

MINUTES  
 PLANNING COMMISSION MEETING  
 DECEMBER 19, 2007

The City of Bradenton Planning Commission met on Wednesday, December 19, 2007 at 2:00 p.m. in the City Hall Council Chambers.

**ATTENDANCE**

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

Chairman Diane Barcus	Richard Barnhill	Carlos Escalante	Vice-Chair Lucienne Gaufillet
	Allen Yearick	Allen Prewitt	
Alternate Brady Cohenour	Alternate O.M. Griffith		Alternate Joseph Thompson

**City Staff:**

<b>Development Services</b>	<b>Public Works</b>	<b>Fire</b>	<b>Police</b>
Director Tim Polk	Arlan Cummings	Kenny Langston	
Assistant Director Tom Cookingham			
Dev. Review Mgr. Ruth Seewer			
Review Coordinator Susan Kahl			

**PRELIMINARIES**

Meeting called to order by Chairman Diane Barcus at 2:04 p.m.

- 1) The Chair advised that with the exception of variance requests all items being considered at this meeting would be heard by City Council at its regularly scheduled meeting on Wednesday, January 9, 2008 at 8:30 a.m. unless otherwise announced.
- 2) Pledge of Allegiance at 2:05 p.m.
- 3) Ms. Gaufillet moved, with a second by Mr. Thompson, to approve the Minutes of November 19, 2007. Motion carried unanimously.
- 4) Ms. Kahl swore in all those wishing to speak before the Commission.

**OLD BUSINESS**

**SU.07.0043 WARD 5 NEIGHBORHOOD 1.03/1.04 RS**

Request of Yumicsey Hernandez, d/b/a West Coast Seafood, Inc., owners, for Special Use approval for a grocery store for property located at 2201 14<sup>th</sup> Street West in the Bantam Shopping Center (Zoned C-3)

Ms. Seewer read the request.

The Chair advised that this application had been continued from the November 19, 2007 Planning Commission Meeting, and the Public Hearing had been left open.

Ms. Hernandez was sworn in and then presented updated plans and answered questions of the Planning Commission Members.

**Public Works -**

Mr. Cummings stated that he had no objections.

**Fire Department -**

Fire Marshal Langston stated that he had no objections.

**Staff Report-**

Ms. Seewer stated that after the last Planning Commission Meeting, staff met with Ms. Hernandez and reviewed the plans. Since all items of objection have been addressed, Ms. Seewer said staff recommended approval with the following stipulations:

1. There will be no deliveries prior to 7:00 a.m. or after 6:00 p.m. Monday through Saturday, and no deliveries on Sunday.
2. A grease trap must be installed.
3. Landscaping along the 14th Street corridor must be upgraded, missing landscape materials or materials in poor condition must be replaced with materials of comparable size.
4. No alcoholic beverages will be sold due to the proximity of the day care facility to the south.

Ms. Seewer asked if the grease trap stipulation was necessary since there was a small one.

Mr. Cummings said that Public Works and the Fire Department wanted that stipulation.

Ms. Seewer asked whether she should clarify that it be "small" so a 750 gallon one would not have to be installed.

Fire Marshal Langston stated that there had to be a stipulation that if the meat operation were expanded, the grease trap must be upgraded to 750 gallon.

**Public Hearing:**

The Chair re-opened the Public Hearing for those wishing to speak in favor, and no one appeared. The Chair then re-opened the Public Hearing for those wishing to speak in opposition, and no one appeared. The Chair closed the Public Hearing.

Mr. Yearick inquired whether the additional dumpster would be the responsibility of the owner or the tenant. He inquired whether that should be identified as an additional stipulation.

Mr. Cummings suggested that the stipulation should be that the refuse be doubled bagged.

Mr. Thompson moved, with a second by Ms. Gauffillet, to approve SU.07.0043 with the following five stipulations:

1. There will be no deliveries prior to 7:00 a.m. or after 6:00 p.m. Monday through Saturday, and no deliveries on Sunday.
2. A small grease trap must be installed. Any future expansion of meat cutting will require an upgrade of 750 gallon grease trap.
3. Landscaping along the 14th Street corridor must be upgraded, missing landscape materials or materials in poor condition must be replaced with materials of comparable size.
4. No alcoholic beverages will be sold due to the proximity of the day care facility to the south.
5. All refuse must be double bagged.

