

**ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
NOVEMBER 16, 2009**

The Planning Commission met in the City of Bradenton Council Chamber, 101 Old Main Street, Bradenton, Florida on November 16, 2009 at 2:00 p.m.

Present:

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

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

Absent:

Planning Commission Members: Allen Yearick, O.M. Griffith (alternate)

City Staff: Thomas Cookingham-Assistant Director

REGULAR MEETING

Meeting was called to order by the Planning Commission Vice Chair, Mr. Taylor at 2:03 p.m.

- The Pledge of Allegiance was recited.
- Approval of Minutes – Mr. Prewitt made a motion to approve the October meeting minutes, second by Ms. Barcus. Motion carried, 5-0.
- Mr. Taylor revised the order of business on today's agenda. No objections by Commissioners.
- Ms. Aihara swore in all those wishing to speak before the Commission.

NEW BUSINESS

CP.09.0027 WARD 4 NEIGHBORHOOD 20.04 RS

Request of Richard Bennett, Matthew Kezar, William and Lynn Bacon, owners; Grimes Goebel, et al, agent for an amendment to the City of Bradenton Comprehensive Plan to change the Future Land Use Designation from Res-3 and Res-6 to Suburban Commercial Corridor, for 47.32 acres of property located at 907 57th Street East (zoned County A-1).

Ms. Seewer read the request.

Mr. Caleb Grimes, agent, gave an overview of the Comprehensive Plan change of use for property that was annexed into the City from Manatee County earlier this year. This meeting is the transmittal public hearing for approval to transmit to DCA.

Public Hearing:

In favor: No one appeared.

Opposed: Mr. Bill Hoefler, 5917 13th Avenue East questioned and is opposed to the Suburban Commercial Corridor designation. Ms. Seewer, Ms. Barcus, and Mr. Taylor answered his questions regarding the Suburban Commercial Corridor designation.

Public hearing was closed.

Rebuttal: Mr. Grimes stated that this will come back with actual land plan under the PDP. The City will require that there is a transition from commercial to residential and that it is compatible with permitted uses.

STAFF RECOMMENDATION: APPROVAL based on the Findings of Fact and Analysis of the proposed Comprehensive Plan FLUM Amendments with the following conditions:

1. Subsequent to the adoption of this amendment, the property owner(s) shall apply for a Land Use Atlas Amendment for a Planned Development Project (PDP) land use designation prior to or concurrent with a development application.
2. A wetland delineation survey will be submitted with the development application.

Public Works: No objections.

Fire: No objections.

Commission Questions:

Ms. Barcus verified the location of the wetlands area on the southeast corner of the site.

Planning Commission Action: APPROVED

Ms. Barcus made a motion, with a second by Mr. Prewitt, to approve CP.09.0027 with the two stipulations. Motion approved, 5-0.

SA.09.0018 WARD 2 NEIGHBORHOOD 4.06 RS

Request of Bradenton Christian School, owner; ZNS Engineering, agent for a Special Use Amendment for installation of four light poles and fixtures at the school athletic field at 3304 43rd Street West (zoned R1B).

Ms. Seewer read the request.

Presentations by Bradenton Christian School (BCS):

- Mary Davis Wallace, ZNS Engineering, gave an overview of the project. School fields were built in 1979. BCS requests installation of four light poles and fixtures to use for baseball, football and soccer games and practices at 23 feet from the property line. Installation of a landscape buffer or other screening alternates (panels) to reduce noise and visual impacts are proposed. Ms. Wallace highlighted the positive aspects of student sports activities.
- Dan van der Kooy, BCS Superintendent, 3309 45th Street West, homeowner adjacent to the field. BCS formerly rented fields at Bradenton River High School, but no longer able to rent football fields. FSHA handbook states that hosted playoff games must have artificial lighting to accommodate night games. At the September 15th Village West Meeting, Mr. van der Kooy invited homeowners to listen and discuss their concerns. To date, no one has responded to the offer. BCS has made changes to address neighborhood concerns, including sound barriers for air handlers, moving drumline practice, bleachers placement facing east for noise reduction, street parking, and fence installation. School was built in 1971, neighborhood was built in 1984. Mr. van der Kooy requests approval by Planning Commission to install four lights as afforded to other schools.
- Tom McCollum, Director of Planning, ZNS Engineering, addressed staff stipulations.
#1 – Along west property line, BCS is willing to insert panels in the fence instead of landscape barrier. #2 – Plan shows 23 feet and feels that 23 is the proper distance, concerns about activities and padding around light poles placed at 30 feet from west property line. Stipulations #3-#7 no objections.

