

**ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
JUNE 19, 2012**

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida on June 19, 2012 at 2:00 p.m.

Present:

Planning Commission Members: Jason Taylor, Chair; Adam Buskirk, Vice Chair; Joseph Thompson, Diane Barcus, Richard Whetstone (alternate)

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

Absent: Planning Commission Members: Allen Yearick, Allen Prewitt, Peter Keenan, 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. Bonneau.
- Ms. Aihara swore in all those wishing to speak before the Commission.
- Approval of Minutes – The chairman read Form 8B into the record, Disclosure of Local Officer's Interest submitted by Jason B. Taylor on May 15, 2012. Mr. Thompson made a motion to approve the May 16, 2012 meeting minutes, second by Mr. Buskirk, approved 5-0.

NEW BUSINESS

RV.12.0028 WARD 2 NEIGHBORHOOD 5.01 BMW

Request of Michael Pendley, agent, for the School Board of Manatee County, owner, for a Right-Of-Way Vacation of 32nd Street West, from 9th Avenue West to 11th Avenue West located at 902 33rd Street Court West (R1 zoning).

Mr. Woods read the request and presented a letter from Michael Pendley. The letter requested a continuance of this request to the July 16, 2012 Planning Commission meeting.

Public Hearing – no one appeared for or against.

*Request is **CONTINUED** to the July 16, 2012 Planning Commission meeting.*

SU.12.0094 WARD 3 NEIGHBORHOOD 1.01 BMW

Request of Judy Susie, agent, for Winter, Inc., owner, for a Special Use Permit allowing for on-premises outdoor sales and consumption of alcoholic beverages on the south and east of the existing Old Main Pub lounge located at 313 Old Main Street (T5 zoning).

Mr. Woods read the request. J.D. Good, 417 Old Main Street, representing Old Main Pub presented the request.

Planning Commission Questions/Comments:

- Mr. Buskirk asked about the gate as a controlled access point. Mr. Good stated that the gate would be open during business hours and closed after hours for liability reasons.

- Mr. Taylor asked about a buffer between Old Main Pub and Riverview Center. Mr. Good stated they are proposing a wrought iron fence with landscaping.
- Ms. Barcus asked how tall is the wrought iron fence on the back patio? Mr. Good stated it would be 5 foot high with bushes and paved with pavers. Visibility should not be a concern.
- Mr. Taylor asked about altercations between patrons, how would police access the back patio area? Mr. Good stated that BPD would enter through doors or gates. Bartenders usually self-police their own taverns.
- Mr. Whetstone asked about communications between Old Main Pub and Riverview Center. Mr. Good stated that Riverview should have been noticed by the City, but have had no direct communications and no problems.
- Mr. Woods stated that most of the comments were from Police Crime Prevention Unit. Sergeant Millard was ill and unable to attend today's meeting. Mr. Good stated that Sgt. Millard's concern was from previous plan that showed a stockade fence.
- Mr. Buskirk stated that a combination of open and closed fencing may be the solution.
- Mr. Taylor stated that the Planning Commission will need to hear the Crime Prevention comments.
- Mr. Woods stated that the Staff Report and Sgt. Millard's comments were prepared on previous drawings submitted with application. The current drawings shown were submitted last Thursday, June 14. Amplified music was not addressed in staff report.
- Ms. Barcus asked about not enclosing the rear patio. Mr. Good stated that that is valuable retail space and it would be lost revenue.

The Chair suspended this agenda item to allow for Lieutenant Kramer, Crime Prevention Unit to join the meeting before the Public Hearing.

SU.12.0095 WARD 2 NEIGHBORHOOD 4.06 BMW

Request of Todd Mathes, agent, for Ronald Benderson 1995 Trust and Benderson 85-1 Trust, owner, for a Special Use Permit allowing for the expansion of the Pinebrook Square Shopping Center located at 4330 Cortez Road West (SCC zoning).

Mr. Woods read the request. Todd Mathes, Benderson Development, 8441 Cooper Creek Blvd., gave an overview of the project. Exhibits K & L were presented. The anchors for the Pinebrook Square Shopping Center will be Outback Restaurant and the proposed Hobby Lobby. Hobby Lobby is a new craft store to this area and closed on Sundays.