Motion carried unanimously.

## **NEW BUSINESS**

### **SU.07.0048 WARD 5 NEIGHBORHOOD 7.03RS**

Request of Ralf Heseler, agent, for the Manatee County Board of County Commissioners through Manatee County Area Transit, owner, for Special Use approval for intermodal transit facility for property located at 1301-1313 8<sup>th</sup> Avenue West (Zoned C-1/UCBD)

Ms. Sewer read the request.

Ms. Heseler presented the request showing a rendering of a similar transit facility. He introduced Becky Hayes, Senior Transit Planner, who was assisting him. Mr. Heseler explained that what the County was envisioning was a two phase approach. He commented that once the County finalized the deal, the current structures could be used so that the buses could get off the street in front of the Court House. From that point, Mr. Heseler explained the County would work with architects to start designing something similar to the rendering. He stated that the difference in this plan was that the County hoped for a public/private partnership. Mr. Heseler said he was working with the DDA (Downtown Development Authority) to find someone who might build a structure above it for a retail office, residential, or any combination which would enhance the City and possibly be revenue generating for the City and County. Mr. Heseler pointed out that the old McSwiggins' building had a very nice façade, and he would work with the architect to see if it could be blended into the design.

Ms. Gaufillet questioned the timing of Phase I in getting the terminal started, and Phase II for construction. She asked how long the operation would be in the existing buildings and how it would function on the site.

Mr. Heseler replied that the County hoped to close the deal by the end of January. He said in a month or so the buildings would be reviewed to see what work could be done. He commented that the Manatee County Area Transit (MCAT) could start using it in the Spring. Mr. Heseler remarked that the State and Federal governments required the County to use the money as soon as possible; otherwise, it could be dedicated for some other need. He added that they worked very closely with the DDA actively pursuing other investors for this project. He said as soon as those were obtained, the design would be started. Mr. Heseler said in a perfect world he would like to say a year or so because they did not want to let this linger for a long time. If it turned out that in a year's time, suitable investors could not be found, they would more than likely go forward with a design of a stand alone structure as displayed on the rendering.

Ms. Gaufillet stated that the Commission was reviewing the application based on the proposed future plan, and she expressed surprise at the news of operating out of the existing facility. She said there were some traffic constraints with the proposed plan, and there was no information about it. Ms. Gaufillet commented that it was presently a restaurant/bar type place, and she queried how a restaurant and a bus station were the same in set up, accessibility, safety, etc. She queried how a parking lot and alley behind a restaurant could be made into a central transit station.

Mr. Heseler replied that those businesses were closed or would be closed any day so there would be no activity. He said that he envisioned working with the proper engineering staff to open up the parking lot side of the building so there would be seating, lighting and other amenities. He stated that the street side would be intact so it would not be an eye sore. Mr. Heseler advised that at peak service there would be five vehicles at one time. He said the property was measured, and five vehicles could fit without any difficulty. He commented that ingress and egress would not be a problem, and those were the reasons that the property was favored by MCAT, Mr. Polk and Mike Kennedy (DDA Director). Mr. Heseler said no additional traffic would be added to current traffic patterns. He noted that this came up quickly so there was not time to design a wonderful plan, and this was sketched out because time was of the essence.

Ms. Hayes added that there had been problems downtown with City Police telling MCAT that traffic was being blocked so a plan was proposed to use the present facility in some manner.

Ms. Gauffillet questioned a solution not thought through and opined that the City would not want to relocate the same problem from one location to another, but would want the problem resolved.

Ms. Hayes stated that before the County closed on the property it had to be absolutely sure that the City would allow MCAT to use that property because public money was being used.

Ms. Gauffillet said she was aware of that but wanted to make sure the plan was well thought out.

