ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
JUNE 21, 2006

The City of Bradenton Planning Commission met on Wednesday, June 21, 2006 at 2:05 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**	**City Attorney**
Director Tim Polk	Seth Kohn City Engineer	Fire Inspector Dennis Bonneau	Bill Lisch
Assistant Director Matt McLachlan			
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

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, July 19, 2006 at 8:30 a.m. unless otherwise announced.
2) Pledge of Allegiance at 2:07 p.m.
3) The Chair advised that the City Council voted to have one meeting in the month of July and one meeting in the month of August. Ms. Barcus stated that it has taken the Planning Commission dates for its meetings; therefore, she suggested changing the Planning Commission meetings to follow the Monday work sessions. The Chair requested a motion. Mr. Barnhill moved, with a second by Mr. Thompson, to change the Planning Commission meetings from July 19 to July 17 and August 16 to August 14. Motion carried unanimously. The Chair noted that the Commission Members change their calendars to reflect the work sessions at 1:00 p.m. followed by the regular meetings at 2:00 p.m.
4) Mr. Yearick moved, with a second by Mr. Thompson, to approve the Minutes of May 17,

2006. Motion carried unanimously

5) Ms. Kahl swore in all those wishing to speak before the Commission.

OLD BUSINESS

RV.05.0008 WARD 4 NEIGHBORHOOD 7.03 C

Request of WilsonMiller, agent for Riviera Southshore, owner, for approval of Right-of-Way Vacation at 1203 Manatee Avenue East (Zoned R-1B, C-1A, C-1 & PDP).

RV.05.0009 WARD 4 NEIGHBORHOOD 7.03 C

Request of WilsonMiller, agent for Riviera Southshore, owner, for approval of Subdivision Right-of-Way Vacation at 1203 Manatee Avenue East (Zoned R-1B, C-1A, C-1 & PDP).

LU.05.0020 WARD 4 NEIGHBORHOOD 7.03 C

Request of WilsonMiller, agent for Riviera Southshore, owner, for Land Use Atlas Amendment from R-1B, C-1A, C-1, PDP to PDP for property located at 1203 Manatee Avenue East.

PR.05.0017 WARD 4 NEIGHBORHOOD 7.03 C

Request of WilsonMiller, agent for Riviera Southshore, owner, for preliminary approval of a Planned Development Project known as Riviera Southshore located at 1203 Manatee Avenue East (Zoned R-1B, C-1A, C-1 & PDP).

Ms. Seewer read the requests advising that they had been continued from the May 17, 2006 Meeting.

Ed Vogler, Esquire, representing the applicant, gave a brief overview and introduced the presenters.

Terry Cope of WilsonMiller presented the master plan including the following: landscaping, improvements to the park, the major groupings of buildings, the mixed use buildings with retail on the bottom with loft apartments above, the pedestrian oriented streetscape, the historic “old” Manatee style of architecture, types of homes, the open plan and the view corridor to the river, and the staggered heights of the buildings.

Allan Parsons, senior planner for WilsonMiller, discussed the major large scale redevelopment. He stated the developers had picked up on major themes that the neighbors had wanted, such as, a pedestrian corridor along the riverfront and gateway to downtown tying into the Antiques District as well as streetscape improvements. He talked about the importance of the water and emphasized the mixed use. Mr. Parsons explained that the development would provide activities for daily living with a range of housing units as well as price levels. He also addressed vehicular access.

John Moody, landscape architect, discussed the proposed landscaping. He advised that the development would continue the brick pavers and architecture compatible with the Antiques District. He explained that the park itself would look like Rossi Park because the entire plan sought to bring unity and the same palate which was established in the downtown/East Manatee redevelopment area. Mr. Moody pointed out that the area had wonderful open space with significant live oak trees which were over a hundred years old. He stated that the goal was to work with these trees. He discussed the recreation facilities and parking area noting that they were for the community not just the development. He said there would be no gates nor would it be restrictive.

Mr. Vogler identified a couple of areas as out parcels noting that those were properties not acquired by the master developer; however, the developers privately master planned those parcels into how they could be integrated into the fabric of comprehensive development. Mr. Vogler

pointed out that everything on the site plan would be open to the public. He advised that the security would be in the buildings themselves and the parking structures similar to the Promenade. He remarked that the architectural designs would be ultimately approved by the Architectural Review Board (ARB) and the City Council. Mr. Vogler advised that the palate was reminiscent of "old" Manatee but that was open and flexible to the stakeholders on architectural design. He commented that the homes which were to be demolished were boarded up and there had been some vandalism. He remarked that over the past several years this area had been one of the highest crime areas in the City, but actually it had improved even though there continued to be problems. Mr. Vogler stated that as soon as they complete the planning process, the buildings would be demolished as per the stipulations with the Architectural Review Board using the least intrusive means as possible to protect any archeological features as well as protecting historically significant buildings. Mr. Vogler stated that the developers and neighbors had a meeting which was well attended and instructive for both sides. He said he had a good feeling that even though it had been a long and difficult process, it was a consensus project. Mr. Vogler requested that the Planning Commission approve the plan.

