

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

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

Present:

Planning Commission Members: Ben Bakker-Chair, Diane Barcus, Stuart Moon Jr., Veronica Rogers, O.M. Griffith

City Staff: Tim Polk- Planning Director; Brady Woods-Development Services Manager; Tatiana Gonzalez-GIS/Planner; Kim Clayback-Public Works; Officer Camacho-Police; Karen Aihara-Executive Planning Administrator

Absent:

Planning Commission Members: Darin Autrey, Peter Keenan, Richard Whetstone

Staff: Ken Langston-Fire Marshal

REGULAR MEETING

- Meeting was called to order by the Planning Commission Chair, Mr. Bakker at 2:00 p.m.
- Pledge of Allegiance
- Approval of Minutes – Motion to approve the February 18, 2015 meeting minutes as distributed (Barcus/Rogers), approved 5-0.
- Speakers were sworn in by Ms. Aihara.

NEW BUSINESS

RV.15.0727

WARD 4

NEIGHBORHOOD 20.03

Request of Stephen Thompson PA, agent for Rinehart Homes LLC, owner, to vacate/abandon platted lots within the Cottages at San Casciano residential subdivision at 119 and 123 San Lorenzo Court (zoned PDP).

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

Planning Commission Questions/Comments to the Applicant:

Mr. Stephen Thompson, Najmy Thompson, attorney for applicant, has been sworn and gave an overview of the project, requesting recommendation for approval.

- Mr. Bakker asked why 1st Avenue East is not an access option. Mr. Thompson explained that it is not wide enough and there is no continuity of connection with a hiatus (gap) that prevents utilizing this road. Mr. Woods stated that it could not be used as a main access because First Ave East is a Public Government easement to access the water tower. Emergency vehicles need two access points, residential use only needs one access. The road will be the second emergency access for fire and police, no residential use allowed.
- Ms. Barcus stated that staff received email communication from San Casciano resident (City Exhibit A) who was not informed about the new development and was vehemently opposed. Mr. Thompson stated that in the Declarations for San Casciano in Article 1.10 which is recorded and given to each new homeowner, developer should have the right but not the obligation to add any land adjacent to the land subject to this instrument. It was always contemplated that there would be an additional phase to San Casciano.

- Ms. Barcus asked if there was any communication to the homeowners in San Casciano about this proposal. Mr. Thompson stated that he didn't think so, but would check with Mr. Rinehart. The homeowner most affected to the north of Lot 16 stated that he didn't have any objections.
- Ms. Barcus asked if there are any alternatives. Mr. Thompson stated that alternatives have been investigated and are not possible in the current land use designation of RES6.

STAFF:

- Public Works would like to stipulate that the pipe and the drainage easement be removed with the easement vacation. Stipulation will be attached to the right of way vacation. Engineer will have to go back and redesign an alternative drainage system for the five (5) lots to the south. No other objections.
- Police has no objections.

PUBLIC HEARING:

- **No one appeared to speak for the project.**
- **Marc Pease**, 218 San Casciano Lane in the Cottages has been sworn. Mr. Pease distributed a handout (City Exhibit B). No communication was received from Rinehart regarding this project, the neighbors within 300 feet received the City's notification, and notice was posted on the lot. Tract F was documented to be the possible future roadway to serve East/South. Residents are opposed to the request and ask the Planning Commission not to approve this request. The years of construction wear and tear on city roads will continue with next development using San Casciano Lane.
 - Mr. Bakker asked why this handout was not submitted earlier. Mr. Pease stated that he learned of the project this week, and was advised to bring handouts to the meeting.
 - Mr. Bakker asked about the construction noise. Mr. Pease stated that he is pro-build and bought one of the first six houses and has lived with the construction noise for three years.
 - Mr. Pease believes that the adjacent development will not be San Casciano, but different development (Cottages at San Lorenzo?). He doesn't understand why the access has changed from Tract F, which is hardened and already being used by trucks.
 - Mr. Moon asked staff what has changed from three years ago? Mr. Woods stated that nothing has changed. Tract F is access for Public Emergency Access vehicles and is their second access. First Street East has been reviewed numerous times over the last year and a half and is not viable because of the wetlands to the north and south – it can't happen. Mr. Pease stated that there is access in DR Horton's property; Mr. Woods said yes, but it is in DR Horton's property, not Rinehart. Mr. Pease maintained that it could be more than wide enough to make it a construction entrance only and keep trucks out of the neighborhood.
 - Mr. Woods reviewed the 300 ft. property notification process, which was followed per State Statute.
 - Mr. Moon asked if First Street East could be stipulated as a construction entrance. Concerns expressed are construction-related, not having homes built behind them. Mr. Woods can work with the applicant and suggest the future construction access be moved to First Street East.
- **Pamela Cook**, 206 San Casciano Lane, has been sworn and is a new homeowner living two doors from the stop sign. Ms. Cook stated that no additional information was disclosed to them. In the last five months, Ms. Cook has witnessed inappropriate behavior with construction workers, including excessive speed, running the stop sign, running over lawns, talking on cell phones and texting while driving. A flatbed truck last week almost took out the street signs, neighbor's lawn and Ms. Cook standing in her driveway to avoid another construction vehicle. The flatbeds then had to backup and re-negotiate the curve. The concrete drainage is already cracked and no longer there. The storm drains are filled with

construction debris and have not been kept clear. There is an overall lack of good quality work from many of the contractors. Please encourage the developer to use an alternate route for ingress and egress. Ms. Cook stated that if she had known five months ago when closing on this property that there would be a major roadway two doors down from her house, it would have affected her decision to purchase this property.

