

MINUTES
 PLANNING COMMISSION MEETING
 MAY 21, 2008

The City of Bradenton Planning Commission met on Wednesday, May 21, 2008 at 2:00 p.m. in the City Hall Council Chambers.

ATTENDANCE

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

Diane Barcus	Chair <i>Lucienne Gaufillet</i>	Vice-Chair Allen Yearick	Allen Prewitt
Carlos Escalante	Adam Buskirk	Joseph Thompson	
Alternate Brady Cohenour	Alternate O.M. Griffith	Alternate Vacancy	Alternate Vacancy

City Staff:

Development Services	Public Works	Fire	Police
Director Tim Polk	Arlan Cummings	Inspector Dennis Bonneau	
Assistant Director Tom Cookingham			
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

PRELIMINARIES

Meeting called to order by Chairperson Lucienne Gaufillet at 2:05 p.m.

- 1) Pledge of Allegiance was recited.
- 2) Mr. Griffith moved, with a second by Mr. Prewitt, to approve the Minutes of April 16, 2008. Motion carried unanimously.
- 3) The Chair advised that since there were no variance requests, all items being considered at this meeting would be heard by City Council at its regularly scheduled meeting on Wednesday, June 11, 2008 at 8:30 a.m. unless otherwise announced.
- 4) Ms. Kahl swore in all those wishing to speak before the Commission.

OLD BUSINESS

SU.07.0049 WARD 4 NEIGHBORHOOD 1.03/104 RS

Request of Dexter N. McDonald, agent for Community Outreach, owner, for Special Use approval of a day care center for property located at 650 27th Street East (Zoned PDP)

Ms. Seewer read the request.

Pastor Dexter McDonald, 758 Gate Street Road, presented his request and answered questions.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor or against, and no one appeared. The Chair closed the public hearing.

Public Works -

Mr. Cummings said he had no objections.

Fire Department -

Inspector Bonneau said he had no objections.

Staff Report-

Ms. Seewer stated that staff recommended approval based on the criteria set forth in Section 403 of the Land Use Regulations with the following stipulations:

1. This approval is for 12 children only.
2. No solid partitions will be permitted in the day care area located on the east side of the building.
3. On site cooking is prohibited. Only microwaves may be used for heating food and drinks
4. Hours of operation will be 6:00 a.m. to 6:00 p.m.

Mr. Thompson moved, with a second by Mr. Prewitt, to accept Staff's recommendation and approve SU.07.0049 with the following stipulations:

1. This approval is for 12 children only.
2. No solid partitions will be permitted in the day care area located on the east side of the building.
3. On site cooking is prohibited. Only microwaves may be used for heating food and drinks
4. Hours of operation will be 6:00 a.m. to 6:00 p.m.

Motion carried unanimously.

NEW BUSINESS

The Chair advised that item MA.08.0022 would be continued; therefore, Ms. Gaufillet moved this item up in the Agenda. She stated that she would open the Public Hearing, have a brief presentation, and then it would be continued to the June 18 Planning Commission Meeting.

MA.08.0022 WARD 4 NEIGHBORHOOD 20.03 RS

Request of Stephen Thompson, Esq., agent for Camlin Home Corporation, owner, for approval of a Major Amendment to a Planned Development project known as "Bella Sole" to increase the lots from 18 to 37 for property located at 4991 5th Avenue NE (Zoned PDP)

Ms. Seewer read the request.

Stephen Thompson, Esquire, representing the applicant, stated there was no objection to the continuation, and he would be comfortable making a presentation on June 18th. He commented that they understood the issues as far as the site plan.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor or against.

Ms. Claire Donovan, 408 36th Street NE, stated the majority of the residents had not known this was taking place, and they asked for a postponement in order to gather signatures for a petition of opposition or concerns for the record.

The Chair noted that she encouraged the residents and the applicant to get together before the June 25th City Council meeting. She advised that the Planning Commission meeting on June 18th would be at 2:00 p.m. with a full public hearing and full presentation by the applicant.

Ms. Donovan stated that she wanted it on the record that there was an objection from the people of River Pointe, but they did not have time to prepare a petition.

Chuck Hindelang, 330 36th Street NE, asked whether everyone within 300 feet of Bella Sole was to receive notification of the meeting.

The Chair asked whether Mr. Hindelang had been sworn, and he said he had not been. Ms. Kahl swore in Mr. Hindelang.

Ms. Seewer stated that it was what the City tried to do. She explained that the procedure the City submitted a legal description to the Property Appraiser and the Property Appraiser's Office did a search of addresses of those who live within 300 feet.

Mr. Hindelang asked whether that included people who lived on Hawk Island.

Ms. Seewer replied that if those residents were within 300 feet.

Mr. Hindelang stated that he had been told that the neighbors across the other canal were not notified and that was his only concern.

The Chair stated that even though Mr. Hindelang may not be within 300 feet he could be added to the list as an interested party.

Mr. Hindelang said his concern was with the people on Hawk Island or the street on the other side because there was a canal on each side of Bella Sole. He said those people would be impacted by boat traffic, and he did not think they had been notified.

Ms. Sewer advised that 78 notices were sent out so she did not know why someone would not have been notified.

Mr. Hindelang asked whether he could get a list of those who were notified.

Ms. Seewer gave Mr. Hindelang a list.

Ms. Donovan asked that she be put on the list as well.