Mr. Heseler said it was not the intention of the County to move a problem from point A and bring the same problem to point B. He stated it was always the County's desire to fix the problem so it operationally and visually made sense and enhanced the City, MCAT and Manatee County. He commented that the County Administrator was 100% in favor of it because he felt being in front of the Court House was inappropriate because when the County got that site 30 years ago, it was supposed to be a quick fix. Mr. Heseler advised that he did not want it to look like MCAT was in a hurry to do this because they had been working on it for a very long time; but, as soon as they realized grant funds were available, they got on it.

Responding to Mr. Yearick's inquiry, Mr. Heseler explained that there would be an office type facility for one or two people to sell tickets throughout the day, but it was not intended to be a business office.

The Chair commented that there would be a "Disney-type" concept where the back was empty with the façade along the street. Ms. Barcus asked how there would be enough space without taking down the whole building to do the island and turnaround.

Mr. Heseler remarked that they could actually lay out several scenarios because the property was quite large. He said there was sufficient room to have a large turnaround. He explained that buses have a smaller turning radii than one might think. He explained that City buses were specifically made for dense urban maneuverability and short, tight turning radii. Mr. Heseler commented that the structure that was there now would be utilized to get off the street.

The Chair remarked that the request before the Commission was to move the transit modular facility to the corner of 8<sup>th</sup> Avenue and 13<sup>th</sup> Street West to get it away from the Court House.

**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.

Alden Weichel, Esquire, 6001 Riverview Boulevard, representing Garfair Incorporated which

owned the majority of the adjacent property to McSwiggens, applauded the efforts to fix the problem with bus transportation, but objected to the proposed location because it was in the heart of the downtown area where development was desperately needed. He remarked that his client's vision was for the entire block to have a two to five story building with the downstairs being a combination of office and retail and the upstairs being residential. He opined that new residences were needed for development to take place so that retail businesses would come back to downtown. He commented that new residences existed only on the waterfront which only the wealthy could afford. Mr. Weichel said there was need for residences for lower income individuals and families as well. He opined that putting bus transportation at this location would make the block undesirable for residents and hinder development downtown. Mr. Weichel suggested other locations for the bus transfer station. He remarked that developing the entire McSwiggens block would give the City more tax revenue. He noted that the cost of the McSwiggens property was extremely high and other locations he mentioned could be bought at a more economical price. Mr. Weichel opined that it would be less likely that a developer would have an interest in improving the rest of the block if the bus transfer station were located at the proposed site, and traffic would also be impacted at that location.

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

In rebuttal, Mr. Heseler commented that some view public transportation as a detriment, but that was not necessarily the case because every thriving downtown had public transportation at its core. Mr. Heseler stated that the intention was to make something of a five star caliber and to partner with business. He commented that businesses have done better because of public transportation as people were brought into the City and then left again. Mr. Heseler stated, as far as the locations mentioned, although they may or may not be more affordable for the County or the Federal government, operationally they were not the best. He stated the proposed location was only two and one-half blocks away from the main origin and destination of MCAT's ridership which was downtown. Mr. Heseler said he hoped the Planning Commission would support the request.

#### **Public Works** -

Mr. Cummings commented that he felt blindsided because he was not aware the existing building would be used for a bus station. He said everything they had talked about before was that the building would be demolished and a new structure built. He questioned whether temporary meant another five or six years or until a partnership was available.

Ms. Seewer stated that the plan before the Planning Commission was the new building not the temporary building. She said the Planning Commission should act on that plan based on what staff had reviewed and the stipulations staff wanted. Ms. Seewer remarked that the County wanted to purchase the land and wanted to know if it had the City's support. In order that MCAT could move forward, she suggested that the Planning Commission act on the present proposal and MCAT could come back to the Planning Commission and City Council with a temporary plan. Ms. Seewer stated that this would also give MCAT the opportunity to work with Mr. Weichel whose father had attended the workshop earlier and had proposed a possible land swap.

Mr. Cummings expressed concern about the entrance and the exit using 8<sup>th</sup> Avenue and 9<sup>th</sup> Avenue off of 13<sup>th</sup> Street. He said they were inadequate although he was assured that the buses ran that route and had no problems.

#### **Fire Department** -

Fire Marshal Langston stated that he had no comments.

