

**ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
APRIL 18, 2012**

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida on April 18, 2012 at 2:00 p.m.

Present:

Planning Commission Members: Jason Taylor, Chair; Adam Buskirk, Vice Chair; Peter Keenan, Joseph Thompson, Allen Yearick, Allen Prewitt, Richard Whetstone

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

Absent:

Planning Commission Members: Diane Barcus, O.M. Griffith (alternate), Gregg Guinta (alternate)

REGULAR MEETING

- Meeting was called to order by the Planning Commission Chair, Mr. Taylor at 2:00 p.m.
- Pledge of Allegiance was led by Ms. Aihara.
- Approval of Minutes – Mr. Prewitt made a motion to approve the March 21, 2012 meeting minutes, second by Mr. Yearick, approved 7-0.
- Ms. Aihara swore in all those wishing to speak before the Commission.

BUSINESS

MA.12.0031 WARD 4 NEIGHBORHOOD 20.03 BMW

Request of Peter Logan, agent, for Medallion Camlin Prestige Homes, Inc., owner for a Major Amendment to the Harbour Walk (Riverdale Revised) Planned Development Project to remove previously approved stipulations regarding individual fire protection systems and identical façade elevations, as well including a new stipulation regarding banner signage for the Bella Sole subdivision located at 4001 5th Avenue NE (PDP Zoning).

Mr. Woods read the request. Mr. Woods stated that on April 4, 2012, the applicant requested withdrawal of the request to removal of the previously approved stipulation of identical façade elevations. The Planning Commission will not hear this part of the request today.

Carlos Beruff, 2212 58th Avenue East, gave an overview of this request to remove individual sprinkler systems and add stipulation for banner signage on property berm. Mr. Beruff realizes the banner is not to code and offers a bond of \$10,000 to the City.

Planning Commission Questions/Comments:

- Mr. Whetstone confirmed that the banner sign is located on their property.
- Mr. Buskirk confirmed that the sprinkler systems provide proper fire protection systems for this community. Mr. Beruff stated that it is not required by the code, this was a concession negotiated for smaller 6 foot side setbacks by the previous developer.

Public Hearing: No one appeared for or against, public hearing was closed.

Public Works/Fire:

- Mr. Cummings stated that this was a negotiated stipulation to allow building on the “skinny” lots.
- Mr. Langston, Fire Marshal, stated that he does not support removal of the sprinkler systems. Mr. Taylor stated the sprinkler systems were added due to the proximity, density, flow, and fire truck access.

Staff Recommendation:

Mr. Polk stated that the staff negotiated with the original applicant when request came in to “skinny” the lots. The sprinklers were the result of a negotiated process to accommodate the decrease in side setbacks, water flow pressure of the hydrants, and fire access to be in compliance and support the development. The sign is not in compliance and will be enforced to our code.

Mr. Woods stated that the request will be broken into two actionable items: 1) individual sprinklers and 2) banner signage. If banner signage is included, it would become a permanent fixture of the PDP. Staff recommendation is for **DENIAL** of both actionable items.

Planning Commission Questions/Comments on Signage:

- Mr. Taylor asked if the location of the banner sign is part of the original PDP. Mr. Woods said yes, but not on the map included in the package.
- Mr. Taylor stated that the approval of the signage would open a floodgate. His personal recommendation is to remove signage from the PDP request and work with the City toward a temporary sign permit.
- Mr. Yearick suggested that the applicant can withdraw the signage stipulation from the request. Mr. Beruff stated that he was not aware that this was an option and stated he would be happy to remove the sign stipulation and pursue another process for the banner.
- Mr. Taylor requested that the record reflect that the additional stipulation #8 for signage has been removed per request of the applicant. Mr. Beruff will work with the City on the banner sign. Mr. Taylor advised Mr. Beruff that the banner may not be approved, even as a temporary sign permit and he will have to work with the City Staff.
- Mr. Woods clarified that the City is removing the stipulation and will work with Mr. Beruff, but it may not be today’s sign. Mr. Beruff asked if he can still discuss sign at City Council or will it go away? Mr. Taylor stated that the process is reset and the sign is no longer part of the PDP. The PDP change request is only pertaining to the sprinklers. Mr. Beruff stated that he was at the Code Enforcement Board yesterday, because the sign was in violation. The Code Board continued his case until July Code Board. Mr. Polk stated that this case will be vetted with the City Attorney for next steps.

