

**ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
January 20, 2016**

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida on January 20, 2016 at 2:00 pm.

Present:

Planning Commission Members: Ben Bakker-Chair, Diane Barcus, Veronica Rogers, Stewart Moon Jr., John Vita, Richard Whetstone

City Staff: Tim Polk- Planning Director; Chris Gratz-Development Services Manager; Officer Camacho-Police; Karen Aihara-Executive Planning Administrator; Myra Schwarz-GIS/Planner; William Lisch-City Attorney

Absent:

Planning Commission Members: Darin Autrey (alternate) and O.M. Griffith (alternate)

City Staff: Ken Langston-Fire Marshal; Kim Clayback-Public Works

REGULAR MEETING

- Meeting was called to order by the Planning Commission Chair, Mr. Bakker at 2:20 p.m.
- Pledge of Allegiance
- Approval of December 9, 2015 Minutes by Ms. Barcus, second by Mr. Moon, approved 6-0.
- Sunshine Laws and Board Responsibilities were discussed during workshop by William Lisch, City Attorney. The 2015 Guide to Sunshine Amendment and Code of Ethics were distributed to the Commissioners.
- Speakers were sworn in by Ms. Aihara.

NEW BUSINESS

RV.15.2883 WARD 4, NEIGHBORHOOD 20.03 AND 20.13

Request by Najmy/Thompson, PL, agent, for WCI Communities, Inc., owner, for Vacation of a portion of Right-of-Way along 48th Street Court East, located east and north of the guard house at the entry of WCI Tidewater Preserve Subdivision.

Ms. Schwarz introduced the Vacation request with staff presentation, staff evaluation, recommendation with two stipulations:

1. A non-exclusive, permanent utility easement in the proposed vacation area must be granted to the City.
2. A maintenance agreement must be reached between WCI Communities (or the subsequent Homeowner's Association) and the City.

Planning Commission Questions/Comments to Staff:

- Mr. Bakker asked if there was a deadline in place for WCI to submit a maintenance agreement to the City? Ms. Schwarz answered, no there isn't, but there is a stipulation that will be followed up by Public Works.

Applicant Presentation:

Mr. Stephen Thompson, Najmy/Thompson, representing the applicant stated that the applicant meets the criteria for a vacation and has no objections to the stipulations from the City's Public Works Department. To answer Ms. Barcus' question, this vacation will provide access to the community gatehouse and will provide safety and security. The City will not be maintaining the roadway or the right-of-way. The vacation will be taxed as additional WCI property.

PLANNING COMMISSION QUESTIONS/COMMENTS TO APPLICANT:

- Ms. Barcus asked if the area is owned by DOT, will be maintained by DOT. Mr. Thompson stated yes, WCI has an agreement with DOT for bridge maintenance.

POLICE - No comment.

PUBLIC HEARING

Mary Wingard, 5601 Tidewater Preserve stated her concerns regarding security of neighborhood, cost of additional taxes and maintenance agreement with Public Works and the homeowners association. There are no cost reserves set up when WCI turns over to the homeowners in the next year. Does the homeowners association have input to the maintenance agreement with Public Works? What is the City standard of maintenance? When is City Council date for next hearing? Mr. Thompson answered her questions. Approximately six acres will be conveyed and should be nominal amount. The homeowners association is currently controlled by the developer, but should have owner meetings regarding the maintenance agreement. Ms. Barcus stated that the next public hearing is February 10, 2016 at 8:30 a.m.

STAFF RECOMMENDATION:

Staff recommends APPROVAL with the two stipulations:

1. A non-exclusive, permanent utility easement in the proposed vacation area must be granted to the City.
2. A maintenance agreement must be reached between WCI Communities (or the subsequent Homeowner's Association) and the City.

MOTION TO APPROVE:

Ms. Barcus made the motion to approve RV.15.2883 with the two stipulations, second Mr. Whetstone, 6-0 approved.

This request will be heard before the City Council on February 10, 2016 at 8:30 a.m.

CP.15.3629 WARD 4, NEIGHBORHOOD 20.12

Request by Allison-Gause, Inc., agent, for Saul Lapidus, owner, for a Comprehensive Plan Map Amendment from RES-3 (County) to SCC, Suburban Commercial Corridor on 9.4 acres located at 1016 64th Street Court East.

LU.15.3630 WARD 4, NEIGHBORHOOD 20.12

Request by Allison-Gause, Inc., agent, for Saul Lapidus, owner, for a Zoning Atlas Amendment from A-1 (County) to SCC, Suburban Commercial Corridor on 9.4 acres located at 1016 64th Street Court East.

Mr. Gratz introduced the two requests with staff presentations, staff evaluations, and recommendations for approval as submitted.

Planning Commission Questions/Comments to Staff:

- Ms. Barcus asked what is a private event as an allowed use. Mr. Gratz stated that would be a private party that would need special approval for additional police, sanitation or fire presence.

