the eight stories which had already been approved.

Ms. Gaufillet withdrew her motion.

Mr. Barnhill moved, with a second by Mr. Surface, to deny the request.

Voting in favor of the motion to deny the request: Barnhill, Surface, Gaufillet and Barcus.

Voting against the motion to deny: Escalante, Yearick and Thompson.

Motion carried 4-3.

SA.05.0001 WARD 4 NEIGHBORHOOD 1.01RS

Request of Allen Yearick, owner, for Special Use approval to add outdoor seating to Le Cigar located at 425 12th Street West (Zoned C1/UCBD).

Ms. Seewer read the request.

As a member of the Planning Commission, Mr. Yearick recused himself from the Commission's discussion and vote and was sworn in as an owner making the request.

Public Hearing:

In Favor: None

In Opposition: None

Public Works- Mr. Cummings advised that there were some stipulations that the applicant keep the sidewalk clean and maintain the area on a daily basis.

Fire Department- Deputy Fire Marshal Langston advised that the applicant was aware that he must keep open the sidewalk by 4 feet for people to walk by.

Staff Report-

Ms. Seewer read the staff report recommending approval with stipulations. Mr. Yearick agreed to the stipulations.

Actions:

Ms. Gaufillet moved, with a second by Mr. Surface, to approve SA.05.0001. Motion carried unanimously.

SA.05.002 WARD 5 NEIGHBORHOOD 7.02B RS

Request of Earl Baden, Jr., agent for Manatee County Historical Commission, owner for Special Use approval to add 3 recently acquired parcels to the Historical Park plan located at 604 15th Street West (Zoned C1A).

Ms. Seewer read the request.

Mr. Baden presented the project.

Public Hearing:

The Chair opened the public hearing.

In Favor: None

In Opposition: None

The Chair closed the public hearing.

Public Works- No Objections

Fire Department- No Objections

Staff Report- Ms. Seewer read the staff report recommending approval with stipulation to which Mr. Baden agreed.

Actions:

Mr. Surface moved, with a second by Ms. Gaufillet, to approve SA.05.0002. Motion carried unanimously with Mr. Cohenour voting in lieu of Mr. Yearick who was absent.

SA.05.0003 WARD 2 NEIGHBORHOOD 12.02RS

Request of Stephen Thompson Esq., agent for Episcopal Day Private School of Manatee County Inc., owner for Special Use approval to allow a dock to be built approximately 25 feet from the north property line on the west side of McLewis Bayou located at 315 41st Street West (Zoned C3).

Mr. Thompson presented the request before the Commission.

Public Hearing

The Chair opened the Public Hearing.

In Favor: None

In Opposition: None

The Chair closed the Public Hearing.

Public Works-

No Objections

Fire Department:

No Objections

Staff Report-

Ms. Seewer explained that the Special Use would accomplish two things: (1) bring the rest of the property into the special use that was approved for the original building construction that was done on the remodeling of the old Eckerd Shopping Center, and (2) allow them construction of the dock. Ms. Seewer read the stipulations in the report with which Mr. Thompson agreed.

Action:

Ms. Gauffillet moved, with a second by Mr. Barnhill, to approve SA.05.0003. Motion carried unanimously.

VA.05.0018 WARD 4 NEIGHBORHOOD 7.02B RS

Request of William B DeSue Sr., agent for Bradenton Housing Authority, owner for a variance to install a six-foot high steel ornamental fence on portions of the Page Housing Development in east Bradenton located at 1001 26th Street East (Zoned R2A).

Ms. Seewer read the request.

Public Hearing:

The Chair opened the Public Hearing.

In Favor: None

In Opposition: None

The Chair closed the public hearing.

Ms. Seewer advised that Mr. DeSue had left the meeting when she advised him that staff would not be recommending approval of his request due to lack of hardship.

Mr. Surface moved, with a second by Mr. Barnhill, to deny VA.05-0018. Motion carried unanimously with Mr. Cohenour voting in lieu of Mr. Yearick who was absent.

Architectural Review Board

Mr. Frey requested that one of the Commission Members volunteer to serve on the Architectural Review Board. Ms. Gauffillet volunteered.

Adjournment

Ms. Gauffillet moved, with a second by Mr. Cohenour, to adjourn the meeting at 6:20 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*.