

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

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

Present:

Planning Commission Members: Jason Taylor, Chair; Diane Barcus, Allen Prewitt, Peter Keenan, Richard Whetstone (alternate), Gregg Guinta (alternate)

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

Absent: Planning Commission Members: Adam Buskirk, Joseph Thompson, Allen Yearick, O.M. Griffith (alternate)

REGULAR MEETING

- Meeting was called to order by the Planning Commission Chair, Mr. Taylor at 2:00 p.m.
- *Agenda Correction:* Today's agenda items will be heard at the August 15th City Council Meeting.
- Pledge of Allegiance was led by Mr. Guinta.
- Ms. Aihara swore in all those wishing to speak before the Commission.
- Approval of Minutes – Ms. Barcus made a motion to approve the June 19, 2012 meeting minutes, second by Mr. Prewitt, approved 6-0.

OLD 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. Barnebey presented the continued request and introduced Michael Pendley. Applicant cites safety and campus unification as reasons for this request.

Planning Commission Questions/Comments:

- Mr. Guinta asked if there will be a change in the response time of emergency vehicles. Answer – no change.
- Ms. Barcus asked how the road will be blocked off? Mr. Barnebey stated that Manatee High will use existing gate with Knox Box and plans to close the gate 24x7. No parking allowed during the day and no pedestrian access for liability and safety reasons.
- Mr. Taylor asked about stacking for the parade. Mr. Barnebey does not believe it will stop, since it is not during school hours.
- Mr. Prewitt asked if there have been problems with protesters and vagrants. Mr. Barnebey said that there have been problems, but none currently. Political campaigning is this year's concern.
- Mr. Taylor suggested road closure signage on the gate.

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

Public Works/Fire: no objections, stipulations as recorded.

Staff Recommendation: No letters have been received for or against this request. Staff recommends **APPROVAL** with the following stipulations:

1. The School Board of Manatee County shall provide an easement for emergency access within a portion of the existing 32nd Street West right-of-way lying between the south right-of-way line of 9th Avenue West and the north right-of-way line of 11th Avenue West. Such easement shall be a minimum of 15 feet wide and shall be subject to review and comment of the Bradenton Fire and Police Departments. The easement shall be recorded concurrent with the recording of the right-of-way vacation
2. The School Board of Manatee County shall provide an easement for installation, operation and maintenance of public utilities within the existing 32nd Street West right-of-way lying between the south right-of-way line of 9th Avenue West and the north right-of-way line of 11th Avenue West. Such easement shall be subject to review and comment of the Bradenton Public Works Director. The easement shall be recorded concurrent with the recording of the right-of-way vacation.

PLANNING COMMISSION: Ms. Barcus made a motion to **APPROVE** request RV.12.0028. Second by Mr. Whetstone, approved 6-0.

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 the Old Main Pub recapped the request to date. Sgt. Millard spoke about CPTED (Crime Prevention Through Environmental Design) concept of observation of the rear of the Old Main Pub. With the external bar moved to the rear of property, this solves the CPTED issue. Problems with the neighboring property can be solved with the opaque fencing.

Public Hearing:

For: No one appeared.

Opposed: Natalie Purcell, representing Riverview Center and Hugh Miller, read a letter from Hugh Miller, dated July 13, 2012 (Exhibit L) with objections to extension of premises.

Public Hearing was closed.

- **Public Works:** No objections, dumpster will be relocated and sprinkled.
- **Fire:** No objections per stipulations.

Staff Recommendation: (UPDATED) **APPROVAL** with the following stipulations:

1. Outdoor seating and beverage consumption area shall be allowed south and east of the building.
2. Fencing along the south and north sides shall be transparent for visibility. Fencing along the east side shall be opaque to restrict visibility to the adjacent building.
3. During busy hours, the proposed gate along Old Main Street shall provide primary ingress/egress to site. Front door ingress should be restricted and used for emergency egress only. Patrons should enter site via gate and enter building only through the south side door. Doorman should be present at this location to count for occupancy.
4. During busy hours, applicant's mobile bar can be used and located as far to the rear of property as possible to allow for employee surveillance of area behind building.
5. East side (rear) door shall not allow access to enclosed outdoor seating area.
6. Hours of operation for the outdoor seating area shall be from 11:00 AM to 2:30 AM daily.
7. Dumpster area relocated adjacent to building shall be sprinkled.
8. Provide lighting plan for outdoor seating area.

