

MINUTES
 PLANNING COMMISSION MEETING
 JANUARY 16, 2008

The City of Bradenton Planning Commission met on Wednesday, January 16, 2008 at 2:00 p.m. in the City Hall Council Chambers.

ATTENDANCE

Planning Commission Members (Shaded area indicates absence, *Indicates non-voting):

Chairman Diane Barcus	Chair <i>Lucienne Gaufillet</i>	Vice-Chair Allen Yearick	Allen Prewitt
Carlos Escalante	Vacancy	Vacancy	
Alternate Brady Cohenour	Alternate O.M. Griffith	Alternate Vacancy	Alternate Joseph Thompson

City Staff:

Development Services	Public Works	Fire	Police
Director Tim Polk	Arlan Cummings	Kenny Langston	
Assistant Director Tom Cookingham			
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

PRELIMINARIES

Meeting called to order by Chairman Diane Barcus at 2:00 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 at its regularly scheduled meeting on Wednesday, February 13, 2008 at 8:30 a.m. unless otherwise announced.
- 2) Pledge of Allegiance at 2:01 p.m.
- 3) The Chair opened the floor for nominations of Chairman. Mr. Yearick nominated Lucienne Gaufillet as Chairman. The Chair requested that Ms. Gaufillet take the Chair for a moment, and Ms. Barcus nominated Allen Yearick for Vice-Chairman. Ms. Barcus took back the Chair. The Chair asked if there were further nominations. Hearing none, the Chair closed the nominations and Ms. Gaufillet was elected to the Chair, and Mr. Yearick to the Vice-Chair. Mr. Yearick expressed his appreciation to Ms. Barcus for her

dedication and serving as Chairperson for the past three years. He noted that she had done an outstanding job working with staff and bringing items before the Planning Commission. Ms. Gaufillet echoed Mr. Yearick's comments adding that Ms. Barcus had been a good example teaching how to run a meeting, keeping control yet still being fair.

- 4) Ms. Barcus moved, with a second by Mr. Yearick, to approve the 2008 Workshop and Meeting Schedule of the Planning Commission. Motion carried unanimously
- 5) Mr. Thompson moved, with a second by Mr. Yearick, to approve the Minutes of December 19, 2007. Motion carried unanimously.
- 6) Ms. Kahl swore in all those wishing to speak before the Commission.

OLD BUSINESS

Planning Commission

Although it was not scheduled on the Agenda, Mr. Yearick stated he wished to address some Old Business. He said with respect to the composition of the board that he would like to see scraping down to the bare quorum go away. He said the number of Commissioners should be increased or an attendance minimum should be required with certain exceptions.

Ms. Barcus stated that Mr. Polk said to her that a number of names would be coming forward to add to this board.

Ms. Seewer indicated that as far as absenteeism, the By-Laws stated that if a Member missed more than three meetings per year, it was assumed the Member did not want to serve. She stated that there had not been a push to have anyone removed, but in order to add Members, the Code would have to be changed. She said she did not feel more Members were needed; what was needed was for more Members who showed up.

Mr. Yearick requested that appreciation for Mr. Barnhill's years of service be presented at the next meeting.

Ms. Seewer stated that a plaque would be given to Mr. Barnhill perhaps at the next meeting.

Green Concept

Mr. Yearick said that staff had indicated that a green concept would be incorporated into the City's master plan, and he would like to be updated at every meeting what staff was doing in this regard.

The Chair commented that it was her understanding that the City was moving toward a green building designation, and her experience in the field had shown her that there were many things that go into green building including the way the land was developed, the way storm water management was used, the types of landscaping that was used, etc. Ms. Gaufillet said there were a few items the Planning Commission could require to further the idea short of achieving the City's green designation and short of changing the Land Development Regulations. She suggested the Planning Commission look at those restrictions to encourage them in PDP developments.

Mr. Yearick stated that this type of effort needed to start now. He said it should be part of our culture, and the Commission needed to further amplify what it wished people to do.

