ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
JULY 17, 2006

The City of Bradenton Planning Commission met on Wednesday, July 17, 2006 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 Richard Barnhill	Carlos Escalante	Lucienne Gaufillet
	Allen Yearick	Allen Prewitt	
Alternate Brady Cohenour	Alternate O.M. Griffith	Alternate Dwight Koch	Alternate Joseph Thompson

City Staff:

Development Services	Public Works	Fire	Police
Director Tim Polk	John Cumming	Dennis Bonneau	
Assistant Director Matt McLachlan	Arlan Cummings		
Dev. Review Mgr. Ruth Seewer			
Laura Anderson			

PRELIMINARIES

The meeting was called to order by Chairman Barcus at 2:05 p.m.

1) The Chairman stated that with the exception of variance requests, all items being considered at this meeting would be heard by City Council on Wednesday, August 16, 2006 at 8:30 a.m. unless otherwise announced.
2) Pledge of Allegiance at 2:07 p.m.
3) Ms. Gaufillet moved, with a second by Mr. Escalante, to approve the Minutes of June 21, 2006. Motion carried unanimously.
4) The Chair indicated there was some interest in combining the Planning Commission workshop and meeting on the same day rather than two separate days. Ms. Barcus opened the statement up for discussion. Mr. Barnhill stated that he preferred both sessions be on Mondays. Mr. Prewitt remarked that Wednesday was the better day for him because Mondays were almost impossible for him due to his job. After further discussion, Mr. Escalante moved, with a second by Ms. Gaufillet, to hold the workshop and meeting both

on Wednesdays. Motion carried unanimously. Workshop times were left open-ended depending on the size of the agenda. If the agenda was light, the workshop would begin 1:00 p.m, if heavy, at 12:30 p.m. with lunch included.

5) Mrs. Anderson swore in all those wishing to speak before the Commission.

NEW BUSINESS

CP.06.0015 WARD 4 NEIGHBORHOOD 20.03 RS
Request of Marla Hough, agent for RMC Partners, Ltd., owner, for Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from County ROR to City Commercial for property located at 4455 SR 64 East.

LU.06.0030 WARD 4 NEIGHBORHOOD 20.03 RS
Request of Marla Hough, agent for RMC Partners, Ltd., owner, to change the Land Use Atlas designation from County GC to City C-3 for property located at 4455 SR 64 East.

Ms. Seewer read both requests stating that they could be heard concurrently, but action required individual motions.

Marla Hough presented the requests and answered questions of the Commission Members. Ms. Hough stated that the land was recently annexed, and these applications were to apply City Future Land Use and Atlas designation for the property. She further stated that rear of the facility would be occupied by Global Surveying, and the front portion would be retail. The proposed FAR is .20, well within the City restriction of .35. The maximum allowable square footage under the proposed FLU and Atlas designations would be 50,000, and a future addition proposal was for 12,000, well under the allotment permitted.

Public Hearing

The Chair opened the Public Hearing. Mr. William Paxton appeared to speak in opposition to the request, fearing the Inlets would become an enclave. Ms. Barcus explained that these requests were for map designations only, the land had already been annexed, and no enclave had been created. The Chair then closed the Public Hearing.

Public Works
Mr.Cummings advised that there were no objections to either request.

Fire Department
Fire Inspector Bonneau advised that there were no objections to either request.

Staff Report
Ms. Seewer advised that the staff recommended approval of both requests. The Future Land Use Designation of Commercial was consistent with the former County designation of ROR, and the proposed City Land Use Atlas Designation of C-3 was consistent with the County designation of GC (General Commercial).

Regarding CP.06.0015, Mr. Escalante made a motion recommending approval of the request, with a second by Mr. Prewitt. Motion carried 5-0, with Ms. Gaufillet out of the room.

Regarding LU.06.0030, Mr. Thompson made a motion recommending approval, with a second by Mr. Prewitt. Motion carried unanimously.

