

**ABBREVIATED MINUTES  
PLANNING COMMISSION MEETING  
February 18, 2015**

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida on February 18, 2015 at 2:00 pm.

**Present:**

**Planning Commission Members:** Darin Autrey, Ben Bakker, Diane Barcus, Adam Buskirk-Chair, Peter Keenan, Stuart Moon Jr., Veronica Rogers, Richard Whetstone

**City Staff:** Tim Polk- Planning Director; Brady Woods-Development Services Manager; Tatiana Gonzalez-GIS/Planner; Ken Langston-Fire Marshal; Officer Camacho-Police; Karen Aihara-Executive Planning Administrator

**Guest Speaker:** William Lisch, City Attorney

**Absent:**

**Staff:** Kim Clayback-Public Works

**REGULAR MEETING**

- Meeting was called to order by the Planning Commission Chair, Mr. Buskirk at 2:00 p.m.
- Pledge of Allegiance
- Welcome new Commissioner, Stewart Moon, Jr.
- Election of 2015 Officers – Nomination of Mr. Bakker as 2015 Chair (Barcus/Rogers) motion approved 8-0. Nomination of Mr. Autrey as 2015 Vice Chair (Bakker/Whetstone) motion approved 8-0.
- Approval of Minutes – Motion to approve the December 10, 2014 meeting minutes (Autrey/Whetstone), approved 8-0.
- Sunshine Laws and Board Responsibilities – William Lisch, City Attorney, spoke to the Planning Commissioners and Staff about the Sunshine Laws and their responsibilities and communications within the Planning Commission. Handouts of Sunshine Law Basics and A Pocket Guide to Florida's Government in the Sunshine Laws: Open Meetings and Public Records were distributed to all attendees (Exhibits A & B).
- Speakers were sworn in by Ms. Aihara.

**NEW BUSINESS**

**SU.15.0076 & AB.15. 0138                      WARD 1                      NEIGHBORHOOD 4.08**

Request of Ed Smith, agent for Charles A. Ernst, Jr, owner, to establish a Lounge use and to obtain approval of a 4COP ABL at 6690 Cortez Road West (zoned PDP/SCC) with the following stipulations:

1. Hours of operation will be as stated in the application: 12PM to 2AM daily.
2. No commercial cooking without a city approved hood system.
3. Fire protection system must be compliant with current codes.
4. Outdoor tables and chairs must be secured indoors overnight.
5. Outdoor seating area must be maintained and cleaned on a weekly basis.

Ms. Gonzalez introduced the request with staff presentation, staff evaluation, recommendations, and stipulations.

**Planning Commission Questions/Comments to Staff:**

- Mr. Bakker asked if the ceiling is dropped or if it is an open ceiling. Applicant will address.
- Mr. Autrey asked about the rear door, will it be used other than a means of egress. Ms. Gonzalez stated that it will be an emergency egress, employee entrance, and deliveries during business hours. Applicant will confirm use of door.
- Ms. Barcus questioned the staff aerial map. The arrow is not pointing to correct location on the aerial map, Paddy Wagon is next to the Anna Maria Oyster Bar. Staff will correct.
- Ms. Barcus asked if pretzels will be served. Applicant will address.
- Mr. Autrey asked if the ice machine is permitted in the office space. Ms. Gonzalez stated that the Health Department was present during the DRC and did not voice any objections.

**Planning Commission Questions/Comments to the Applicant:**

Ed Smith, 15253 Blue Fish Circle, Lakewood Ranch has been sworn and stood for questions regarding his application request.