NEW BUSINESS

PR.07.0039 WARD 4 NEIGHBORHOOD 7.02A RS

Request of Shane C. Cooper, P.E., Banks Engineering, agent for T I Investments Inc. of Sarasota, owner, for preliminary approval of a Planned Development Project known as River Run Estates Subdivision for property located at 1212 30th Street Court East (Zoned PDP)

RV.07.0021 WARD 4 NEIGHBORHOOD 7.02A RS

Request of Shane C. Cooper, P.E., Banks Engineering, agent for T I Investments Inc. of Sarasota, owner, for vacation of a portion of an undeveloped right-of-way located at 1212 30th Street Court East (Zoned PDP)

Ms. Seewer read the requests.

Mr. Cooper presented an overview of the 20 lot single family detached home subdivision and answered questions of the Commission Members.

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, and no one appeared. The Chair closed the public hearing.

Public Works-

Mr. Cummings said Public Works wanted to reserve the right to serve the site with a master meter. He asked whether the lot lines extended across the conservation and jurisdictional areas.

Ms. Seewer stated that she believed SWFWMD did not allow that in the last project that was done.

Mr. Cummings stated that the area may better be common space with a homeowner's association being responsible for it. He said other than that he had no objections.

Fire Department-

Although no one was present from the Fire Department, Mr. Cummings stated that he believed the fire issues had been covered.

Staff Report-

Ms. Seewer advised that staff felt this plan was compatible with the neighborhood and recommended approval of PR.07.0039 for a preliminary planned development and subdivision based on the Findings of Fact and Analysis of the General Standards and Regulations requirements of Section 4.04A of the Land Use Regulations with the following stipulations:

1. If any species listed in Rule 39.27.003 through 39.27.005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures will be taken with immediate notification provided to the PCD.
2. All trees proposed for removal will be flagged and documented to be replaced on site and/or payment in lieu of replacement. The City will not accept total payment without any on-site replacement. The tree replacement plan must be approved by the Director of Planning and Community Development prior to subdivision plat approval and recording.
3. All trees not scheduled for removal will be properly barricaded. Additionally, the wetland area, including the buffer, will be protected with the required silt fence prior to commencement of the site improvements.
4. Improvements will be made to 30th Street Court East from 11th Avenue East, south to the south side of the project entrance to bring the street up to City standards.

Ms. Barcus remarked that she had an additional question noting that because there were common areas and a private street which might be master metered, she assumed there would be a homeowner's association. She asked whether the subdivision would be deed restricted and whether there were supporting documents in that regard.

Mr. Cooper responded that these documents would be provided at the final development stage.

Mr. Prewitt commented that being in the commercial banking industry there were three positives he liked about this project: (1) the builder was putting in 1,240 or 1,440 square foot houses which was needed in this area, (2) the builder was building 50% less than what the property was zoned for, and (3) the builder worked well with staff.

The Chair commented that transportation was one of the items considered in creating a green environment. Ms. Gaufillet queried whether the builder had contacted MCAT about a transit stop and, if not, suggested he review that option before the request was presented to City Council.

Mr. Cooper responded that there had been no discussion like that at this point, but he would be happy to meet with representatives from MCAT and indicate that it might be appropriate to provide a bus pick up stop at the entrance or near the entrance.

Ms. Seewer stated that there was a stop at the 27th Street intersection at 11th Avenue and that stop was slated to be improved by the Golf Village/Forest Green development which was right down the road. She said she was not sure MCAT would be willing to travel directly into a residential neighborhood.

The Chair stated an appropriate place might be the corner of 30th Street Court East and 11th Avenue where sidewalk and roadway improvements would end. Ms. Gaufillet suggested an additional stipulation that Mr. Cooper obtain additional information for City Council in this regard.

Mr. Yearick stated that maybe the Commission should capture it as a stipulation in green and people should be encouraged in that regard until this evolved further and the Commission had specific input and direction from staff.

Mr. Prewitt stated that most of the builders in the State were under tremendous pressure from many aspects, such as, interest rates, lack of sales, and government regulations. He said he knew that builders wanted to build a product with as many amenities as possible that people would buy. He opined that putting a green stipulation, even if it were vague, would cause undue pressure on them. Mr. Prewitt cautioned against putting on vague stipulations; however, if the developers wanted to talk with MCAT, it would do nothing but improve their sales ability.

Ms. Barcus said she did not know how a stipulation for a bus stop could be made mandatory because it was not up to the developer but Manatee County.

Ms. Seewer suggested a stipulation 5 that "the applicant will contact MCAT to question the feasibility of an additional stop at 30th Street Court East."