SA.06.0006 WARD 5 NEIGHBORHOODS 7:02B RS

Request of Becky Canesse, agent for Manatee County Girls Club, Inc., owner, for Special Use approval to add a 4,000 to 6,000 sq. ft. classroom wing to an existing building at property located at 1011 21st Street East (Zoned R-1C).

Ms. Seewer read the request.

Jim Farr, George F. Young Engineering, advised that there was an existing multi-purpose building on the site which the Girls Club had outgrown. An addition of approximately 8,000 square feet was proposed, along with a new parking facility adding 13 spaces. He stated they would be meeting all State requirements regarding drainage through the Southwest Florida Water Management District (SWFWMD) permit. He stated that in response to the proposed stipulation, he would be happy to add landscaping. Mr. Gaufillet questioned whether the administration would be amenable to landscaping improvements. Mr. Farr said there was a live oak hammock to the north, and asked to what extent the City would need landscaping. Ms. Gaufillet stated it would be primarily for beautification.

Chairman Barcus asked about the parking design, stating her concern that buses could not be parked on the site based on the design presented. Ms. Cannesse stated that they utilized mini-buses, which could park comfortably in a standard parking space.

Chairman Barcus stated that she would like to see landscaping between the building and the sidewalk since it was a metal building that could use some softening. Mr. Farr agreed that a three to five foot foundation buffer would enhance the building.

Public Hearing
The Chair opened the Public Hearing. No one appeared to speak in favor or in opposition to the request, and the Chair closed the Public Hearing.

Public Works
Mr.Cummings advised that there were no objections to the proposed addition.

Fire Department
Inspector Bonneau advised that the building may require sprinkling but that would be determined during the building permit stage. He stated that otherwise there was no objection to the request.

Staff Report
Ms. Seewer advised that the use had been in operation since 1984, and there were no Code Enforcement complaints on file. Staff recommendation was for approval of the proposed expansion with the following stipulation:

1. Landscaping will be installed around the proposed vehicular use area, and upgraded where necessary, as determined by the Planning and Community Development Director.

Mr. Prewitt moved to approve SA.06.0006 as recommended by staff.

Ms. Gaufillet moved to amend the motion by adding a stipulation #2, requiring a 3-5 foot foundation landscape buffer. Mr. Prewitt agreed to the amendment. Mr. Barnhill seconded the amended motion. Motion to approve SA.06.0006, as amended, passed unanimously with the following stipulations:

1. Landscaping will be installed around the proposed vehicular use area, and upgraded where necessary, as determined by the Planning and Community Development Director.
2. A 3-5 foot foundation landscape buffer will be provided.

PR.06.0025 WARD 5 NEIGHBORHOOD 7.02B/8.03 MM/RS
Request of King Engineering Associates, agent for Ryan Mixon, LLC, owner, for preliminary approval of a Planned Development Project known as North Park for property located at 2605 26th Avenue East (PDP).

SP.06.0005 WARD 5 NEIGHBORHOOD 7.02B/8.03 MM/RS
Request of King Engineering Associates, agent for Ryan Mixon, LLC, owner, for preliminary approval of a subdivision to be known as North Park for property located at 2605 26th Avenue East (PDP).

Mr. Bill Merrill, land planning attorney for the law firm Icard Merrill, introduced Misty Servia, planner for King Engineering, Denise Greer, engineer for King Engineering, and Mike Lawson, developer. Mr. Merrill stated that the project contained 1373 dwelling units, 12,000 square feet of commercial space, and was contained on 228.91 acres. He stated that the project was designed as a TND (Traditional Neighborhood Development) which was an innovative concept. Street grids, sidewalks, and diversity were all utilized to provide a pedestrian friendly community. He stated that a Community Standards Manual was provided that required uniformity and diversity over and above the City requirements.

Mr. Merrill gave a brief history of the property, and the events that have taken place so far in order to bring the application to where it was today. He stated that they have worked closely with staff and that there have been numerous modifications and compromises on both sides in order to provide a quality TND development. He stated the project was consistent with the Comprehensive Plan as it adhered to the Neighborhood Recommendations, provided adequate Public Facilities, and provided innovative development. This was attained through the interconnectedness of the parks, pedestrian access, vehicular access, neighborhoods, schools, and the proximity to work places and other facilities. Mr. Merrill indicated the project had been designed to protect resources and the only wetland impact necessary was to provide an access road to 15th Street West which was subject to SWFWMD approval. He stated that open space and recreation area exceeded City requirements.