Planning Commission Questions/Comments on Sprinklers:

- Mr. Buskirk asked Fire about insurance for individual homeowners. Mr. Langston stated that insurance ratings are evaluated by ISO and service to the area. Residents with sprinklers will have a cost reduction due to sprinklers in their home.
- Mr. Prewitt asked if Fire sees a real safety issue if this stipulation were removed. Mr. Langston stated, yes, that with the sprinkler system, BFD has never had any loss of life from a sprinkled building during a fire. Cannot state the same from un-sprinkled buildings.
- Mr. Whetstone asked Fire about the guideline for density and distance between dwellings that is acceptable without sprinklers. Mr. Langston said it is encompassed by open space and walls/windows, etc. The sprinkling was required in this aspect, because the active PDP had a known problem of water flow and issue of access to buildings; there are multiple issues, not just being too close. All of these things encompassed the decision for sprinklers.

- Mr. Buskirk stated that the applicant referenced tighter projects in Manatee County. Mr. Langston stated that they probably have a better water supply, non-gated community, and other factors. Mr. Taylor responded that the usual design is for front and back access to fire and turning radius for fire trucks. Mr. Langston stated that fire separation walls were suggested, but dismissed in the negotiations. The decision to get to fire sprinklers was a long process and discussion, to remove this stipulation is not feasible for Fire.

PLANNING COMMISSION motion to temporarily table MA.12.0031 to later in the meeting, approved 7-0.

PM.12.0043 WARD 3 NEIGHBORHOOD 1.01 BMW

Request of Jenny Taylor, owner, for Administrative Approval to allow outdoor seating for alcohol consumption on premises at The German Inn Bed and Breakfast located at 304 15th Street West (T4-O Zoning).

Mr. Woods read the request. Mr. Woods stated this request is for administrative approval and this body will determine the outcome of this request, this request will not go before City Council, unless an appeal is filed. Ms. Taylor reviewed her request for eight tables in the garden with no lighting or music until 9:00 p.m. (changed after discussion with neighbors). Addition of fence is to limit access to beer garden, no other additions are planned.

Planning Commission Questions/Comments:

- Mr. Taylor asked about preparation of sandwiches. Ms. Taylor stated that she does not have a commercial kitchen and beer will be poured in the house and carried outside.

Public Hearing- In Favor:

- Caroline Amory, 104 15th Street North, in favor of food services in a non-bar, non-smoking environment. This will help make the Inn a more successful business.
- Carl Bretko, 9112 19th Drive NW, in support of the proprietors and trust their judgment and taste. Believe that they will keep to the restrictions, and support their judgment and integrity.

Public Hearing- Opposed:

- Jon Scott, 1520 3rd Avenue West, resident of 3rd Avenue since 1963. Mr. Scott had a meeting with Ms. Taylor, but still have issues that have not been resolved, such as hours of operation, lighting, fencing, and amplification of music. Willing to work out differences, but felt that he was left out of the loop. Mr. Woods clarified that the City's policy is that notices are mailed to property owners within 300 feet of subject property.
- Cheryl Kinderkuecht, 1532 3rd Avenue West. Same concerns as Mr. Scott. Cheryl wants to know when will the fence go up, amplification of music, traffic, and parking concerns.
- Joe Schmidt, 204 15th Street West, believes we can work this out informally. Hours of operation are a concern. Request table this request until next month.
- Heather Scott, 1520 3rd Avenue West, need to reach an agreement, table until next month.

Public Hearing- Closed

Rebuttal: Ms. Taylor concerned about tabling for one month, season will be over. Agree with the neighbors' concerns of no music, hours of operation, no lights.

Commission Comments:

Mr. Taylor listed concerns of neighbors and included stipulations to address. Ms. Taylor has agreed to no additional lighting outside, no amplified music, last call at 9:00 p.m.

Public Works/Fire:

- Mr. Cummings stated no objections. Parking is allowed in a radius of 1320 feet from property, which will include local parking lots. No parking signs are posted on the north side of 15th Avenue.
- Mr. Langston, Fire Marshal, has no objections.

Staff Recommendation: PCD Director has required Planning Commission disposition of the request, but staff does recommend APPROVAL with the following five stipulations:

1. Hours of Operations for the outdoor seating area shall be, as determined in public hearing, from 11:30 a.m. to 9:30 p.m. with Last Call at 9:00 PM nightly.
2. Pouring and/or serving of alcoholic beverages shall take place indoors only. No outdoor bar for pouring and/or serving shall be permitted.
3. No commercial cooking shall take place on premises without an approved commercial kitchen.
4. No outdoor music is permitted, amplified or otherwise.
5. No additional outdoor lighting is permitted.

Commission Comments:

- Ms. Taylor is listed as corporation because of their alien residence status and does not live on the premises.
- Ms. Taylor is planning to build the fence by the end of the week and it will match the existing fence.
- Ms. Taylor agreed to change hours of operation from 11:30 a.m. to 9 p.m. with last call 8:30 p.m. Sunday to Thursday, and from 11:30 a.m. to 10:00 p.m. with 9:30 p.m. last call on Friday and Saturday nights.
- Mr. Taylor suggested an agreement with church to use their parking lot or local city lots.

