

CITY OF BRADENTON
CITY COUNCIL SPECIAL MEETING
July 8, 2015
9 a.m.
MINUTES

The City of Bradenton City Council met in special session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 9 a.m. on Wednesday, July 8, 2015.

Present: Mayor Wayne Poston; Vice Mayor Ward II Gene Brown; Councilman Ward I Gene Gallo; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith; and Councilman Ward V Harold Byrd, Jr.

City Officials: Carl Callahan, City Administrator; Chuck Edwards, Fire Chief; Tim Polk, Department of Planning & Community Development Director; and Bill Lisch, City Attorney.

The meeting was called to order by Mayor Poston.

The special meeting was called in order to host a public hearing and take action on the following application:

PR.15.0671 WARD 1 NEIGHBORHOOD 4.08 PUBLIC HEARING

Request of David Scherer-TDS Construction, owner, for Preliminary Planned Development Project approval to establish Office/Workshop uses at 4310 63rd Street West (zoned SCC).

Mayor Poston opened the Public Hearing.

Darenda Marvin, attorney for the applicant, described the plan as an infill project designed to be very sensitive to its surroundings and compatible with the other commercial uses in the area, which includes restaurants, auto dealerships and bars/nightclubs. She said the area also includes existing residential. She said the

area supports commercial and residential uses that generate a lot of traffic, although this project wouldn't generate as much traffic as places like restaurants, bars and residences.

Ms. Marvin described the project as "flex office space" that may be used in a variety of ways, although they decided against a retail component, citing concerns from nearby residents of traffic. She said the applicant also agreed to relocate the trash bin, create an egress point on 66th Street West (which will be controlled by a gate and thus isn't open to through traffic.) and made other changes in response to residents' concerns. Prior to the special meeting, the applicant submitted a list of stipulations, in addition to the stipulations imposed by the Bradenton Planning Commission, which they agreed to abide by in order to allay the concerns of nearby residents. Ms. Marvin said these stipulations show that the owners will police themselves and that the residents have the City to rely on if these conditions are not met.

In response to a question from Councilman Smith, Ms. Marvin said the project is like office-warehouse space. It is designed to allow for a small business, such as a boat or auto repair shop, and also provide office space in the same pod. Councilman Smith said he's concerned, though, that someone could be working on a boat at 7 a.m. Ms. Marvin said the applicants will stipulate that there be no large, commercial doors in the backs of the pods facing the existing residences.

Mayor Poston asked if anyone would like to speak in opposition to the project.

Joan Coons, a resident of the nearby Heritage Village West, said her property is 30 feet from the boundary of the commercial property. She said project officials met with Heritage West residents prior to the Planning Commission meeting and laid out their plans for an office-style complex. But Ms. Coons said the project that is now before council has expanded to include uses like auto and boat repair, and residents are worried about power tools, industrial ventilation fans and other noise early in the morning. She also said residents are not thrilled with the retention pond because of possible flooding and the request for a 20-foot variance (down from the mandatory 50 feet).

Ms. Marvin talked about the property owner's original idea, which was building a place to store his boat. That evolved into building a place where other boat owners

could store their boats and work on them if need be. In response to concerns raised by the residents, she said each building includes 9,000 square feet that allows for six pods of about 1,500 square feet – the size of a small house - so a/c units would not be large, commercial grade. She said PVC fencing was used on the boundary because City staff preferred that over a concrete wall, the retention pond's location was decided upon by engineers, and that the proposal severely limits what could go on that site. She said uses that generate a lot of traffic, like a restaurant, are permissible there.

Councilman Smith asked about the type of structure and buffering with vegetation.

Ms. Marvin said City planners would have a say in the building type. Planning Director Polk said metal buildings are prohibited in that area; he said he's satisfied so far with design plans.

As for buffering, Ms. Marvin said there are existing City and County easements on the property line along with an existing chain-link fence. They plan to work with neighbors and City and County officials on this.

Council members raised concerns about the a/c units, or industrial fans. Vice Mayor Brown said he is concerned about large, commercial a/c units and asked what the plans say about them and Councilman Gallo suggested the tenants put the fans in the front because that might eliminate noise.

Ms. Marvin said that is up to the specific tenant. The applicants don't anticipate every tenant having fans and the fans will likely be located in the back of the units.

On the variance, Ms. Marvin said the setback was 35 feet – not 50. A variance for a 20-foot setback was sought years ago and was approved. Councilman Gallo said the City, Heritage West and the developers need to work together because this has already been approved and it's the law. The City could be sued if they decide to not support the existing setback.

Mayor Poston closed the Public Hearing.

Planning Director Polk said there are three sets of stipulations (attached to these minutes) on this project from City staff, Planning Commission and the applicants themselves. Staff and Planning Commission recommended approval of the project

with the stipulations in place. Planning Director Polk read the stipulations into record.

Vice Mayor Brown motioned for approval to include all stipulations. Councilman Smith asked for one more stipulation: No doors on backs of the units.

MOTION TO APPROVE PR.15.0671 WARD 1 NEIGHBORHOOD 4.08 with all stipulations stated was made by Vice Mayor Brown, seconded by Councilman Smith and approved 5-0.

The special meeting was adjourned at 10:10 a.m.