Mr. Merrill stated that a recommendation in the staff report asked for consideration of an undulating berm around the perimeter. He requested that both fencing and landscaping be provided rather than the berm. A ten foot wide buffer would only provide for a four inch berm, based on the requirement of four to one slopes and a flat planting base.

Mr. Merrill further asked that certain recommended stipulations be amended as follows:

Stipulation #5 - requested that this stipulation state “pursuant to a development agreement”
Stipulation #8 - felt this appeared vague and asked for clarification of “concerns” vs. “conditions”
Stipulation #10 -include “roads” as well as public utilities for impact fee credits.

Mr. Merrill stated that this was a good infill development, providing transition from City to County, in close proximity to schools, would provide fiscal and economic benefit to the City, and would spark redevelopment.

Misty Servia presented a slide show that described the aspects of new urbanism. These aspects included distinctive neighborhoods, a concentrated “town center” area, a mix of single family detached, single family attached and multi family development. Specifically within the proposed development there were no dead ends or cul-de-sacs providing connectivity throughout the project. The focal point of the development was “Glen Creek”, an existing drainage facility that ran through the entire project from west to east. Glen Creek was designed as a recreational amenity through the inclusion of a pedestrian trail running its entire length.

Mr. Barnhill asked what the maximum height of the multi family structures would be. Ms. Servia said they would be 70 feet, four stories over one story of parking.

Chairman Barcus asked when the projected build-out was, and Ms. Servia said four years.

Public Hearing
The Chair opened the Public Hearing.

Bill Grimsley appeared before the Commission stating that he was neither for nor against, but expressed concern that there was a major drainage ditch running through the area, and the addition of 1300 homes could create problems. He also felt there was not enough recreation provided, and that the project did not look affordable.

Ralph Johnson, 21st Avenue East, asked if the level of the land had been taken into consideration, that the creek overflowed during hurricanes, and that the existing houses were only 18 inches above the crown of the road.

Lee Newburg came forwarded stating that she lived on 30th Avenue at 23rd Street and was concerned that the mid-rises would be in her back yard. Ms. Seewer asked her to pinpoint her residence from an aerial map. It was then determined that there would be no development directly behind her residence.

The Chair closed the Public Hearing.

Public Works
Mr. Cummings advised that he had no objections to the proposed development, as all roads were 50 foot minimum rights-of-way, and the applicant met several times with Public Works regarding utilities. A concurrency study was done prior to annexation of the property in order to insure that there would be sufficient utilities to serve the project and to make the applicant aware of improvements that would be required in order to serve the project. The Public Works Department forwarded to Planning and Community Development a list of trees in rights-of-way which would be acceptable. Mr. Cummings also recommended the applicant work with Manatee County regarding access to 26th Avenue and 27th Street, both of which were under the jurisdiction of Manatee County. Additionally, he stated that the phasing would be approved based on installation of utilities. In answer to the above-referenced concerns about the drainage, Mr. Cummings stated that the recreation areas provided would contribute to the drainage basin to alleviate these concerns.

Fire Department
Inspector Bonneau advised that the applicant had worked with the Fire Department regarding design of the project and asked that during construction a stabilized surface and water supply be provided.

In rebuttal, Mr. Merrill stated that they were providing over seven acres of recreation area within the boundaries of the project. There was an elementary school to the east of the subject property, and a middle school to the south.

Ms. Servia discussed parking reduction. She stated that the development was a compact, pedestrian friendly neighborhood, and for that reason the developer requested a reduction of the recreational parking since there were walkable parks within every individual neighborhood, as well as the linear park for the entire development. Additionally, by providing 64 one-bedroom and studio units, she felt two spaces per unit was excessive. Ms. Servia pointed out that the suggested parking ratio was considered a maximum, and the request was for less than an 8% reduction.

