

**ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
July 13, 2016**

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida on July 13, 2016 at 2:00 pm.

Present:

Planning Commission Members: Ben Bakker-Chair, Diane Barcus-Vice Chair, Darin Autrey, Veronica Rogers, Richard Whetstone, John Vita

City Staff: Catherine Hartley-Director; Chris Gratz-Development Services Manager; Myra Schwarz-GIS/Planner; Karen Aihara-Executive Planning Administrator; Kim Clayback-Public Works; Officer Camacho-Police

Absent:

Planning Commission Members: Stewart Moon Jr., and O.M. Griffith (alternate)

City 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 March 16, 2016 Meeting Minutes by Ms. Barcus, second by Ms. Rogers, approved 5-0-1, Mr. Autrey abstained.
- Approval of May 18, 2016 Workshop Minutes by Mr. Whetstone, second by Mr. Vita, approved 6-0.
- Ms. Barcus and Mr. Griffith have been reappointed to the Planning Commission, term ending June 2020.
- Speakers were sworn in by Ms. Aihara.

NEW BUSINESS

Agenda was reordered by Mr. Bakker, Chair.

Public Hearing was opened.

2. CP.16.1480, WARD 1, NEIGHBORHOOD 4.06

Request by Scott Rudacille, Esq. of Blalock and Walters, P.A., agent, for Cecilia Greer, owner, for a Comprehensive Plan Map Amendment from RES-6 (County) to High Density Residential (15 DU/Acre) on 3.2 acres located at 5411 21st Avenue West, 2207 55th Street West and a parcel with no address assigned. Parcel Identification Numbers: 3942900006, 3941100004, 3947600007.

3. LU.16.1477, WARD 1, NEIGHBORHOOD 4.06

Request by Scott Rudacille, Esq. of Blalock and Walters, P.A., agent, for Cecilia Greer, owner, for a Zoning Atlas Amendment from RSF-3 (County) to R-3 Multi-Family on 3.2 acres located at 5411 21st Avenue West, 2207 55th Street West, and a parcel with no address assigned. Parcel Identification Numbers: 3942900006, 3941100004, 3947600007.

Mr. Gratz introduced the Comprehensive Plan Map Amendment and Zoning Atlas Map Amendment requests with staff presentation, staff evaluation, and recommendation of approval. Public Works and Police had no objections or comments.

Mr. Scott Rudacille, Esq. of Blalock and Walters, P.A. and Misty Servia, Planner, King Engineering spoke for Cecilia Greer, owner and presented a description of the requests and evidence that the code criteria has been met. This property is located in the UDZ area under the Accord and is appropriate for urban development. Exhibit A – City Future Land Use attached to minutes.

Public Comment - Opposed

- Herbert Veasey, 5207 22nd Avenue West
- Charles Whitaker, 5407 21st Avenue West
- Marc Feldman, 5308 26th Avenue Court West presented Exhibit B aerial map.
- Mike Lucas, 5208 22nd Avenue West
- George Ellers, 5309 19th Avenue West presented Exhibit C pictures.
- Michelle So, 5309 19th Avenue West
- Lesley Noble, 5305 19th Ave West
- Richard Burton, 5302 19th Ave West
- Edward Mekush, 1924 54th St West
- Richard Krempasky, 1920 54th St West
- Gregory Sullivan, 5405 19th Ave West
- Dennis Kramer, 2305 Pheasant Lane
- Debbie Capabianio, 5211 21st Ave West
- Karen Kramer, 2305 Pheasant Lane

Planning Commission Comment Cards and presentations are attached to the minutes.

Public Comment-In Favor - No one appeared in favor of this project.

Applicant rebuttal and closing remarks by Scott Rudacille. Water Management District conducts an environmental assessment before the permitting process.

Staff rebuttal and closing remarks – no further remarks.

Planning Commission Discussion and Vote:

- Ms. Barcus made a motion to approve **CP.16.1480**, second by Mr. Autrey, **3-3 opposed** (Whetstone, Vita, Rogers). Motion failed, no recommendation.
- Mr. Autrey made a motion to approve **LU.16.1477**, second by Ms. Barcus, **3-3 opposed** (Whetstone, Vita, Rogers). Motion failed, no recommendation.