Mr. Yearick inquired whether the stipulations of the Architectural Review Board have been met and whether all the work had been completed or whether it was still pending.

Mr. Vogler responded that the demolition of existing structures was completed. He stated that the architecture for the buildings which would be constructed on the site plan was not completed and would go back to the ARB and City Council which was an additional level of protection for the City.

Mr. Yearick asked if there was a known price range of the various housing types.

Mr. Vogler responded that there were a series of product types ranging from lofts to high-end penthouses with waterfront views. He commented that the obvious intention was to drive the greatest value from the most significant amenity that the City of Bradenton had which was the mile-wide Manatee River and the opportunity to have those views, but if one looked at the design, there were other product types, such as, liner units which would provide visual and aesthetic buffers from the parking facilities and were smaller and less expensive. Naturally, Mr. Vogler pointed out, those on the water and on the park would be at a premium but that type of unit was replicated on other sides. He advised that the town home product in the center would be a smaller, more affordable workforce type product as well as the lofts over the tops of the commercial buildings which were even in a different category. Mr. Vogler stated that it was very difficult to speak about pricing right now because costs were not well known to them. He commented that this was an integrated project, and they wanted to have a number of product types on the market initially so there would be success in the market place which included affordability.

Public Hearing

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

Frank Peterman, Jr., 2435 Granada Circle East, St. Petersburg, consultant for the project, stated that the Maggio philosophy addressed blighted and depressed areas and was about the betterment of communities. Mr. Peterman remarked that the project would create positive and lasting changes including better access to the waterfront.

Darryl E. Rouson, Esquire, 3110 First Avenue North, St. Petersburg, stated that he was a partner and general counsel of Dartmouth Company, a subsidiary company of the Maggio companies. He expressed support with respect to the project's concepts and goals. He stated that the area had been previously blighted and depressed, and this project would create a pedestrian corridor to the

waterfront and a gateway to the urban core. Mr. Rouson opined that the project would be a great asset to the community.

The Chair then called on those who wished to speak in opposition, and the following appeared:

Les Atwood, 1010 Riverside Drive East, asked about the vacation of Riverside Drive. (Ms. Seewer showed on the plan where the road would be vacated.) He took exception about the neighborhood being called a high crime area stating that it had not been until the developers started boarding up buildings and homeless moved into them. He stated that he was totally against the project.

Jackie Atwood, 1010 Riverside Drive East, asked why a road was going to be built along their property line when there was a legal alleyway which could be used. She stated that she would like to see the neighborhood remain single family because her privacy would be lost.

Guy Averill, 209 15th Street East, opined that town houses and condos have no relevance to the old neighborhoods whereas single family units, which were being demolished, were what made the neighborhood. He expressed concern that the Glazier Gates Park was being redesigned by the developer without the input of the residents in the surrounding neighborhoods. Mr. Averill stated that a proposal for a basketball half-court was ludicrous because the full court was not large enough for present usage. He advised that he had been told by the Parks Department that the tennis court surfaces were damaged by people roller blading and playing soccer and that was why they have been welded shut and the Parks Department was currently waiting for the development of the park or input from the developers as to when the courts would be made available to the public again. Mr. Averill remarked that this park must serve the current residents as well the as the City of Bradenton and residents of future development. He also expressed concern about the use of water in the fountains and gardens stating that SWFMUD and the University of Florida should be involved. He said the park should be used for athletics not aesthetics.

Preston Griffith, 112 10th Street East, distributed a package of information to the Commission in which he expressed a number of concerns, some of which were density in high hazard areas, flooding of the roads, the town houses with the impervious uses causing problems in front of his house, recreational area, setbacks and buffers and preserving the oak trees. Mr. Griffith took exception about the area being called one of the highest crime areas. He stated that the developers had not been good neighbors because they had not even mowed the lawns.

Trudy Williams, representing Reflections of Manatee at 1302 4th Avenue East, made a clarification about the out parcels. She also stated that she was working toward the historic homes on 11th Street being recorded.