Ms. Greer, engineer for the proposed project, stated that in addition to providing drainage facilities,

the developer was providing on-site flood plain storage, which would absorb the overflow from Glen Creek, and most likely improve drainage conditions within the existing neighborhoods. Ms. Greer stated that they have been working not only with the City, but with Manatee County, the Southwest Florida Water Management District, and Tropicana as well.

Mr. Cummings questioned the buffer design, and Mr. Lawson stated that they proposed a PVC fence with landscaping.

Mr. Lawson stated that there was a wide range of pricing in the development, and although they would like to provide affordable housing, they could not commit to a specific amount given the changing nature of development costs.

Ms. Gaufillet noted that the traffic study review had not been completed, and asked what improvements might be under consideration at this time. Sandra Gorman, Transportation Engineer for King Engineering, stated that preliminarily the following improvements would be required:

- Construction of a northbound left turn land at the intersection of 26th Avenue and 27th Street.
- Construction of an east bound left turn land at 26th Avenue and 15th Street East.
- Turn lanes into the main drives of the proposed project.
- Signalization, if warranted, as a result of the study.

Mr. Polk stated that the City was excited to bring forward this project. In response to the concerns of the adjacent property owners, Mr. Polk remarked that this was pedestrian friendly and the schools were incorporated into the design. The new development would provide better drainage. He stated that it was a precedent setting development, and the City envisioned more projects such as this. He commented that the City wanted to raise the bar in the City with innovative and creative developments, and this project provided that innovation. Mr. Polk further stated that based on the variety of housing that would be provided there would be competitive prices for first time home buyers.

Staff Report

Mr. McLachlan presented an overview of the staff report including the following conditions as suggested by the developer and by staff:

To meet the assurances called for in the developer's preliminary intent, the applicant provided two exhibits: (1) Architectural Design Examples for Residential and Commercial, and (2) North Park Community Standards Manual. The developer indicated under "Architectural Design Examples" (see section on Additional Zoning Conditions) that they agree and would provide the following:

1. A uniform mailbox and post design throughout the community.
2. A Street Tree plan at the time of construction including at least one (1) tree, including existing trees, per lot between the street and sidewalk. [Staff recommends that this condition be subject to Public Works approval].
3. Detail specifications at the time of construction plan regarding landscaping, buffering, and community center/park areas in accordance with the preliminary plan for the appropriate neighborhood or area. The developer shall also include a continuous pedestrian/bike line along Glenn Creek.
4. Detail specifications at the time of construction plan regarding entry features and signage for the appropriate neighborhood.
5. Street lighting installed in accordance with the standards set forth in current edition of the American National Standard Practice for Roadway Lighting, published by the Illuminating Engineering Society of North America. If enhanced or upgraded street lighting is installed, streetlights shall be operated and maintained by either a street lighting district,

homeowners association, or community development district. [Staff suggests that enhanced, period street lighting be required, with the approval of Public Works, to accentuate the traditional neighborhood character that is desired. PLEASE NOTE that all street lighting owned and operated by the applicant shall be placed outside City owned and operated right-of-way].

6. Staggered front yard setbacks not less than two feet on adjacent lots, and in order to avoid repetitive front elevations and exterior colors, homes with the same front elevation or exterior color shall not be located next to each other or directly across the street from each other.
7. A minimum of four (4) foot sidewalk shall be provided along both sides of the street on all internal roads within the project. [Staff recommends that sidewalks be a minimum of five (5) feet on all internal roads to be consistent with TND best practices].
8. Site development standards for recreation areas will be in accordance with the City of Bradenton City Code of Ordinances.