Ms. Seewer pointed out that another notice would not be sent out. She said only one notification was sent. She emphasized that the next meeting would be June 18 at 2:00 p.m. Ms. Seewer

noted for the record that Planning got a list from the Property Appraiser's Office, sent a notice out ten days before the Planning Commission meeting and that was the purpose of announcing at the Planning Commission meeting when the City Council meeting would be so the City did not have to re-notify. Ms. Seewer also pointed out that notice was also put in the newspaper for the Planning Commission meetings as well as the City Council.

The Chair pointed out that notice signs on the property would be updated.

Ms. Seewer responded that was not typically done for a continuance, but if the Chair wished that to be done, she would do so.

Mr. Polk stated that would be done.

Mr. Thompson moved, with a second by Mr. Prewitt, to continue MA.08.0022 to the June 18, 2008 Planning Commission meeting. Motion carried unanimously.

SA.08.0009 WARD 1 NEIGHBORHOOD 12.02 RS

Request of William C. Robinson, Jr., agent for The Episcopal Day Private School of Bradenton, owner, for approval for a Special Use Amendment for a master site plan for property located at 3818 Manatee Avenue West and 315 41st Street West (Zoned C3/R1C)

Ms. Seewer read the request.

Mr. Robinson introduced Jan Pullen, Head of St. Stephen School, Jennifer Vine, Director of Development for St. Stephen School, Jeff Boyd, President of the Board of Trustees, Mike Bryant, Fawley Bryant Architects, John Moody, John Moody Associates, and Mark Bueller, JAG Engineering and then presented the site plan. He stated that they have reviewed the Staff Report and were in agreement with all the stipulations emphasizing that there would be no lighting for athletic facilities except for security purposes in the parking area. Mr. Robinson said they were in agreement to add a stipulation to work out a cross access easement with the owner, Smitty's Bar and Grill, to the southeast. He advised that a landscape buffer would help mitigate the noise.

Responding to Mr. Griffith, Mr. Robinson advised that there would not be a grandstand on the north side. He said it would probably be a bench for the team to sit when they were off the field.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor or against the request.

Steve Kotter, 3621 1st Avenue, was sworn in by Ms. Kahl. Mr. Kotter stated that he and his wife had just moved into the neighborhood about a year ago on the northeastern boundary near the ball field. He commended St. Stephen's for being good neighbors. He said everyone had been notified in advance of games and of everything going on as well as being invited. He commented that he thought there would be noise, traffic during ballgames, and parking in their yard and none of that had occurred. Mr. Kotter expressed support of the entire project and commended St. Stephen's on again and again making the neighborhood nicer and nicer. Mr. Kotter stated that they have seen people there flying kites. He said they are encouraged to walk with their children in the field and made the field accessible to the neighborhood. He and his wife supported the school 100%.

William M. Cullis, 3808 1st Avenue West, stated that he lived on the north side of the field, and he presented a list of concerns to each Planning Commission Member. He read the statement advising that it had been signed by him, Elaine Y. Cullis and Gerald and Cindy Gerstenberger of 3812 1st Avenue West presenting a list of concerns, such as, no night lighting except for security,

no loud speakers of any kind, no permanent stadium to be erected on the site, heavy rains causing drainage problems coming off the field over to 1st Avenue, the proposal to knock down oak trees behind the tennis courts and ball field, which the residents felt was a sound buffer, no school sponsored athletic activities on Sundays, 37th Avenue exit, which he believed was only temporary during construction, because if it were permanent, it would be far too dangerous and be opened up to major traffic problems.

Stephen Dye, Esquire, representing the property owners who had the easement where Smitty's was located, said through miscommunication they were left out of the process. He noted that they had a reciprocal easement agreement which was not factored into the plan. Mr. Dye commented that the easement would have to be relocated and as long as there was a stipulation that it would get resolved before it went to City Council, they were in agreement.

Responding to a question by the Chair, Mr. Dye explained that the easement was so the property had access to the light. Mr. Dye gave a history of the easement agreement and how the present problem could be resolved.

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

Public Works -

Mr. Cummings said that the items mentioned could be worked out with the construction plan approval. He commented that a lot of the utilities on site were furnished by Manatee County because the City did not have utilities in this area. Mr. Cummings noted that the roadway situation was a County road, but it was noted on the plan review that it looked like there was going to be a gate or a fence at the end of that aisle, and the Fire Department would want a gate there and limited access for emergency purposes only.

Fire Department -

Inspector Bonneau concurred with Mr. Cummings and said he had no objections otherwise.

Staff Report-

Ms. Seewer stated that most of the issues were addressed in the stipulations. She said that the exit onto 37th was emergency access only. She explained that Mr. Robinson had sent an e-mail requesting that it could be used at the beginning stages of construction and the access was behind the commercial strip, not in the middle of the neighborhood. Ms. Seewer advised that staff recommended approval with the following stipulations:

1. The plan submitted and identified as City of Bradenton Exhibit F will be the approved Master Plan.
2. The Marine Science Lab and maintenance building on the west side of McLewis Bayou will maintain a minimum 25 foot setback from the 2-foot contour line. The 2-foot contour line shall be established by an authorized entity and submitted with the building permit applications.
3. Security lighting only will be permitted on the subject property, and the lighting will be hooded as well as directed away from residential properties.
4. Any audio speaker system utilized for the athletic activities shall be low volume directed away from the residential properties to the north and east. The system shall not be operated prior to 10:00 a.m., after sundown, or on Sundays.
5. Prior to the City Council meeting, the applicant will submit documentation of relocation of the access easement agreement with the property owners to the southeast.

