



AGENDA
BRADENTON CITY COUNCIL
November 16, 2005
8:30 A.M.

1. INVOCATION AND FLAG PLEDGE:

- a) Invocation led by Chaplain Karl Holsberg, Manatee County Jail.

2. PROCLAMATION:

3. PRESENTATION:

- a) Bradenton Police Department Heroic Awards
- b) Public Works Department Recognition
- c) Human Resources Pride Awards
- c) Downtown Development Authority Geckofest

4. ADMINISTERING THE OATH:

5. CITIZEN COMMENTS:

6. COUNCIL REPORTS:

7. CONSENT AGENDA:

- a) Approval of Minutes for October 26, 2005 and Minutes for November 9, 2005.
- b) **RESOLUTION 05-72** FINDING THAT AN AREA WITHIN THE CITY OF BRADENTON AS DESCRIBED HEREIN CONTINUES TO CHRONICALLY EXHIBIT EXTREME AND UNACCEPTABLE LEVELS OF POVERTY, UNEMPLOYMENT, PHYSICAL DETERIORATION AND ECONOMIC DISINVESTMENT; MAKING CERTAIN DECLARATIONS REGARDING SAID AREA; RE-DESIGNATING SAID AREA AS THE CITY OF BRADENTON ENTERPRISE ZONE; PROVIDING AN EFFECT DATE.

8. BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

- a) **LU.05.0018 RS**
Request of City of Bradenton for text amendments to the Land Use Regulations (LUR's) regarding Alcoholic Beverages within a Residential PDP.

FIRST READING OF PROPOSED ORDINANCE 2798

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS TO ADD NEW LANGUAGE REGARDING APPLICATION FOR ALCOHOLIC BEVERAGE SALES WITHIN A RESIDENTIAL PDP AND THEIR REGULATION; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- b) **LU-05-0012 WARD 4 NEIGHBORHOOD 20.03 MM**
Request of Cedarwood Development, agent for Southern Hospitality Associates, LLC., owners, to change the Zoning Atlas Designation from County A-1 to City PDP for the property located at 5055 3rd Avenue East.

FIRST READING OF PROPOSED ORDINANCE 2805

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 5055 3RD AVENUE EAST AND LEGALLY DESCRIBED.

- c) **LUR-AA-04-03 WARD 1 RS**
Request of Matt Campo, agent for Burcaw & Associates to change the Zoning Atlas Designation from County General Commercial to City Commercial for the property located at 7208 Manatee Avenue West.

FIRST READING OF PROPOSED ORDINANCE 2807

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM COUNTY GENERAL COMMERCIAL TO CITY COMMERCIAL-2 FOR THE PROPERTY LOCATED AT 7208 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

- d) **LU-05-0007 WARD 4 NEIGHBORHOOD 20.03 MM**
Request of White Oak Development Inc., owner/agent, to change the Zoning Atlas Designation from County A-1 to City PDP for the property located at 101 48th Street Court Northeast.

FIRST READING OF PROPOSED ORDINANCE 2809

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 101 48TH STREET COURT NE AND LEGALLY DESCRIBED.

- e) **CP.05.0011 WARD 1 NEIGHBORHOOD 12.04A ZONED PDW-CH RS**
Request of Clifford L. Walters, Esq., agent for Paradise Pointe, L.L.C., owners, for a Small Scale Comprehensive Plan Amendment changing the Future Land Use Designation from Res-3 to Commercial for the property located at 12320 Manatee Avenue W.

FIRST READING OF PROPOSED ORDINANCE 2811

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 12320 MANATEE AVENUE WEST, BRADENTON, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0011) CHANGING THE FUTURE LAND USE DESIGNATION FROM RES-3 TO COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

- f) **LU.05.0019 WARD 1 NEIGHBORHOOD 12.04A ZONED PDW-CH RS**
Request of Clifford L. Walters, Esq., agent for Paradise Pointe, L.L.C., owners, to change the Zoning Atlas Designation from County PDW-CH to City PDP for the property located at 12320 Manatee Avenue W.

FIRST READING OF PROPOSED ORDINANCES 2812

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY PHW-CH TO CITY PDP FOR THE PROPERTY LOCATED AT 12320 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

- g) **SA.05.0004 WARD 5 NEIGHBORHOOD 1.03/1.04 RS** **PUBLIC HEARING**
Request of Egan Adams, owner, and Steven Lewis, agent, for a Special Use Amendment to add 4800 square feet to the existing Day Care Facility at 2239 14th Street West. (Zoned C3)
- h) **RV.05.0007 WARD 4 NEIGHBORHOOD 7.02B** **RESOLUTION / PUBLIC HEARING**
Request of M. Andrew Allison, P.E., agent, for Sun Bay Properties, Inc., owners, for a Vacation of Right of Way at 2422 6th Avenue East. (Zoned R2A)

RESOLUTION 05-69

A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHTS-OF-WAY" LOCATED AT 2422 6TH AVENUE EAST.

