

**ABBREVIATED MINUTES  
PLANNING COMMISSION MEETING  
May 20, 2015**

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida on May 20, 2015 at 2:00 pm.

**Present:**

**Planning Commission Members:** Ben Bakker-Chair, Diane Barcus, Peter Keenan, Stuart Moon Jr., Veronica Rogers

**City Staff:** Tim Polk- Planning Director; Brady Woods-Development Services Manager; Tatiana Gonzalez-GIS/Planner; Officer Camacho-Police; Karen Aihara-Executive Planning Administrator, Ken Langston-Fire Marshal, Kim Clayback-Public Works; Bill Lisch-City Attorney

**Absent:**

**Planning Commission Members:** Richard Whetstone, Darin Autrey (alternate), O.M. Griffith (alternate)

**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: March minutes motion to approve by Ms. Barcus/second Mr. Moon, approved 5-0. April minutes motion to approve by Mr. Moon/second Ms. Rogers, approved 5-0.
- Speakers were sworn in by Ms. Aihara.

**NEW BUSINESS**

**SU.15.1739 WARD 3 NEIGHBORHOOD 12.03**

Request of Michael Anderson, owner, for boat dock approval at 2615 Riverview Boulevard West (zoned R-1).

Ms. Gonzalez introduced the dock request with staff presentation, staff evaluation, recommendations with two stipulations:

1. Electrical installation will require a City of Bradenton Right-of-Way Use Permit.
2. The dock security fence cannot be placed in the right-of-way.

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

- Ms. Barcus asked where will the security gate be located? Ms. Gonzalez said the gate will not be in the right-of-way/sidewalk. The applicant will clarify the placement.

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

Mike Anderson, 2615 Riverview Blvd, stood for questions and submitted his presentation (Exhibit L) and survey (Exhibit K).

- Ms. Barcus asked if there will be a fish cleaning station on the dock and if there are plans to run water out to the dock? Mr. Anderson stated that everyone runs a hose across the street. Mr. Anderson has investigated running power out to the dock and there is an FPL drop at the pole on Ezell's property. He is planning to pull an electrical permit.
- Mr. Bakker asked if Dr. Eldridge's boat is parked to the east or west of his dock. Ms. Gonzalez stated it is parked on the east side.
- Mr. Anderson submitted an aerial survey (Exhibit K) showing on the existing pilings and dock.

**STAFF:** No objections from Public Works, Fire or Police per stated stipulations.

**PUBLIC HEARING:**

- In Favor:
  - Brian Canaday, 2710 Riverview Blvd. is in favor of the dock.
  - Tom Woods, 2701 Riverview Blvd. stated that Mike is the only one that does not have an extension on his dock. “Mike needs to extend the dock to get to the water to float his boat.” Tom is in favor of his request.
- Opposed:
  - Garry Roberts. 4332 14<sup>th</sup> St Circle West, Palmetto is concerned about the process, the referenced dimensions, and a true survey (not Google map). Looking down the fence line, the dock is encroaching on Dr. Aldrich’s western property line. He questioned two building phases on one submittal. Mr. Woods agreed with Mr. Moon that these questions were outside of the Planning Commission boundaries, the construction permit would have to be verified. Today the Planning Commission is reviewing a build beyond eighty (80) feet. Mr. Roberts asked if agreements will be recorded as part of this process and if it has a DEP submittal or approval. Mr. Woods said it is an online process, which is reviewed and responded to immediately for docks less than 1,000 sq. ft. This has been submitted by Mr. Anderson.
  - Gregory C. Aldrich, 2606 1<sup>st</sup> Avenue West, property representative of Aldrich Trust. Mr. Aldrich questioned why he was here, why a permit was even issued, how the privatizing nature of the situation when he was awakened to construction without any notification that a dock was going up. He is presently living in this residence. When he built his dock in 1978, it was built to 50 feet with DEP approval, DNR approval, Army Corp of Engineers approval and public hearing process. In 1987, added to the dock using the same process. The riparian line used, approvals, and code setbacks are in question. DEP is investigating and a site examination is pending.
- Discussion:
  - Mr. Moon asked why Mr. Aldrich would have to give a variance? Mr. Aldrich stated that DEP requires a 25 foot riparian setback and Mr. Anderson is crossing his setback.
  - Ms. Barcus rebutted Dr. Aldrich’s statements that this is an emergency meeting, this is the City’s regularly scheduled Planning Commission meeting.
  - Mr. Lisch stated that the original permit was in error and that the City went back to fix the error, going forward with the Planning Commission process. The information could change from the first permit, it is a brand new application. Special Use permits are required for docks over 80 feet. Mr. Lisch stated that the width of the dock is not relevant.
  - Mr. Moon stated that the discussion is outside the Planning Commission process, this is DEP ruling.
  - Mr. Woods stated that the DEP has different rules and restrictions from ours – more stringent or less stringent. We cannot enforce DEP rules.
- Public Hearing closed.

**STAFF RECOMMENDATION**

Mr. Lisch did not have any additional comments, riparian rights are quite confusing. Ms. Gonzalez requested APPROVAL of SU.15.1739 with two stipulations:

1. Electrical installation will require a City of Bradenton Right-of-Way Use Permit.
2. The dock security fence cannot be placed in the right-of-way.