Mr. Burskirk moved, with a second by Mr. Prewitt, to accept Staff recommendation and recommend for approval SA.08.0009 with the following stipulations:

1. The plan submitted and identified as City of Bradenton Exhibit F will be the approved Master Plan.
2. The Marine Science Lab and maintenance building on the west side of McLewis Bayou will maintain a minimum 25 foot setback from the 2-foot contour line. The 2-foot contour line shall be established by an authorized entity and submitted with the building permit applications.
3. Security lighting only will be permitted on the subject property, and the lighting will be hooded as well as directed away from residential properties.
4. Any audio speaker system utilized for the athletic activities shall be low volume directed away from the residential properties to the north and east. The system shall not be operated prior to 10:00 a.m., after sundown, or on Sundays.
5. Prior to the City Council meeting, the applicant will submit documentation of relocation of the access easement agreement with the property owners to the southeast.

The Chair asked whether Mr. Robinson had a problem with an additional stipulation that 37th Street be for emergency access only during construction.

Ms. Seewer added the following stipulation:

6. 37th Street access is emergency only upon completion of construction.

Mr. Prewitt moved, with as second by Mr. Thompson, to accept Staff recommendation and recommend for approval SA.08.0009 with the following six stipulations:

1. The plan submitted and identified as City of Bradenton Exhibit F will be the approved Master Plan.
2. The Marine Science Lab and maintenance building on the west side of McLewis Bayou will maintain a minimum 25 foot setback from the 2-foot contour line. The 2-foot contour line shall be established by an authorized entity and submitted with the building permit applications.
3. Security lighting only will be permitted on the subject property, and the lighting will be hooded as well as directed away from residential properties.
4. Any audio speaker system utilized for the athletic activities shall be low volume directed away from the residential properties to the north and east. The system shall not be operated prior to 10:00 a.m., after sundown, or on Sundays.
5. Prior to the City Council meeting, the applicant will submit documentation of relocation of the access easement agreement with the property owners to the southeast.
6. 37th Street access is emergency only upon completion of construction.

Motion carried unanimously.

RV.07.0020 WARD 4 NEIGHBORHOOD 7.08/8.03 RS

Request of Michael Pendley, agent for School Board of Manatee County, owner, for platted Right-of-Way Vacation at the Matzke Complex located at 2800 27th Street East (Zoned I)

SU.08.0053 WARD 4 NEIGHBORHOOD 7.08/8.03 RS

Request of Michael Pendley, agent for School Board of Manatee County, owner, for Special Use approval to reconstruct the Matzke Complex located at 2800 27th Street East (Zoned I)

Ms. Seewer read the requests advising that each would require a separate motion.

Mr. Pendley, 2802B 27th Street East, pointed out that the requested right-of-way to be vacated was

south of 26th Avenue running almost down to 29th Avenue. He said that part of that right-of-way had been vacated, and the School Board was requesting the rest be vacated. He explained that it was a paper right-of-way and not a constructed road being part of Fair Oaks Subdivision which had been there for many, many years and was a road to nowhere. Mr. Pendley stated that it was important to the School Board that it be vacated as shown on the site plan. He commented that the impacts to vacating this road were minimal. He remarked that Florida Power & Light had asked for an easement which had been provided. He said that Bright House asked for an easement, and the School Board would give that easement once redevelopment occurred. East River Electric, Verizon, Comcast, TECO, and Florida Gas had not indicated any objection, and the City had no utilities there since the property was just annexed into the City.

Michael Bryant, Fawley Bryant Architects, 1001 Manatee Avenue West, presented a background of the Matzke Complex and reviewed the proposed design. He remarked that it was going to be a completely modernized site with a scope of approximately 90,000 square feet of new construction with the whole site being 170,000 square feet. Mr. Bryant stated that there would be 500 parking spaces for staff, 200 white fleet vehicles for maintenance and operations people and storage for 150 buses.

Responding to the Chair's questions, Mr. Bryant advised that some of the departments have been located off site. He said they were trying to bring the current facilities up to today's standards.

The Chair stated that 500 parking spaces seemed excessive.

Mr. Bryant pointed out that there were 200 bus drivers.

The Chair queried what a proposed maintenance lay-down area was.

Mr. Bryant explained that maintenance operations needed an area to store large items, such as, construction materials, larger vehicles, mulch, dirt, etc. used on a daily basis to maintain the schools.

The Chair asked whether that area would be buffered or screened even though it was internal to the site.

Mr. Bryant stated that there would be an intensive buffer along 27th Street East.

The Chair noted that the landscape plan indicated that the shrubbery would be a minimum of two feet high with a canopy tree every 50 feet or so. She suggested that it should be more like four feet for the shrub material because a pile of pipe or dirt would not take long to get higher than two feet.

Mr. Bryant commented that he was sure that would be agreeable.

The Chair asked Mr. Bryant to expand on the comments that the two buildings just north of the proposed maintenance lay-down area may not be demolished.

Mr. Bryant remarked that they could not be demolished because the State would not grant permission to do so and it was essentially State property. He explained that one of the buildings was a tire storage area and fairly new and the smaller one was a fairly good metal building which used to be shops for small equipment repair. He stated those buildings might be used for storage.

The Chair asked what would happen to the 3.9 acres of green grass area.

Mr. Bryant responded that they did not know at this time but it was for future expansion.