STAFF RECOMMENDATION:

APPROVAL of PR. 15.0671 with the following stipulation(s):

1. No structures or private retention shall be allowed within existing easements.
2. Units shall be separated using 2-hour rated fire walls, at a minimum.
3. Exterior cameras shall be installed and connected to a recording system for security.
4. Exterior perimeter lighting shall be shielded to prevent illumination onto adjacent properties and roadways in excess of LUR lighting standards.
5. An eight (8) foot tall privacy fence shall be permitted as shown on Exhibit E-PDP site plan. Barbed wire is prohibited.
6. All trees scheduled for preservation shall be adequately barricaded.
7. Ingress/Egress gates shall be accessible to emergency vehicles via Knoxboxes.
8. Minimum 25 feet building setback from the north property line shall be permitted as shown on Exhibit E-PDP site plan.
9. The architectural design and features of the proposed buildings shall be approved by the Planning and Community Development Director prior to construction.
10. Uses not approved as part of this PDP or allowable 'By-Right' within SCC zoning district shall be prohibited. Noxious, hazardous, and nuisance uses are strictly prohibited. Any future use of this property will be required to adhere to stipulations of approval established with this request, unless amended and approved by City Council.
11. The Final PDP must address all Stipulations and other Staff/DRC recommendations/concerns included in this report as determined by the Planning and Community Development Director.

PLANNING COMMISSION RECOMMENDATION (April 15, 2015):

APPROVAL of PR. 15.0671 with the following stipulation(s):

1. No structures or private retention shall be allowed within existing easements.
2. Units shall be separated using 2-hour rated fire walls, at a minimum.
3. Exterior cameras shall be installed and connected to a recording system for security.
4. Exterior perimeter lighting shall be shielded to prevent illumination onto adjacent properties and roadways in excess of LUR lighting standards.
5. An eight (8) foot tall privacy fence shall be permitted as shown on Exhibit E-PDP site plan. Barbed wire is prohibited.
6. All trees scheduled for preservation shall be adequately barricaded.
7. Ingress/Egress gates shall be accessible to emergency vehicles via Knoxboxes.
8. ~~Minimum 25 feet building setback from the north property line shall be permitted as shown on Exhibit E-PDP site plan.~~ **WITHDRAWN**
9. The architectural design and features of the proposed buildings shall be approved by the Planning and Community Development Director prior to construction.
10. Uses not approved as part of this PDP or allowable 'By-Right' within SCC zoning district shall be prohibited. Noxious, hazardous, and nuisance uses are strictly prohibited. Any future use of this property will be required to adhere to stipulations of approval established with this request, unless amended and approved by City Council.
11. The Final PDP must address all Stipulations and other Staff/DRC recommendations/concerns included in this report as determined by the Planning and Community Development Director.

APPLICANT REQUESTED STIPULATIONS (as modified from)

PLANNING COMMISSION RECOMMENDATION (April 15, 2015):

APPROVAL of PR.15.0671 with the following stipulation(s):

1. No structures or private retention shall be allowed within existing easements.
2. Units shall be separated using 2-hour rated fire walls, at a minimum.
3. Exterior cameras shall be installed and connected to a recording system for security.
4. Exterior perimeter lighting shall be shielded to prevent illumination onto adjacent properties and roadways in excess of LUR lighting standards.
5. An eight (8) foot tall privacy fence shall be permitted as shown on Exhibit E-PDP site plan. Barbed wire is prohibited.
6. All trees scheduled for preservation shall be adequately barricaded.
7. Ingress/Egress gates shall be accessible to emergency vehicles via Knoxboxes. Primary ingress and egress shall be from 63rd Street West with egress only to 66th Street West. Access shall be controlled by the owner in compliance with this condition.
8. ~~Minimum 25-foot building setback from the north property line shall be permitted as shown on Exhibit E-PDP site plan.~~ **WITHDRAWN**
9. The architectural design and features of the proposed buildings shall be approved by the Planning and Community development Director prior to construction.
Uses not approved as part of this PDP or allowable "By-Right" within SCC zoning district shall be prohibited. Noxious, hazardous, and nuisance uses are strictly prohibited. Notwithstanding the foregoing, the following uses shall not be allowed: Automotive Sales/Rental Establishment, Automotive Specialty Establishment, Comparison Good Store, Dormitory, Dwellings, Health Services Establishment, Mortuary, Private Events, Public Transportation Terminal, Religious Establishment, Restaurant, Secondhand Store, Shopping Center, Veterinarian or Animal Hospital.
Any future use of this property will be required to adhere to stipulations of approval established with this request, unless amended and approved by City Council.
10. Tenants and occupants of the units shall comply with the City of Bradenton's Code of Ordinances, Section 38, Article V, Sound Control, as same may be amended from time to time, however, in no instance shall repair services of any kind utilize domestic power tools between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and between 7:00 p.m. and 8:00 a.m. on Saturdays, Sundays or legal holidays, nor shall the tenants or occupants load or unload, open, close or handle boxes, crates, containers or equipment between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and between 7:00 p.m. and 9:00 a.m. on Saturdays, Sundays or legal holidays unless such operation occurs inside a completely enclosed structure.
11. The Final PDP must address all Stipulations and other Staff/DRC recommendations/concerns included in this report as determined by the Planning and Community Development Director.