

ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
September 15, 2004

The City of Bradenton Planning Commission met in a special session on Wednesday, September 15, 2004 at 2:00 p.m. in City Hall Council Chambers.

ATTENDANCE

Planning Commission Members (shaded area indicates absence):

<i>Chairman</i> Diane Barcus	<i>Vice-Chair</i> Harry Talley	Jerry Zoller		
Alternate Dwight Koch	Richard Barnhill	Donald Surface		

City Staff:

Development Services	Public Works	Fire	Police	Other
<i>Director</i> Larry Frey	Arlan Cummings	Kenny Langston		Attorney William Lisch
<i>DRM.</i> Ruth Seewer	Seth Kohn			
<i>Proj. Coord.</i> Julie Blackwell				
<i>Graphics</i> Larna Leonard				

PRELIMINARIES

Meeting called to order by Vice-Chairman Harry Talley at: 2:00 P.M.

- 1) Richard Barnhill made the motion to accept the Planning Commission meeting minutes from 7/21/04 & 8/18/04 with changes made. Motion seconded by Jerry Zoller, approved unanimously.

New Business

Special Request-CCRA/Central Community Redevelopment Agency-Jerry West

Request of Jerry West and Stephen Thompson, Chairman of the CCRA Board to discuss and present the proposed recommendations for approval of the Central Community Redevelopment Agency Master Plan.

Steve Thompson, Chairman of the CCRA discussed how the CCRA used a comprehensive plan to come up with the Master Plan. Bob Gray from the CEO Strategic Planning Group gave a thirty-minute presentation. The presentation represented the Redevelopment Agency Master Plan.

Commission Discussion: Mr. Barnhill questioned Bob Gray as to why the thirteen churches within the CCRA are not neighborhood churches. Steve Thompson reported that the churches are a strong part of the community however the members do not come from the direct neighborhood. Mr. Zoller questioned whether or not some of the CCRA money is going to be going to Hope VI money. Steve Thompson replied that yes, it has gone to them for their infrastructure. Mr. Zoller praised the plan, complimenting the idea of putting the power lines underground. Mr. Zoller questioned why the board was reviewing the plan when it had already been approved by the City Council. Mr. West stated that they want everyone to approve the plan before it is implemented.

Action (s) Mr. Zoller made the motion to endorse the CCRA Master Plan. Seconded by Dwight Koch.

Approved: **Yea:** 5 Mr. Talley, Mr. Zoller, Mr. Barnhill, Mr. Surface, and Mr. Koch.
Nay: 0

OLD BUSINESS

Mr. Frey states that this meeting is being held to address some concerns that were previously addressed at the last Planning Commission meeting.

SP-04-0001 WARD 4 NEIGHBORHOOD 20.03 LF – Continued from August 18, 2004

Request of Betsy Benac, Agent for McClure Properties, LTD, owner, for preliminary subdivision approval for “Mangrove Point” to be located at 101 48th Street Court North East. (Zoned PDP).

PR-04-0007 WARD 4 NEIGHBORHOOD 20.03 LF – Continued from August 18, 2004

Request of Betsy Benac, Agent for McClure Properties, LTD, owner, for preliminary approval of a Planned Development Project to include 1135 units. The project consists of single family detached home sites; 41 two-story quad-plex condominium building units; with 164 mid-rise (five-stories over one story of parking) units; tower units (11 and 12 stories over two stories of parking) and 24 Casitas (small single family units) as well as a range of common recreational amenities on the property located at 101 48th Street Court North East. (Zoned PDP)

Steve Thompson, attorney for the applicant, presents Betsy Benac Agent for McClure Properties to address concerns. Ms. Benac gives a detailed narrative regarding the changes in the updated Site Plan. Below is a brief summary of the changes Ms. Benac discussed.