#### **Staff Report-**

Ms. Seewer stated staff recommended approval knowing that possibly a problem could exist when exiting traffic on 13<sup>th</sup> pulled out to turn onto 8<sup>th</sup> Avenue, motorists may not be able to get totally out of the lane. Ms. Seewer pointed out that if one was trying to go straight on 12<sup>th</sup> Street and it was time for all the buses to pull out, a motorist could sit there for three or four lights. Ms. Seewer noted that 13<sup>th</sup> Street was not a heavily traveled road; it was not a destination road and even though it still might be a little obstructed, it was not near the problem created downtown by the Court House. Ms. Seewer stated that one of the stipulations for approval was that the turning movements be shown and complied with. She added a stipulation that any change in the plan, be it traffic circulation or building, had to come back for reconsideration or re-review. Ms. Seewer recommended for approval of SU.07.0048 based on the Findings of Fact and Analysis of the proposed Atlas Amendment and pursuant to the General Standards and Regulations requirements of Section 404.A of the Land Use and Development Regulations with the following stipulations:

1. Plans submitted for the Site Improvement Permit will indicate engineered turning movements for ingress, egress, and the intersections of 8th Avenue and 13th Street and 9th Avenue West and 13th Street West for both east and west bound traffic.
2. The dumpster location will be approved by Public Works and indicated on the Site Improvement Permit plans.
3. All signage will meet the specifications of Section 550 of the City of Bradenton Land Use and Development Regulations.
4. Landscaping will be installed between the vehicular use areas and the right-of-way. The landscaping design will coincide with the downtown landscaping theme.
5. Landscape materials will be Florida Grade 1.
6. Any deviation from the plan identified as Exhibit F will require re-review from the Planning Commission and City Council.

Ms. Gauffillet moved, with a second by Mr. Thompson, to accept Staff recommendation and approve SU.07.0048 with the following six stipulations:

1. Plans submitted for the Site Improvement Permit will indicate engineered turning movements for ingress, egress, and the intersections of 8th Avenue and 13th Street and 9th Avenue West and 13th Street West for both east and west bound traffic.
2. The dumpster location will be approved by Public Works and indicated on the Site Improvement Permit plans.
3. All signage will meet the specifications of Section 550 of the City of Bradenton Land Use and Development Regulations.
4. Landscaping will be installed between the vehicular use areas and the right-of-way. The landscaping design will coincide with the downtown landscaping theme.
5. Landscape materials will be Florida Grade 1.
6. Any deviation from the plan identified as Exhibit F will require re-review from the Planning Commission and City Council.

Motion carried unanimously.

**CP.07.0023 WARD 4 NEIGHBORHOOD 2.02/8.03 RS**

Request of Michael Pendley, agent for School Board of Manatee County, owner, for a Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from County IL (Industrial Light) to City I (Industrial) for property located at 2802 27<sup>th</sup> Street East

**LU.07.0042 WARD 4 NEIGHBORHOOD 7.02/8.03 RS**

Request of Michael Pendley, agent for School Board of Manatee County, owner, to change the Land Use Atlas designation from County A-1, LM, PDI to City I (Industrial) for property located at 2802 27<sup>th</sup> Street East

Ms. Seewer read the two requests together stating that they pertained to the same property although she noted that separate action would be needed for both applications.

Mr. Pendley displayed a power point presentation regarding the School Board's Matzke Complex and its uses in relation to the Comprehensive Plan and Land Use and answered questions of the Planning Commission.

**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 no one appeared. The Chair closed the Public Hearing.

**Public Works -**

Mr. Cummings stated he had no objections.

**Fire Department -**

Fire Marshal Langston stated that he had no issues.

Ms. Seewer advised that staff recommended approval of each request.

Ms. Gaufillet moved, with a second by Mr. Yearick, to approve CP.07.0023 based on the Findings of Fact and Analysis of the proposed Comprehensive Plan FLUM Amendment. Motion carried unanimously.

Ms. Gaufillet moved, with a second by Mr. Thompson, to approve LU.07.0042 based on the Findings of Fact and Analysis of the proposed Land Use Atlas Amendment. Motion carried unanimously.

