

ABBREVIATED MINUTES
 PLANNING COMMISSION MEETING
 OCTOBER 19, 2005

The City of Bradenton Planning Commission met on Wednesday, October 19, 2005 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 Donald Surface	Carlos Escalante	Lucienne Gaufillet
Richard Barnhill	Allen Yearick	Allen Prewitt	
Alternate Brady Cohenour	Alternate O.M. Griffith	Alternate Dwight Koch	Alternate Joseph Thompson

City Staff:

Development Services	Public Works	Fire	Police
Director	Arlan Cummings	Kenny Langston	
Assistant Director Matt McLachlan	Seth Kohn		
DRM Ruth Seewer			
Review Coordinator Susan Sileo			

PRELIMINARIES

Meeting called to order by Chairman Diane Barcus at: 2:05 p.m.

- 1) Pledge of Allegiance at 2:06 p.m.
- 2) Mr. Surface moved, with a second by Ms. Gaufillet, to approve the Minutes of September 21, 2005. Motion carried unanimously.
- 3) Janet Mitchell swore in all those wishing to speak before the Board.
- 4) The Chair announced that the next Planning Commission meeting and workshop would be on November 14, 2005. Ms. Barcus advised that because of the length of the proposed agenda for that meeting the workshop would be at 1:00 p.m. and the meeting would begin at 2:00 p.m. The Chair requested that the Commission make a motion to approve these changes. Mr. Prewitt moved, with a second by Mr. Surface, that the work session of November 14 begin at 1:00 p.m. and the regular meeting begin at 2:00 p.m. Motion carried unanimously.

OLD BUSINESS- None.

NEW BUSINESS

SA.05.0004 WARD 5 NEIGHBORHOOD 1.03/1.04 RS

Request of Egan Adams, owner, and Steven Lewis, agent, for a Special Use Amendment to add 4800 sq. ft. to an existing Day Care Facility at 2239 14th Street West (Zoned C3).

Ms. Seewer read the request and advised that the applicants have revised their letter of request for a continuance because they have revised their plan. Ms. Seewer stated that they have reduced the number of students and the number of faculty and have added parking.

Mr. Steven Lewis, Lewis Consulting Services, 239 301 Boulevard East, Bradenton, presented the revised plan to the Commission pointing out the changes and answering questions pertaining thereto.

Public Hearing:

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

Public Works -

Mr. Cummings stated that the plan still showed the existing fence wrapping around the parking area and inquired whether it should be taken away.

Ms. Seewer responded that it was up to the applicants whether or not they wanted the fence; however, it may be a Fire Department issue.

Fire Department -

Fire Marshal Langston advised that as long as they have the proper opening they could keep the fence there.

Ms. Seewer pointed out that the Fire Department did not need room for a truck but only for access.

Fire Marshal Langston stated that the Fire Department would be able pull a hose through the openings, but they do have to have it wide enough for cars to get through for parking. Fire Marshal Langston advised that if it were just a play area, then they would only need a six foot gate.

Ms. Seewer stated that she had just spoken with the applicants who had no objection to making the gates larger but they prefer that the gates remain on the south side of the parking lot.

Staff Report –

Ms. Seewer advised that the building used to be a lounge before Mr. and Mrs. Adams took it over. She stated that the applicants took a huge risk and fixed up the building. Ms. Seewer stated that it operated as a nice day care center and provided a great service to the neighborhood. Ms. Seewer further advised that staff appreciated how Mr. and Mrs. Adams were up-keeping the building and taking care of the neighborhood and were becoming a good part of the community. She stated that staff's problem was with the lack of parking and now that that problem has been solved she was changing her recommendation from denial to approval based on the stipulations which would take care of any future concerns of parking and concerns of the Fire Department.

Mr. Surface asked whether the stipulation should include the new Exhibit B and new Exhibit F that had just been presented to the Commission.

