

**ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
AUGUST 19, 2009**

The Planning Commission met in the City of Bradenton Council Chamber, 101 Old Main Street, Bradenton, Florida on August 19, 2009 at 2:00 p.m.

Present:

Planning Commission Members: Allen Yearick-Chair; Jason Taylor, Diane Barcus, Adam Buskirk, Allen Prewitt, Joseph Thompson

City Staff: Tim Polk- Planning Director; Thomas Cookingham-Assistant Director; Ruth Seewer- Development Review Manager; Karen Aihara-Executive Assistant; Arlan Cummings-Public Works; Ken Langston, Fire Marshal

Absent:

Planning Commission Members: Brady Cohenour (alternate), O.M. Griffith (alternate)

City Staff: Thomas Cookingham-Assistant Director

REGULAR MEETING

Meeting was called to order by the Planning Commission Chair, Mr. Yearick at 2:01 p.m.

- All items considered today will be heard at the September 9, 2009 City Council meeting.
- The Pledge of Allegiance was recited.
- Approval of Minutes – Ms. Barcus made a motion to approve the July meeting minutes, second by Mr. Thompson. Motion carried unanimously, 6-0.
- Ms. Aihara swore in all those wishing to speak before the Commission.
- Chair changed the order of agenda.

NEW BUSINESS

SU.09.0067 WARD 5 NEIGHBORHOOD 7.03 RS

Request of Sherod Haliburton, agent for Central Community Redevelopment Agency, owner, for Special Use approval of a day care center located at 530 Martin Luther King Avenue East (zoned R2A/R1D).

Ms. Seewer read the request.

Sherod Halliburton, 1213 50th Street East, stated that the CCRA wants to rehab this property to be consistent with their master future plans to convert MLK to a commercial corridor. The CCRA is requesting the change of use in anticipation of accommodating and leasing this space to a childcare provider.

Commission Questions:

- Mr. Taylor asked about the proposed hours of use for day care center. Mr. Halliburton stated that the proposed hours are 7 am to 5 or 6 pm, may have some evening hours for special training classes.
- Ms. Barcus clarified the difference between burglary security alarm and fire alarm. Mr.

Halliburton confirmed that no cooking will be done on site and stated that the size of bathroom will comply with state licensing and building code. The property was thoroughly inspected and a number of improvements will be made, including the front porch. The children's play area will be separated from parking area per the fence code requirements.

- Mr. Buskirk asked if the childcare facility will be open to the public. Mr. Halliburton stated that the CCRA will be leasing to a third party provider, subsidized childcare may be offered.
- Mr. Yearick asked if there are enough parking spaces. Mr. Halliburton stated one handicapped space and four parking spaces exceed city code requirements with a maximum of twenty children in childcare. Staff will use three parking spaces with two spaces for child drop-off.

Public Hearing: No one appeared in favor or in opposition. Public hearing was closed.

Public Works: Mr. Cummings had no objections, other than stated on DRC Comments.

Fire: Mr. Langston had no objections, other than stated on DRC Comments.

Staff Recommendations: Ms. Seewer responded to Ms. Barcus that staff is encouraging a child drop-off at the childcare due to the four lanes of traffic on MLK. The staff recommendation is for APPROVAL with the following three stipulations:

1. The DRC Comments referenced above will be complied with from Police, Fire, and Public Works.
2. Student enrollment is limited to 20. An increase in enrollment may be permitted if parking is increased or documentation is provided which indicates that additional parking spaces are not necessary.
3. Provide landscape materials in the buffer between the parking area and the right of way.

Ms. Barcus asked about the big oak tree. Ms. Seewer stated that oak would stay on property.

Planning Commission Action: APPROVED

Mr. Thompson made a motion to approve SU.09.0067. Mr. Taylor amended the motion to include the three stipulations. Ms. Barcus seconded the amended motion, carried 6-0.

SU.09.0066 WARD 2 NEIGHBORHOOD 11.03 RS

Request of Aldi Florida LLC, owner, for a Special Use to construct a single story grocery store on the property located at 4705 Cortez Road West (zoned C3).

Ms. Seewer read the request. Additional email correspondence from Ms. Seewer to Spring Engineering and correspondence from Benderson, owner of Oakmont Shopping Plaza, was distributed to the Planning Commission.

Wylie Klyce, Director of Real Estate presented an overview of Aldi grocery stores. Mr. Klyce asked to address the Planning Commission workshop questions regarding the requested tree removal and tree replacement on the northeast corner, west, and south parts of the property. The tree canopy obscures the Aldi signage along Cortez Road. The existing pole signage also conflicts with Aldi pole sign. Aldi is open to maintaining the curb cut to Benderson Development and is agreeable to the Public Works request of dumpster relocation. Mr. Klyce stated that Aldi is trying to be flexible and keep the project viable.