- 1) The change in configuration of the corner lots so that the setback was appropriate on both sides, per Mr. Frey’s request.
- 2) The parking lot had too many parking spaces per the Land Use Regulations, the new site plan shows where this has been adjusted as a banked parking plan.
- 3) Providing two means of access, as a 24’ roadway with sidewalk utilizing existing and proposed right-of-way where possible. Combined with this will be a looped system in conjunction with a boulevard style roadway. All maximizing ingress and egress. Also, the use of Manatee County proposed improvements to utilize Bow Lane as an emergency means of access.
- 4) The re-design of 48th Street Ct. E., which will double the access capability.
- 5) Access challenge –emergency alternative by stabilizing an access road through the FPL corridor.
- 6) Setbacks do meet the cities regulations for height in the Land Use Regulations.
- 7) School impacts-letter from the school board planner showing school impacts.
- 8) Hurricane Shelters- As we are gaining more and more experience dealing with hurricanes we have learned that we have an excess amount of spaces.

- 9) Archeological Report-Two known sites, one destroyed by I-75, the other site will be carefully considered when construction occurs. We are working with University of Florida on this matter.
- 10) Rural Area-the site plan is not in a rural area, the surrounding areas make this apparent.

Commission Discussion

Mr. Barnhill discusses with Arlan Cummings from Public Works the issue of widening 48th Street Ct E. Mr. Barnhill's concern is mainly with the width (not wide enough) of the road while the construction of the infrastructure is taking place. Ms. Benac states that Mr. Millard Yoder, principal engineer with Wilso Miller will be speaking shortly and is the better person to answer such questions.

Mr. Surface states that he is still opposed to the secondary access road going through the Inlets. Applaud from the audience. Ms. Benac states that they have no control over that issue as the county will have to open that road per their attorney, regardless of the plans for Mangrove Point.

Presentation

Mr. Yoder, Engineer with WilsonMiller gave a presentation on the interface of the project with I-75. Mr. Yoder shows exhibits of the research done on the underpass, which is where the single access is shown. Mr. Yoder discusses the issue of the sufficiency of the I-75 right of way; there is only one document that is currently valid and applicable to the long-range build out plan for I-75 and that is the FDOT 1998 Master Plan. Mr. Yoder states that they plan to put berms on the edge of the right of ways to control higher speeds on the road.

Mr. Richard Stiles of Cromwell Crawford discusses the traffic study, which was submitted to the City for approval. Mr. Stile states that they have answered and analyzed all questions and concerns from the city and the study has been approved by the city. Mr. Talley questions the date as to when the traffic study was submitted. Mr. Frey states that the revised traffic concurrency was submitted over two weeks ago. Mr. Frey explains that the cities third party consultant has reviewed the traffic study and is here today to answer any further questions.

Commission Discussion

Mr. Barnhill questions Mr. Frey as to whether or not all of the HNTB recommendations are to be approved, Mr. Frey answers yes. Attorney Steve Thompson comments that his applicant is not opposed to any of these changes.

Bob Hall, architect on the high-rise portion for WCI, discusses the gateway approach that the building takes from the view of the Manatee River and I-75. Mr. Hall summarizes how they have put together a project that shows good architecture and conforms to the Land Use Regulations.

Mr. Barnhill states that he feels that since 48th St. Ct. E. is so narrow (24 feet), it would have to be changed to 30 feet before he would consider it at all. Mr. Barnhill states that he feels that 24 feet are not enough; his concern is with safety issues.

Public Comment:

Commissioner Joe McClash states that the county has not discussed opening up the road as a right-of-way as Ms. Benac stated. Commissioner McClash reiterates that height specifications that are found in the Accord and further discusses that the county wishes to have consideration concerning this project due to the height and safety issues.

Julie Castanita 323 48th Street Court East shares her concerns regarding the two archeological sites that will be affected by this project. Ms. Castadena states that her researchers in Tallahassee have relayed to her that the property should be preserved and reviewed before the project moves forward.

David Howard, a licensed engineer in the area, discusses the traffic study and finds it totally inadequate. He states that 48th Street Ct. E is not equipped to handle the volume of traffic that will be created by this project. Mr. Howard also states that he feels the access road is much too close to the river and asks if there are any studies that would show in detail the flood impacts.