Public Hearing:

The following appeared in favor:

- Donald Taylor, 3307 45th St West, property adjacent to the playground, spoke in support of the BCS request for lights.
- Kerry Ward, 303 9th St West, stated development was built after the school, speaking in favor of the lights.
- Michael Barber, 3213 40th St West, President of BCS Football Booster Club and sports writer. Most schools are in the middle of neighborhoods, such as Manatee and Southeast High Schools and are a source of pride in their community. BCS need lights for Friday night home games and state playoffs. Mr. Barber requests thoughtful consideration of the BCS request.
- Belinda Francis, 4601 34th Avenue Dr. West, supports school's request and wishes BCS the best.
- Don Bouwer, 6127 45th St West, founder of BCS. Parents like to watch the kids play football after 5:00 and the lights will enable parents to celebrate the success of BCS.
- Lisa Judge, 323 Magellan Drive, Sarasota, BCS currently serves 450 families and 600 children attending BCS. Understand the neighbors' concerns and BCS has tried to foster a sense of community. Today we are discussing four lights to enhance 600 children's education on 33 play days, 10% of the days of the year.

The following appeared in opposition:

- Maryann Boehm, Porges & Hamlin, representing Village West HOA and properties adjacent to BCS. Ms. Boehm requests that the City acts reasonably and use common sense in considering this special use application amendment. Section 403 mandates, special uses are permitted only if use is compatible. School has not complied with the protections of section 403, as it does not address harmful effects to neighboring properties. Minimum standards require a landscape buffer of 10 feet width, this has not been provided. A 6 foot chain link fence has been installed, but the stadium seating is in the back yard of the neighboring properties. Photo Exhibits D & E and 1984 aerial view were presented. Exhibit B aerial shows bleachers almost directly on property line and light poles 23 feet from property line. Lights from GT Bray are non-directional and obsolete, downshielding impossible because of age of lights (1980). Drop zones are a concern, support staff recommendation to move in to 30 feet for safety concerns. Nuisance issues from adding these lights include smoke and odors from concession stand, garbage, vermin, trash, increased traffic with speeding and noise, celebrations late at night, squealing of wheels, crowds gathering after conclusion of events, drinking, crime and safety of the residents. Not the BCS students, but other schools' kids in attendance. Parking in front of neighboring home is a concern and diminished property values. Section 38154c prohibits loudspeakers after 10 p.m. Section B1 states that amplified sound not in a completely enclosed building, not allowed between 10 pm and 7 am. Section 6283 provides that all parks and recreation areas under COB jurisdiction must close at 9 pm. Request denial of this special use application for these many reasons.
- Robert Wieboldt, 3503 45th St West, 23 year resident. Mr. Wieboldt stated that he is pro-kid, educator in Sarasota since 1967 and soccer, track and athletic director for 10 years and familiar with night sports activities. His children graduated from BCS, Mr. Wieboldt bought his home in 1986, and was active in BCS. Mr. Wieboldt is concerned about the increased school activities changes, sound and air quality impact to surrounding homes during evening hours.
- Janine Hebler, 3001 45th St West, 24 year law enforcement officer and works shifts. Ms. Hebler gets up at 3:30 am and does not want night football games. She has worked as security at night football and has seen drinking, smoking, drugs, fights, and guns. She is in

favor of sports and parents attending games, it was bad enough on Saturday afternoons. Ms. Hebeler does not want these problems in her neighborhood, impacting her home value.

- Frederick Hewitt, 3402 45th St West, resident since 1984. Hewitt's house is directly across from stadium lights and in view from front window and yard. Property value will be negatively impacted by stadium lights. Overflow parking has been a concern and have had confrontations with parents over parking on their property, resulted in calling the police to issue tickets. Mr. Hebeler feels that other residents of 45th Street will be impacted and have the same concerns.
- Richard LeBrecque, 3409 45th St West, resident since 2001. Several experiences with the BCS administration that lead him not to be optimistic about the outcome if the lights are approved. Step 2 of the COB Special Use Application procedures, did the BCS respond to the effects on the neighboring properties? BCS has a history of negative impacts on neighboring properties. After adding industrial air conditioners, BCS took one year to buffer the noise. Chair requested Mr. LeBrecque to keep his comments to the lights. Mr. LeBrecque stated that he did not know where the lights go will or where it will be expanded. Last season, he had over 100 baseballs on his property. Review criteria #3B states that the tract of land must be suitable for this type of use. The nature of the surrounding development are the residences, impacted by the athletic fields and caged baseball practice sessions. Mr. LeBrecque submitted several letters that have been distributed to the Planning Commission.
- Greg Sikkema, 4509 33rd Ave West, lives 300 feet from the football field for the last 18 years. This is a significant impact to his rights to peace and privacy.

Public hearing was closed.