Mr. Prewitt suggested that the stipulation not mention a specific location but to talk with MCAT about possibilities. Mr. Prewitt suggested that they talk with MCAT about alternative stops.

Ms. Seewer rephrased the stipulation: "that the applicant will contact MCAT to question the feasibility of additional stops".

The Chair added "prior to City Council".

Mr. Cooper questioned if the Commission meant off site or within the property limits.

Ms. Gauffillet stated it would probably be off site but she did not know whether the development's front door or even the northeast corner of the site might be the most logical place or 800' north of the subdivision's property line. She noted just like the sidewalk going all the way up the road was off site, there was a nexus that made sense that even though it were off site it served the development.

Mr. Prewitt moved, with a second by Mr. Yearick, to approve PR.07.0039 with the following five stipulations:

1. If any species listed in Rule 39.27.003 through 39.27.005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures will be taken with immediate notification provided to the PCD.
2. All trees proposed for removal will be flagged and documented to be replaced on site and/or payment in lieu of replacement. The City will not accept total payment without any on-site replacement. The tree replacement plan must be approved by the Director of Planning and Community Development prior to subdivision plat approval and recording.
3. All trees not scheduled for removal will be properly barricaded. Additionally, the wetland area, including the buffer, will be protected with the required silt fence prior to commencement of the site improvements.
4. Improvements will be made to 30th Street Court East from 11th Avenue East, south to the south side of the project entrance to bring the street up to City standards.
5. Applicant will contact MCAT to question the feasibility of additional stops prior to City Council.

Motion carried unanimously.

Mr. Prewitt moved, with a second by Mr. Thompson, to approve RV.07.0021 for vacation of the existing right-of-way and subdivision plat. Motion carried unanimously.

SU.07.0049 WARD 5 NEIGHBORHOOD 1.03/104 RS

Request of Dexter N. McDonald, agent for Community Outreach, owner, for Special Use approval of a day care center for property located at 650 27th Street East (Zoned PDP)

Ms. Seewer read the request advising that the application was not complete; therefore, she requested that it be continued.

Public Hearing:

The Chair stated that since the request had been advertised, she would open the public hearing for anyone present who wished to speak and then carry it forward. 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 and the following appeared:

Susan Ray, representing the Children's Academy of SW Florida, 2601 7th Avenue East, advised that the Children's Academy had a Center directly across the street from the proposed Child Care

Center that Community Outreach wanted to open. She said that the Children's Academy was licensed for 368 children, one of the largest non-profit child care centers in the State, and served the neighborhood since 1970. She remarked that the area also had four home child care centers within a quarter mile of the Center and that provided choices for families. Ms. Ray opined that saturating the area with another child care center was unreasonable and put the Center in an awkward position of being competitive which was not the mission of a nonprofit center. She asked the Commission to vote no on a child care center within 100 yards of its front door.

There being no further individuals wishing to speak, the Chair continued the public hearing until the February 20, 2008 Planning Commission Meeting.

VA.07.0043 WARD 1 NEIGHBORHOOD 1.03/1.04 RS

Request of Karen Frusher, owner, for Variance for reduction in rear yard setback from 20 feet to 7.1 feet for construction of a house addition to property located at 1001 12th Avenue West (Zoned R3B/VAOD)

Ms. Seewer read the request.

Karen Frusher, 1200 Florida Street, Key West, advised that she was the owner of the property. She stated she realized that this had been presented to the Planning Commission with a recommendation for denial, and she was hastily backpedaling from her request of a 7 foot rear setback wondering if the Commission would accept a request for 15 feet rather than 20 feet. Ms. Frusher stated that she could modify the project.

The Chair asked what modifications Ms. Frusher would make.

Ms. Frusher stated that she would eliminate the porch which would give the seven feet allowed plus eight which would be 15; therefore, she would just be asking for a five foot difference. She explained that her elderly mother lived there and needed room to get around in her walker.

Ms. Barcus noted that if the covered porch were eliminated at the rear, she assumed that the deck would stop at the back wall on the east side. She asked if the French door would be eliminated.

Ms. Frusher responded affirmatively.

Ms. Barcus commented then there would be no egress from the rear of the house.