- Mr. Bakker asked about the smoke smell drifting into the next tenant's space, as in the SR64 location. Mr. Smith stated that there was no issue at SR64 location. There is a two hour rated firewall with no attic space. The other tenant was using their perception as leverage to address another issue with the landlord. The Cortez location will also have a two hour rated firewall with a demising wall after dividing the space, which will also have a two hour rated firewall.
- Mr. Bakker asked about peak parking. Mr. Smith stated that there is additional overflow parking behind the building and plans to design the rear door as a nice ingress/egress door also serving for deliveries.
- Mr. Autrey asked about rear door and noise. Mr. Smith stated that the door will not be propped open, but available for ingress/egress.
- Mr. Autrey asked about the firewall. Fire Marshal Langston confirmed that a two hour firewall is more restrictive than a smoke wall.
- Ms. Barcus asked if snacks will be available. Mr. Smith stated that he has a great snack vendor.
- Mr. Moon asked if they are adding an additional air system. Mr. Smith stated that there are currently two air handlers and currently one air handler in the lounge area.
- Ms. Barcus asked if there will be any live entertainment? Mr. Smith said, no.

**POLICE/FIRE:** No objections.

**PUBLIC HEARING:**

- Jane & Anthony Frisco, 4173 66<sup>th</sup> St. Circle West in Heritage Village, sent email stating their opposition to another lounge due to over drinking and another place for crime. Email on file.
- Amy Anderson, Manatee County Public School sent email with no comment on this request.
- Public Hearing was closed.

**STAFF RECOMMENDATION** for approval of SU.15.0076 with the following stipulations:

1. Hours of operation will be as stated in the application: 12PM to 2AM daily.
2. No commercial cooking without a city approved hood system.
3. Fire protection system must be compliant with current codes.
4. Outdoor tables and chairs must be secured indoors overnight.
5. Outdoor seating area must be maintained and cleaned on a weekly basis.

**STAFF RECOMMENDATION** for approval of AB.15.0138 with the following stipulations:

1. Series 4-COP license to allow for on-premise consumption of beer, wine and liquor including the outdoor seating area.

## **PLANNING COMMISSION RECOMMENDATIONS**

**Motion to approve** SU.15.0076 with 5 stipulations (Bakker/Autrey). Approved 8-0.

1. Hours of operation will be as stated in the application: 12PM to 2AM daily.
2. No commercial cooking without a city approved hood system.
3. Fire protection system must be compliant with current codes.
4. Outdoor tables and chairs must be secured indoors overnight.
5. Outdoor seating area must be maintained and cleaned on a weekly basis.

**Motion to approve** of AB.15.0138 with the following stipulation (Autrey/Bakker). Approved 8-0.

1. Series 4-COP license to allow for on-premise consumption of beer, wine and liquor including the outdoor seating area.

The next public hearing will be heard before City Council on March 11, 2015 at 8:30 a.m.

### **SU.15.0255**

### **WARD 4**

### **NEIGHBORHOOD 20.03**

Mr. Autrey recused himself from item SU.15.0255 and has completed the Form 8B which is attached to the minutes.

Request of Belinda Waiters, agent for Juan Curci, owner, to establish a Childcare Center use at 5231 4th Avenue Circle East (zoned PDP/SCC) with the following five stipulations:

1. Hours of operation as stated by the applicant: 6:30AM to 6:30PM.
2. No commercial cooking.
3. Outdoor play area shall be enclosed with a six (6) feet tall, opaque fence. Gate latch shall be out of reach of children.
4. Provide structural bollard in front of entry.
5. Structures cannot be located within any easements.

Mr. Woods introduced the request with staff presentation, staff evaluation, recommendations, and stipulations.

#### **Planning Commission Questions/Comments to Staff:**

- Ms. Barcus asked what is the ratio of children to teachers? Applicant will address this question.
- Ms. Barcus asked about the staff statement, "cooking for children will take place on site". Mr. Woods apologized, stated that there will be no commercial cooking and he will strike from the staff report.
- Ms. Barcus asked if one bollard will be sufficient at the two front doors. Officer Camacho stated that there are additional structural columns by two doors and one bollard is sufficient.

#### **Planning Commission Questions/Comments to the Applicant:**

Belinda Waiters, 7163 Chatum Light Run, Bradenton has been sworn and stood for questions regarding her application request.

- Ms. Barcus asked what is the ratio of children to teachers? Ms. Waiters stated that it depends on the age of the children and her licensing. Staffing for infants is 4:1, 1 year olds is 6:1, 2 year old is 11:1 and it goes up. When licensing visits, DCF will determine the number of children appropriate to her facility, maximum 40 children estimated at this time.