Ms. Seewer pointed out that once an exhibit number had been given to a document, a new document could not be given the same number.

Mr. Surface recommended that the new Exhibits be stipulated as B1 and F1, that mulching in the northeast corner be stipulated as well as two 12 foot gates for the new added parking.

Mr. Lewis responded that there was existing mulch there and inadvertently was left off the plan. He said they would be taking off a couple of feet but would be happy to add back on what had been eliminated if that was a concern.

Mr. Surface stated that since it shows on the new Exhibit F1, he would like to have it listed as a stipulation.

Mr. Lewis was in agreement with Mr. Surface's recommendation.

Mr. Surface requested that Ms. Seewer review the stipulations.

Ms. Seewer advised that:

1. approval was for the site plan and letter submitted 10-19-05 identified as Exhibit B1 and F1,
2. two 12' sliding gates will be installed on the south side of the easternmost parking area,
3. approval is limited to 180 children, and
4. mulch will be indicated on the plan in the northeast corner of the play area.

Ms. Gauffillet moved, with a second by Mr. Surface, to approve SA.05.0004 with the four stipulations read by staff. Motion carried unanimously.

CP.05.0009 WARD 4 NEIGHBORHOOD 20.03 MM

Request of Stephen W. Thompson, agent for G.E. Apartments, Ltd. for a Small Scale Comprehensive Plan Amendment changing the Future Land Use from County Res 6 to City Res 6 for the property located at 407 48th Street Court East.

LU.05.0017 WARD 4 NEIGHBORHOOD 20.03 MM

Request of Stephen W. 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.

Ms. Seewer read both requests concurrently but advised that the motions would have to be handled individually.

Mr. Thompson advised that the applications for the Comprehensive Plan Amendment as well as the Land Use Atlas Amendment was a result of the recent annexation of the property into the City of Bradenton under Ordinance 2786 which property now required Comprehensive Plan and Zoning designations. Mr. Thompson advised that this property would be combined with the Aurora property for a Planned Development Project that would be a high quality development. He further

advised that the property would have a fire station, and he would work with the Fire Department to come up with a site plan. Mr. Thompson stated that the development would have adequate services and facilities. He advised that the site plan would be compatible and consistent with the development in that area. He requested approval as recommended by Development Services staff.

Public Hearing:

The Chair opened the Public Hearing. Mrs. Mitchell swore in those wishing to speak.

No one appeared to speak in favor of the project.

Isabel Wetz, 3006 73rd Street Court East, spoke in opposition to the request. She expressed concern after the safety of the people in an evacuation situation commenting that putting more people in the area was a bad idea. Ms. Wetz stated that if the City did make this change that 50% of the project should be set aside for affordable homes.

There being no further people wishing to speak before the Commission the Chair closed the Public Hearing.

Mr. Thompson advised that he had several meetings with the people of the Inlets trying to address the concerns they had to come up with a community plan that would be compatible.

Public Works- Mr. Cummings advised that Public Works had no concerns.

Fire Department- Fire Marshal Langston stated that the Fire Department had no concerns.

Staff Report-

Ms. Seewer advised that staff recommended approval of CP.05.0009 as well as LU.05.0017 based on the Findings of Fact stated in staff report and the request was consistent with the City's Comprehensive Plan. Ms. Seewer advised that this takes the zoning and future land use designations off the County maps and places them on the City maps based on the annexation.

Mr. Surface moved, with a second by Ms. Gaufillet, to approve CP.05.0009. Motion carried unanimously.

Mr. Surface moved, with a second by Mr. Cohenour, to approve LU.05.0017. Motion carried unanimously.

The Chair explained that there was no site plan before the Commission at this time and the Commission was not approving anything today as to what can be built or not be built.

PR.05.0016 WARD 4 NEIGHBORHOOD 7.02 RS

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).

RV.05.0007 WARD 4 NEIGHBORHOOD 7.02 RS

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).