Mr. Pendley added that the School Board did not want to surprise any future neighbors who would be locating on the west side of 27th Street so the plans showed that this would be some type of future development but it was uncertain what it would be. He noted that the lay-down area might expand into this area. Mr. Pendley concurred on the four feet shrubbery in lieu of two feet stating some additional trees may be put there as well.

The Chair asked what would happen in the interim with the 3.9 acres.

Mr. Pendley commented that he wanted the Commission to understand that the lay-down area was a permanent lay-down area, not just during construction.

Ms. Seewer remarked that when a demolition was done, the slab had to be removed. She believed that was the Chair's concern.

The Chair concurred.

Mr. Pendley advised that the area would be sodded.

Mr. Polk commented that what was really being discussed was land banking for a future phase.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor or against, and no one appeared. The Chair closed the public hearing.

Public Works -

Mr. Cummings had no objections.

Fire Department -

Inspector Bonneau had no objections.

Staff Report-

Ms. Seewer stated that staff had worked very closely with the School Board and recommended approval of RV.07.0020 with the following stipulation:

- An easement will be provided for FPL and Bright House for conveyance of utilities,

and approval of SU.08.0053 with the following stipulations:

1. The plan identified as City of Bradenton Exhibit F is the approved plan.
2. Trees proposed for preservation will be properly barricaded in accordance with Section 301.B.2.h of the Land Use Regulations.
3. Security lighting shall be directed onto the subject property.

The Chair requested a stipulation identifying the 3.9 acres for future expansion.

Mr. Prewitt moved, with a second by Mr. Thompson, to accept Staff's recommendation and recommend RV.07.0020 for approval with the following stipulation:

- An easement will be provided for FPL and Bright House for conveyance of utilities.

Motion carried unanimously.

Mr. Prewitt moved, with a second by Mr. Griffith, to accept Staff's recommendation and recommend SU.08.0053 for approval with the following stipulations:

1. The plan identified as City of Bradenton Exhibit F is the approved plan.
2. Trees proposed for preservation will be properly barricaded in accordance with Section 301.B.2.h of the Land Use Regulations.
3. Security lighting shall be directed onto the subject property.
4. The 3.9 acres on the southwest portion of the property may be utilized for expanded lay-down area in the future.

Motion carried unanimously.

SA.08.0010 WARD 3 NEIGHBORHOOD 6.01 RS

Request of Interplan LLC, agent for Seven Eleven Stores, Inc., owner, for approval of a Special Use Amendment to rebuild and expand the store, upgrade the landscaping and additional parking for property located at 904 14th Street West (Zoned C1/UCBD)

Ms. Seewer read the request.

Stewart Anderson, engineer with Interplan, advised that the Seven Eleven was closed due to a fire in December. He stated that the plan was to remodel and add a tower in the corner, upgrade the landscape including an automated irrigation system, enclose the dumpster with a concrete block masonry enclosure and add ten feet to the back of the building and add parking to accommodate the additional square footage. Mr. Anderson stated that the gas tanks and canopy were not damaged in the fire so they would remain the same.

Mr. Buskirk noted that Mr. Anderson had mentioned that the intersection of 9th and 14th would be improved, and he asked Mr. Anderson to expound on that comment.

Mr. Anderson replied that the landscaping would be improved. He said the improvements were all internal. He commented that there were no off-site improvements.

Mr. Griffith asked whether any thought had been given to improving the egress and ingress.

Mr. Anderson replied that the plan was to leave the access the way it was. He said the circulation in the site was not changing. He noted that the general layout of the site was the same.

The Chair asked about the concrete block around the dumpster which was located on 9th Avenue.

Mr. Anderson said it was close; but, there was about ten feet of buffer there.

The Chair stated that the landscaping would not be sufficient to cover a concrete block wall.

Mr. Anderson explained that the structure would be finished with stucco to match the building. He said landscape would be around the bottom as well as a tree proposed for that area.

The Chair queried whether the management or Interplan knew of the unsafe condition that existed at 9th and whether there was any opportunity to improve that situation.

Mr. Anderson said that Seven Eleven had not planned to improve the driveway conditions. He remarked that it just wanted to get the store opened again with as little change to the site as to what was there presently. He said Seven Eleven saw an opportunity to expand the building to the

rear a little bit because it met the rear set backs and had room to do so. Mr. Anderson advised that it planned to keep the front wall and refinish it and add a little square footage, but it wanted to do minimal changes to the access and to the site plan due to the fact that the canopy and the gas tanks were not that old, and Seven Eleven had not wanted to reconfigure the pump layout.

The Chair asked what Seven Eleven got out of adding the ten feet to the building.

Mr. Anderson replied that this was smaller than the typical Seven Eleven prototype so this was a custom build to fit the location, but it wanted to get as close to its normal prototype as it could to be able to offer more products.

The Chair commented that she appreciated the tower which helped the building, but Ms. Gaufillet stated that 9th Avenue and 14th Street was a major corridor, and she liked to see an architectural feature other than a large blank wall.

Mr. Anderson stated that the architects could work with staff to design some faux windows or treatment for 9th Street.

The Chair stated that would be fantastic. Ms. Gaufillet said she had a problem with outdoor hose bibs and asked whether there was some way they could be utilized by Seven Eleven employees or staff and be protected otherwise from being used in any other way.

Mr. Anderson suggested putting them inside the dumpster enclosure but expressed concern of their being knocked off when the trash container was picked up. He said hiding them was the only way he could think of to keep the public from using them. He noted that Seven Eleven would keep an eye on it because it would not want people using its water, but he was opened to suggestions.