#### **PUBLIC HEARING:**

**Opened the Public Hearing with anyone Speaking in Opposition:**

- Pauline Serra, 13115 Raven Terrace, owner of neighboring Lot 10 future site of Smarty Pants Preschool Center, is concerned about the stated staffing of the applicant and traffic congestion at drop off and pick up times.
- Danir Vojnickovic, 832 62<sup>nd</sup> St Circle East, COO of Smarty Pants Preschool, concerned about the safety and staffing of applicant's request. With two bathrooms, the maximum number of children is 45, three bathrooms will accommodate 75 children. Meal preparation is not allowable in the microwave. Outdoor play area is not specified. Mr. Bakker asked if all safety and staffing concerns are met, are they okay with the application? Danir said yes, they are not opposed.

**Speaking in Favor:**

- Juan C. Curci, 4215 Hawk Island Drive, owner of property, does not see any problems if all City and State licensing is met and supports the change of use.

**Public Hearing was closed.**

**Planning Commission Questions to Staff:**

Mr. Buskirk asked staff about the designated parking. Mr. Woods stated that the use requires seven (7) spaces for 40 children and there are 25 spaces existing and parking does not seem to be an issue.

**Rebuttal by Applicant:**

Belinda Waiters addressed the public comments. The ratios will depend on the children and the staff, and Ms. Waiters will staff accordingly. A catering company can be hired to deliver food. Mr. Buskirk stated that staff is only stipulating that there is no commercial cooking.

**POLICE/FIRE:** No objections.

**STAFF RECOMMENDATION** for approval of SU.15.0025 with the following stipulations:

1. Hours of operation as stated by the applicant: 6:30AM to 6:30PM.
2. No commercial cooking.
3. Outdoor play area shall be enclosed with a six (6) feet tall, opaque fence. Gate latch shall be out of reach of children.
4. Provide structural bollard in front of entry.
5. Structures cannot be located within any easements.

**Motion to approve** SU.15.0025 with the five stipulations by Ms. Barcus. Mr. Woods asked to add an additional stipulation that the applicant submits approved DCF paperwork to staff. Revised stipulations:

1. Hours of operation as stated by the applicant: 6:30AM to 6:30PM.
2. No commercial cooking.
3. Outdoor play area shall be enclosed with a six (6) feet tall, opaque fence. Gate latch shall be out of reach of children.
4. Provide structural bollard in front of entry.
5. Structures cannot be located within any easements.
6. Applicant shall provide State DCF documentation of childcare certifications to the PCD Director prior to commencement of operations.

Ms. Barcus agreed with the added stipulation (Barcus/Rogers) Approved 7-0-1, Mr. Autrey abstained.

**COMMENT:** Ms. Barcus commented that the City has approved a number of childcare facilities in the past, but some never happen. Is it because the DCF does not license or is there not enough money in childcare? Mr. Buskirk stated that it is a very tightly regulated industry. Mr. Polk said yes, it is all of the above and more reasons that some succeed and some never open.

## **REPORT OF PLANNING & COMMUNITY DEVELOPMENT DIRECTOR**

- Welcome to new commissioner, Stewart Moon, Jr.
- Mr. Polk commented on the changes and growth in Manatee County, PDPs that were kept active and PDPs that were dormant are coming back.
- Expansion of Building and Construction Services, many department changes from new chairs in the lobby to new technology in our Planning Conference Room where we can review new projects real time via Google Earth to better look at sites enhancing our decision making process.
- Mr. Polk announced that he is retiring next January 2016 after 40 years of service, ten years with the City.
- Mr. Buskirk is transitioning off the Planning Commission after seven years of service. Thank you, Adam for your service and leadership.

**NEXT MEETING** - Wednesday, March 18, 2015. Agenda to be announced.

**ADJOURNMENT** – Mr. Bakker made a motion to adjourn at 3:35 p.m.

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Benjamin Bakker, Chairman

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