- i) **PR.05.0016 WARD 4 NEIGHBORHOOD 7.02B RS** **PUBLIC HEARING**
Request of M. Andrew Allison, P.E., agent, for Sun Bay Properties, Inc., owners, for a Planned Development Project approval for the proposed Sun Bay Condominiums located at 2422 6th Avenue East. (Zoned R2A)
- j) **AX.05.0012 WARD 4 NEIGHBORHOOD 20.03 RS** **PUBLIC HEARING**
Request of Stephen W. Thompson, Esq., agent for Walt Eppart and David McNabb, property owners, requesting de-annexation of certain land located at 101 48th Street Court East.

SECOND READING OF PROPOSED ORDINANCE 2801

AN ORDINANCE CONTRACTING THE MUNICIPAL BOUNDARY OF THE CITY OF BRADENTON, FLORIDA, BY DE-ANNEXING CERTAIN LAND LOCATED AT 101 48TH STREET COURT EAST, AND LEGALLY DESCRIBED.

- k) **CP.05.0009 WARD 4 NEIGHBORHOOD 20.03 MM** **PUBLIC HEARING**
Request of Stephen Thompson, agent, for G.E. Apartments, Ltd. for a Small Scale Comprehensive Plan Amendment changing the Future Land Use from County Residential 6 to City Residential 6 for property located at 407 48th Street Court East.

SECOND READING OF PROPOSED ORDINANCE 2799

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 407 48TH STREET COURT EAST, BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0009) CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 6 COUNTY TO RESIDENTIAL 6 CITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- l) **LU.05.0017 WARD 4 NEIGHBORHOOD 20.03 MM** **PUBLIC HEARING**
Request of Stephen Thompson, agent, for G.E. Apartments, Ltd. for a Land Use Atlas Amendment to change the zoning designation from County A-1 to City PDP for property located at 407 48th Street Court East.

SECOND READING OF PROPOSED ORDINANCE 2800

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM COUNTY A-1 TO CITY PDP FOR THE PROPERTY LOCATED AT 407 48TH STREET COURT EAST AND LEGALLY DESCRIBED.

m) **CP.05.0002 WARD 4 NEIGHBORHOOD 20.03 MM**

Request of Cedarwood Development, agent for Southern Hospitality Associates, LLC, owners, or a Large Scale Comprehensive Plan Amendment changing the Future Land Use from County Residential C to City Residential 6 for the property located at 5055 3rd Avenue East.

PROPOSED ORDINANCE 2804

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5055 3RD AVENUE EAST, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0002) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY RESIDENTIAL 6; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

n) **CPA-M-04-03 WARD 1 RS**

Request of Matt Campo, agent for Burcaw & Associates, for a Large School Comprehensive Plan Amendment changing the Future Land Use Designation from County ROR to City Commercial for the property located at 7208 Manatee Avenue West.

PROPOSED ORDINANCE 2806

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 7208 MANATEE AVENUE WEST, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CPA-M-04-03) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY ROR TO CITY COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

o) **CP-05-0003 WARD 4 NEIGHBORHOOD 20.03 MM**

Request of White Oak Development Inc., owner/agent, to change the Future Land Use Designation from County Residential 6 to City Residential 6 for the property located at 101 48th Street Court Northeast.

PROPOSED ORDINANCE 2808

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 101 48TH STREET COURT NORTHEAST, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0003) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY RESIDENTIAL 6; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

p) **CP-05-0005 WARD 1 NEIGHBORHOOD 11.03 ZONED PDP**

Request of George F. Young, Inc., agent for CABE, LLP, to change the Future Land Use Designation from Commercial to Residential-15 for the property located at 5501 Cortez Road West.

PROPOSED ORDINANCE 2810

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5501 CORTEZ ROAD WEST, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0005) CHANGING THE FUTURE LAND USE DESIGNATION FROM COMMERCIAL TO CITY RESIDENTIAL 15; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

q) **SECOND READING OF PROPOSED ORDINANCE 2802** **PUBLIC HEARING**
AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY REMOVING PROVISIONS REGARDING INVESTIGATIONS AND ADMINISTRATION OF FAIR HOUSING COMPLAINTS FROM THE CITY OF BRADENTON'S OFFICE OF COMMUNITY RELATIONS AND COMMUNITY RELATIONS BOARD (NOW KNOWN AS THE GRANTS AND ASSISTANCE COMMUNITY RELATIONS BOARD); PROVIDING FOR REFERRAL OF THOSE COMPLAINTS TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING AN EFFECTIVE DATE.