The Chair said she believed there was some kind of cover box that had a padlock or internal locking mechanism or key.

Mr. Anderson said he would look into it, but the need for hose bibs were not as great as they were today because they were used for manual irrigation whereas now there would be an automated irrigation system. He noted they would only be needed to hose out the dumpster enclosure. Mr. Anderson commented that he believed there were three on the building or two on the building and one near the dumpster presently, but they would not be as necessary.

The Chair said she would like to see none on the building and either one in the dumpster enclosure or to the side of the dumpster because that would help with unwanted use of water in the area.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor or against and the following appeared:

(Ms. Kahl swore in those individuals wishing to speak who had not been sworn.)

Jerry Zoller stated that his office was right next to the site and he had a love/hate relationship with the building. He said he was all for it, but felt some things needed to be cleaned up. He remarked that the Chair talked about 9th Street, and he felt she referred to entrances being so close to Tamiami Trail. He said he would like to see it taken further back away from 14th Street and meet City Code. Mr. Zoller expressed concern about delivery trucks coming into the site and wanted to have that addressed. He wanted to know how many variances had been granted for this site. Mr. Zoller hoped that the telephones would stay at the same location. He requested that a stipulation be required that the irrigation system be maintained better than it had been in the past. Mr. Zoller

said there was a City road behind the Seven Eleven which entered out onto 9th Street. He noted that it was very narrow and built less than the right-of-way, and the corner had a very sharp radius whereby every car and truck ran over the curb. He requested it be brought up to City Code. Mr. Zoller commented that with regard to hose bibs there was a system called a wall hydrant which he would like installed noting it unbelievable how many people used those hose bibs. Mr. Zoller opined that the tower was a wonderful idea and really looked good, and he did not see any reason for false windows.

The Chair advised that there was a stipulation that there be a fully automated irrigation system for all plant materials. Ms. Gauffillet stated she was sure staff would address the other issues.

There being no further individuals wishing to speak, the Chair closed the public hearing. The Chair asked that the applicant come forward for rebuttal.

Mr. Anderson rebutted the reason the access driveways on 14th and 9th were as wide as they were so the tanker trucks could get in. He said he did not originally lay out the site so he was not 100% sure of the layout but upon looking at it, the truck turn probably came off 9th Avenue, pulled through the site and headed south on 14th Street. He felt there was no u-turn or full turning maneuver on the site, but he thought the trucks came in from the west heading east on 9th Avenue and pulled through the site that way. Mr. Anderson remarked that they needed those big driveways to be able to maneuver into the site and get out again. As far as shifting it over away from the intersection, Mr. Anderson responded that they would run into problems with the dumpster enclosure and the telephone. He said it was easier to leave the access the way it was so the trucks could get in and out. Mr. Anderson stated that there was a special use granted to this site in 1980 for Seven Eleven to go on this corner. He believed there were no variances and they were requesting to rebuild the building and bring the dumpster and landscaping up to Code and that was the reason for the special use amendment.

Responding to the Chair, Mr. Anderson stated that there was no intent for deliveries to be made in the rear but through the front door. He said delivery trucks access the site just like a car.

Public Works -

Mr. Cummings supported using the back for deliveries because of the congestion in the front. He said getting in and out of this site was not the easiest especially when deliveries were being made. Mr. Cummings believed fuel trucks came down 14th Street and turned into the parking lot and exited on 9th Avenue to the east. He noted that moving the driveway further back would make it more difficult trying to get tankers off the site. Mr. Cummings remarked that it worked now, and as Mr. Anderson correctly commented, if it were moved back toward the alley, the dumpster would have to be moved, and he felt no one would want to see it on the corner. Mr. Cummings supported deliveries being made in the rear which, he opined, would be nicer for the area because it would be less congested. He supported radius changes in the alley.

Mr. Griffith asked how a truck could get in that close

Mr. Cummings pointed out that garbage trucks used that alley now.

Fire Department -

Inspector Bonneau concurred with Mr. Cummings, but he felt that the alley should be re-examined. He stated that he could see obstructions and questioned the wear and tear on that roadway if vehicles were allowed to go back there and that was the only objection he had at this stage.

Staff Report-

Ms. Seewer said to answer Mr. Zoller's question the driveways were approved through variance

with the original approval for the Seven Eleven and the 36 foot access on 9th Avenue was approved because there used to be two driveways and they were allowed to reduce it from two to one larger. She advised that there was also an access point eliminated on 14th Street with the original approval. Ms. Seewer stated what spurred this special use amendment was only because Seven Eleven wanted to add the ten feet to the back of the building. She said that staff worked with Seven Eleven to redesign the building and upgrade the landscaping. She stated it was an important corner in downtown and a focal point; therefore, staff wanted upgrades and there had to be a little give and take. Ms. Seewer commented that the City had not wanted the old building reconstructed and that was where it was headed. She advised that they held several meetings to talk about the design and other aspects of redevelopment. She noted that staff talked about putting the driveway onto 14th Street but because of the size of the road, it was not encouraged. Ms. Seewer stated that staff recommended approval with two stipulations and after this discussion, she added the third regarding hose bibs. Ms. Seewer noted that she also added Exhibit K, the building shown today, along with Exhibit F, which was the site plan. Ms. Seewer read the stipulations:

1. Exhibit F and K will be part of this approval.
2. An automatic irrigation system will be installed to provide water to all landscaped areas.
3. Exterior hose bibs will be protected with mechanism to prevent unauthorized use.