Ms. Seewer read the requests.

Bob Schmidt, Land Planning Associates, advised that Ken McKeithen, owner, Andrew Allison, engineer, Brad Gobbitz, Studio Seven Architects, and Beverly Burdett, landscape architect were also with him. He presented the planned development project advising that the subject property was 5.37 acres in size and the proposal was for 29 units within seven buildings. He explained that the crux of the matter was getting approval from SWFWMD. Mr. Schmidt advised that the permit was obtained for the design which was being presented to the Commission. He advised that it was a workforce housing project in the \$200,000.00 range with recreational amenities that was badly needed in Bradenton. Mr. Schmidt answered questions of the Commission Members.

Mr. Cohenour stated that at the Commission's workshop the Commission Members noted that on the plan there was one building that did not show an entrance.

Mr. Gobbitz explained that there was an opportunity to have an additional building so that particular unit had not been designed yet but it would be typically the same as the inside units.

Public Hearing:

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

Public Works -

Mr. Cummings advised that he and Mr. Langston had met with the engineer and ironed out a few details, therefore, he had no objections at this time.

Fire Department –

Mr. Langston concurred with Mr. Cummings' statements.

Staff Report –

Ms. Seewer stated that staff was recommending approval with stipulations. She advised that she had met with Mr. McKeithen numerous times. She stated that the wetlands in size and scope were very detrimental and hindered what could be put on that property. She advised that staff had to make a few concessions with the stairwell setbacks and oscillating buffer. Ms. Seewer advised that a very fine job was done with the design and there was no objection to the design or the slight setback being requested. Ms. Seewer read the stipulations as follows:

1. The wetland, conservation buffer, and any trees to remain on the site will be adequately protected according to code requirements prior to any land clearing or construction activity.
2. An emergency access drive meeting the approval of the Fire Marshal will be designed and approved prior to any site improvements.
3. The specific dumpster and recycling pad locations will be determined by Public Works.
4. Failure of the applicant to secure title to the west 30 feet of right of way along the project boundary will result in revocation of this approval.

Ms. Seewer explained that if Mr. McKeithen could not buy the nursery property, he would have to come back to the Commission with a redesign. She advised that he was also requesting a 20 foot easement in the right-of-way vacation because the plan could not be done without the vacation.

Responding to an inquiry by the Chair, Ms. Seewer advised that the City could not dictate who the vacation went to because that was up to the Clerk of the Court. Ms. Seewer stated that without the vacation, Mr. McKeithen could not do this plan. She explained that approval of the vacation was with the stipulation that a 20 foot easement would be provided to the City.

Mr. Surface recommended that a stipulation be added that the entrance to the fifth unit on building 7 should meet the requirements of the Department of Development Services for PDP approval.

Ms. Seewer responded that Mr. Surface's recommendation would be added as stipulation 5 that the entrance to the fifth unit on building 7 would meet the requirements of DDS staff for PDP approval.

Ms. Seewer stated that staff recommended approval of RV.05.0007 because the right-of-way vacation would not be detrimental to the public health, safety, welfare and convenience with the following stipulation:

- A 20-foot easement will be provided to the City.

The Chair inquired whether SWFWMD required that the pond be fenced, and Mr. Allison, Allison Engineering, responded that fencing was not required because the pond was already in existence and for that reason it was fine the way it was. Mr. Allison remarked that they did have a SWFWMD permit.

Ms. Gauffillet moved, with a second by Mr. Surface, to approve RV.05.0007 with the stipulation of a 20-foot easement. Motion carried unanimously.

Ms. Gauffillet moved, with a second by Mr. Surface, to approve PR.05.0016 with stipulations 1 through 4 of the staff report plus stipulation 5 which staff had read. Motion carried unanimously.

Adjournment

Ms. Gauffillet moved to adjourn the meeting at 3:10 p.m. Motion carried unanimously.

Diane Barcus
Chairman

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

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