

ABBREVIATED MINUTES  
 PLANNING COMMISSION MEETING  
 DECEMBER 21, 2005

The City of Bradenton Planning Commission met on Wednesday, December 21, 2005 at 2:00 p.m. in City Hall Council Chambers.

**ATTENDANCE**

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

Chairman Diane Barcus	Vice-Chair Donald Surface	Carlos Escalante	Lucienne Gaufillet
Richard Barnhill	Allen Yearick	Allen Prewitt	
Alternate Brady Cohenour	Alternate O.M. Griffith	Alternate Dwight Koch	Alternate Joseph Thompson

**City Staff:**

<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	Seth Kohn		
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

**PRELIMINARIES**

Meeting called to order by Chairman Diane Barcus at: 2:00 p.m.

- 1) Pledge of Allegiance at 2:01 p.m.
- 2) Ms. Gaufillet moved, with a second by Mr. Thompson, to approve the Minutes of November 14, 2005. Motion carried unanimously.
- 3) The Chair announced that due to a holiday, the Planning Commission Workshop scheduled for Monday, January 16, 2006 will be changed to Wednesday, January 18, 2006 at 1:00 p.m. followed by the regular meeting at 2:00 p.m. The Chair advised that the meeting would also be the reorganizational meeting. The Chair noted that the Commission had been given a list of meeting dates for 2006.
- 4) Janet Mitchell swore in all those wishing to speak before the Board.

**OLD BUSINESS-** None.

## **NEW BUSINESS**

### **CP.05.0010 WARD 5 NEIGHBORHOOD 7.02/8.03 MM**

Request of King Engineering Assoc., Inc., agent for Mixon Fruit Farms, owner, for a Large Scale Comprehensive Plan Amendment to change the Future Land Use Designation from County Res-6 to City Res-6 for property located at 2605 26<sup>th</sup> Avenue East.

### **LU.05.0022 WARD 5 NEIGHBORHOOD 7.02/8.03 MM**

Request of King Engineering Assoc., Inc., agent for Mixon Fruit Farms, owner, to change the Land Use Atlas Designation from County A-1 to PDP for property located at 2605 Avenue East.

Ms. Gauffillet recused herself from the discussion and vote on these two issues because she was employed by King Engineering, Inc.

Mr. McLachlan read the two requests.

Bill Merrill of the law firm Icard Merrill presented a map of the subject property and surrounding area. He remarked that the developer planned to use traditional neighborhood design, principles, and practices in this process; however, there was one problem the applicant had with page 7 of the Staff Report. He stated that staff recommendation was that new development south of 13<sup>th</sup> Avenue be based on best Traditional Neighborhood Design (TND) principles and practices. Mr. Merrill suggested a revised stipulation that the language be changed to "new development south of 13<sup>th</sup> Avenue shall be generally based on Traditional Neighborhood Design (TND) principles and practices". Mr. Merrill opined that it could be overly restrictive for this particular development. Mr. Merrill explained that while the developers intended to employ some of the traditional neighborhood design, they did not want to be entirely tied to that restriction. Mr. Merrill cited as an example that grid patterns could not be entirely used because there was a creek running through the property which would necessitate using curvilinear roads. Mr. Merrill answered questions of the Board and discussion took place.

### **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.

Arlene Dickinson, 2016 27<sup>th</sup> Street East, advised that there was a 3.39 acre parcel of land adjacent to Wakeland Elementary bordered by Mixon Fruit Farm on the south and the west belonged to Florida Guide Dogs for the Deaf. Ms. Dickinson explained that they train guide dogs for the deaf and people with disabilities. She requested that a buffer zone be put along the south edge and west edge of the property. She stated that presently they have a common fence with Mixon on one side and a fence on the other side with Wakeland School bordering their property at 27<sup>th</sup> Street East. Ms. Dickinson said that the organization was informed by its insurance company that its insurance would almost double because of the nonresidential factor and not having a buffer zone. Ms. Dickinson stated that, in addition, they would have to have night security which would be an additional expense.

The Commission Members discussed Ms. Dickinson's concerns with her. The Chair advised that at this juncture the Commission was just dealing with the zoning and land use, not the actual development at this time. Ms. Barcus stated that the development would come at a different time.

Mr. Surface queried whether the issue of a buffer zone could be addressed at the time the PDP

came before the Planning Commission, and Mr. McLachlan responded in the affirmative.

