

**ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
MAY 16, 2012**

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida on May 16, 2012 at 2:00 p.m.

Present:

Planning Commission Members: Jason Taylor, Chair; Adam Buskirk, Vice Chair; Peter Keenan, Joseph Thompson, Diane Barcus, 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 Admin

Absent: Planning Commission Members: Allen Yearick, Allen Prewitt, 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 Mr. Thompson.
- Ms. Aihara swore in all those wishing to speak before the Commission.
- Approval of Minutes – Mr. Whetstone made a motion to approve the April 18, 2012 meeting minutes, second by Mr. Thompson, approved 6-0.

OLD BUSINESS

MA.12.0031 WARD 4 NEIGHBORHOOD 20.03 BMW (continued from April 18, 2012)

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 for removal of the previously approved stipulation of identical façade elevations. Additionally, at the April 18th Planning Commission, the applicant withdrew his request for stipulation of the new banner sign. Today's request is to remove the individual fire sprinklers.

Carlos Beruff, 2212 58th Avenue East, thanked the Planning Commission and staff for resolution on both the banner sign and sprinklers. Fire Marshal Langston measured the fire flows and the flows are currently running at below minimum flow. Mr. Beruff supports the modification to the sprinkler stipulation that will reduce costs somewhat. There will be further discussion if Manatee County's water pressure increases to this area.

Fire Marshal Langston stated that the water system in place does not meet the minimum requirement for fire flow which is 1,000 gallons per minute. The three hydrants range from 840 to 900 gallons per minute. BFD and Mr. Beruff agreed to keep the sprinklers inside the residences and remove the stipulation for exterior window sprinklers and minimize the landscaping between structures to maintain fire access. BFD recommends approval for the change to the sprinklers stipulation which states

removal of the windows sprinklers only, which will reduce costs and maintain safety guidelines. Mr. Woods will meet with Fire Marshal Langston for the exact language needed for the revised stipulation.

Planning Commission Questions/Comments:

- Mr. Whetstone asked for an explanation of the window sprinklers. Fire Marshal Langston stated that the window sprinklers were required to protect the exterior of the building from the adjacent windows. The exterior sprinklers would be set off by fire heat and cool the building.
- Ms. Barcus asked if the County planned to upgrade or install pumps? Langston replied that this is a dead end system with backflow and meter which drops the pressure and gallons per minute, this is an interlocal agreement with Manatee County.

PLANNING COMMISSION: Mr. Buskirk made a motion to **APPROVE** MA.12.0031 with the modified stipulation as referenced by Fire Department and acknowledged by Staff, second by Mr. Whetstone, approved 6-0. City Council will hear at June 13, 2012 meeting at 8:30 a.m.

NEW BUSINESS

MA.12.0032 WARD 4 NEIGHBORHOOD 1.01 BMW – City Council Hearing on May 23, 6:00 pm
Request of Redus Florida Land LLC, agent, for Bradenton Riverfront Partners II LLC, owner, for a Major Amendment to the Promenade at Riverwalk Planned Development Project Site Plan including modifications to the approved land uses and internal access located at 606 3rd Ave W (PDP Zoning).

Mr. Woods read the request. This request will go before City Council on May 23, 6:00 p.m.

Edward Vogler II, 2411A Manatee Avenue West introduced the Promenade Project. A site plan was distributed to Commissioners (Handout A attached). This real estate is owned by two companies, the NE quadrant (Bldg 8 and related structures) is owned by Redus Florida, subsidiary to Wells Fargo Bank. The balance of property (except River Dance) is owned by City of Bradenton and leased to Bradenton Riverfront Partners for 142 additional years, of which a portion of this site is subleased to the Manatee Players. Sublease agreement with the Arts Center Manatee that will allow the Arts Center to remain on the site for additional 142 years. On the western edge of property is an allowance for the expansion of Arts Center Manatee. This is a new urbanism design with a “park once” philosophy. East/west and north/south have linkage to arts/restaurants/park. Restaurant will be built in conjunction with the opening of the Manatee Players and Building 8 apartment project. Mr. Vogler gave an overview of the changes from the previous application.