- Ms. Rogers asked for a clarification because hearing from Ms. Cook and Mr. Pease, it is not a concern that the lots are being taken out, but that the construction vehicles will be using as an access.
- **John A. Pinzone's** email dated 3/16/15 (City Exhibit A) was read into the record by Mr. Woods. Mr. Pinzone's email stated strong opposition to the trucks using San Casciano Lane as the main access point. Mr. Pinzone has experience with noisy trucks speeding and driving over lawns and opposes this proposal.
- Public Hearing was closed.

REBUTTAL

Mr. Thompson will let his client know that the construction entrance and exit will be a requirement and should start thinking about First Ave East. Tract F has been under review for a long time and has some title issues. Rinehart does not have any legal access and it is a City easement. No objections to the Public Works stipulation.

Mr. Bakker asked if Rinehart had planned to use Tract F at the outset. Mr. Thompson stated that there has always been a problem with Tract F because when the Florida Coast developer conveyed to the City, they were very specific that they were not granting a right of way, which would provide access. Ms. Barcus asked then why it is in the document? Mr. Thompson stated that that was the intent, but it hasn't come to fruition and is not an option at this time. Mr. Bakker and Ms. Barcus read pages 18-19 of Mr. Pease's handout; Exhibit C is a listing of the Cottages at San Casciano holdings inclusive of Tracts A-F.

COMMISSIONERS' DISCUSSION

The Commissioners suggested continuing this application until clarification is reached. Mr. Thompson said that he would not object to a continuation if that was the Commissioner's wish. Mr. Polk suggested getting a legal opinion from Atty. Lisch prior to City Council. The easement of Tract F is for the Public, Government and City to access the water tower.

Mr. Bakker stated that this is a confusing homeowner document. Mr. Woods reiterated that Tract F is for City use.

Ms. Barcus asked who is responsible for maintaining Tract F. Mr. Woods said both. Mr. Thompson said that it is a hardened surface, but City is the only user at this time to access the water tower. The developer documents were drafted by Scott Dunlop of Sarasota.

Ms. Barcus reiterated that today's decision is for vacation of Lot 16 & 17, taking the lots off the plat so they are not buildable.

Mr. Bakker stated that if egress/ingress were solved, the Commission will still need to address the vacation, which has nothing to do with the future development. A road will still need to be built connecting the developments; today's business is to grant a vacation of the plat.

Mr. Polk stated that he would address the contractor issues with the developer.

Ms. Barcus asked Mr. Thompson how soon to completion of San Casciano? There are only two more houses to be built, within six months to completion. Ms. Barcus suggested a stipulation to

reversion of the two lots, as soon as the last two units are completed; the vacated lots would be sodded and maintained by builder until future use is needed. Mr. Thompson had no objection to the stipulation. Ms. Cook agreed with the stipulation and would like a specific time frame. Mr. Pease would like assurance that it will not be used as access or parking lot for construction vehicles.

Stipulations to be added:

- 1) Developer (Rinehart Homes) or subsequent developer, when moving forward with a development project to the east, is required to develop an alternate ingress/egress for the construction entrance other than San Casciano Lane.
- 2) At CO of remaining two San Casciano units, the vacated lots would be sodded and maintained until development for the property to the east comes before Planning Commission for approval.
- 3) The 18" pipe and grate shall be removed upon approval of the easement vacation request.

STAFF RECOMMENDATION

APPROVAL of RV.15.0727 in accordance with LUR Section 2.2.11.6 - Reversion of Subdivision with three stipulations and conditions as stated by the Chairman of the Planning Commission. Mr. Polk will speak with developer regarding contractor demeanor and safety issues. Property damage will be paid.

PLANNING COMMISSION RECOMMENDATION

Motion to approve RV.15.0727 in accordance with LUR Section 2.2.11.6 - Reversion of Subdivision with three (3) stipulations as aforementioned. (Barcus/Moon). Approved 5-0. The next public hearing will be before City Council on April 8, 2015 at 8:30 a.m.

PR.15.0671

WARD 1

NEIGHBORHOOD 4.08

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).

MOTION TO TABLE per applicant request to next Planning Commission (Barcus/Rogers) approved 5-0.

REPORT OF THE PLANNING & COMMUNITY DEVELOPMENT DIRECTOR

- Bradenton Village has been in the newspaper recently for deferred maintenance. There is an agreed to three year plan for completion of painting, landscaping, power washing, and irrigation systems. The project is managed by Telesis, Washington, DC. Ms. Barcus asked why this is taking so long to correct this situation. Bradenton Housing Authority is local and does a good job, but Telesis does not properly maintain the development.
- First Street corridor is looking good with Wawa, Zeko's, Tropical Smoothie and Rogers Plaza closing in June 2015. The plaza tenant space is filled. CCRA is currently working out retention ponds and access points with Public Works. Although the public does not see the back stories, huge amounts of work continue on to make the developments and redevelopments happen.

NEXT MEETING - Wednesday, April 15, 2015.

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

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.