These requests are currently scheduled for the City Council on August 17, 2016 at 8:30 a.m. for first reading.

Recess – Mr. Bakker and Mr. Whetstone exited the meeting. Ms. Barcus assumed the Chair.

1. SU.16.1840, WARD 5, NEIGHBORHOOD 1.01

Request by Nathan Lee, P.E. of Kimley-Horn and Associates, Inc., agent for Bradenton 14, LLC., owner, for a Special Use for a Service Station on 1.356 acres zoned T5, Urban Center, located at 115 Manatee Avenue West, Parcel Identification Number 3252400159.

Ms. Hartley explained that the applicant has requested a Special Use for a Service Station and additionally requested a number of adjustments to the form-based code, which the Director has denied. The applicant requested a Form-Based Code Adjustment Appeal, but chose to go forward with their Special Use request without the approval of the Form-Based Code Adjustments from the City Council. We will not talk to the adjustments today. Ms. Hartley introduced the Special Use request with staff presentation, staff evaluation, and recommendation of denial.

Applicant Representatives and Presentations:

- Ronald Weaver, Counsel, Stearns Weaver Miller, 401 E. Jackson St, Tampa – map, Exhibit D.
- Jode Ballard, Senior Manager Development, Thorntons, 10101 Linn Station Rd, Louisville, KY
- Ronald Oxtal, MAI, Appraiser, Capright, 1102 West Cass St., Tampa – qualifications, Exhibit E. No report, but three folders of backup analytical material are available from Mr. Oxtal.
- Ken Metcalf, AICP Planner, Stearns Weaver Miller, 401 E. Jackson St, Tampa – Exhibit F resume and Exhibit G presentation

Speaker in Favor:

- Tim Baird, 3164 Linwood Avenue, Cincinnati, OH representing Bradenton 14 LLC.

Speaker Opposed:

- Tim Polk, 4840 Trout River Crossings, Ellenton

Planning Commission Comment Cards, resumes, and presentations are attached to the minutes.

Property Owner rebuttal by Tim Baird.

Applicant rebuttal and closing remarks by Ken Weaver.

Staff rebuttal and closing remarks – Ms. Hartley commented that staff objections are the combination of policies of the overlying future land use district along with the Health and Wellness district. The request is inconsistent with the comprehensive plan and what it envisions for this area.

Planning Commission Discussion and Vote:

- Mr. Vita made the motion to approve SU.16.1840, no second to this motion. Motion fails for lack of a second.

This request will be heard before the City Council on August 17, 2016 at 8:30 a.m. with the appeal for Form-Based Code Adjustment.

Public Hearing was closed.

ADJOURNMENT – Motion to adjourn at 4:48 p.m. by Mr. Autrey, second Ms. Rogers.