**LU.07.0041 CITY OF BRADENTON, OWNER, PROPOSED LAND USE REGULATIONS TEXT AND ATLAS AMENDMENTS: BALLARD PARK, ARCHITECTURAL REVIEW BOARD, HEALTH SERVICES, OUTDOOR DISPLAY AND STORAGE, SHEDS, DEFINITIONS RS**

Request of Tim Polk, agent for City of Bradenton, owner, to change the Land Use Atlas designation from C-1A/UCBD to C-1/UCBD in the Ballard Park neighborhood and text amendments relating to the ARB, Health Services, Outdoor Display and Storage, Sheds, and Definitions for the Land Use Regulations of the City of Bradenton

Ms. Seewer read the request explaining that the first amendment was a rezone for the Ballard Park neighborhood, and people in the audience were present to address this issue. Ms. Seewer stated that the proposed change was from C-1A/UCBD to C-1/UCBD. She explained the differences in the two zoning designations. Ms. Seewer suggested that the Chair open the Public Hearing at this time before going through the rest of the amendments because she believed those present to speak were all present for this issue.

The Chair concurred advising that all those who signed up to speak wished to speak on that issue.

Ms. Kahl swore in all those wishing to speak who had not been sworn.

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

Brandon Yarborough, 306 Chauncey Avenue, State Certified General Contractor and resident of the City of Bradenton, spoke in favor stating that it would stimulate growth in the downtown area.

Jeff Pawlik, 1600 Ballard, stated that he now lived in a home which had been his father's, and there was a nice change in the area. Mr. Pawlik said that several cousins lived in that little area, and they hoped to buy more family property there, but he expressed concern that if there were a fire or other disaster, he would be unable to rebuild because he would not be able to get a permit.

Ms. Seewer replied that Mr. Pawlik's statement was not correct, and she explained that one could rebuild a home in the City of Bradenton regardless of the zoning. She said the way the property was zoned now, 6,000 square feet was needed to build a single family home on an existing lot of record. She stated that with the new rezoning, one would still need 6,000 square feet for one unit on an existing lot of record. Ms. Seewer explained there was a minimum of 6,000 square feet which went up in increments for each unit so a large amount of land would have to be amassed in order to increase the density. She said this zoning change came about because people just south of 9<sup>th</sup> Avenue requested a zoning change, and the City then noticed that Ballard Park was out of sync with the Future Land Use designation which was the reason the City was making this change.

Linda Gaines, 1830 9<sup>th</sup> Avenue West, stated that she lived across from Ballard Elementary. She said she was in favor of this change. She commented that she was in favor of a 0 lot line set back from the road; but, she was not in favor of a 0 lot line on the side where there was residential property because large apartments could be built to the lot line.

There being no further individuals to speak in favor, the Chair opened the Public Hearing for those wishing to speak in opposition, and the following appeared:

Susan Wingard, 1524 8<sup>th</sup> Avenue West, said she did not agree with the statement that when there were 25 units, what were a few more. Ms. Wingard remarked that there was a big difference in 25 and 50. She stated that she liked the historic value of where she lived and now condos were being spoken of and she questioned how this came about. Ms. Wingard commented that 25 units were bad enough, and double the size was still double the size. She stated she did not want the neighborhood to change from the small community it was and did not want condos next to her.

Rita Fitzgerald, 1529 8<sup>th</sup> Avenue West stated that she was confused by the notices that went out which stated that 5,000 square feet lots could have 2,500 square feet of living floor space and with the revision 5,000 square feet lots could have 25,000 square feet of living space. She queried whether someone could buy her 5,000 square foot lot and put a great, big condo unit on it.

Ms. Seewer explained that with a 5,000 square foot lot there could only be one unit.

Ms. Fitzgerald asked the meaning of a 5,000 square foot lot having 25,000 square foot of living space but with the zoning change, there could be 25,000 square feet of living space.

Ms. Seewer replied that would not be living area but intensity. She explained that Ms. Fitzgerald was in a mixed use designation where there could be residential or commercial, or both.