Planning Commission Questions/Comments:

- Ms. Barcus requested a definition of “busy hours”. Mr. Woods responded that would encompass special events, weekends, but not daily.
- Mr. Taylor commented on the landscape buffer, five foot minimum wide on east fence with three-four feet height. Additional stipulation requested that the applicant maintains the adjacent areas on a daily basis.
- Ms. Barcus requested amended stipulations #1 & #3 to designate that east side of property is for special events and not on a daily basis.
- Ms. Barcus added stipulation for no outdoor amplified music after 10 p.m. except during special events. Fire Marshal Langston agreed that this is the same as other establishments.
- Mr. Taylor asked if the downtown noise ordinance changes, would it supersede this stipulation. Mr. Polk stated that the city attorney would have to opine.

PLANNING COMMISSION: Mr. Whetstone made a motion to **APPROVE** SU.12.0094 with the following amended stipulations. Second by Mr. Guinta, approved 5-1 (Barcus opposed).

1. Outdoor seating and beverage consumption area shall be allowed south, and east of the building. Outdoor seating and beverage consumption shall be allowed on the east side of the building only during “high traffic times”, special events, or weekends, but not daily.
2. Fencing along the south and north sides shall be transparent for visibility. Fencing along the east side shall be opaque to restrict visibility to the adjacent building transparent for visibility and a landscaping buffer shall be provided (minimum of 5 feet wide, minimum 3 feet in height not to exceed 4 feet in height) along the interior fence line to increase physical distance from the adjacent building.
3. During busy hours and special events, but not daily, the proposed gate along Old Main Street shall provide primary ingress/egress to site. Front door ingress should be restricted and used for emergency egress only. Patrons should enter site via gate and enter building only through the south side door. Doorman should be present at this location to count for occupancy.
4. During busy hours and special events, but not daily, applicant’s mobile bar can be used and located as far to the rear of property as possible to allow for employee surveillance of area behind building.
5. East side (rear) door shall not allow access to enclosed outdoor seating area.
6. Hours of operation for the outdoor seating area shall be from 11:00 AM to 2:30 AM daily.
7. Dumpster area relocated adjacent to building shall be sprinkled.
8. Provide lighting plan for outdoor seating area.
9. Applicant shall be responsible for cleaning and maintaining the area around the subject property on a daily basis.
10. No outdoor amplified music after 10 PM, except during special events.

NEW BUSINESS

SA.12.0022 WARD 4 NEIGHBORHOOD 20.04 BW

Request of Joe Vallor, agent, for Richard Bennett of Bradenton 64, Inc., owner, for special use amendment to allow for outdoor seating and beverage consumption for a sports bar/lounge located at 5254 State Road 64 East (zoned Suburban Commercial Corridor).

Mr. Taylor passed the gavel to Ms. Barcus.

Mr. Woods read the request. Joe Vallor, 5254 SR 64 East, gave an overview of his project.

Planning Commission Questions/Comments:

- Mr. Guinta asked how many people would be seated or standing outside? Mr. Vallor would like to have eight to twelve seats outside his bar.
- Mr. Whetstone stated that drawing shows ten seats. Mr. Vallor would like to put a solid bench with small tables across the parking lot to face TVs in the front window. He has no opposition from the neighbors. Bar currently has 30 inside seats.

Mr. Taylor resumed the chair.

- Mr. Taylor discussed ADA clearance, seating options, and a bench on drive aisle would require railing or bollards to protect his patrons.
- Mr. Whetstone commented that Mr. Vallor may configure as he desires, as long as he is in compliance.

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

Public Works: The staff report states five tables with 2 chairs with six foot clear zone for ADA requirements.

Fire: Chairs along the drive aisle need to be protected with 4" yellow bollards.

Police: Add fence to delineate outdoor drinking area. Add signage indicating outdoor drinking area limits.

Planning Commission Questions/Comments:

- Mr. Taylor requested that stipulation 4 is added. Site plan needs to be drawn to scale with all parameters, bollards, tables, and clearance path. Submit to staff by August 6th.