r) **SECOND READING OF PROPOSED ORDINANCE 2803** **PUBLIC HEARING**
AN ORDINANCE RENEWING THE EXISTING FRANCHISE OF BRIGHT HOUSE NETWORKS, ITS SUCCESSORS AND ASSIGNS, INITIALLY GRANTED UNDER ORDINANCE NO. 2103, AS EXTENDED BY ORDINANCE NO. 2452, TO OCCUPY MUNICIPAL STREETS AND RIGHTS-OF-WAY IN THE CITY OF BRADENTON, FLORIDA AS A MEANS OF PROVIDING CABLE SERVICES, PROVIDING FOR THE AMENDMENT OF ORDINANCE NOS. 2103 AND 2452 IN THEIR ENTIRETY AND THE ADOPTION OF A NEW ORDINANCE PRESCRIBING THE TERMS AND CONDITIONS ACCOMPANYING THE RENEWAL OF THE GRANT OF FRANCHISE; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISION; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

s) **RESOLUTION 05-71** **PUBLIC HEARING**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA ADOPTING THE 2005 CITY OF BRADENTON WASTEWATER FACILITY PLAN, ADOPTING THE CITY OF BRADENTON WASTEWATER FACILITIES CAPITAL FINANCING PLAN, AUTHORIZING SUBMISSION OF THE PLAN TO FLORIDA DEPARTMENT OF ENVIRONMENT PROTECTION, DESIGNATING THE MAYOR AS THE AUTHORIZED REPRESENTATIVE; AND PROVIDING AN EFFECTIVE DATE.

9. NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

- a) 2006 Council Meeting Dates
- b) REQUEST BY the Hernando De Soto Historical Society to hold the 2006 De Soto Heritage Festival starting with the Seafood Fest, Friday, March 31st – April 2nd, the Bottle Boat Regatta on Saturday, April 2nd and ending the celebration with the Grand Parade on Saturday, April 29, 2006.
- c) REQUEST BY Councilwoman Barnebey on behalf of Winter Wonderland to hold the Jingle Bell Run, Lighted Boat Parade and Winter Wonderland Family Street Festival on Old Main Street from December 8 - 10, 2005.
- d) Vehicle for Hire – Metro Cab, LLC

John Cumming

- a) Pay scale modifications

Bill Lisch

a) **RESOLUTION 05-73**
A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, EVIDENCING ITS ELECTION THAT THE FIRE DEPARTMENT OF THE CITY OF BRADENTON SHALL ASSUME THE RESPONSIBILITIES OF FIRE FIGHTING SERVICES FOR THAT ANNEXED LAND KNOWN AS THE MIXON PROPERTY AS DESCRIBED IN ORDINANCE NO. 2779 ADOPTED ON THE 28TH DAY OF SEPTEMBER, 2005; PROVIDING AN EFFECTIVE DATE.

b) **RESOLUTION 05-74**

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, APPOINTING TIMOTHY POLK, AS DIRECTOR OF DEVELOPMENT SERVICES FOR THE CITY OF BRADENTON; PROVIDING AN EFFECTIVE DATE.

10. BUSINESS BY APPOINTMENT:

11. DEPARTMENT HEADS:

***RULES OF PROCEDURE FOR AGENDA AND PUBLIC
APPEARANCES BEFORE CITY COUNCIL***

PLEASE PLACE CELL PHONES ON SILENT MODE

PRIOR TO COUNCIL MEETING: Agenda will be prepared and available to the public by 5:00 p.m. of the Friday preceding the Council meeting. Appointments on the agenda, all items for Department Heads, and all other interested parties must be submitted before 5:00 p.m. on the Thursday preceding the Council meeting. Anyone wishing to be placed on the agenda must contact the City Clerk's Office at City Hall, giving their name, business name (if applicable), whether they are resident taxpayers of the City and must state their business. Appearances before Council will be scheduled to last five (5) minutes. If more time is needed, the Mayor or Council person in charge of the Ward involved should be contacted. If they feel the request is justified, they will instruct the City Clerk as to how much time to allow on the agenda. Be advised that, in accordance with the American With Disabilities Act, persons needing a reasonable accommodation to participate in this proceeding should contact the City Clerk & Treasurer of the City of Bradenton at 101 Old Main Street, Bradenton, Florida 34205, telephone (941) 932-9445, not later than seven (7) days prior to the proceeding.

AT COUNCIL MEETING: If a person (or agent) wishes to address the City Council, he shall first request recognition by the Mayor. After being recognized, he should approach the City Clerk, giving his name and address and stating whether he is a resident taxpayer of the City of Bradenton (in the case of an agent, he shall then identify his clients by name, give their address and whether they are resident taxpayers of Bradenton) and identify the agenda item with which he is concerned, state whether he is in favor of or against the item and then proceed to state his position or present his information. A maximum of five (5) minutes will be allowed unless the Mayor rules otherwise. If it appears the matter about which the person wishes to speak is not on the agenda, he shall clearly state the emergency circumstances justifying Council consideration at this time, and the Council shall determine whether he shall be permitted to proceed. (Note: If handouts are being distributed please provide a minimum of ten (10) copies.)

PURSUANT TO FLORIDA STATUTE 286.0105: If a 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 ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

PLEDGE OF PUBLIC CONDUCT: We, the Mayor, City Council and Employees of the City of Bradenton agree to: * Establish a process to promote positive interaction among ourselves and the citizens of Bradenton in a positive and non-threatening environment. * Encourage visible, involved and active participation among all. * Promote improved communication through active listening, providing feedback and honest expression of ideas. * Utilize consensus for decision making. We realized that though we may disagree, we will be respectful of each other. We will direct all comments to the issues and will avoid personal attacks.