Mr. Buskirk asked how the radius coming out of the alleyway could be addressed.

The Chair pointed out that the City owned the property north of this site.

Ms. Seewer added the properties west as well.

The Chair noted that the bulk of the right-of-way would be more holistically given by the City.

Ms. Seewer recommended that Public Works look at it. She said that she did not feel the City could require the Seven Eleven to make improvements to it.

Mr. Buskirk asked if Seven Eleven could be required to dedicate a sliver in order to get the radius bigger.

Mr. Cummings asked what the request would be for – improvement to the alley for what use.

Mr. Buskirk replied for access to 9th Avenue West because the radius was too tight for every day travel.

Mr. Cummings asked that the Planning Commission leave it up to the City to handle.

Mr. Buskirk said he wanted to make sure it was addressed.

Mr. Cummings stated that Public Works would look into it.

Mr. Polk stated that was the City's problem. He reiterated what the Fire Department noted; it was a safety issue to get the rigs through so it was something the City should take care of.

The Chair discussed the importance of the chain link fence.

Ms. Seewer stated that it showed on the plans as existing, and the City could make sure it existed

when the project was done.

The Chair said she felt it was important. Ms. Gaufillet felt a stipulation would not be needed on the architectural concerns of the tower because her remarks had been addressed.

Mr. Prewitt moved, with a second by Mr. Griffith, to accept Staff recommendation and approve SA.08.0010 with the following stipulations:

1. Exhibits F and K will be part of this approval.
2. An automatic irrigation system will be installed to provide water to all landscaped areas.
3. Exterior hose bibs will be protected with mechanism to prevent unauthorized use.

Motion carried unanimously.

SU.08.0054 WARD 4 NEIGHBORHOOD 7.03 RS

Request of the Andrew Allison, PE, agent for 1935 Partners, LLC, owner, for Special Use approval for a hotel known as "Value Place" for property located at 1935 Manatee Avenue East (Zoned C2)

The Chair stated that she would be recusing herself from voting on this project.

Ms. Seewer read the request.

Ed Gard, Director of Predevelopment Services for Liberty Investment Properties, presented an overview of the site. He advised that he was seeking approval for a Special Use Permit for a 124 room, four story extended stay hotel. Mr. Gard stated he would be meeting with Sgt. L.J. Mallard of the Bradenton Police Department regarding Police Department concerns. He said per staff's recommendation, a neighborhood meeting was held May 13, 2008 which was attended by approximately six to eight residents. Mr. Gard summarized the issues discussed.

Mr. Thompson asked whether Mr. Gard anticipated trucks staying at the hotel.

Mr. Gard answered that it was not anticipated because the proposed hotel was not located near the Interstate. He said it was not anticipated 18 wheel truckers to be pulling in because the nature of their business was not to stay for a week. He noted that they sleep in the back of their cabs, and it was not their experience to have those type guests stay. He added that concerns about parking would be the hotel's concern because they provided the maximum amount of allowable parking so if an 18 wheel rig were taking up four spaces and they were full, their guests would not be happy. He said it was within their ability to stipulate no 18 wheel trailers if it became a problem.

Mr. Buskirk stated that one of the concerns noted at the workshop was leaving equipment there.

Mr. Gard stated that the nature of their business was not to allow someone to just pull in and park in their lot just because there was space, but he welcomed suggestions.

Public Hearing:

The Chair opened the public hearing for those wishing to speak in favor or against, and the following appeared:

Richard Hornbeck, 319 20th Street East, expressed concerns about lighting, a sign being on top of the tall building, about traffic and about small trucks and trucks with equipment on them. Mr. Hornbeck commented that their neighborhood was close to DeSoto Racetrack and there were large rigs pulling trailers. He stated also the six foot high fencing would not be adequate noting

that eight foot would be much better. Mr. Hornbeck expressed concern about the plan changing, and he asked the Chair why she recused herself from voting.

Ms. Gauffillet stated that she was a member of the company who worked on the landscape plans for this project.

Mark Pevy, 305 19th Street East, stated that he was third generation at his house on the northwest corner. He said an irrigation problem was created because the property used to be a citrus grove. He explained that the trees were pulled out and tons of dirt brought in and dumped with no permits so three homes, including his, get flooded every time it rains. Mr. Pevy advised that his house, which was on pilings built in 1931, sank any time rain got under his home and because of this, there were cracks in his upstairs. Mr. Pevy noted that the applicant was not planning to put up a fence on the west side to the woods. He said the neighborhood had been working to get rid of drug problems in these woods and this would add to it and give prostitutes a place to come and drug dealers a place to do their deals. Mr. Pevy stated he was very much opposed to this project.

John McCoy, 1840 3rd Avenue East, stated he lived on the northwest corner of 9th Street and he, too, expressed concern about the flooding problem. Mr. McCoy opined that the tall building was out of character with the neighborhood.

Pam Johnson, 4406 Murfield Drive, stated that she represented some other owners along Manatee Avenue who were in favor of this project. She commented that with the economy being as it was, the fact that someone wanted to come to Bradenton and create jobs was a wonderful thing. She said she understood the concerns of the residents, but she believed the developer would be more than willing to work with them. Ms. Johnson advised that she had a niece who was a traveling nurse and stayed at Value Place because it was one of the places for which the hospital would pay and she felt safe there. She requested that the Planning Commission allow the hotel to be built stating it was something the area could use.