Rebuttal: Mr. McCollum stated that the application pending today is for four lights on the ball field. The lights are about 50 feet tall from the ground to top of stanchion. Stipulation #3 addresses downshielding and some of the neighbors' concerns. There is a lot of history with the neighbors, positive and negative. Mr. McCollum's son attended middle school there previously. BCS has met City approvals and building permits. Photometric plan shows amount of light at edge of school property. Stipulation #6 regarding PA system is a concern, play by play announcements, but during a football game at night it is important on who caught the ball and Mr. McCollum requests that some play by play announcements are allowed. Mr. McCollum stated that the school was going to put vinyl slats matching the front of the school, adjacent to the residential property north of the school.

Public Works: No objections.

Fire: No objections.

STAFF RECOMMENDATION: APPROVAL with the following seven stipulations:

1. Prior to installation of the lights, the applicant will submit a landscape plan designed by a landscape architect, indicating dense buffering between the football/soccer field and the property owners to the west. The landscape plan will be approved by the Planning and Community Development Director, and implemented prior to final inspection of the lighting.
2. The light poles will be a minimum of 30 feet from the west property line.
3. The illumination shall be downshielded in order to ensure that illumination is only broadcast to necessary areas, and will not escape upwards or over to off site locations, including onto adjoining properties. Wattage shall be the minimum necessary to sufficiently light the field. Lighting specifications shall be consistent with the photometric plan submitted with this request, and shall ensure that the lighting shall not spill onto the abutting properties through the use of downshielding and orientation of the luminaries.

4. A timer system shall be designed and incorporated into the plan that shall allow for programming of the lights with automatic shut off capability.
5. The applicant shall install clear and visible signage that identifies the contact information for the department that would handle any complaints regarding operation of the illumination of the ball fields and any other potential light-related complaints
6. The PA system utilized for games requiring lighting will not be used for play by play announcements, but will be limited to public announcements such as general spectator safety advisories, player introductions, game status updates, pre-game and half-time announcements.
7. This approval is granted on the condition that sports events identified in this application shall conclude prior to 10 p.m. with the exception of scheduled football games for which the time shall be extended to 11:00 p.m.

Commission Questions and Comments:

- Ms. Barcus stated that she loves football and supports the PA system announcements at the eleven games per year with five at home. Ms. Barcus can hear Manatee High School games from her house. Asks that stipulation #6 not be applicable.
- Mr. Prewitt asked if all Bradenton schools would be required to follow this same process for special use approval. Ms. Seewer affirmed.
- Mr. Prewitt asked, what is the variance between 23 feet and 30 feet recommendation for placement of the poles? Ms. Seewer stated the difference was to move the poles further from the adjacent properties. The poles will be located 20 feet to the field of play.
- Mr. Buskirk asked, how structurally secure were the light poles? The poles and lights are engineered to withstand up to Florida Code of 130 mph wind.
- Mr. McCollum stated that Florida public schools are normally exempt from local design requirements, requirements are mandated by Tallahassee.
- Ms. Barcus asked why put slates in the fence? Mr. McCollum answered that BCS offered to install slats to better shield the football field from the adjoining properties to the west. Some homeowners have already installed solid fencing.
- Ms. Barcus asked if the 4:30 games offer a concession stand with hot dogs, popcorn, etc.? The attendees confirmed, yes. Is the food different for 7:30 games and there is a current problem with rodents and vermin? Superintendent van der Kooy stated that the Booster Club has a temporary tent that offers refreshments and is removed and completely cleaned up after games by the Booster Club. In the future, BCS may build a permanent structure somewhere closer to the gym, but conceptual at this point.
- Mr. Buskirk asked about the staff recommendation of landscape buffer. Ms. Seewer stated that the fence provides a six feet tall visual buffer, the addition of plantings 10-12 feet tall with a hedge of 4-6 feet tall could provide both visual and sound buffering.
- Mr. Taylor asked Mr. McCollum if the current lights provide any shielding. Reply that the current lights do not have shielding, stipulation #3 will require shielding. Mr. Buskirk confirmed that the current photometric diagram is without additional shielding with the highest volume of 4 candlefoot. Mr. Windham, licensed general contractor, responded that a Walgreens parking lot is about 19 candlefoot, 4 is very minimal. The proposed layout is favorable, restricting light to the center of field. The light poles were purchased by the County, they bought the best, and are still in very good condition. The light poles are sound and have been inspected by a structural engineer and will be installed to withstand >130 mph winds.

Planning Commission Action: APPROVED.

- Ms. Barcus made a motion to approve SA.09.0018 with stipulations 1,2,3,4,5,7, eliminating stipulation 6. Second by Mr. Prewitt.