Applicant Presentation:

Mr. Allison, Allison-Gause, 926 14th St West agrees with the staff report and stood to answer additional questions.

PLANNING COMMISSION QUESTIONS/COMMENTS TO APPLICANT – no questions.

POLICE - no objections.

PUBLIC HEARING – no one appeared for or against this project.

STAFF RECOMMENDATION - Staff recommends APPROVAL as presented.

MOTION TO APPROVE:

- Ms. Rogers made the motion to approve CP.15.3629, second Mr. Moon, 6-0 approved.
- Mr. Whetstone made the motion to approve LU.15.3630, second Mr. Moon, 6-0 approved.

These requests will be heard before the City Council, 1st hearing on January 27, 2016 and 2nd hearing on February 10, 2016.

LU.15.5285 FORM-BASED CODE AMENDMENT

Request of the City of Bradenton to amend the City of Bradenton Form-Based Code by creating the Point Pleasant Neighborhood Conservation District.

Mr. Polk commented on the history of the Point Pleasant request. Mr. Gratz introduced the neighborhood conservation district with current and proposed land use, zoning maps, and permitted uses.

Planning Commission Questions/Comments to Staff:

- Mr. Bakker questioned why the parcels on the southwest corner of the district were not included. Mr. Gratz said that these properties are not seen to be of the same historic character. Mr. Bakker asked about future construction restrictions. Mr. Gratz stated that the properties are T-4O zoning and limited to three stories (up to six (6) stories with height bonuses). The Bert J. Harris, Private Property Rights Protection Act was discussed.

PUBLIC HEARING:

In Favor:

- Jane Plitt, 1612 Point Pleasant Avenue West.
- Charles Wowak, 1549 1st Avenue West.
- Richard Kibbey, 203 N. 18th Street.
- Dana Kibbey, 203 N. 18th Street.
- Ann Lee Schreiber, 1717 1st Avenue West.

Opposed:

- Ryan Snyder, 1800 Point Pleasant Avenue West.

No Objection:

- Patricia Petruff representing Westminster, 1111 3rd Avenue West.

Public Hearing was closed.

PLANNING COMMISSION QUESTIONS AND COMMENTS:

- Ms. Barcus questioned multi-family as a permitted use. Mr. Gratz stated that this does not change, it is the height bonus of three (3) stories with a bonus of 3 additional stories T-4O, plus the front and side setbacks would be different.
- Mr. Moon stated that this neighborhood supersedes high rises; millennials are not looking for high rises, they are looking for character and Westminster is not the future of Bradenton. Suggest stipulation to protect this uniqueness and put Westminster back into Conservation District. The current use is non-conforming, but if it was rebuilt; it could be brought into conforming design. Mr. Gratz stated that this action would have to be taken at the City Council; they have not been noticed or advertised as included in the District. Anything purchased after

February 10, 2016; would be subject to the new rules; anything purchased before February 10, 2016 is still entitled to their rights to the pre-existing property allowances. The condominiums do not qualify for the Conservation District, because they are part of a PDP.

- Ms. Rogers had a question about Point Pleasant history. Ms. Barcus stated that the Shores were built mid 70s and is now a part of Westminster.

STAFF RECOMMENDATION - Staff recommends APPROVAL as proposed. Mr. Polk stated for the record that the City received opt out requests on properties #1800 Mr. Snyder and #1509 Bed & Breakfast.

MOTION TO APPROVE:

Ms. Barcus made the motion to approve LU.15.5285, second Mr. Whetstone, 4 for and 2 against (Moon/Vita). Motion was approved.

These requests will be heard before the City Council, 1st hearing on January 27, 2016 and 2nd hearing on February 10, 2016.

ELECTION OF 2016 OFFICERS

Ms. Barcus made a motion that all officers continue in 2017, second Mr. Vita, 5-1, motion was approved. Congratulations, Chair Bakker and Vice Chair Barcus.

LAST REPORT OF PLANNING & COMMUNITY DEVELOPMENT DIRECTOR, TIM POLK

- Mr. Polk shared that 40 years ago, he was a Planning Commissioner at Highland Park, Michigan.
- Mr. Polk plans to consult in his retirement and has established an LLC.
- Mr. Polk advised that the City of Bradenton needs to adopt Inclusionary Zoning, which requires a given share of new construction to be affordable by people with low to moderate incomes.
- Sarasota requested a meeting with Polk & Gratz to share best practices of Form-Based Codes, Comp Planning, and implementation.
- Mr. Polk thanked the City Staff and Planning Commissioners for their great work.
- Mr. Bakker's presented a plaque to Tim Polk, "you left the place better than you found it".
- Tim's goodbye party on January 28, 2016 at O'Bricks Restaurant.

NEXT PLANNING COMMISSION MEETING - Wednesday, February 17, 2016.

ADJOURNMENT – Motion to adjourn at 4:19 p.m.

Benjamin Bakker, Chair

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