Charles McNeal, Jr., 1002 3rd Avenue East, pointed out his property stating that the developer was taking six feet of his yard. He stated he had no problem with the development but did have a problem with the taking of his property. He also expressed displeasure with a pump station being placed behind his house stating that it would be an eye sore as well as interfering with children playing because if there was leakage in the ground, one would not know it until they started getting sick. Mr. McNeal expressed concern about the flooding issue.

Ms. Seewer assured Mr. McNeal that the developers would not take any of his land.

Mr. Yearick inquired whether the pump station was identified on the plat.

Ms. Seewer advised that it had been shown at the Public Works meeting. She stated that it was going to be relocated, but a definite conclusion as to the site had not yet been reached. Ms. Seewer commented that it would not be in the park, and she believed it would be an underground lift station.

Arlene Flisik stated that she lived in West Bradenton and had the following questions: (1) whether there would be accommodation for people who want to bike to the river, (2) whether there were any docks as part of the development, (3) how many of the big oaks would be destroyed, and (4) what the visual relationship of the towers to the single family homes would be. She requested that the planted trees in Glazier Gates Park not be removed and that the character of that park as largely green space be continued. Ms. Flisik also had questions about the flood zone and what would happen in a class 3 hurricane.

Kendall MacDonald, 1002 Riverside Drive East, pointed out his home on the map. He said the development's plans showed a pier going out; however, it did not show his dock which a guesstimate would be 75 feet away from the development's pier. He questioned how a public dock could be put into a private area. Mr. MacDonald stated that another tower had been added, and he came to Florida for the beaches, the sunshine and to see the sky and now he would be living in a canyon. He also expressed concern about flooding. Mr. MacDonald discussed the history of the road vacation stating that previously he, the Atwoods, and a previous owner had tried to have the road vacated and the City Council said no. He stated that no one was sure what happened but the deed changed hands and the road was vacated and no one in government knew what happened.

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

Mr. Vogler stated that the connectivity issue was a major seed to create a new 3rd Avenue which would be a major east/west connection. He advised that the consultant team strongly encouraged and requested connectivity to the river adjacent to the project. He showed on the plan where the lift station would be moved and put underground which, he noted, was not in the gentleman's yard. Mr. Vogler commented that vacations of the right-of-way were decisions made by earlier City Councils, and it was important to note that would have resulted in private ownership of the waterfront. Mr. Vogler remarked that the previous project did not succeed because of (1) the importance of obtaining and utilizing the extraordinary views that were afforded by taller buildings and (2) and lack of success in acquiring the parcels needed to assemble an entire redevelopment parcel to control the comprehensive design of that parcel. Mr. Vogler stated that there was more land dedicated to public use than what was being vacated. He advised that the property was placed on the future land use map for downtown mixed use which was programmed to be a high density area. He advised that the developers originally designed a central portion designed for single family homes but were encouraged by consulting representatives for the City to consider the town home design to create an urban grid and the pedestrian connectivity that would be afforded. He stated that the park was a City park and was being improved for the City. Mr. Vogler commented that they would be willing to listen and consult with staff and the neighborhood. He said they were not seeking approval to construct docks at this time.

Mr. Barnhill stated that Ms. Atwood had brought up an interesting point which was why Tower A was not where Tower B was and vice-versa.

Mr. Vogler responded that they had not considered that point but it could be done.

The Chair asked the City Attorney to address the vacation of Riverside Drive East.

Mr. Lisch responded that the road was to be vacated when the previous developers applied for and received approval of a community design plat. Once they did that, Mr. Lisch advised, the deed was then granted and a Resolution dedicating the road was then issued. Mr. Lisch stated that was all he could tell the Commission.

Public Works

Mr. Kohn stated that Public Works had not yet seen a completed set of utility plans. He advised

there was a date certain when Public Works would have time to review them prior to the City Council meeting, but Public Works could not approve or disapprove them at this point.

The Chair asked whether Public Works was aware of the underground lift station at 10th Street Court East and 3rd Avenue.

Mr. Kohn responded in the affirmative adding that one of the problems with not having a completed set of utility plans was that people take the rendering and establish utilities when the developer's engineer would recognize that it would not be a good place for a lift station because it would be too deep. Mr. Kohn explained that it would have to be moved to the north. Mr. Kohn discussed the 100 year floodplain and the City's CRS rating. Mr. Kohn stated that in a meeting he had with the engineer certain elements of the drainage plan were discussed. He explained that typically where attenuation was not required by the State, it may be required by the City to prevent off-site flooding. He said that although impervious area was being added, by law there had to be treatment of the impervious area which would be an improvement to the water quality.