Planning Commission Questions/Comments:

- Mr. Taylor asked about Building 13’s connection to the Players. Mr. Vogler responded that the Building 13 ground floor has a commitment for a 3,000 square foot restaurant. The upper two levels is a “dream” for an additional 15,000 square feet connected to the Players, which may be a performing arts center supplement. All occupants will be informed in writing of other uses and potential for event noise.

Bill Hargett, Oxford Properties, 3625 Cumberland Boulevard, Atlanta, GA gave an overview of the 179 apartments on four stories in two buildings with a parking structure. Most of these luxury apartments will have water views. Financing is pending City Council approval. Rents will range from \$950 for one bedroom to \$1600 for 2-3 bedrooms. Plan to start development of structure this year with completion in early 2013.

Planning Commission Questions/Comments:

- Ms. Barcus asked about the senior housing. Mr. Woods commented that the senior housing component was removed administratively in the 2009 amendment.
- Mr. Taylor asked Mr. Vogler about Building 8 commercial. The commercial was removed from the apartment building and moved to the Players. The matrix in the package is not accurate and will go away pending project approval.
- Ms. Barcus applauds the reduction of office space.
- Mr. Taylor requested an additional stipulation to require a release and hold harmless from the tenants.

Public Hearing

In Favor:

- Janene M. Witham, 502 3rd Avenue West, stated that the Manatee Players Board of Directors is in favor of the PDP changes as requested.
- Robert Pennington, 808 3rd Avenue West expressed concerns about the lake, roads, and shrubbery maintenance if the units are rentals. Mr. Taylor stated that there is a stipulation regarding maintenance and repairs. Mr. Pennington stated that it sounds like a good plan.
- Scott Hahlen, 3302 67th Street West, owner of property on south side of 3rd Avenue. Mr. Hahlen stated that Branson Landings, Missouri is identical to Bradenton and proposed that the City use Branson as a model. Mr. Hahlen offered viewing of a DVD after the meeting, which was previously viewed by City officials.
- No one appeared against the request.
- Public hearing was closed.

Public Works/Fire:

- Mr. Cummings stated that stipulation #10 was not fully agreeable to the Public Works department. Will need further review during construction drawings. Mr. Woods said that this is agreeable with Public Works and the applicant.
- Fire Marshal Langston stated that there was a traffic bulb-out for no right turn that was missing from the drawing.

Staff Recommendation: Staff recommends APPROVAL with the following fifteen (15) stipulations:

1. Applicable conditions from prior plan approvals will remain in effect as follows:
 - a) All non-internal dumpsters will be indicated on the final PDP plan and site construction plans.
 - b) Any fencing material must be decorative in nature, and be approved by the PCD Director prior to installation.
 - c) The applicant shall work with Manatee County Area Transit (MCAT) to establish a location for a public transit shelter or kiosk within the development.
 - d) Signage design will be subject to the approval of the PCD Director through submittal of a master signage plan. Location of signs will be permitted as per the lease agreement or code. Buildings abutting the Rossi Waterfront Park will not have signage on the north elevations.
 - e) Landscaping treatments shall exceed the minimum requirements of the Land Use Regulations and meet the approval of the PCD Director, and will be required around all building footprints and the perimeter of the project.
 - f) The developer shall work with the City staff to mitigate the setback uses along the Rossi Waterfront Park property boundary.
 - g) Pertaining to Building #8, the applicant will bring back architectural design to Staff and contribute enhancements to the Waterfront Park area east of the subject property.
2. Development of proposed residential Building 8, and adjoining parking structure shall commence within twenty-four (24) months of City Council approval of this PDP amendment (MA.12.0032) request.
3. Pertaining to Building 8, the developer shall work with City Staff to ensure that residential floorplans appropriately reflect the applicant's and City's desired bedroom/bathroom composition and unit square footage that results in a residential product of the highest quality.