Yancey Abuton, Assistant Director of Engineering, Spring Engineering, 3014 Hwy 19, Holiday, FL presented the special use map. Mr. Abuton discussed pole signage and visibility problems with 13-24 foot tree canopy currently on property. Mr. Abuton cited City codes 2a and 2b for tree removal. Mr. Abuton stated that there are unremoved tree stumps currently on the property and Aldi is trying to be proactive. Tree replacement will be replaced at city code ratio. Construction could start June/July 2010 if permits are issued within next six months.

Arthur Pollard, Project Manager, Spring Engineering, 3014 Hwy 19, Holiday, FL presented the "big picture". Mr. Pollard stated that what distinguishes Aldi from other businesses is that 99% of the average stores and restaurants have a front door facing the main street. Aldi has an emphasized "corner" with their signage, which is their look. The problem is that the front corner of the lot is filled with trees blocking the view of the Aldi "corner". Most of the trees on the site are Live Oaks, but the "forked" tree in question is a Laurel Oak which is short lived, rigid, prone to breakage in a major storm, and not worth saving. Landscape buffer in the retention pond is a great opportunity to plant smaller trees what will grow under the large trees, filling in with scrubs.

Commission Questions:

- Mr. Buskirk asked which trees is Aldi willing to preserve? Mr. Abuton marked a landscape map with blue dots (see PC exhibit – blue dots represent retained trees) for a total of nine trees retained. Mr. Cummings stated that pine tree roots are on top of the ground, conflict with utilities have not been a concern in previous years.
- Ms. Barcus asked about the viability of three grocery stores within one mile. Mr. Abuton stated that it is not a concern; Aldi is a store for 95% of your shopping, then specialty items and the other 5% of your groceries from Publix. Aldi has coolers and freezers, fresh meat, dairy, and normal items. Shopping carts have a refundable 25 cents fee.
- Ms. Barcus stated that she is extremely familiar with this intersection and has never had a problem with seeing what is there. The pole sign will be in the northeast corner on Cortez Road. Mr. Klyce reiterated that the Aldi store signage and word of mouth is their advertising. If people do not understand where the location is or how to get into a location, it is a problem. Mr. Klyce's goal is to maximize the visibility onto the main thoroughfare. Discussion continued regarding pole signs, monument, and visibility from road.
- Mr. Taylor stated that the Cortez corridor is mid-density commercial, not high-density commercial. Mr. Taylor presented aerial map (PC presentation – site view from Cortez Road westbound) showing that if a vehicle is driving 45 mph, the left turn lane's line of sight is blocked by trees on Publix property, not the Aldi property. Mr. Klyce stated that it would still be advantageous to remove the stand of trees. They agreed to disagree.
- Mr. Yearick stated that most people will be looking for the monument or pylon sign, due to the density on Cortez Road.
- Mr. Taylor stated that the new location of Publix will be behind Aldi. Publix will not get any bigger pylon sign than Aldi.
- Mr. Prewitt stated that in our poor economy, it is wonderful that we have a new brand coming into Bradenton, Aldi has a competitive disadvantage with a Publix and Wal-Mart in the area and Aldi has promised to replant the trees to code. Mr. Prewitt feels the development of this site will enhance the area and the Planning Commission should support this development.
- Mr. Yearick asked if not removing the trees will preclude Aldi from the doing this project? Mr. Klyce replied that he had a conversation on the way to the meeting, would have to have continued conversation, and could be a possibility.

Public Hearing:

In Favor: Paul Blacketter, Benderson Development, 8441 Cooper Creek, spoke in favor of the project. Benderson, a substantial landholder in Bradenton and Manatee County, takes pride in their projects and landscaping. The economy is tough and maintaining tenants is an ongoing battle. Aldi's coming to Florida will have a positive effect on the local area and Benderson supports their efforts and products. Aldi stated their willingness to maintain the connectivity between the properties and make cross-access agreements prior to the City Council meeting. Visibility of the store is important, Benderson believes their request is fair and enhanced landscaping can be installed in a tasteful manner. Mr. Blacketter, representing Benderson Development, supports approval of this project.

Opposed: No one appeared in opposition. Public hearing was closed.

Public Works: No objections.

Fire: Mr. Langston confirmed that the building is fully fire sprinkled and stated that the opening to Benderson and Oakmont Theatre should be beneficial to Aldi.

Staff Recommendation: Mr. Polk stated that the city staff fact-checked the Aldi company. Aldi is located in US and Europe, winning awards as a discount grocer. The city staff treats everyone the same, no preference to any party. The City Council ruling will be binding. The visibility of store is important, but as Mr. Taylor pointed out, the store will be identified with the pylon sign. Aldi loves to be a comparison grocer between a Publix and Wal-Mart. Even without a sign, if their prices are low, everyone will come to shop and save money. Mr. Polk thanked Aldi for working with the city staff. Bradenton wants to have a quality store; proposed changes will include color scheme, enhanced landscaping, and changing out the white river rock.