Ms. Frusher stated there were two exits now and there would be two exits after the remodel; one on the side and one in the front. Ms. Frusher said she had an architect to draw proper plans once there was an agreement.

Ms. Gauffillet stated that she generally had a problem with variances. She said the request for 15 feet was much more reasonable, but it did not take away the responsibility of the Commission to determine a hardship.

Ms. Seewer responded that one of the hardships was the actual lot size; however, she tried to point out in the Staff Report that it was the Planning Commission's job to allow reasonable use of the property by granting a variance, and she felt a five foot variance was reasonable. Ms. Seewer remarked that the French door could stay there because Ms. Frusher could put a deck on the back of the house which would come within five feet of the property. Ms. Seewer opined that there were many options available.

Ms. Frusher expressed appreciation of Ms. Seewer's idea commenting that it would be lovely.

Public Hearing:

The Chair opened the Public Hearing for those wishing to speak in favor, and the following individual appeared:

Cheryl Kinderknecht, 1005 12th Avenue West, spoke in favor stating that she lived immediately west of the Frusher residence and anything that benefited one residence in terms of upgrading benefited the rest of the area. Ms. Kinderknecht expressed appreciation on behalf of the Village of the Arts for the road and lighting upgrades in the area.

The Chair then opened the Public Hearing for those wishing to speak in opposition, and no one appeared. The Chair closed the Public Hearing.

Public Works -

Mr. Cummings stated he had no objections.

Fire Department -

Not present.

Staff Report-

Ms. Seewer stated that after speaking with the applicant, staff favored the reduction to a 15 foot setback which would allow the addition. She commented that staff would be happy to work with Ms. Frusher to design the area so it met her needs and stayed within the City's guidelines.

Ms. Barcus moved, with a second by Mr. Prewitt, to approve VA.07.0043 for variance for reduction in the rear yard setback from 20' to 15' for construction of a house addition to property located at 1001 12th Avenue West, zoned R3B/VAOD. Motion carried unanimously.

(Mr. Polk entered the meeting at 2:55 p.m.)

COMMISSION COMMENTS

Green Building

The Chair requested that the Planning Commission advance green building in the City.

Mr. Yearick stated he would be happy to take on that assignment.

Ms. Seewer stated that the Planning Department had documentation on green buildings and if the Commission gathered what it may, guidelines could be put together. She noted that this was going to be a huge undertaking, but they could start with small suggestions which would not be financially burdensome.

The Chair advised that the National Sustainability Conference in Washington, D.C. was coming up in February. Ms. Gaufillet suggested the City might want to send Commissioners or staff. She remarked that this was the number one event for sustainability in the entire country.

Ms. Seewer stated that with the problem of tax reform no one was allowed to go anywhere except Mr. Polk.

Mr. Yearick asked if that applied to staff or to non-paid public.

Ms. Seewer said that anyone could go but it would have to be paid for individually.

The Chair asked whether that included registration.

Mr. Prewitt commented that the ICSF Convention in Las Vegas at the end of April would also be discussing sustainability. Mr. Prewitt said he may be going for work, but Mr. Polk might want to check into it.

Mr. Polk noted that he was already attending the APA Conference in Las Vegas. He remarked that he usually took two trips: APA National Convention and Urban Land Institute National Convention.

The Chair commented that Mike Kennedy, DDA Director, might consider sponsorships which she would take up separately.

Planning Commission Retreats

Mr. Polk remarked that a Planning Commission Retreat was held twice a year in Norfolk in which the Planning Commission and staff would review issues and development items that would be coming before it and discuss items normally not discussed during Planning Commission meetings and workshops. He said he would be interested in doing that in Bradenton.

The Chair said that either the APA or ULI had good educational programs which were offered quarterly or every other month via a web conference from 5 to 7:30 p.m. Ms. Gaufillet stated that she felt sure the Commission could come up with a location, and she felt it was something worth looking into. She said the cost was either negligible or nonexistent.

Mr. Polk remarked that he was trying to get the Planning Commission to be more proactive.

Riviera Southshore

Mr. Prewitt advised that today Wells Fargo took ownership of Riviera Southshore, and he wanted to discuss it with Mr. Polk.

Adjournment

Mr. Yearick moved, with a second by Ms. Barcus, to adjourn the meeting at 3:10 p.m. Motion carried unanimously.

Lucienne Gaufillet
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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