Lorraine Sernowski 177 America's Cup Blvd. notes that she has not seen any flood evacuation information and worries that the proposed road going under I-75 might flood. She is concerned about all of the families that will be living and visiting in that neighborhood. Ms. Sernowski states that this could potentially become a dangerous situation.

Mr. Talley states that evacuation measure will be taken before it would come to that point.

Isabel Wet, 48th Street Ct East, has concerns regarding the impact that the project will put on our crowded schools. Ms. Wet states that she feels the school board is not able to keep up with the growth seen in Manatee County. Ms. Wet also discusses that there have been problems with redistricting within the school districts and feels this would indeed cause further problems. Ms. Wet also shares her disapproval of future annexation of her property.

Mr. Talley states that they have addressed the school population in the last meeting.

Stephanie Nolan 331 Bow Lane states that her concerns are with the city and why they don't have the same concern as the county does regarding emergency situations. She states that the Inlets' roadways were designed for the accommodation of the existing neighborhoods not the future developments.

Mary Terrell 337 Bow Lane feels that the presentation from Mr. Thompson and his staff was somewhat flashy. Ms. Terrell discusses how she sees that every bit of land covered by concrete will make the Manatee River that much more difficult to contain. The audience applauds.

Staff and Commission Discussion

Mr. Frey feels that the notion that the City of Bradenton does not care about the safety of its residents is uncalled for especially with the recent hurricanes and the actions of their emergency personnel. Mr. Frey states that the city police and fire departments are accredited and have preformed outstandingly in the recent situations.

Mr. Talley states that he did have concerns regarding height and safety however now feels after the storms he has no qualms regarding their safety. Mr. Talley commends the job that the emergency staff preformed.

Mr. Frey states that he received the archeological report today will have comments in his staff update.

Mr. Frey has two new issues to discuss, one being the dam and also the traffic study issues. Mr. Frey will have Seth Kohn discuss the dam and Mr. Bob Frey the traffic study.

Mr. Bob Frey from HETV Corporation was contracted with the city to review the traffic study. Mr. Frey states that his firm reviewed the traffic study and found it to be up to industry standards. Mr. Frey states that the traffic study is a planning guideline and these developers have met the stipulations set forth by the city.

Mr. Zoller comments that he feels the roadways (48th St. Ct. E) should be rebuilt now, rather than waiting. Mr. Zoller also questions what classification the road would become after it is rebuilt. Arlan Cummings of Public Works states that he is not able to answer that question at this time.

Mr. Surface discusses the problems of widening 48th St. Ct. E. Mr. Surface feels that speed will become a problem. Mr. Bob Frey states that yes, widening of roads does typically cause more

speed problems; however with the construction lasting at the minimum of two years it is necessary to widen the road since large construction trucks will be going in and out through 48th St. Ct. E.

Mr. Seth Kohn from Public Works Department discusses the impacts that would affect this development if the dam at Lake Manatee were to fail. Mr. Kohn states that the engineer must design the drainage in such a fashion that it models the river at its highest level. In fact if a gate was to break the infiltration would be accommodated at any stage. If there was a breach in the dam, Mr. Kohn states that there are knock out plugs which control the flow by which the breach is occurring. The impact would therefore be upstream of this development.

A heated discussion between an unrecognized person in the audience and Steve Thompson occurred. The unrecognized speaker stated that she felt that Steve Thompson misrepresented Mr. Keating the developer and the residents of the Inlet. Mr. Talley steps in and states that we are only dealing with the new issues that have come about. Mr. Frey states that this is not the last Public Hearing for this development.

Mr. Talley asks whether or not there is an eagles' nest on the proposed site. Mr. Dana West Environmental Consultant states that yes there was one in 1978; however the eagles' nest is no longer on the site. The archeological assessment has been prepared and is available.

Mr. Thompson states that they would not be opposed to the thirty-foot pavement with fifteen-foot lanes. If there were indeed speeding problems they would on a later date put in four-foot bike lanes. In regard to Bow Lane, Mr. Thompson reads a letter from the Manatee County Attorneys Office; the letter states that the county has already begun preparing the road for public use right of way. It is stipulated by the county attorney's office that if the road is not used in this manner then the road must be abandoned. Mr. Thompson states that regarding the height requirements they have met the city's ordinances.