Planning Commission Questions/Comments:

- Ms. Barcus commented on the giant pothole and dumpster with swing out gates that are hazards on the Benderson property. Mr. Mathes stated that this is a maintenance issue and an opportunity to improve the property. All parking behind building will be cross-hatched and prohibited; they plan to improve the landscape and will take care of the pothole. Ms. Barcus stated that there is currently a traffic flow problem behind Leslie Pool. Mr. Mathes acknowledged this area and stated that it was approved last year. Deliveries will be made behind the buildings.
- Mr. Taylor asked about storm water. Mr. Mathes stated that it will be vaulted under the building.
- Mr. Buskirk commented on the FDOT plan for exit/entrance. Mr. Mathes said that it meets all FDOT specs. Trucks delivering to Hobby Lobby will enter traveling west on Cortez Rd. to the new entrance, pull forward, then back into delivery space. Trucks exiting from behind Outback will travel west behind Outback, down the main aisle and exit the new egress.

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

Public Works/Fire: Mr. Cummings stated that public works had many concerns about the drivability,

but based the agreed stipulations, no objections. Mr. Bonneau stated that Fire has no objections.

Staff Recommendation: Mr. Woods stated that there are no written letters of objections or support for this project. Staff is recommending **APPROVAL** with the following nine stipulations:

1. An approved Florida Department of Transportation (FDOT) permit for Cortez Road truck access point.
2. An approved South West Florida Water Management District (SWFWMD) permit for underground storm water retention.
3. An approved Letter of Understanding from Florida Power & Light (FP&L) for the relocation or vacation of existing utility easement.
4. Applicant shall install fencing to prohibit pedestrian access behind the building.
5. Applicant shall add "hostile" landscaping to discourage habitation behind building.
6. Exterior lights shall be added to rear corners of building to adequately illuminate rear exit points. Exterior lights shall be shielded to prevent spillage onto adjacent residential property.
7. Applicant shall install signage indicating "Truck Access Only" and "Caution: Slow Moving Trucks" where appropriate.
8. Applicant shall replace on site, or pay-in-lieu, trees that require removal as part of the redevelopment process. Trees along the rear property line shall remain and be preserved to the greatest extent possible.
9. Provide ground hatching and additional signage to indicate that parking is strictly prohibited behind the existing northern commercial strip center.

Planning Commission Questions/Comments:

- Mr. Taylor asked about Stipulation 8, enhancement of buffer was discussed. Mr. Cummings stated that Pinebrook Circle is a public right of way, advised caution in plant selection, and would like to review landscaping plan. Mr. Taylor suggested rewording stipulation 8.

PLANNING COMMISSION: Ms. Barcus made a motion to **APPROVE** SU.12.0095 with the nine stipulations as amended below. Second by Mr. Whetstone, approved 5-0.

1. An approved Florida Department of Transportation (FDOT) permit for Cortez Road truck access point.
2. An approved South West Florida Water Management District (SWFWMD) permit for underground stormwater retention.
3. An approved Letter of Understanding from Florida Power & Light (FP&L) for the relocation or vacation of existing utility easement.
4. Applicant shall install fencing to prohibit pedestrian access behind the building.
5. Applicant shall add "hostile" landscaping to discourage habitation behind building.
6. Exterior lights shall be added to rear corners of building to adequately illuminate rear exit points. Exterior lights shall be shielded to prevent spillage onto adjacent residential property.
7. Applicant shall install signage indicating "Truck Access Only" and "Caution: Slow Moving Trucks" where appropriate.
8. Adjacent to northern property line only along Pinebrook Circle, applicant shall replace or pay-in-lieu, trees that require removal as part of the redevelopment process. ~~Trees along the rear property line shall remain and be preserved to the greatest extent possible.~~ Any trees replaced along Pinebrook Circle shall meet the approval of Public Works.
9. Provide ground hatching and additional signage to indicate that parking is strictly prohibited behind the existing northern commercial strip center.

SU.12.0094 – Old Main Pub resumed.

Public Hearing:

For: No one appeared.

Opposed:

- Natalie Purcell, 1200 1st Avenue West representing Riverview Center and Hugh Miller, spoke about Old Main Pub issues with trash, parking, cigarette butts, and bottles. Every day the staff takes an hour cleaning up the parking lots. Riverview owns parking lots on both sides of Old Main Pub. Opposed to the expansion. Ms. Purcell said the pavers and improvements sound good,

because it is currently unsightly. Patrons are illegally parking in their lots. Safety is an issue for the attorneys working late.

- Email from Stephen Dye, Esq. (Exhibit K) was read into the record by Mr. Taylor. Mr. Dye expressed multiple concerns and opposition to proposed expansion.

Public Hearing was closed.

Public Works/Fire: After meeting with applicant, Mr. Cummings agreed with the stipulation to relocate the dumpster with proper and approved fencing. The Pub is currently recycling. Mr. Bonneau stated that the dumpster requires a sprinkler system within ten feet of the building.