Rosemary Pevy, 305 19th Street East, said the residents had serious issues with this hotel, particularly, the flooding issue which was severely devastating to their homes. She commented that no one seemed to want to do anything with this problem although it was created by the previous owner of the property. She queried as to who would fix or replace her home. She noted there was no sizable swale to prevent the flooding. Mrs. Pevy said there were no large buildings in the area and she queried why a dinosaur was being put in a pumpkin patch. She asked how the hotel would be constructed and whether pilings would have to be drilled in the bedrock and what all the vibrations would do to her 100 plus year old home. She expressed concern about trucks and all kinds of stuff going on. Mrs. Pevy opined that this would not be profitable for their neighborhood. She noted they would not have a problem with doctors' offices, etc. because that would benefit their neighborhood, but a hotel would only benefit investors. Mrs. Pevy remarked that the garbage dumpster would be 15 feet from her fence, and she did not want to smell their trash. She said she had enough problems with the wooded area alongside of them which was unkempt and had a problem with undesirables. She commented that the owner of the property just west of them was a landfill and no one seemed to care. Mrs. Pevy said that when she opened her front door, that was what she had to look at and she lived within the City limits. She had signatures residents also in opposition.

John Clendenon, 5240 Riverview Boulevard, stated that he was a commercial neighbor on the east side of the property, and he strongly supported the hotel development for a number of reasons. He said it would be very good for an area that has been depressed for decades and had not had much change and positive activity. Mr. Clendenon commented that since this corridor was a gateway, it would be something positive happening when one entered the City. He remarked that it would be good for the restaurants, businesses and retail in the area because there was a lot of vacant retail

along Manatee Avenue. Mr. Clendenon stated that he liked the look of the building and the site plan. He said those long lines down a building were good from the standpoint of crime and things happening that should not be. He remarked that 75% of the square footage of the building was in the air so there was very little dead space or blind area behind the building to hide. He opined that the fact that it would be lit and a lot of activity in the area during the day and evening was good from a crime standpoint and the fact that it would be staffed 24 hours was also excellent and would dramatically improve this corner. Mr. Clendenon commented that he was not concerned about the drainage because SWFWMD would not allow any water run off this property onto a neighbor and those problems would be fixed, treated and contained, and transported underground. He said it could be the start of something good in this east Manatee corridor and gateway to the City.

Russ Tilton, 873 Terra Ceia Road, stated that he had been a property owner on Manatee Avenue East for more than eight years and was pleased to see the turn out from the neighborhood. Mr. Tilton advised that in addition to the proposed subject site he had invested with a group of area business owners on several other properties adjacent to the proposed project. He said in 2000 they purchased the first few properties and began clearing and cleaning debris from the area. Mr. Tilton said the first year included repairing street lights that had been off in the area for some time. In 2005, they constructed what was known as the Bradentown Professional Park located at 2001 Manatee Avenue East. He said it was 100% leased with two medical offices and two corporate offices. Mr. Tilton advised that both of the corporations were technology based and brought new jobs to the area. He stated that they were not quick to respond when they were first approached by the hotel group with many questions being asked about the finished project and how the surrounding land value would be affected. Mr. Tilton advised that they were in discussion with the hotel group reviewing site and building designs for seven months before any contract was put in place. Additionally, the developers were financed by one of the top financial institutions in the country. Stringent requirements, the business model, the specific site and the community of Bradenton were reviewed and after considerable diligence, all were approved. He noted at a time when many projects were approved but never built, this project was on schedule and with approval would be completed as presented. He noted that several owners expressed concern about security in the area. Mr. Tilton said he never experienced a problem with crime, which included vacant land, construction sites, and finished buildings. Mr. Tilton stated that during the nine month period of construction of the Bradentown Professional Park there was not a single incident of materials theft which was a testament to the security of the neighborhood. Mr. Tilton explained that some of the project design features that they considered as investors were the line of sight design, no exterior amenities to this project, such as, pools or recreation areas, so there was no need for anyone not staying at the facility to be in the area or outside of the building. There were no balconies in the design which often times led to items being placed on balconies or undesirable activities which could be seen from the outside. He stated there was controlled access to the buildings with card swipe systems. He advised that they were currently in negotiations for a neighborhood serving restaurant and just received site plan approval for the corner of Manatee Avenue and 21st Street East for a new development.

Rosemary Pevy, 305 19th Street East, noted that she lived on a dead-end street, and there were shootings and killings at the gas station just across 64 and at another location on the other side toward Manatee Mobile Home Park. She said if they wanted to build a hotel, they needed to know the crime that was there. She said they were not planning to fence the west side of the property which went into the woods into the landfill area, and the site needed to be fenced on three sides.

The Chair asked the applicant to come forward with rebuttal.