Fire Department

Fire Inspector Dennis Bonneau stated that he would like to see Fire Department access to the town houses on the river side of Buildings B and C and the east side of Building C.

Mr. Vogler stated that there were pavers and the base stabilized and wide enough for trucks. He explained that he had been discussing this with the Fire Marshal and they had more work to do to make sure it was adequate. Mr. Vogler remarked that the goals were life safety and having as much green space as possible.

Inspector Bonneau asked whether the developers were going to use auto track for the turn ratios and whether there would be access to the islands on 11th Street East.

Mr. Vogler responded affirmatively on the auto track stating that he would have to receive approval from both the Public Works Department and the Fire Department with respect to the islands.

Staff Report

Mr. Polk noted that there was discussion about the City having a third party consultant. He asked Michael Marshall of Siemon & Larsen Consultants, to discuss how density could be calculated.

Mr. Marshall explained that density and height had to be balanced. He said they were not considered in isolation. Mr. Marshall remarked that there was a difference in horizontal and vertical development because space could be preserved by going vertically. He stated that this project was in a downtown mixed use, future land use area yet it was not urban in the true sense. Mr. Marshall noted that in reaching 100-125 feet, one became disconnected from the community and became detached so that was where the balancing came in and where this project was good because the development was spread out and impervious areas increased. He advised that eight floors were actually moved out of the three towers into the eight story Tower D. Mr. Marshall stated that balancing was what preserved the neighborhood feel south of the towers.

Mr. Polk stated that it was important to note that a large number of changes have been made. He said there have been a number of staff touches made by the Planning Department, Public Works, and Fire Department as well as the third party consultant. Mr. Polk commented that when he first met Mr. Vogler, he had discussed with him the idea of having an urban core model using the "4 c's" - community, connectivity, convenience and compatibility. Mr. Polk stated that this development was right on in that regard and was quite precedent setting not only for this area but also for the entire City of Bradenton. Mr. Polk said that he was proud that many of the things they talked about were accommodated in the last changes and that was why the Planning Department could support

it. Mr. Polk noted that it was important to involve the community and he was glad to hear that the developers would be working with the community with regard to Glazier Gates Park because people who live there, visit there, as well as the new residents could come to the table and make sure it was a park for everybody. Mr. Polk stated that another remarkable issue was pedestrian movement for the public realm not only from the standpoint of the water's edge but eventually linking up with future developments as well as a view corridor from Manatee Avenue to the water's edge. Mr. Polk remarked the retail development on the ground level was also important. He stated that everyone would be using that retail to visit, trade, eat and have access to the water.

Ms. Seewer read the following 13 stipulations:

1. The total number of residential units within the Riviera PDP project shall not exceed five hundred and thirty-four (534) units.

2. The final PDP plan shall be prepared and submitted as depicted in the revised concept plan titled "SCHEME A - REVISED, RIVIERA SOUTHSHORE" by Walton H. Chancey & Associates Architects, P.A., dated June 6, 2006 and submitted to the City of Bradenton on June 12, 2006.

3. The heights of the proposed riverfront towers shall be limited to those heights listed on the revised concept plan; specifically, Tower A shall have 12 stories of residential over 2 stories of structured parking; Tower B shall have 11 stories of residential over 2 stories of structured parking; Tower C shall have 9 stories of residential over 2 stories of structured parking; and Tower D shall have 8 stories of residential over 2 stories of structured parking.

4. All parking facilities shall comply with the parking requirements of the City of Bradenton Land Use Regulations.

5. Significant architectural detail and features must be added to the east faces of the parking structures in Towers A & B and the west faces of the parking structures in Towers B & C to mask the nature of the structures as garages.

6. Significant entrance features, including pedestrian plazas or overhead archways, should be placed at the north end of the pedestrian pathway between Riverside Drive and Tower A and at both ends of the pathways between Towers A & B, Towers B & C, and along the east side of Tower C. These amenities should create a sense of entrance and place for the proposed riverfront promenade.

7. All of the paved pedestrian sidewalks and on-street parking within the 100 year floodplain shall be constructed with pervious paving material.

8. The architectural design and features of the proposed buildings, parking garages, and amenities, including pedestrian features, shall be adhered to as reviewed and approved by the Architectural Review Board and the City Council. Such reviews shall occur before final PDP approval may be granted.

9. The Final PDP must address all Stipulations and other Staff Recommendations/concerns included in this revised Evaluation and Report as well as those provided in Section C, "Traffic Summary" of the Initial Report and in the "Architectural Review Board Recommendations" of the Initial Report.