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

### **Staff Report-**

Mr. McLachlan stated that the City was looking for a high quality, innovative development on the subject site. He advised that discussion took place during the annexation process about an alternative form of development, such as, TND. He cited Bradenton Village as being a model for development and redevelopment within the City. Mr. McLachlan explained that the City was going through a process to better define what high quality meant within the City through a joint character compatibility study which would ultimately result in design guidelines. Mr. McLachlan stated that staff was comfortable with the suggested modification of language proposed by Mr. Merrill.

Mr. Polk commented that many of these issues could be negotiated as part of the site plan but he did not want to see the plan diluted so much that it was watered down.

The Chair then introduced Tim Polk as the new Director for Department of Development Services.

Mr. Prewitt moved, with a second by Mr. Surface, to approve CP.05.0010 with the language, "new development south of 13<sup>th</sup> Avenue shall be generally based on Traditional Neighborhood Design (TND) principles and practices". Motion carried unanimously with Ms. Gaufillet not voting.

The Chair advised that this matter would be heard at the January 25, 2006 City Council meeting.

Mr. Prewitt moved, with a second by Mr. Surface, to approve LU.05.0022. Motion carried unanimously with Ms. Gaufillet not voting.

The Chair advised that the City Council date was yet to be determined.

The Chair noted that if there was no objection, she would take MA.05.0010 out of Agenda order due to presenters having to make a flight in Tampa. The Chair also noted that Ms. Gaufillet was no longer recused.

### **MA.05.0010 WARD 5 NEIGHBORHOOD 1.03 1.04 RS**

Request of Fawley Bryant Architects, Inc., agent for Bradenton Housing Authority, owner, for Planned Development Major Amendment Application at property located at 104 17<sup>th</sup> Avenue West (Zoned R-3B).

Ms. Seewer read the request.

Dave Bishop, representing Fawley Bryant Architects, Inc., presented the project and photographs pertaining thereto. Mr. Bishop advised that at the December 19<sup>th</sup> workshop there was discussion regarding the age of those living at Bradenton Village. Mr. Bishop stated that Greg Jordan was present to discuss those issues with the Board.

Mr. Jordan was sworn in by Mrs. Mitchell.

Mr. Jordan advised that the subject of age limits came up with regard to this building and he requested that the Commission allow the same procedure be followed as the first senior building in that they made the commitment to follow the age requirements but they be allowed to occupy the units with the next available interested tenant if there was no senior interest. He presented a list of

those persons renting in the present building which consisted of 12 persons under the age of 55. Mr. Jordan stated that he would work with the City in any way to solve the parking concerns.

Discussion took place regarding the requirements for senior parking in lieu of traditional parking for those who were not seniors.

The Chair inquired why it was called senior housing if, in fact, the units were being leased to non-seniors.

Mr. Jordan stated that was permitted by HUD.

The Chair reiterated that she had a problem with the development not being 55 years and older. She pointed out that Bradenton Village name stated "senior housing". Ms. Barcus pointed out that the River Park Hotel just sold for condos and those people needed a place to stay plus mobile home parks were being sold and those seniors would need housing. Ms. Barcus complimented the architect on the design which, she stated, was compatible.

Ms. Gaufillet stated that she felt there were a hundred ways to deal with the parking issue, but she felt it should be more identified with senior housing. She commented that if there were not enough seniors, the best that could be done was to provide a percentage of low income rentals as long as a traffic or parking nightmare was not created.

Ms. Seewer suggested that the City stipulate that this building would be for seniors 55 and older, remove the moniker of senior housing from the other building on 3<sup>rd</sup> and move those seniors into this building. Then, readdress the parking in the other building because that phase has not yet been started. Ms. Seewer further suggested that Mr. Jordan work with the HUD representatives and bring it back to the City Council on January 11, 2006.

### **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.

### **Public Works -**

Mr. Cummings stated that he had met with the engineer who designed the project. He advised that they would be working out the parking and dumpster issues as well as utility realignments.

### **Fire Department -**

Ms. Seewer advised that the Fire Department's concerns were incorporated in the stipulations.

### **Staff Report –**

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

1. The architectural rendering submitted and identified as City of Bradenton Exhibit "O" is approved. Any change determined to be significant by the DDS Director will require a Major PDP amendment.
2. All standard parking spaces will be 9x20, or 9x18 with stops. Handicap parking will be 12x20 with a five-foot walkway.
3. Drive isles will be 24' wide.
4. Precise utility location will be at the discretion of the Public Works Department.
5. Proposed fencing along 1<sup>st</sup> Street will be of the same design and material as the fence that is existing.
6. The proposed porte-cochere will provide a 14-foot clearance minimum.

7. The exterior lighting plan for the senior housing amendment area will be the same as that existing within the Bradenton Village.
8. The leasing resident or their spouse must be 55 years or older.