In addition to these proposed zoning conditions, Staff recommended the following:

9. The developer shall enforce all stipulations and provisions in the exhibit entitled "North Park Community Standards Manual – For Participating Builders" throughout the entire buildout of the proposed PDP.
10. Not less than forty (40) percent of the detached single-family homes shall be constructed with a stem wall foundation raising the finished floor elevation 24 inches to 32 inches above the finished grade and shall have a front porch. Not less than one-hundred (100) percent of the attached single-family homes shall be constructed to have a raised finish floor elevation 24" to 32"above the finished grade.
11. Residential and non-residential buildings shall conform to Florida vernacular architectural style in form, materials, and finishes. All building elevations must be approved by the Planning and Community Development Director prior to building permits being issued.
12. Backflow preventers will be boxed underground or removed from view from the right-of-way.
13. Stormwater ponds will be designed as an amenity to the project using curvilinear design, aesthetically pleasing, environmentally sustainable landscape vegetation, fountains, and other features as determined by a registered landscape architect and biologist. Landscape design of Glen Creek and the stormwater ponds must be approved by the Planning and Community Development Director as part of the final PDP.

The Chair accommodated Mr. Merrill in allowing him the opportunity to address the additional conditions cited above.

Mr. Merrill expressed concern about stipulation 10 relating to the request to build 100% of the town homes with a stem wall foundation. He commented that that just was not done. He requested that be taken out of the stipulation. After discussion, Mr. Merrill summarized that Mr. Polk wanted the entry areas elevated. Mr. Merrill requested that he be allowed to go back to the architects to see how it could be developed. He requested that he be allowed to come up with what percentage and exactly what the correct wording would be as far as a stoop or whatever was chosen between now and when a presentation was made to the City Council.

Mr. Merrill requested that with regard to stipulation 11 he requested that at the end of the first sentence that it state "in accordance with the North Park Community Standards Manual and Architectural Design Examples for residential and commercial".

Mr. Merrill expressed concern with regard to stipulation 12. He stated that it would be very expensive to put the backflow preventers underground. He said he had talked with staff about trying to move them as far to the sidelines of the property or even giving an easement to the

utilities department. Mr. Merrill requested that provision be taken out. He repeated that the backflow preventers would be removed as far as possible from the main view of each lot.

Along with the above conditions, staff recommended approval of PR.06.0025 and SP.06.0005 based on the Findings of Fact and Analysis of the proposed Planned Development Project and Preliminary Subdivision, and pursuant to the requirements of Sections 201 and 404.A., and the Concurrency requirements of Section 301.A.5., of the Land Use Regulations, as follows:

1. Any historical or archaeological resources that may be discovered during development must be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and mitigation would be determined by the DHR and the City of Bradenton prior to resuming disturbance activities.
2. 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.
3. The wetland mitigation plan must be approved by Public Works and the Planning and Community Development Department prior to Final PDP approval.
4. Tree preservation shall be provided to the fullest extent possible. All significant trees proposed for removal shall require approval by the Planning and Community Development Director. All 16" and larger Live Oak trees proposed for removal in the proposed site plan must be individually identified, with removal requiring approval by the Planning and Community Development Director for a determination of preservation versus mitigation.
5. Sanitary sewer and potable water must be provided to the site, at the expense of the developer. These systems shall require approved by the City Public Works Department prior to building construction, and outright dedication of the applicable infrastructure to the City, or access through appropriate access easement pursuant to an agreement between the developer and the City.
6. Adequate infrastructure will be completed, or sufficiently completed prior to the commencement of any phase, as determined and approved by the Planning and Community Development Department and Department of Public Works.
7. The architectural design and features of the proposed buildings shall approved by the Planning and Community Development Director prior to construction.
8. The applicant will adhere to proposed zoning conditions and Staff recommendations identified in response to Objective 1.9 in Staff Report, as amended.
9. Impact fee equivalency will be required in accordance with the definitions of the ACCORD prior to the issuance of a Certificate of Occupancy as determined by the City of Bradenton Planning and Community Development Director.
10. The applicant or developer shall submit to the Planning and Community Development Department an Impact Fee Credit application pertaining to Public Safety (Fire and Police), Parks, and Water and Sewer impact fee requirements prior to development permitting. As part of the Impact Fee Credit application, the applicant or developer shall provide assurance of required improvements through submittal of a performance bond, irrevocable letter of credit, or escrow agreement. The appropriate impact fee credits and methodologies for credit, and the type of assurance shall require approval by the Planning and Community Development Director.
11. Any deviation from the approved requirements, as determined by the Planning and Community Development Director, may require a PDP amendment.