Mr. Gard stated that Mr. Hornbeck discussed lighting shining into his residence. He explained that there were design criteria for shielded light with very strict design regulations as a requirement of the process. As far as a four story hotel, the setback requirements for a commercial corridor were

met. He said that he addressed traffic and truck use and as far as the crime issue, the residents' concern was the hotel's concern. Mr. Gard pointed out that this was an \$8,000,000.00 investment so they had a lot invested in its success. He noted that the discussion about an eight foot fence rather than a six foot was a concern from the Police Department about hidden areas so it was a double edged sword – the Police Department may want it opened for visibility and the residents certainly wanted an opaque fence to keep headlights from shining into their properties. Mr. Gard said a question was asked about plan changes. He commented that this was the plan they were building, and they certainly would not want any changes because changes cost money. He commented that they were interested in getting this project approved and into construction. He added that once the site plan was approved, any changes would have to come before a board. Mr. Gard explained that the nature of an extended place hotel was along the lines of a work day following a normal work pattern. He remarked as far as the drainage concerns, he could not comment on what happened previously, but the existing conditions on the boundary of the property of this proposed development had very strict guidelines and requirements calculated by licensed engineers so he was confident whatever was being generated by the boundaries of the properties would make a substantial difference to the drainage issue that might be created. As far as the design, the bearing capacity of the soil was 3,000 pounds per square foot which was very good, and they were not talking about drilling pilings and shaking and rattling the residents. Mr. Gard said he was confident in the design. He mentioned that change was difficult, but they were bringing an investment into the community and expected to be part of the local community. Mr. Gard explained that they would operate the hotel themselves, not hire a management company, and looked to being a positive part of the community.

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

Public Works -

Mr. Cummings stated that Public Works had no objections. He said as far as the dumpster, Public Works would entertain any motion to where it would be put as long as the trucks could get to it. Mr. Cummings remarked that if it meant moving it from the back, where Public Works thought would be a safe location away from the public and needed to go to the front, it was okay there.

Fire Department -

Inspector Bonneau stated that the Fire Department had no objections.

Staff Report-

Ms. Seewer stated that staff recommended approval. She commented that a few of the complaints were addressed in the stipulations already. She noted that the way the building was laid out it had much less impact on the residential properties than if it were turned the other way where the actual entrance faced Manatee Avenue which would leave all the windows and doorways from those units looking into these people's backyards. Ms. Seewer pointed out that with just the end of the building there, no unit windows looked out over them and there would be much less impact on them. Ms. Seewer advised that the setback requirements for the additional height were met. She noted that the Staff Report had four stipulations, and she was adding four more so the Planning Commission could delete them if it wanted. She read the stipulations as follows:

1. Changes in operations for other than extended stay will require a Special Use Amendment. Changes would include rentals less than one week or rentals exceeding six-month intervals which would no longer require the payment of tourist taxes.
2. The dumpster will be relocated away from the residential properties in an area approved by the Public Works Sanitation Department.
3. Proposed fencing will be installed on the north, east and west property lines where abutting a residential use or zone. Fencing will be opaque, low maintenance material such as PVC or concrete.

4. Perimeter trees will be a minimum of 15 feet in height. Trees along the north side will be a minimum 3" DBH. All other trees must be a minimum of 2" DBH.
5. Architectural design subject to approval of the Planning and Community Development Director.
6. Oversized vehicles, such as, semi-trucks, flatbed trucks, tow trucks prohibited from parking overnight.
7. Site Plan identified as Exhibit F will be part of this approval.
8. Applicant will work with Police Department CEPTED representative to provide added safety controls.

Mr. Thompson moved, with a second by Mr. Buskirk, to approve SU.08.0054 with the following eight stipulations:

1. Changes in operations for other than extended stay will require a Special Use Amendment. Changes would include rentals less than one week or rentals exceeding six-month intervals which would no longer require the payment of tourist taxes.
2. The dumpster will be relocated away from the residential properties in an area approved by the Public Works Sanitation Department.
3. Proposed fencing will be installed on the north, east and west property lines where abutting a residential use or zone. Fencing will be opaque, low maintenance material such as PVC or concrete.
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5. Architectural design subject to approval of the Planning and Community Development Director.
6. Oversized vehicles, such as, semi-trucks, flatbed trucks, tow trucks prohibited from parking overnight.
7. Site Plan identified as Exhibit F will be part of this approval.
8. Applicant will work with Police Department CEPTED representative to provide added safety controls.

Motion carried 4-0. (Ms. Gauffillet recused herself from voting.)

CP.08.0026 AMENDMENTS TO CITY OF BRADENTON COMPREHENSIVE PLAN

City of Bradenton Text Amendments to the City of Bradenton Comprehensive Plan relating to Intergovernmental Coordination Element, Capital Improvements Element, and proposed new Public School Facilities Element (Large Scale Activity)

Ms. Seewer read the request.

Mr. Cookingham advised that he was presenting three amendments to the Comprehensive Plan: the new Public School Facilities Element, which was new in its entirety, and two revised elements which currently existed, one being Capital Improvements Element and the other the Intergovernmental Coordination Element. He reviewed the elements, and answered questions of the Planning Commission.

Mr. Cookingham discussed the Interlocal Agreement with the School Board and introduced Amy Anderson representing the School Board who also answered questions relating to school issues.

PUBLIC HEARING

The Chair opened the public hearing for those wishing to speak, and no individuals appeared. The Chair closed the public hearing.

Mr. Cookingham recommended approval with corrections to typos.

Mr. Prewitt moved, with a second by Mr. Thompson, to approve CP.08.0026. Motion carried unanimously.

PUBLIC COMMENTS

CP.08.0024 AMENDMENTS TO EAR BASED COMPREHENSIVE PLAN

Ms. Seewer advised that this area of the Agenda had been set for citizen comments on the Comprehensive Plan which would be considered for incorporation in the EAR Based Comprehensive Plan.

There was no one present to speak for or against.

Adjournment

There being no further business to come before the Commission, Mr. Thompson moved, with a second by Mr. Prewitt, to adjourn the meeting at 5:03 p.m. Motion carried unanimously.

Lucienne Gaufillet
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 <i>service charge</i> .
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