10. Any deviation from the approved requirements may require a PDP amendment.

11. A revised utility plan, including information specified in the memorandum to File dated June 16, 2005, will be submitted no later than July 7, 2006 for Public Works review.

12. All provisions of the letter to First Dartmouth regarding property clean up dated June 6, 2006 will be adhered to.

13. Cost for relocation of all utilities will be the responsibility of the developer.

After discussion among the Planning Commission, staff and Mr. Vogler, Stipulation 7 was amended to add the words, "or as approved by the Public Works Director."

Ms. Gaufillet stated that she felt the design around the pool area and the park and the alleyway serving the garages was clumsy because it would lend itself to some confusion, and she would appreciate seeing that addressed. Ms. Gaufillet commented that she could see many benefits to this project as a huge catalyst for redevelopment for the City of Bradenton and it was going to be phenomenal. Ms. Gaufillet applauded the developers for the public access to everything. She remarked, however, that she would like to see the heights of the buildings switched.

Mr. Vogler stated that the developers would be able to switch Towers A and B.

Ms. Gaufillet inquired about affordable housing.

Mr. Vogler responded that he was under the impression that a stipulation in that regard was going to be imposed, but he requested that the Commission not do so at this time because the developers did not have any good feel for the costs of waterfront units at this time nor did they know what the infrastructure would cost. He stated that the plan was that the 33 loft units would be affordable housing which would be about 7% of the project. He said there were some other unit types which might qualify.

Mr. Polk referred the inquiry to the City Attorney.

Mr. Lisch responded that it would be very difficult to state in a PDP that 20% of the units had to be affordable, workforce housing. He stated that it would take an enormous amount of ordinance drafting to make it enforceable. Mr. Lisch stated that one could start at $215,000.00 but a buyer could then sell it for $400,000.00 so there had to be an ordinance mechanism to stop that from happening.

Ms. Gaufillet stated that if legal counsel felt the Commission did not have that purview, she would never want to put the City into jeopardy of facing a lawsuit.

Mr. Lisch stated that he was uncomfortable with a stipulation of that nature.

Mr. Barnhill moved, with a second by Mr. Thompson, to approve RV.05.0008 Ward 4 Neighborhood 7.03, request of WilsonMiller, agent for Riviera Southshore, owner, for Right-of-Way Vacation at 1203 Manatee Avenue East.

Bill Lisch, City Attorney, recommended that the motion be contingent on approval of the PDP because if the PDP did not pass, there would be no reason to vacate the road.

Mr. Barnhill amended his motion and Mr. Thompson amended his second that approval of RV.05.0008 was subject to approval of the PDP. Motion carried unanimously.

Mr. Barnhill moved, with a second by Ms. Gaufillet, to approve RV.05.0009 Ward 4 Neighborhood 7.03, request of WilsonMiller, agent for Riviera Southshore, owner, to approve the Subdivision Right-of-Way Vacation at 1203 Manatee Avenue East subject to approval of the PDP. Motion carried unanimously.

Mr. Barnhill moved, with a second by Mr. Thompson, to approve LU.050020 Ward 4 Neighborhood 7.03, request of WilsonMiller, agent for Riviera Southshore, owner, for Land Use Atlas Amendment from R-1B, C-1A, C-1, PDP to PDP for property located at 1203 Manatee Avenue East subject to approval of the PDP. Motion carried unanimously.

Mr. Barnhill moved, with a second by Mr. Yearick, to approve PR.05.0017, Ward 4 Neighborhood 7.03, request of WilsonMiller, agent for Riviera Southshore, owner, for Preliminary Planned Development Project known as Riviera Southshore located at 1203 Manatee Avenue East with the following stipulations:

1. The total number of residential units within the Riviera PDP project shall not exceed five hundred and thirty-four (534) units.

2. The final PDP plan shall be prepared and submitted as depicted in the revised concept plan titled "SCHEME A - REVISED, RIVIERA SOUTHSHORE" by Walton H. Chancey & Associates Architects, P.A., dated June 6, 2006 and submitted to the City of Bradenton on June 12, 2006.

3. The heights of the proposed riverfront towers shall be limited to those heights listed on the revised concept plan; specifically, Tower A shall have 12 stories of residential over 2 stories of structured parking; Tower B shall have 11 stories of residential over 2 stories of structured parking; Tower C shall have 9 stories of residential over 2 stories of structured parking; and Tower D shall have 8 stories of residential over 2 stories of structured parking.