PLANNING COMMISSION: Mr. Prewitt made a motion to **APPROVE** SA.12.0022 with the following stipulations, second by Mr. Whetstone, approved 6-0.

1. Minimum six (6) foot wide path for pedestrian traffic shall remain unobstructed.
2. Outdoor drinking area shall be physically contained using fencing or other type of barrier.
3. Signage indicating limits of outdoor drinking area shall be present.
4. Provide a scaled seating plan indicating all clearances and access to Planning Staff by August 6, 2012.

REPORT OF THE PLANNING & COMMUNITY DEVELOPMENT DIRECTOR

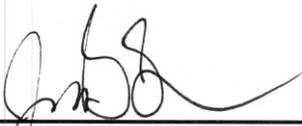
- Permits are on the uptick with an increase of housing and multi-family rentals.
- Renewed interest in Downtown with the hotel renovation and Riverwalk project. Hampton Inn is cleared for their demolition permit. Hampton Inn corporate has not approved the interior finishes for units. Mr. Taylor said Hampton is conducting a forensic paint analysis and will paint the historic original color.
- Riviera Southshore is currently owned by Wells Fargo. Mr. Prewitt stated that commercial properties are federally regulated.
- Bus Transfer Station designed as first-in, first-out.

Congratulations to Brady Woods, new FPZA President!

Next Planning Commission is MONDAY, August 13, 2012, 1:30 p.m. for Workshop and 2:00 p.m. Meeting.

ADJOURNMENT

Motion to adjourn by Ms. Barcus. Meeting ended at 4:21 p.m.



Jason Taylor, Chairman

NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available for a fee upon request.

HIDM

July 13, 2012

Hugh D. Miller
1200 1st Avenue West, Suite 200
Bradenton, Florida 34205
Tel: (941) 748-3433 Fax: (941) 748-2997

Mr. Tim Polk
Planning Director
101 Old Main Street
Bradenton, FL 34205

Re: Old Main Pub Special Use Permit

Dear Mr. Polk,

As co-owner and President of Riverview Center Associates, I would like to address my concerns about the request made by Old Main Pub for a Special Use Permit allowing outdoor sales and consumption of alcoholic beverages on the exterior of their premises.

Riverview Center's property manager, Natalie Purcell, has met with Mr. JD Good to discuss the plans for the expansion. The bar owner has offered to enter and pick up trash on the Riverview Center property. I have requested this in the past and they have never followed through with this and it would be impossible to enforce in the future. I believe they would agree to this and then once approvals are obtained their cooperation would immediately cease.

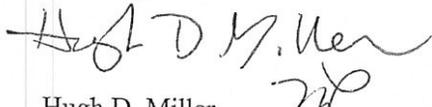
The two parking lots on either side of the Old Main building are consistently littered with debris from bar patrons. The building's maintenance staff spends multiple hours cleaning, picking up cigarette butts, napkins, beer cans, beer bottles, Styrofoam cups, lids, and a wide array of other garbage on a daily basis. The extension of premises will only cause these issues to grow and get more out of hand.

In addition to the litter issue, safety is a huge concern for the building and its tenants. On July 7, 2012, the west side of the building facing Old Main Pub was vandalized with spray paint and gang related graffiti. I do not wish to risk the tenant's safety by placing them near obnoxious bar patrons in order for them to get to their cars in the south parking lot. There have been other numerous incidents over the years and this one is a current example.

Parking has also played a huge role in our ongoing issues with our neighbor. Memos have been given to the Old Main Pub notifying their employees and clients that parking on our lots is illegal and they will be towed. This has been a continuous problem and has gotten so out of hand, that tenant and visitors to our building don't have a place to park. There are repercussions to towing and it increases the time and energy required by management to monitor this so it is not the desired path but will have to be done to try and control an out of hand situation.

In closing, the extensive drinking activities at the Old Main Pub are better kept indoors, as they are an extreme nuisance to our property and neighborhood. Additionally, possible remedies for the problems outlined above would be greatly appreciated.

Sincerely,



Hugh D. Miller
President, Riverview Center Association, Inc.

cc: Planning Commission Members
Stephen R. Dye, Esq.

City Of Bradenton
EXHIBIT L

SU. 12. 0094
7/16/12 Planning Commission