PLANNING COMMISSION: Motion for APPROVAL with the following stipulations by Mr. Prewitt, second by Mr. Yearick, approved 7-0.

1. Hours of Operations for the outdoor seating area shall be, as determined in public hearing, from 11:30 AM to 9:00 PM with Last Call at 8:30 PM Sunday Through Thursday, and from 11:30 AM to 10:00 PM with Last Call at 9:30 PM Friday and Saturday.
2. Pouring and/or serving of alcoholic beverages shall take place indoors only. No outdoor bar for pouring and/or serving shall be permitted.
3. No commercial cooking shall take place on premises without an approved commercial kitchen.
4. No outdoor music is permitted, amplified or otherwise.
5. No additional outdoor lighting is permitted.

Tabled MA.12.0031 was reopened.

Mr. Prewitt made a motion to APPROVE removal of the stipulation requiring fire protection systems. Motion died for lack of a second.

Commission Discussion:

- Mr. Whetstone asked if there was no room for density discussion.
- Mr. Taylor suggested tabling this request for one month.
- Mr. Beruff agreed to take another month to work toward a solution.
- Mr. Yearick understands the economic profile, but is not willing to go against Fire Department's recommendation.
- Mr. Taylor explained that the water flow goes through Hawk Island.

Staff Comments:

- Mr. Polk stated that if the applicant and Commission wishes to table until next month, Mr. Beruff and staff need to discuss other options. The City will not compromise the Fire Code or the Florida Building Code.

PLANNING COMMISSION: Motion to **TABLE** by Mr. Yearick to allow time for discussion to take place, second by Mr. Thompson, approved 7-0. This topic is scheduled again on the May 16th Planning Commission Agenda.

REPORT OF THE PLANNING & COMMUNITY DEVELOPMENT DIRECTOR

Mr. Polk was notified yesterday that the City of Bradenton was selected for the 2012 Richard H. Driehaus Charitable Lead Trust Form-Based Code Award for the incorporation of modules focused on sustainability, public art, stormwater management, and lighting. Letter from the FBCI is attached. Kudos to all contributors. Tim will be accepting the award at Congress for the New Urbanism 20 Conference on May 11th on behalf of the City.

'Congratulations' to Tim Polk on his added responsibilities as the CCRA Executive Director.

Next Planning Commission is scheduled on May 16, 2012.

ADJOURNMENT

Motion to adjourn by Mr. Prewitt, meeting adjourned at 3:35 p.m.



Jason Taylor, 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.

17 April 2012

Timothy Polk
Planning & Community Development Director
City of Bradenton
101 Old Main Street
Bradenton, FL 34205

Dear Tim:

The Driehaus Form-Based Codes Jury was faced with a number of difficult decisions as they discussed the many superb codes considered for the 2012 award. Therefore it is a great pleasure to tell you that The City of Bradenton Form-Based Code Land Use and Development Regulations was one of only two codes chosen for the 2012 Richard H. Driehaus Charitable Lead Trust Form-Based Codes Award.

In selecting the Bradenton Form-Based Code, the jurors singled out these aspects of the code for comment:

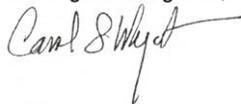
The Bradenton Code focuses on infill in an existing 1,830 acre community. This is a comprehensive SmartCode that has incorporated and calibrated new modules. Included are modules for sustainability (urban farming, wind power, solar power, and composting), public art, stormwater management, and lighting. Affordable housing is addressed within the code as well. Even with the addition of these multiple components the code succeeds in being easily comprehended and implementable

The other outstanding code selected for an award this year was the Transit Zoning Code for the City of Santa Ana.

We are looking forward to our joint presentation with you of your code at CNU 20 in West Palm Beach, Florida on Friday, May 11th for a fast-paced intensive session focused on the two winning codes. Beginning at 2:00PM this 3-hour session will enable an-depth discussion of each code with presentations by the jurors and code representatives, with the added opportunity for persons attending the session to present questions and comments.

Congratulations! Jury member Bob Sitkowski will be contacting you to discuss the best way to present this achievement during the CNU session.

With Highest Regards,



Carol S. Wyant
Executive Director

Copies: Driehaus Form-Based Codes Awards Jury
FBCI Board of Directors

FBCI Mission: To advance the use of, and develop standards for, Form-Based Codes as a method to achieve community vision based on time-tested forms of urbanism

Form-Based Codes Institute 333 N. Michigan Avenue, Suite 510 Chicago, IL 60601
Phone 312.498.7166 **Fax** 312.641.5736