Ms. Gaufillet moved to approve PR.06.0025 with the conditions and stipulations as detailed in the staff report with the following changes:

Condition 10. Not less than forty (40) percent of the detached single-family homes shall be constructed with a stem wall foundation raising the finished floor elevation 24 inches to 32 inches above the finished grade as well as having a front porch.

Condition 11. After the end of the first sentence "in accordance with the North Park Community Standards Manual and Architectural Design Examples for residential and commercial".

Condition 12. Backflow preventers will be suitably located and will be landscaped to be approved b City staff.

Stipulation 8. The Final PDP must address all Stipulations and other Staff/DRC recommendations/concerns included in this report under objective 1.9 as determined by the Planning and Community Development Director.

Stipulation 10. Add Roads to Impact Fee Credits.

Add Stipulation 12 requiring the comments of the Traffic Report to be presented to City Council.

Add Stipulation 13 dealing with perimeter landscaping, at minimum, the existing landscaping with a fence and shrubs. If you want to have landscaping on the inside of the fence, you get the full benefit of both sides of the fence.

Mr. Barnhill seconded the motion.

The Chair noted that they had not heard stipulation 13 before.

Mr. Barnhill stated he was fine with that one but thought that the term "stem wall" was going to be eliminated.

Ms. Gaufillet stated that was eliminated from the town homes, not for the single family.

Motion carried unanimously.

Ms. Gaufillet moved, with a second by Mr. Prewitt, to approve SP.06.0005. Motion carried unanimously.

Ms. Gaufillet excused herself from the remainder of the meeting at this time.

CP.06.0016 CITY OF BRADENTON

Request of the City of Bradenton for Large Scale Comprehensive Plan Amendment for text changes to the Coastal Management Conservation Element, Recreation and Open Space element, and Historic Preservation Element.

Mr. McLachlan read the request.

Craig Shadrick with Wade Trim appeared before the Commission and stated that he had been hired by Manatee County to assist with the City's Comprehensive Plan amendments in order to help assist the County with land purchases through the Florida Trust Preservation. The intent of the amendment was to ensure that South Perico Island, recently purchased by Manatee County, remain a passive park and preservation area.

Mr. Shadrick walked the Commission through the changes to the Coastal Conservation Element, Recreation and Open Space element and Historic Preservation Element.

Mr. McLachlan advised that in addition to the changes discussed by Mr. Shadrick, the Coastal High Hazard Area definition has been amended. The definition was changed by the State, accordingly, the City made changes to its plan.

Public Hearing
The Chair opened the Public Hearing.

Mary Sheppard, representing the Sierra Club, agreed in concept to the proposed changes, but wanted to identify what she felt were inconsistencies in the plan. She asked that the Goals, Objectives and Policies for the dredging of Wares Creek be kept in the Plan. She stated that within the Conservation Element, Goal #5, Objective #1, Policy #2, identified the Coastal High Hazard Line as land below the two-foot contour line Mr. McLachlan agreed that this was inconsistent and stated that would be corrected.

There being no further individuals wishing to speak, the Chair closed the Public Hearing.

Public Works
Mr.Cummings advised that they had no objections to the proposed amendments

Fire Department
Inspector Bonneau advised that they had no objections to the proposed amendments.

Staff Report
Mr. McLachlan stated that staff recommended approval of CP.06.0016, with the change to Goal #5, Objective #1, Policy #2.

Mr. Prewitt moved, with a second by Mr. Thompson, to recommend approval of CP-06-0016 with the change as specified by staff. Motion carried unanimously.

ADJOURNMENT

Mr. Escalante moved, with a second by Mr. Barnhill, to adjourn the meeting at 5:10 p.m. Motion carried unanimously.

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Diane Barcus
Chairman

PURSUANT TO FLORIDA STATUTE 286.0105, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, COUNCIL, AGENCY OR COMMISSION AT THIS MEETING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO WHICH THE APPEAL IS TO BE BASED.

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