Staff Recommendation: Mr. Polk stated that although staff is in support of this request, they recommend **CONTINUANCE** to hear from Crime Prevention regarding their comments and to meet with the applicant again to continue discussion.

Planning Commission Questions/Comments:

- Ms. Barcus requested an added stipulation for no outside music after 10 p.m.
- Mr. Buskirk asked if outdoor speakers are considered outside music? Mr. Polk stated that McCabe's was stipulated for no outside music. Mr. Taylor said the issue was with the proximity to the Courtyard and bedroom windows. Mr. Polk stated that staff would further vet.
- Mr. Buskirk asked if visibility is a requirement. Mr. Woods responded that his understanding was not a visibility requirement. Sergeant Millard's concern was that visibility/surveillance would be restricted re: underage drinking, nefarious activities, etc. Bradenton Police Crime Prevention brought up the issues and should be allowed to address the questions.
- Mr. Taylor commented that the Planning Commission encourages Old Main Pub to work out their issues with Riverview Center and with Sergeant Millard, Crime Prevention Unit.

PLANNING COMMISSION: Mr. Thompson made a motion to **TABLE** request SU.12.0094 until the July 16, 2012 meeting. Second by Mr. Buskirk, approved 5-0.

SU.12.0096 WARD 1 NEIGHBORHOOD 12.04 BMW

Request of WilsonMiller Stantec, agent, for Manatee County Board of County Commissioners, owners, for a Special Use Permit allowing for a bird rookery and associated parking on the Perico Preserve located at 11700 Manatee Avenue West (PDP zoning).

Mr. Woods read the request and stipulation #1 has been partially satisfied and will need to be shown on construction plans. Mike Burton, WilsonMiller Stantec, 6900 Professional Parkway East, presented the project representing Charlie Hunsicker and Manatee County. FDOT and SWFWMD permits have been received.

Planning Commission Questions/Comments:

- Mr. Buskirk asked if there are plans for a kayak launch point. Mr. Burton stated that they are trying to maximize their mitigation credits, there is kayaking available at adjacent parks. This park is funded by Manatee County, no other additional grants or funding.
- Mr. Taylor asked about the stipulation for ADA access wheelchair, what kind of trail this is, and wheelchair security. Mr. Burton stated that this will be under construction at least 12-18 months and during that time there will be no public access. The county will secure and make a grass trail wheelchair available with an equivalent experience, but not equivalent access.
- Ms. Barcus suggested amending the stipulation to read "preserve for public access".

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

reopened for Ms. Barcus' comments. Ms. Barcus manages two associations that are adjacent to this area and residents have spoken highly of Manatee County taking over this area and cleaning it up. Public hearing was closed.

Public Works/Fire: Mr. Cummings asked if the City will be approving a site construction plan. Mr. Burton commented that the only built feature is the parking area, no towers or buildings. Mr. Woods commented that since there is no vertical construction, no need for a site construction plan. Site construction will be an administrative approval. Public Works has no objections. Mr. Bonneau stated that if conditions as previously stated fall into place, no objections.

Staff Recommendation: Mr. Woods stated that there is no written documentation for or against this project. Staff is recommending **APPROVAL** with the following two revised stipulations:

1. Indicate previously approved Proposed Future Fire Station site with connected access to Manatee Avenue West on all future development plans.
2. ~~A specialty wheelchair shall be provided for ADA accessibility across 12' wide grass path unless hardened surface is provided.~~ Access within the Perico Preserve Seagrass Rookery shall be ADA compliant once opened for public use.

PLANNING COMMISSION: Ms. Barcus made a motion to **APPROVE** SU.12.0096 with the modified stipulations, second by Mr. Thompson, approved 5-0.

Mr. Buskirk exited the meeting.

REPORT OF THE PLANNING & COMMUNITY DEVELOPMENT DIRECTOR

- Mr. Polk stated that the site has been demolished preparing for the Urban Format Grocery Store. Save-A-Lot has signed a letter of intent, New Start plans to break ground in October. Six additional outparcels are available under Form-Based Code in T5 zone.
- Updated Form-Based Code books were distributed to the commissioners.
- Florida Planning and Zoning Association (FPZA) Conference this week, Mr. Polk and Chris Hice, Kimley-Horn will be presenting City of Bradenton's Urban Forestry Master Plan. This plan won an award from the American Society of Landscape Architects.
- Brady Woods will be inducted as FPZA's newest President on Friday.

Next Planning Commission is MONDAY, July 16, 2012, 1:30 p.m. for Workshop and 2:00 p.m. Meeting.

ADJOURNMENT

Motion to adjourn by Mr. Whetstone, second by Ms. Barcus. Meeting ended at 4:13 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.