Mr. Surface stated that he would like it emphasized that this was a senior housing facility; therefore, he wanted stipulation 8 to be revised to include "Since this was a senior housing facility", the leasing resident or their spouse must be 55 years or older.

Mr. Surface moved, with a second by Mr. Prewitt, to approve MA.05.0010 with the stipulations along with the amendment he had just read to stipulation 8. Voting in favor of the motion: Surface, Prewitt, Thompson, Escalante, Barnhill and Guilfilllet, Voting against: Barcus. Motion carried 6-1.

Ms. Barcus stated, for the record, that she had voted against the project because it was not specifically being used for senior housing.

### **SP.05.0003 WARD 4 NEIGHBORHOOD 7.02A**

Request of Cyrix Engineering, Inc., agent for Pinnacle Group of Sarasota, Inc., owner, for Subdivision Preliminary Application for property located at 2801 11<sup>th</sup> Avenue East (Zoned R-1B).

Ms Seewer read the request.

Dale Reaume with Cyrix Engineering appeared before the Commission presenting the request for approval of a preliminary plat for 17 single family units.

### **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 and no one appeared. The Chair closed the public hearing..

### **Public Works -**

Mr. Cummings questioned why the concrete block wall shown along the back property line was recessed, and Mr. Reaume explained that was a diverter swale to bring drainage off the site. He advised that due to the topography of the site they had to put in a retaining wall which had to be offset to get the swale in there.

Mr. Cummings noted that reduced the sanitary sewer easement.

Mr. Reaume responded that he would work with Mr. Cummings to satisfy Public Works.

Ms. Seewer stated that a stipulation would be added that the exact location of the wall would be at the discretion of Public Works.

### **Staff Report –**

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

1. The sidewalk along 11<sup>th</sup> Avenue East will extend to the west property line. This will be reflected in the construction drawings, and on the final plat.
2. The two streets proposed will be numbered. This will be reflected in the construction drawings and on the final plat.
3. All residences will have a minimum of 1,200 square feet of living area under air, excluding garage, carport, screen enclosures, or lanais.
4. Deed restrictions will not supercede minimum City code requirements, such as paved driveways.

5. Trees will be replaced on site. The number of replacements and sizes will be determined at the time of the site improvement/tree removal permit review.
6. Location of wall on the north side will be at the discretion of Public Works.

The Chair inquired whether the applicant was in agreement with the stipulations and he stated that all the stipulations were fine.

Ms. Gauffillet moved, with a second by Mr. Barnhill, to approve SP.05.0003 with the five stipulations in the staff report and the additional 6th stipulation as discussed. Motion carried unanimously.

**LU.05.0021 WARD 3 NEIGHBORHOOD 6.01 RS**

Request of Stephen W. Thompson, Esq., agent for Bradenton Palm Trace Apartments, L.L.C., owner, to amend the Land Use Atlas Designation to include the Wares Creek overlay exemption for the property located at 2309 Manatee Avenue West (Zoned P/R-1C).

Ms. Seewer read the request.

Mr. Thompson explained only part of the property was in the Wares Creek overlay district and this request was to place the entire property in the Wares Creek overlay exemption district.

**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 recommended approval.

Mr. Surface moved, with a second by Mr. Prewitt, to approve LU.05.0021. Motion carried unanimously.

**RV.05.0010 WARD 4 NEIGHBORHOOD 20.03**

Request of Stephen W. Thompson, Esq., agent for Bradenton Land Co., and Southern Hospitality, L.L.C., owner, to vacate the Virginia Heights platted subdivision located at 407 48<sup>th</sup> St Ct East (Zoned PDP).

Ms. Seewer read the request.

Mr. Thompson explained that the request was to vacate the entire subdivision which consisted of 12 lots. He further explained that all of the lots have access off of 48<sup>th</sup> Street Court East and no other roadway was involved. He advised that his client owned all of the property and the reason for the vacation was to make it easier in the legal description which would become part of a master plan PDP.

**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 recommended approval of the request advising that its primary purpose was to consolidate ownership, eliminate lot lines and supply relief from setback restrictions from individual lot lines. She stated that no abutting property owners would be affected by the subdivision plat vacation because the applicant owned all the abutting property with the exception of the south

portion which was owned by a shopping center.

Mr. Barnhill moved, with a second by Mr. Surface, to approve RV.05.0010. Motion carried unanimously. (Mr. Escalante not present for the vote.)

**SU.05.0018 WARD 5 NEIGHBORHOOD 7.03 RS**

Request of Phyllis Mays, owner of Grasshopper Academy for special use approval to operate a daycare center located at 1300 Manatee Avenue East (Zoned C1A).