Ms. Seewer, Ms. Fitzgerald and the Chair discussed the various possibilities which could or could not occur with regard to setbacks, living area, commercial and parking.

Mr. Polk clarified that when one talked about store front, ground level retail with residential on top and having 0 limit setback, it was primarily to give some flexibility. He stated that normally one would not see a situation where there was a mixed use development mid-block. He noted it would probably be on a prominent corner so there would be visibility, but what the City was trying to do was to give some flexibility to the applicant or developer.

There being no further individuals wishing to speak, the Chair closed the Public Hearing on that topic and stated she would re-open the Public Hearing if there were additional individuals wishing to speak on other amendments; however, no further individuals wished to speak.

Ms. Seewer explained the following text amendments: procedures for technical review by the Architectural Review Board, health services, outdoor display and storage, utility sheds under 120 square feet and definitions.

Ms. Gaufillet moved, with a second by Mr. Thompson, to approve LU.07.0041 City of Bradenton, owner, Proposed Land Use Regulations Text and Atlas Amendments: Ballard Park, Architectural Review Board, Health Services, Outdoor Display and Storage, Sheds, and Definitions. Motion carried unanimously.

### **Discussion: Non-Agenda Items**

#### **“Green Community”-**

Mr. Yearick stated that everyone was becoming mindful of the “green syndrome” throughout the world, and he inquired whether that could be addressed within the City’s Master Plan.

Mr. Polk commented that the City was making that a part of its Comp Plan Amendments. He asked Ms. Seewer to address the issue.

Ms. Seewer stated that the City was looking into getting “Green Certification”. She said that basically one person had to be dedicated to it, and presently the Comp Plan and Land Use Amendments were being addressed so it probably would not happen until next January. Ms. Seewer said that the Comp Plan would probably be adopted in October, 2008. She advised that there was a meeting on the Comprehensive Plan yesterday (December 18, 2007), and discussion took place regarding goals, objectives and policies relating to green buildings and green construction and moving toward certification as a green community.

Mr. Polk added that the new term was “sustainable urbanism” which dealt with the issue of green building along with new urbanism.

#### **Planning Commission Membership-**

Mr. Yearick asked what steps could be taken to change or increase the membership of the Planning Commission to the point where there should be a minimum number of meetings required and some decision made about those who may not want to be involved.

Ms. Seewer advised that she had spoken with the Mayor, as did Mr. Polk, to get the Planning Commission Membership up. She said that the Mayor had asked for suggestions so if the Members knew anyone who wished to serve as a Member, the City was desperately short. Ms. Seewer noted that the By-Laws state that if a Member missed a certain amount of meetings per year, that Member was off the Commission, but there had been no one to take a Member’s place. She stated that the City was actively looking for new Commission Members.

Mr. Yearick stated that what was needed was (1) a certain number of people to function effectively so a quorum was maintained throughout the year, (2) an assessment of existing Members as to whether they have the commitment and interest to proceed, and (3) identify where there may be some talents which would be very appropriate and make those numbers more available.

Ms. Gaufillet commented that the person should be knowledgeable and residence was not a requirement; therefore, the membership could look over all of Manatee County where there would be a much larger pool from which to select.

The Chair stated that she hoped the City would draw from either a business owner or resident of the City.

Mr. Polk remarked that a Member had to dedicate three to four hours on a Planning Commission day and often people could not make that kind of dedication.

Ms. Seewer said it may have to be someone who just had an interest in the City because the membership could not be filled the way it needed to be.

Business Cards-

Mr. Yearick asked whether the Planning Commission could have business cards.

Mr. Polk said he would research it.

Merry Christmas-

The Chair wished everyone a Merry Christmas and a Happy New Year, and if a person did not celebrate Christmas, then she wished a Happy Holiday or whatever that person celebrated.

AAA-

Ms. Gaufillet said she had a public service announcement that if a person could not get home, 1-800-AAA-Home could be called, and a person and vehicle would be taken home for free.

Adjournment

Mr. Thompson moved, with a second by Mr. Yearick, to adjourn the meeting at 4:15 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 <i>service charge</i> .
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