4. The Building 8 setback area shall be planted with enhanced landscaping to assure compatibility with the adjacent waterfront park. The exterior of Building 8 shall be approved by the PCD Director for exterior building finishes, materials, and articulation of elevations.
5. Landscape treatments shall exceed the minimum requirements of the LUR and meet the approval of the PCD Director and will be required around all building footprints and the perimeter of the project. A final landscape plan shall be submitted with construction drawings for approval.
6. Non-internal dumpster locations for each building shall be approved as part of the site improvement permit. Location and configuration of dumpster sites must provide reasonable collection vehicle access.
7. Dumpster location for Building 13 shall be indicated on construction plans for approval. Dumpster shall be shielded from public view and appropriately located as not to create adverse visual impact to surrounding buildings.
8. The fire protection systems for Building 8 shall be enhanced in lieu of providing additional access through the park. Such systems shall be approved by the fire marshal as part of the issuance of a building permit. Provide additional fire hydrants, per direction of Fire Department.
9. An access drive shall be provided on the east side of the parking garage adjacent to the sewer lift station to provide access for service to the sewer lift station.
10. ~~Relocate utilities from under parking spaces, per direction of Public Works.~~ Sewer and water utility lines, manholes, and valves shall not be located under parking spaces, per the direction of Public Works. Location of utilities shall be indicated on the construction plans for approval. Existing utilities are excluded from this provision.
11. Vehicles exiting parking spaces shall not encroach upon pedestrian crosswalks.
12. The proposed parking structure will be co-designed with the residential building. Resident and Visitor parking shall be clearly marked in both the parking structure and surface parking area.
13. One (1) permanent parking space shall be dedicated for the exclusive use of the CSX Bridge tender on the ground level of the RiverSong parking structure.
14. Maintenance and repairs to internal access road shall be the responsibility of the private owners of the real property within the project in accordance with the Master Declaration of Easements, Covenants, Conditions and Restrictions as recorded in OR Book 1960, Page 4079, of the Public Records of Manatee County, FL. Indicate this provision on plan coversheet.
15. Applicant and City Staff/Attorney will develop a 'Hold Harmless' agreement which shall be signed by future RiverSong residents indicating their acknowledgment and acceptance of the existing riverfront park and amphitheater's proximity to the residential development. This agreement shall be executed to protect the City and the Developer against adverse noise impacts that may occur during events held at the riverfront park and/or amphitheater.

Commission Comments and Discussion:

- Mr. Taylor commented on the addition of stipulation #15 due to the proximity to the Riverfront Park and amphitheater. The apartments on the south side may be converted to commercial due to their siting. Sidewalks running north/south are close to River Dance, the new sidewalk should be widened into a grand promenade into the Riverwalk Park. Concern over the siting of the apartment at the entrance of the garage. Stipulation for bulb-out is a plan change, not a stipulation.

PLANNING COMMISSION: Motion for APPROVAL with the fifteen stipulations by Ms. Barcus, second by Mr. Buskirk. Mr. Taylor abstained due to conflict, Form 8B paperwork is attached. Motion was approved 5-0, 1 abstain.

This request will go before City Council on May 23 at 6:00 p.m.

REPORT OF THE PLANNING & COMMUNITY DEVELOPMENT DIRECTOR

Mr. Polk accepted the Form-Based Code Award at Congress for the New Urbanism 20 in West Palm Beach on May 11th on behalf of the City. Ms. Barcus asked where was the Bradenton Herald announcement in the Bradenton Herald?

The City of Bradenton received an award from the Florida Chapter of American Society of Landscape Architects for the Urban Forestry Master Plan Update. Kimley-Horn will be presenting the award to the City at the August 15th City Council meeting.

Commission Comments and Discussion:

- Mr. Buskirk commended the Fire Department on working out a sprinkler solution with Mr. Beruff.
- Mr. Buskirk commended the Planning Staff on the Promenade at Riverwalk PDP amendment and stated that once we have the heads, then we can talk retail.
- Mr. Polk stated that the demographic survey by age group in the downtown district is average of 75-85 years.
- Concerns of apartment rentals to families at \$1600/month and \$135 per square foot.

Next Planning Commission is changed on Tuesday, June 19, 2012, 1:30 p.m. for Workshop and 2:00 p.m. meeting.

ADJOURNMENT

Motion to adjourn by Mr. Buskirk, second by Ms. Barcus, meeting adjourned at 3:40 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.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME TAYLOR JASON B.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE COB PLANNING COMMISSION	
MAILING ADDRESS 4615 19TH AVE. W.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY BRAOENTON	COUNTY MANATEE	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 15 MAY 12		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JASON B. TAYLOR, hereby disclose that on 15 MAY, 20 12 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

THE OFFICE I WORK FOR WAS RETAINED BY ALCENTRAL MANATEE FOR DESIGN SERVICES.

15 MAY 12

Date Filed

Signature 

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.