Ms. Seewer read the request.

Ms. Mays, owner of Grasshopper Academy, appeared and made her request to the Commission.

Ms. Gaufillet inquired whether Ms. Mays had any problems with any of the stipulations and she responded that she did not.

**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.

**Public Works -**

Mr. Cummings stated that he wished to add one more stipulated item and that would be that the dumpster size, fencing and gates be brought up to current standards.

**Staff Report –**

Ms. Seewer discussed the stipulations and advised that approval was recommended with the stipulations as follows:

1. Bollards will be installed outside the fence around the playground area.
2. All inferior landscaping will be replaced.
3. Additional trees and shrubs, subject to the approval of the DDS, will be installed around the playground area.
4. Kitchen facilities will meet the requirements of a commercial kitchen as specified by the Fire Department.
5. The subject property will be property maintained at all times as a gateway into the City. Chronic care-of-premises violations by the Code Enforcement Board may result in revocation of this Special Use.

Ms. Gaufillet spoke about the safety importance of the bollards.

Mr. Cummings inquired where the bollards would be placed because the Department of Transportation would not allow them to be in a right-of-way.

The Chair observed that Ms. Mays would have to have her fence moved inward, and Ms. Mays responded affirmatively.

Mr. Surface noted that the bollards should be reinforced concrete.

Mr. Prewitt moved, with a second by Mr. Thompson, to approve SU.05.0018 with the five stipulations in the Staff Report as well as the sixth one which was added. Motion carried unanimously.

**PR.05.0020 WARD 4 NEIGHBORHOOD 20.03 RS**

Ms. Seewer advised that this item has been removed from the Agenda at this time.

**CP.05.0012 WARD 4 NEIGHBORHOOD 20.03 RS**

Request of Marcus Helmuth and David McNabb, White Oak Development, Ltd, agents, for Steven, Tonya and Johnny Rice, owners, for Large Scale Comprehensive Plan Amendment to change Future Land Use Designation from County Res 6 to City residential/6 UA at property located at 5050 1<sup>ST</sup> Avenue East.

**LU.05.0024 –WARD 4 NEIGHBORHOOD 20.03 RS**

Request of Marcus Helmuth and David McNabb, White Oak Development, Ltd, agents, for Steven, Tonya and Johnny Rice, owners, for Land Use Atlas Amendment changing Land Use from County A-1 to City PDP at property located at 5050 1<sup>ST</sup> Avenue East.

Ms. Seewer read the requests. She advised that the Comprehensive Plan Amendment would go to City Council on January 25 and a public hearing date for the Land Use Atlas Amendment was yet to be determined.

Mr. Thompson presented the requests. He advised that the Staff Report had been reviewed and they were in agreement with it.

**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 Comprehensive Plan Amendment and Land Use designation was for property that was annexed into the City. She advised that it was consistent with County Future Land Use. Ms. Seewer commented that the PDP zoning allowed the City to be able to review the plans and get a quality development. She recommended approval of both requests based on the consistency with the both the City's and the County's Comprehensive Plans.

Ms. Gaufillet moved, with a second by Mr. Barnhill, to approve CP.05.0012. Motion carried unanimously.

Ms. Gaufillet moved, with a second by Mr. Surface, to approve LU.05.0024. Motion carried unanimously.

**MA.05.0011 WARD 1 NEIGHBORHOOD 4.07 RS**

Request of Zoller, Najjar & Shroyer, L.C., agent, for Scott Clark, Lago Invest, owners, for approval of a Major Amendment to a Planned Development Project at 1401 Village Green Parkway (Zoned PDP).

Ms. Seewer read the request.

Tom McCollum, Director of Planning for Zoller, Najjar, Shroyer, showed a power point presentation. He then presented letters in favor of the project from the Village Green Homeowners Association Board of Directors and the Spanish Park Homeowners Association. After the presentation, Mr. McCollum answered questions of the Commission Members.

Mrs. Mitchell swore in those persons wishing to address the Commission who had not yet been sworn.

Mike Drapala with Zoller, Najjar, Shroyer, discussed the utility easements and answered questions of the Commission Members.

Bob Gauson presented landscaping plans.

**Public Hearing:**

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

Jesse Griffin, 1518 70<sup>th</sup> Street West, advised that he was asked to read a statement on behalf of Roger F. Smith, President of the Village Green Homeowners Association, who could not be present. A copy of the statement was presented to each Commission Member.