4. All parking facilities shall comply with the parking requirements of the City of Bradenton Land Use Regulations.

5. Significant architectural detail and features must be added to the east faces of the parking structures in Towers A & B and the west faces of the parking structures in Towers B & C to mask the nature of the structures as garages.

6. Significant entrance features, including pedestrian plazas or overhead archways, should be placed at the north end of the pedestrian pathway between Riverside Drive and Tower A and at both ends of the pathways between Towers A & B, Towers B & C, and along the east side of Tower C. These amenities should create a sense of entrance and place for the proposed riverfront promenade.

7. All of the paved pedestrian sidewalks and on-street parking within the 100 year floodplain shall be constructed with pervious paving material, or as approved by the Public Works Director.

8. The architectural design and features of the proposed buildings, parking garages, and amenities, including pedestrian features, shall be adhered to as reviewed and approved by the Architectural Review Board and the City Council. Such reviews shall occur before final PDP approval may be granted.

9. The Final PDP must address all Stipulations and other Staff Recommendations/concerns included in this revised Evaluation and Report as well

as those provided in Section C, "Traffic Summary" of the Initial Report and in the "Architectural Review Board Recommendations" of the Initial Report.

10. Any deviation from the approved requirements may require a PDP amendment.

11. A revised utility plan, including information specified in the memorandum to File dated June 16, 2005, will be submitted no later than July 7, 2006 for Public Works review.

12. All provisions of the letter to First Dartmouth regarding property clean up dated June 6, 2006 will be adhered to.

13. Cost for relocation of all utilities will be the responsibility of the developer.

14. Swap the heights of Buildings A and B.

15. An affordable housing element is encouraged.

16. Consideration for redesign of park amenities is to be given to the existing neighborhood as well as the planned neighborhood.

Motion carried unanimously.

The Chair stated that she very much liked the mixed use area along Manatee Avenue, and she encouraged developers to do more of that downtown.

NEW BUSINESS

RV.06.0011 WARD 5 NEIGHBORHOOD 1.03/1.04 RS
Request of Fred Munn, agent for Rodney Lawrence, owner, for approval of Right-of-Way Vacation at 1009 16th Avenue West (Zoned R-3B/VAOD).

Ms. Seewer read the request.

Mr. Munn, 908 4th Avenue West, presented the request stating that if the alleyway could be vacated, there would be enough square footage to build another unit in the building.

Mr. Barnhill queried when the property was going to be cleaned up.

Mr. Munn stated, upon approval, the owner, Mr. Lawrence was planning to revamp the apartment.

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.

Robin Miller, 1010 16th Avenue West, pointed out his property on the map showing that it was directly across the street. He stated he was aware of the valiant effort the Code Enforcement Officers have made to prevent that property from becoming a complete eye sore, and he expressed his appreciation to them. Mr. Miller stated that there have been two instances within the last six months where some poor worker came out after hours because the sewer was plugged. Mr. Miller stated at last count there were 17 occupants in the building, and the man, who came to pump out the sewer, said the problem was the overload of occupants in that building as

well as heavy grease which blocked up the sewer. Mr. Miller stated that if an addition were permitted, it would be a little scary there.

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

Mr. Munn stated that Mr. Lawrence was trying to bring his places into compliance, but the amount of visitors who came in and out of a building could not be controlled. Mr. Munn commented that if the property was remodeled, Mr. Lawrence planned to try to get a little better clientele.

Public Works
Mr. Kohn stated that Public Works did not have any utilities in the alley; however, he concurred with the Planning Department and the Fire Department in their recommendation that the request be denied.

Fire Department
Inspector Bonneau remarked that he was against having any dead-end alley because there would be more than a few problems having access around the building.

Staff Report
Ms. Seewer pointed out on the map an alley which had already been vacated noting that if the request were approved, it would leave a section with no access. Ms. Seewer further showed that half of the alley went to lots 8, 9, and 10 while the other half went to lots 11, 12, and 13 where two new single-family homes were being built. She advised that this requested vacation was in the Village of the Arts where there was a large up-swing in the conditions of those homes with people moving in, fixing them up and putting in small businesses, and while it may be Mr. Lawrence's intent to fix up the property, it had been a chronic problem from day one. Ms. Seewer presented photographs which she had taken showing the deplorable conditions of the property. She stated that putting in another unit there would be the City's worse nightmare. In addition, Ms. Seewer pointed out that the proposed vacation would not provide the square footage necessary for the applicant to provide an additional unit.

Ms. Gaufillet moved, with a second by Mr. Thompson, to deny RV.06.0011. Motion carried unanimously.