Mr. Thompson states that archeological site has been considered and reviewed. Mr. Thompson states that they have prepared a hurricane evacuation plan comparable to the counties standards.

Mr. Thompson states that there are no involuntary annexations in Bradenton and this project has no relevance to the future annexation of other property.

Mr. Thompson states that they have spoken with the fire and police regarding evacuations. Mr. Thompson reiterates that they both (fire and police) will provide emergency assistance. Mr. Thompson also discusses the opportunity of a site that will be dedicated to the fire dept and police station right on 48th St. Ct. E. This would then obviously put the emergency teams in direct proximity to the residents of this development.

Mr. Thompson states the staff report shows that their request is in compliance with the cities Comprehensive Plan. They request an approval from the Planning Commission with the additional stipulation that they will provide a thirty foot paved area.

Mr. Frey has revised the staff report and discusses the changes. Mr. Frey states the Environmental Assessment for this site has been performed and accomplished. Mr. Frey states that they have reviewed the Comprehensive Plan and feel the project is right in line. This development plan meets the Land Use Regulations, especially regarding special district regulations. For example, contribution to public facilities have been proposed such as a new water tower, land for emergency service facilities and roadway improvements.

Mr. Frey reiterates that this property does have a single access. Mr. Frey states it is not up to him or his staff to give their opinions however rather to give their professional analysis of the project itself. The property is zoned future land Use Residential 6 which would allow 1700 units;

they are proposing about half of that. Mr. Frey states that at this time there is no reason he should report that this project should be denied because of too much density.

Mr. Frey discusses the open space requirements. Mr. Frey states the project needs traffic and school concurrency. The traffic concurrency has been met. Mr. Frey discusses the fact that for schools to become improved they need more funds, and besides taxes they receive the funds by impact fees which come from persons living in the new developments.

Mr. Frey states that the DRC met and has no objections to the proposed project. Julie Blackwell will distribute the public comments.

Mr. Frey discusses the staff report and how the stipulations made by DDS are not to reduce the requirements of the applicant but to make them better. Mr. Frey suggests that they keep the stipulations and that the staff or the DDS Director be able to further review these issues.

Mr. Frey states that staff does recommend approval of the planned development project and the subdivision. The staff review has combined its response into one report; however Mr. Frey makes it understood to the board that they must vote on the two issues separately. Listed are the combined stipulations:

1. The Archaeological and Historical Resources Study shall be submitted to the DDS prior to any development of the subject property. Positive findings shall require the appropriate mitigation prior to development of the subject property. Any historical or archaeological resources that may be discovered during development must be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and mitigation would be determined by the DHR and the City of Bradenton prior to resuming disturbance activities. The mitigation must be completed before resource disturbing activities could continue.
2. If any species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures will be taken, with immediate notification provided to the DDS.
3. The wetland mitigation plan must be approved by the DDS prior to Final PDP approval.
4. All wetlands, wetlands buffers (30 feet requirement), lands below the 2-foot contour, and 2-foot contour line buffers (35 feet requirement) shall be designated with a conservation easement, and indicated as preserved and non-disturbed. Any disturbance to the prescribed buffer areas not reviewed as part of this approval will require review and approval by the DDS Director. The conservation easement shall also include expanded and enhanced buffer areas, as determined by the DDS on Sheets 4-8 and 16-20 of the proposed site plan.
5. All existing Mangrove and Live Oak trees proposed for removal shall require the approval of the DDS. Mangrove and Live Oak tree preservation shall be provided to the fullest extent possible, and may require, prior to final approval, a detailed tree survey for developing a mutually agreeable preservation plan for such areas. The existing Live Oak row along the south boundary of Phase 1, and the existing Mangroves along the Project's east boundary shall be preserved and so indicated on the proposed site plan. Future exceptions to this Stipulation may require a PDP amendment.
6. The developer will dedicate a certain amount of land to the City of Bradenton for construction of a municipal services facility, as determined by the City. Construction of such a facility shall be the responsibility of the City. The developer will also dedicate two additional acres of land for the construction of a fire protection facility. The location of the two acres shall be mutually agreeable between the developer and the City prior to development permitting.
7. Sanitary sewer and potable water must be provided to the site, at the expense of the developer. These systems shall require approval by the City Public Works Department