- Mr. Taylor proposed an amendment to the motion, with LEED quantifiable light pollution requirements, to meet the maximum of .30 foot candle at the property line be added to Stipulation #3.
- Mr. Buskirk stated that his opinion is that stipulation #3 manages the requirements.
- Mr. Taylor withdrew his amendment to Stipulation #3.
- Mr. Buskirk made a motion to amend the motion to remove Stipulation #2 and let the applicant place the light poles a safe distance from the playing field.
- **Ms. Barcus made a motion to approve SA.09.0018 with stipulations 1, 3, 4, 5, and 7. Mr. Prewitt seconded. Approved 5-0.** Stipulations are renumbered as follows:
 1. Prior to installation of the lights, the applicant will submit a landscape plan designed by an landscape architect, indicating dense buffering between the football/soccer field and the property owners to the west. The landscape plan will be approved by the Planning and Community Development Director, and implemented prior to final inspection of the lighting.
 2. The illumination shall be downshielded in order to ensure that illumination is only broadcast to necessary areas, and will not escape upwards or over to off site locations, including onto adjoining properties. Wattage shall be the minimum necessary to sufficiently light the field. Lighting specifications shall be consistent with the photometric plan submitted with this request, and shall ensure that the lighting shall not spill onto the abutting properties through the use of downshielding and orientation of the luminaries.
 3. A timer system shall be designed and incorporated into the plan that shall allow for programming of the lights with automatic shut off capability.
 4. The applicant shall install clear and visible signage that identifies the contact information for the department that would handle any complaints regarding operation of the illumination of the ball fields and any other potential light-related complaints
 5. This approval is granted on the condition that sports events identified in this application shall conclude prior to 10 p.m. with the exception of scheduled football games for which the time shall be extended to 11:00 p.m.

Mr. Taylor called a five minute recess to allow the Council Chamber to clear.

SU.09.0070 WARD 1 NEIGHBORHOOD 4.08 RS

Request of Cortez Village, owner; Judy Witt, agent for a Special Use for an indoor adult entertainment arcade located at 6640 Cortez Road West (zoned PDP).

Ms. Sewer read the request.

Joe Galto, Jr., 1122 Carmella Circle, Sarasota reviewed his request for his business, Sunken Treasures Arcade. It is an adult arcade with video games of skill vs. gaming. Credits are redeemed for gift cards, no cash prizes. All clients will be over the age of 21, no smoking and no alcohol will be served. Sunken Treasures will provide a fun, senior atmosphere to socialize and play video games of skills. No impact to other businesses other than additional customers. Hours of operation from 10 am to 12 midnight.

Public Hearing: No one appeared in favor.

Mrs. Jane Browning, 4221 66th Street Circle West, representing Heritage Village West Condominium Association, not in opposition or favor, requested additional information. In response to Mrs. Browning's questions, Ms. Barcus shared her experience at a similar facility. Mr. Buskirk advised Mrs. Browning to meet with the applicants after the meeting. Teenagers in

the nearby community have been a problem and she expressed her concerns.

Public hearing was closed.

Public Works: No objections.

Fire: No objections.

Staff Recommendation: APPROVAL with the following stipulations:

1. Hours of operation will be as stated in the application, specifically 10 am to 12 pm.
2. Prior to occupancy, a representative of the Bradenton Police Department Crime Prevention Unit will conduct an inspection in order to provide suggestions and initiatives for safety for the business and the clients.

Ms. Seewer stated that this operation will operate games of skill, not games of chance, and are permitted by the State of Florida.

Rebuttal: Mr. Galto restated that this is a family business and will cater to a mature crowd. During their visits at other establishments, there have been no incidences and average age is over forty years old.

Planning Commission Action: APPROVED. Ms. Barcus moved, with a second by Mr. Prewitt , to approve SU.09.0070 with the two stipulations. Motion approved, 5-0.

REPORT OF PLANNING & COMMUNITY DEVELOPMENT DIRECTOR

Mr. Polk reported on the following topics:

- **Future Land Use Regulations** ad hoc meeting with four Planning Commission members and four Land and Tree Preservation Board members. Planning Commission members recommended are Ms. Barcus, Mr. Yearick, Mr. Prewitt and Mr. Taylor. Topics to vet are Lighting, Design, LEED/Green Building, Landscaping, and Streetscaping. Meeting at Dec 3, 3:00 pm. at City Hall.
- **December Planning Commission** does not have any agenda items. Mr. Polk proposed holding a workshop on December 16, topic is Land Use amendments. Comments are due back by January 2nd. LUR amendments will be on Jan 20 Planning Commission agenda.
- **Peter Keenan's** appointment to the Planning Commission is pending until next year due to a conflict of membership on two decision making boards.
- **Aldi** has had their meetings with Public Works.
- **Two alternate Planning Commission appointments** are before City Council on December agenda.

ADJOURNMENT

With no further business to come before the Commission, motion to adjourn by Ms. Barcus, second by Mr. Buskirk. Meeting adjourned at 4:18 p.m.

Jason Taylor, Vice 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.

Planning Commission Meeting – November 16, 2009