VA.06.0024 WARD 4 NEIGHBORHOOD 7.02A RS
Request of Michael S. Park, owner, for a Variance approval reducing the rear yard setback from 5 feet to 1'6" for accessory structure for property located at 3019 11th Avenue East (Zoned PDP).

Ms. Seewer read the request.

Mr. Park, 3019 11th Avenue East, explained that he had a structure which he placed too far into his yard, and he wanted to save it.

After Commission discussion, Mr. Barnhill summarized that Mr. Park had a slab with a roof on it. He asked Mr. Park what all would be involved by his moving the slab forward away from the rear property line by five feet. Mr. Barnhill suggested that he have the slab extended by five feet and whether Mr. Park knew what the cost would be.

Mr. Park stated that he would have to have check but he knew a couple of people who might be able to do it. He would have to just check on the cost.

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
No comment.

Fire Department
No comment.

Staff Report
Ms. Seewer advised that Mr. Park had applied for a permit and was required to provide signed and sealed drawings. Rather than provide those drawings, Mr. Park withdrew his building permit application, cancelled his permit, and then built too close to the property line. Ms. Seewer explained that now Mr. Park was requesting a variance. Ms. Seewer stated that Code Enforcement informed Mr. Park that he needed to remove the structure or get a variance. Ms. Seewer stated that this was a self-induced hardship and staff could not find a hardship to recommend approval at this point. Ms. Seewer recommended denial.

The Chair stated that Mr. Park had heard one solution to his dilemma.

Mr. Yearick stated that he had heard conflicting stories and requested clarification.

After Mr. Park's further explanation and Commission discussion, Mr. Lisch explained that a variance was granted if a person could not make reasonable use of his or her property due to its shape or part of the property was taken. Mr. Lisch stated that he did not see any grounds in this situation because it was not a hardship caused by the property itself.

Responding to Mr. Thompson's inquiry, Ms. Seewer advised that the setback was from the vertical which would be the post of the carport so the existing slab could stay where it was. She said it was the carport itself which was in violation so Mr. Park would have to pour more concrete in the front.

Mr. Yearick moved, with a second by Mr. Barnhill, to deny VA.06.0024. Motion carried unanimously.

LU.06.0028 WARD 3 NEIGHBORHOOD 6.01 MM/RS
Request of Gregg Guinta, agent for Bradenton Properties, LLC, owner, for Land Use Atlas Amendment from R-1C to Professional for property located at 512 25th Street West.

Ms. Seewer read the request.

Gregg Gunita, 217 22nd Street West, introduced his partner, Scott May, and presented photographs of the property advising that they bought the property with the intent of using it as a mortgage brokerage. He stated there would be minimal traffic caused by the business.

The Chair noted that she had seen a "For Sale" sign in front of the property.

Mr. Guinta stated that he listed it in case the zoning variance did not go through.

The Chair inquired whether Mr. Guinta was going to sell the property if the variance went through.

Mr. Gunita responded that he may some time in the future.

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 the following appeared:

Elmer Culver, 2314 7th Avenue West, said he was not sure whether he was in favor or not, but he did have a concern. Mr. Culver commented that 25th Street was a very narrow street and he had a concern as to whether the back of the property was going to be opened for a parking lot because there was not sufficient room for parking except in the driveway. Other than that, Mr. Culver stated, he was in favor of the request because the property had remained vacant for a long period of time, and it was already next door to a commercial/professional building.

Cynthia Hooper, 2433 6th Avenue West, was sworn. She stated that she was the President of the Wares Creek Community Association, and for the past ten years this property, as a residence, had been nothing but trouble so a change from that would be better. Ms. Hooper stated that shortly after this property was remodeled, it was clear that a business was being conducted from the property although it was a residential property. Ms. Hooper stated that Code Enforcement was notified and then they received the variance notice. She noted there was very little parking, but the property was located where there easily could be a professional zone although the people in the neighborhood did not want additional traffic. She commented that the neighbors were disappointed that no one contacted them about this request.

Mary Ann Waller, 415 21st Street West, stated she was a realtor with Michael Saunders and it was her impression from multiple listing that Mr. Guinta was trying to sell the property and would do so after obtaining the Land Use Atlas change because it would be worth a higher value if it were changed to professional. Ms. Waller commented that she was having a hard time with how Mr. Guinta was representing himself. She remarked that she did not feel that professional was the best use of that property at this time because the rest of the properties were not there yet; however, she did feel it would be an improvement over a rental.

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

Mr. Guinta stated that they had had a mortgage brokers business there and the sign was left on the property from that time. He said when they had received the notice from Code Enforcement, the mortgage brokers business had been inactive. Mr. Guinta stated that his background was investments and the property was for sale as a hedge.