- prior to building construction, and outright dedication of the applicable infrastructure to the City, or access through appropriate access easement, as determined by the City.
8. Adequate infrastructure will be completed, or sufficiently completed prior to the commencement of any phase, as determined and approved by the DDS and DPW.
 9. Roadway improvements will be constructed concurrently with the impacts of each phase to ensure that the LOS does not fall below acceptable standards. Such roadway improvements shall include those improvements indicated above, under STAFF EVALUATION/Traffic/Third Party Review and Recommendations. Notwithstanding the receipt of the above review and recommendations, the applicant must improve all of 48th Street Court East from the Project entrance to State Road 64 East, as determined by the Public Works Department.
 10. The proposed Banked Parking shall require detailing on Sheet 3, and be approval by the DDS Director.
 11. The architectural design and features of the proposed buildings shall be maintained as approved by the City Council. While reasonable administrative modifications may be allowed, other changes determined by the City not to be reflective of the City Council approved design shall require a PDP Amendment.
 12. The proposed Site Plan must address all Stipulations and other Staff/DRC recommendations/concerns included in this report and submitted at least 10 days prior to the City Council public hearing of this project.
 13. The applicant or developer shall submit to the DDS, an Impact Fee Credit application pertaining to Public Safety (Fire and Police), Parks, and Water and Sewer impact fee requirements prior to development permitting. As part of the Impact Fee Credit application, the applicant or developer shall provide assurance of required improvements through submittal of a performance bond, irrevocable letter of credit, or escrow agreement. The appropriate impact fee credits and methodologies for credit, and the type of assurance shall require approval by the DDS Director according to City Ordinances 2680 and 2681.
 14. Prior to City Council consideration, finalize access issues with the Manatee County School District considering the proposed improvements to 48th Street Court East, and median access roadway to the Project.
 15. Any deviation from the approved requirements, as determined by the DDS, may require a PDP amendment.

** This recommendation is subject to change pending the submittal and review of additional required information.*

Mr. Surface questions whether or not the right-of-way from 64 to the project would be owned by the city or county. Attorney Lisch states that since the city would build the road, it would eventually end up being the cities by jurisdictional switch; the city built the road and would maintain it. Mr. Surface discusses his understanding of the cities rights during construction in reference to county rights-of-ways. Attorney Lisch ensures Mr. Surface that during any emergencies the city will continue to have access to the road.

Commission Discussion: Mr. Zoller states that although he likes some aspects of the project he will be voting against the project. Mr. Zoller listed the following reasons for his vote: height of high rises and location, ingress and egress to the site, implementation of 48th St Ct E. design, location of entrance under the interstate, and Mr. Zoller feels the density is too heavy.

Mr. Surface states he is still against the building heights. Mr. Surface feels we are pushing the limits as for the traffic.

Action (s)

Mr. Barnhill made the motion to approve SP-04-0001 WARD 4 NEIGHBORHOOD 20.03 with the 15 stipulations previously read into the record and with the 16th stipulation being added stating that the paved surface of 48th St Ct. E will be no less than thirty feet. Seconded by Mr. Griffith.

Denied:

Yea: 1 Mr. Barnhill

Nay: 4 Mr. Zoller, Mr. Surface, Mr. Talley, and Mr. Koch

Action (s)

Jerry Zoller makes a motion to deny project for the reasons he spoke of, that have already been processed above into the record. Seconded by Mr. Koch.

Approved:

Yea: 4 Mr. Zoller, Mr. Surface, Mr. Talley, and Mr. Koch

Nay: 1 Mr. Barnhill

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

Adjournment:

Meeting was adjourned at 5:07 p.m. The next scheduled meeting is Wednesday, October 20, 2004.

Harry Talley, Vice-Chairman

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