## **PLANNING COMMISSION RECOMMENDATION**

**Motion to Approve** SU.15.1739 Request of Michael Anderson, owner, for boat dock approval at 2615 Riverview Boulevard West (zoned R-1) with two staff stipulations. (Barcus/Moon) Approved 5-0. The next public hearing will be before City Council on May 27, 2015 at 6:00 p.m.

### **SA.15.1484 WARD 5 NEIGHBORHOOD 1.01**

Request of Ken Clanton, agent for Hummingbird Industries, owner, for a Special Use Amendment extending length of time allowance for religious facility at address 825 9th Street West (zoned T5).

Mr. Bakker recused himself from this agenda item. Form 8B is attached to the minutes.

Mr. Woods introduced the three year extension request with staff presentation, staff evaluation, recommendations with two stipulations:

1. Special Use approval for Religious Assembly shall expire three (3) year from City Council approval of this request. No future extensions for this use shall be permitted.
2. No cooking is permitted in the building without upgrade to commercial standards in conformance with building and fire codes.

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

- Ms. Barcus asked if there has been any other interest in the property. Mr. Clanton was not present. Mr. Woods stated that the City has not heard of any other interest.

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

Pastor Don Sturiano, 825 9<sup>th</sup> Street West, Kingdom Life answered that there was an interested party, but it fell through.

**STAFF:** No objections from Public Works, Fire or Police.

#### **PUBLIC HEARING:**

**In Favor** – Tom Woods, 2701 Riverview Blvd. stated that Pastor Don is an honorable man.

**Opposed** – none appeared.

Public Hearing was closed.

#### **STAFF RECOMMENDATION**

Mr. Woods requested APPROVAL of SA.15.1484 with two stipulations:

1. Special Use approval for Religious Assembly shall expire three (3) year from City Council approval of this request. No future extensions for this use shall be permitted.
2. No cooking is permitted in the building without upgrade to commercial standards in conformance with building and fire codes.

## **PLANNING COMMISSION RECOMMENDATION**

**Motion to Approve SA.15.1484 WARD 5 NEIGHBORHOOD 1.01** Request of Ken Clanton, agent for Hummingbird Industries, owner, for a Special Use Amendment extending length of time allowance for religious facility at address 825 9th Street West (zoned T5) with two stipulations (Moon/Rogers) approved 4-0 with 1 recusal (Bakker).

The next public hearing will be before City Council on May 27, 2015 at 6:00 p.m.

### **LU.15.1832 FORM-BASED CODE TEXT AMENDMENT**

Request of the City of Bradenton to amend the City of Bradenton Form-Based Code text pertaining to Village of the Arts, Fences, and Transect requirements.

Mr. Woods introduced the request of Form-Based Code text amendment to address fence standards, signage standards specific to T6 Urban Core, the Village of the Arts Overlay District, and correct any typographical errors as needed. This amendment only pertains to transects regulated by the Form-Based Code. No zoning change is proposed with this amendment.

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

- Mr. Bakker stated that item 4.12.6.e should clarify what electronic sign means. Mr. Woods will notate EMC – electronic message center as currently defined in the form-based code.
- Ms. Barcus asked about the McKay Law Firm letter. Mr. Woods stated that he spoke with Roy Winterbottom McKay Law Firm and does not understand where the misunderstanding lies. Mr. Polk spoke with Jeana Winterbottom and McKay Law Firm that nothing has changed; that if they expand or sell to another car repair after one year of dormancy, a special use permit is required with City Council approval.
- On future updates, Ms. Barcus asked for prohibition on stucco over foam board garden wall. EFIS is hard to maintain and impossible to repair. Mr. Bakker commented that it is mostly used in commercial construction and signage, somewhere high.
- Mr. Moon asked that if a property has more than one frontage (corner lot) would the property still have one sign. Is there any interest in expanding the overlay district to 9<sup>th</sup> Street? Mr. Polk said that there is no appetite to do that. In discussions, there is a different dynamic between sports entertainment and arts. 9<sup>th</sup> Street may be declared as an entertainment district in the future, but the focus is on 14<sup>th</sup> Street for this change.

**PUBLIC HEARING** – No one appeared for or against.

**STAFF RECOMMENDATION**

Mr. Woods requested APPROVAL LU.15.1832 as submitted. First reading before City Council on June 10, 2015 and second reading/adoption on June 24, 2015.

**STAFF:** No objections from Public Works, Fire or Police.

**PLANNING COMMISSION RECOMMENDATION**

Ms. Barcus made motion to approve LU.15.1832 FORM-BASED CODE TEXT AMENDMENT request of the City of Bradenton to amend the City of Bradenton Form-Based Code (Barcus/Rogers), 5-0 approved.

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

- City of Vero Beach group came up to tour the Village of the Arts last Saturday, Tim and Claude Tankersley acted as tour guides.
- Disposition of the CRAs, the engagement of the citizens is huge. City Council will act as the CRA Board. Could the 14<sup>th</sup> St CRA, BCRA, and DDA combine? Mr. Lisch said, yes, but it would have to be a legislative change.

**NEXT PLANNING COMMISSION MEETING** - Wednesday, June 17, 2015.

**ADJOURNMENT** – Motion to adjourn at 4:06 p.m. (Barcus/Rogers)

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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.