John Wohlhueter, 1501 72<sup>nd</sup> Street W, Vice President of the Village Green Homeowners Association, stated that they had always hoped the site would remain a golf course; however, the developers had addressed most of the concerns and the Association was pleased with what had been developed.

There being no further individuals to speak in favor, the Chair opened the public hearing for those who wished to speak in opposition.

Preston Smith, 1015 Village Green Parkway, discussed traffic on Village Green Parkway which would be increased by the new 142 driveways.

Dr. Gerald Hensley, 1801 72<sup>nd</sup> Street West, strongly requested that the Commission consider having the power lines relocated. He also spoke about the ongoing problem with having the ditch cleaned and cleared. He said it has been an ongoing problem to have the City keep the ditch cleared from weeds, snakes and rats. Dr. Hensley strongly requested a very detailed engineering evaluation about the ditch as well as the location of the power lines. He said there was not enough in-depth study done relative to the location of the power lines. He said based upon prior studies electro magnetic fields being in close proximity to human beings could cause cancer to the brain.

Betty Eden, 7013 11<sup>th</sup> Avenue, inquired about the emergency exits and how they would be gated.

The Chair explained that the emergency egress/ingress was for emergency vehicles only.

Mary Finnerty, 7116 18 Avenue West, advised that her property abutted the proposed development, and she expressed concern about the greenery on the path.

The Chair advised that very heavy landscaping would be done.

There being no further individuals to appear before the Commission, the Chair closed the public hearing.

Responding to Mr. Surface's request, Fire Marshal Langston discussed the emergency access route and how access would be handled within a gated community.

Responding to Mr. Surface's inquiry, Mr. Cummings advised that the sanitary sewer and water were all private utilities maintained by the developer.

Responding to an inquiry by Ms. Gauffillet, Bill Merrill, attorney for the project, advised that the development will be part of the Village Green Homeowners Association but it would also have its

own sub-association which would be responsible for their private sanitary sewers and water systems.

Mr. Surface stated that he wanted it shown that Florida Power and Light approved the project. Mr. Cummings responded that would be taken care of with the construction approval.

### **Staff Report-**

Ms. Seewer advised that staff had worked diligently with the developer. She advised that this was the fourth plan, and it was a compromise for the developer, Village Green residents and the City. She stated that it was a good plan everyone could live with. Ms. Seewer advised that a traffic study had been done and although there would be more traffic, it was not a problem. She stated she felt maintenance of the ditch would even be better once the development was built. Ms. Seewer recommended approval with the following stipulations:

1. All trees proposed for installation will be a minimum of 2" DBH.
2. Install eyebrows at the mail kiosks on the north and south side of the development, and add two parking spaces to the recreational area.
3. Parking will be permitted on one side of the street only, and prohibited in the cul-de-sacs.
4. Drainage will be designed to meet Public Works specifications.
5. The architectural design of the recreation building will be compatible with the residential construction, and subject to the approval of the DDS Director.
6. To the maximum extent possible, the nature trail/walking path will be distanced from existing residences whose owners express discomfort with the location in close proximity to their property line. Additional landscape material will be installed to increase the visual buffer in these areas.
7. Architectural grade shingles will be required for all roofs.
8. Remove landscape from the access easements on the north and south sides.

The Chair inquired whether the applicant was familiar with the stipulations, and Mr. Merrill responded in the affirmative.

Mr. Surface moved, with a second by Mr. Thompson, to approve MA.05.0011.

Ms. Gaufillet stated for the record that she shared the feelings of City staff that this project had been a compromise to allow the property owner the ability to enjoy his property rights, but when one speaks of the City as a whole, she would not support lowering densities in the future. Ms. Gaufillet stated that the City was looking to advance its image and increase its aesthetic appeal and those things include not having a seascape of garage doors even though they already existed in Village Green so it was compatible. She further stated that with PDP development the City was looking for full densities, great open space and great amenities which really enhance and provide new and great development for the City.

Motion carried unanimously. (Mr. Prewitt was not present for the vote.)

### **CP.05.0007 900-1600 14<sup>TH</sup> STREET W MM**

Ms. Seewer advised that this item had been removed from the agenda and would be placed on the January 18th Planning Commission Agenda and would appear on the January 25<sup>th</sup> City Council Agenda.

The Chair extended a Merry Christmas and Happy New Year to all present.

Ms. Seewer thanked the Chair for baking and bringing cookies.

### **Adjournment**

Mr. Escalante moved, with a second by Mr. Barnhill, to adjourn the meeting at 5:45 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 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.

Note: This is not a verbatim record. A recorded cd is available upon request for a \$10.00 *service charge*.