Mr. Barnhill asked whether Mr. Guinta planned just to take applications at the property or whether he anticipated any closings. Mr. Barnhill asked whether there would be just two customers at a time and whether there was enough parking for four cars.

Mr. Guinta responded affirmatively to all questions.

Scott May, 3607 1st Avenue West, responded that they could park in the alleyway and in the yard.

Public Works
Mr. Kohn stated that he wanted to know what Ms. Seewer recommended about parking.

Fire Department
No comment.

Staff Report
Ms. Seewer advised that the rezone came as a result of the Code Enforcement Office. She stated that the owners bought the property and started to remodel it. She advised that the confusion came about because the gentleman who had previously owned it, operated a home office occupation. Ms. Seewer reiterated that when they bought the property and started remodeling it

for offices, Code Enforcement told them what they had to do to convert the property. Ms. Seewer advised that at first they told them no because the Comprehensive Plan discouraged encroachment into residential areas; however, when it was checked further, the Future Land Use designation was Professional. She stated that the intent of that block was to rezone it on a case by case basis. Ms. Seewer advised that four parking spaces would be required and the material would be at the discretion of Public Works. Ms. Seewer advised that if the City Council approved the Land Use, the applicant would be required to file a change of use and would have to come into compliance with handicapped and fire codes. She recommended approval based on the proximity of Manatee Avenue and the existing Future Land Use designation. Ms. Seewer commented that if that Future Land Use designation had not already been in place, staff would not have recommended approval.

Responding to the Chair's inquiry, Ms. Seewer advised that staff would encourage parking in the rear rather than the front of the property.

Mr. Thompson moved, with a second by Mr. Yearick, to approve VA.06.0027. Motion carried unanimously.

VA.06.0027 WARD 2 NEIGHBORHOOD 5.03/5.04 RS
Request of Hazelbaker Contracting, agent for Rose M. Roberts, owner, for Variance approval reducing the rear yard setback from 20' to 9' for property at 3912 19th Avenue West (Zoned R-1B).

Ms. Seewer read the request.

Rose Roberts, 3912 19th Avenue West, presented her request.

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. Kohn had no objections.

Fire Department
Inspector Bonneau had no objections.

Staff Report
Ms. Seewer advised that Mrs. Roberts was gypped out of five feet because the house sat back 30 feet rather than the standard 25, therefore, the Planning Department was agreeable to a 14 foot setback instead of 9 feet. Ms. Seewer stated that the ironic thing about this was that Mrs. Roberts could put in a pool and a screen room up to five feet of her property line and that would be legal and would be more of a nuisance to neighbors than a room addition with the windows shut and the air conditioner going. Neighbors would not hear noise inside the house. Ms. Seewer opined that this would not be a very invasive encroachment.

Ms. Gaufillet moved, with a second by Mr. Barnhill, to approve VA.06.0027. Motion carried unanimously.

LU.06.0029 WARD 5 NEIGHBORHOODS 7:03B MM
Request of Central Community Redevelopment Agency, agent for the City of Bradenton, owner, for Land Use Atlas Amendment from R-2A and R-1D to PDP for property located at 908 6th Street Court East, 614 10th Avenue East and 619 11th Avenue East.

Ms. Seewer read the request.

Sherod Halliburton, Executive Director of City of Bradenton Central Redevelopment Agency, presented the request advising that a consultant had been working with the CCRA to develop a Comprehensive Plan for the area. He explained that the area would be converted to commercial usage.

Public Hearing

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

Ms. Seewer advised that the request was consistent with the City's Comprehensive Plan and Master Plan and would spur redevelopment in that area and approval was recommended.

Ms. Guifillet moved, with a second by Mr. Barnhill, to approve LU.06.0029. Motion carried unanimously.

ADJOURNMENT

The Chair reminded the Members of the change in meetings in July and August. The Chair requested that consideration to combine the future workshops and meetings be placed on the July Agenda.

Mr. Barnhill noted that Monday was a better day for him.

Ms. Seewer advised that on July 20 there would be a special Joint Meeting with the ARB and the Planning Commission regarding the community character and compatibility study to get design guidelines started as soon as possible. She stated that the guidelines would have to go through the Architectural Review Board and the Planning Commission and the City Council so hopefully the joint meeting would save time even though it would also go before the Planning Commission in August. Ms. Seewer stated that if everyone was on the same page, it would make a smoother transition.

Ms. Gaufillet moved, with a second by Mr. Barnhill, to adjourn the meeting at 5:55 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.*