Ms. Seewer stated that south property line (Holiday Inn Express) has two mature trees, plus abutting Oakmont there are trees and a significant hedge, no need for any enhancement. 18 trees are currently on site, Aldi is saving four trees – NW corner and south 24" oak. Mr. Taylor asked about tree replacement code, confirming that code states that oaks will be replaced with oaks and on-site as much as possible. Palm trees must be in groups of three to count as one replacement. The six local residential communities will provide Aldi with a great customer base.

Staff recommends APPROVAL of SU.09.0066 with the following stipulations:

1. ~~The stand of oak trees on the east side~~, the 19" oak tree in the northwest corner, and the 24" oak tree on the south side will be preserved and properly barricaded during construction.
2. The four oak trees proposed on the south side will be strategically planted so growth will not be inhibited by the existing trees on the adjacent property.
3. To the extent possible, the applicant will work with the abutting property owner to the west to obtain a cross-access easement between the properties.
4. The prototype and coloring scheme of the facility will be similar to that of the Sandlake Orlando store.
5. The applicant will work with City staff to ensure that the replacement trees or equivalent of replacement costs will remain on site.

Rebuttal: Mr. Abuton stated that Aldi met on 8/18/09 with the city staff, and Aldi agreed to concessions to provide cross-access, architectural building improvements beyond standard, and to densify the landscaping beyond code minimum. Mr. Abuton feels that Aldi has made all of these concessions without any concessions from the City.

Mr. Klyce asked to clarify that the differences between the Sandlake and Bradenton Aldi drawings include the wing wall for the shopping cart corral and the fascia, soffit, and overhang color

scheme. The on-site landscaping is very tight and not sure if it will be over-landscaped. Mr. Polk assured Mr. Klyce that the staff will work with Aldi according to their site and template.

Commission Questions/Comments:

Mr. Taylor asked why Aldi has planning to use river rock, usually use grass. Mr. Klyce confirmed that it is a lawn maintenance and irrigation issue. Other stores in the area using river rock are Lakeland and Clearwater locations, this is an Aldi cost saving and water conservation measure.

Mr. Yearick stated that he understands Mr. Abuton's comments regarding concessions. Mr. Abuton stated that the intent of the 8/18/09 meeting was to broker a deal to avoid the lengthy discussions today regarding removing the stand of trees. It was not the outcome that they were looking for.

Mr. Buskirk stated that in the interpretation of the code, Aldi is preserving the trees as per Tree City USA and within the city code. Mr. Buskirk recommended dropping the first part of stipulation #1, the stand of oak trees. Mr. Prewitt concurred.

Mr. Taylor asked about the city code removal of trees that are on site. Ms. Seewer stated that the City typically does not give permission to remove City trees. The oak stand of four trees is on the City property, of which three oaks will be preserved. Out of 18 trees, City is asking Aldi to save five trees; the other trees will be removed due to the building location.

Mr. Taylor stated that when cars are traveling west bound; the Publix pine trees are blocking the view, but not the oak trees; and recommended to the Commissioners to keep the oak stand on northwest corner and remove pine trees. Mr. Abuton stated that they cannot agree with this recommendation.

Planning Commission Action: APPROVED

Mr. Prewitt moved, with a second by Mr. Joseph Thompson, to approve SU.09.0066 with the following stipulations.

1. ~~The stand of oak trees on the east side~~, the 19" oak tree in the northwest corner, and the 24" oak tree on the south side will be preserved and properly barricaded during construction with acceptable tree replacement per Staff.
2. The four oak trees proposed on the south side will be strategically planted so growth will not be inhibited by the existing trees on the adjacent property.
3. To the extent possible, the applicant will work with the abutting property owner to the west to obtain a cross-access easement between the properties before City Council meeting.
4. The prototype and coloring scheme of the facility will be similar to that of the Sandlake Orlando store.
5. The applicant will work with City staff on acceptable landscape plan to ensure that the replacement trees or cost to replace will remain on subject property.

Second by Mr. Taylor, motion carried, 5-1. Mr. Yearick opposed.

Ms. Barcus was excused from the meeting.

REPORT OF PLANNING & COMMUNITY DEVELOPMENT DIRECTOR

Mr. Polk will postpone his report to the August Planning Commission meeting.

ADJOURNMENT

With no further business to come before the Commission, motion to adjourn by Mr. Thompson, second by Mr. Prewitt. Meeting adjourned at 4:02 p.m.

Allen Yearick, Chair

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.