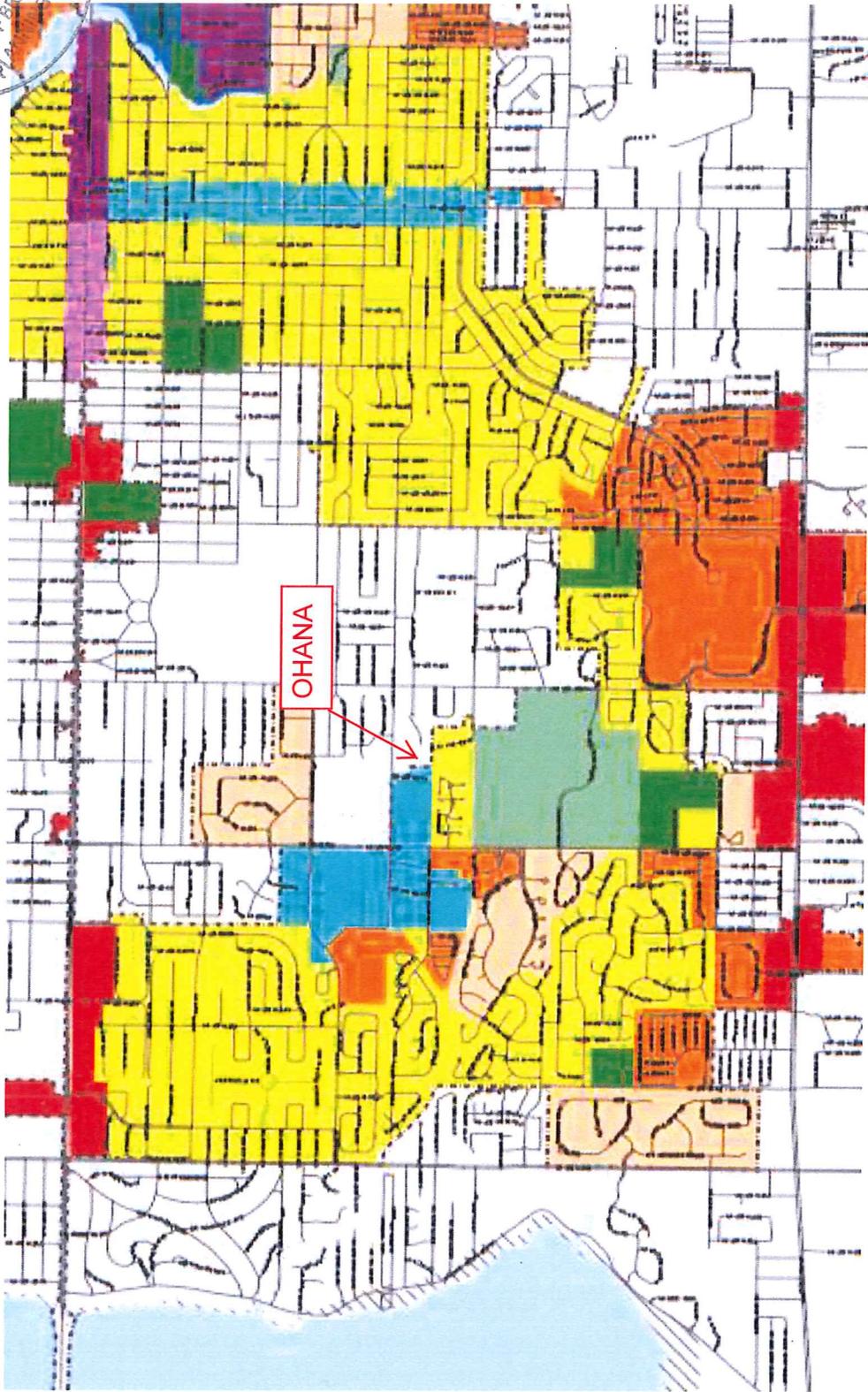
Ben Bakker, Chair

Diane Barcus, Vice Chair

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

CITY FUTURE LAND USE

RECEIVED
JUL 13 2016
CITY OF BRADENTON
PLANNING DEPT.



City Of Bradenton Q:\Civil\10111\00\02\General\2016-07-13 PC Hearing FLU.doc

EXHIBIT A
7/13/16 Planning Commission



7/13/16 Planning Commission

Feldman

EXHIBIT B

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55th St.

W

E

RECEIVED
JUL 13 2016
CITY OF BRADENTON
PLANNING DEPT.

NOTICE OF PUBLIC HEARING
REQUEST: Zoning Atlas Amendment & Comprehensive Ordinance
391 - 21st Ave West (P# 391-00000)
2207 - 55th St West (P# 391-00000)
to Amalgam Alaska - P# 391-00001
DATE: July 15, 2016
TIME: 2:00 PM
APPLICATOR: LUCY KITT
PLANNING COMMISSION
P.O. Box 1480
Bradenton, FL 34201

NOTICE
NO STOPPING
OR SIDEWALK

07/12/2016 19:39
7/13/16 Planning Commission
Ellerds

21st AVE.

City Of Bradenton
EXHIBIT C N
24 pages

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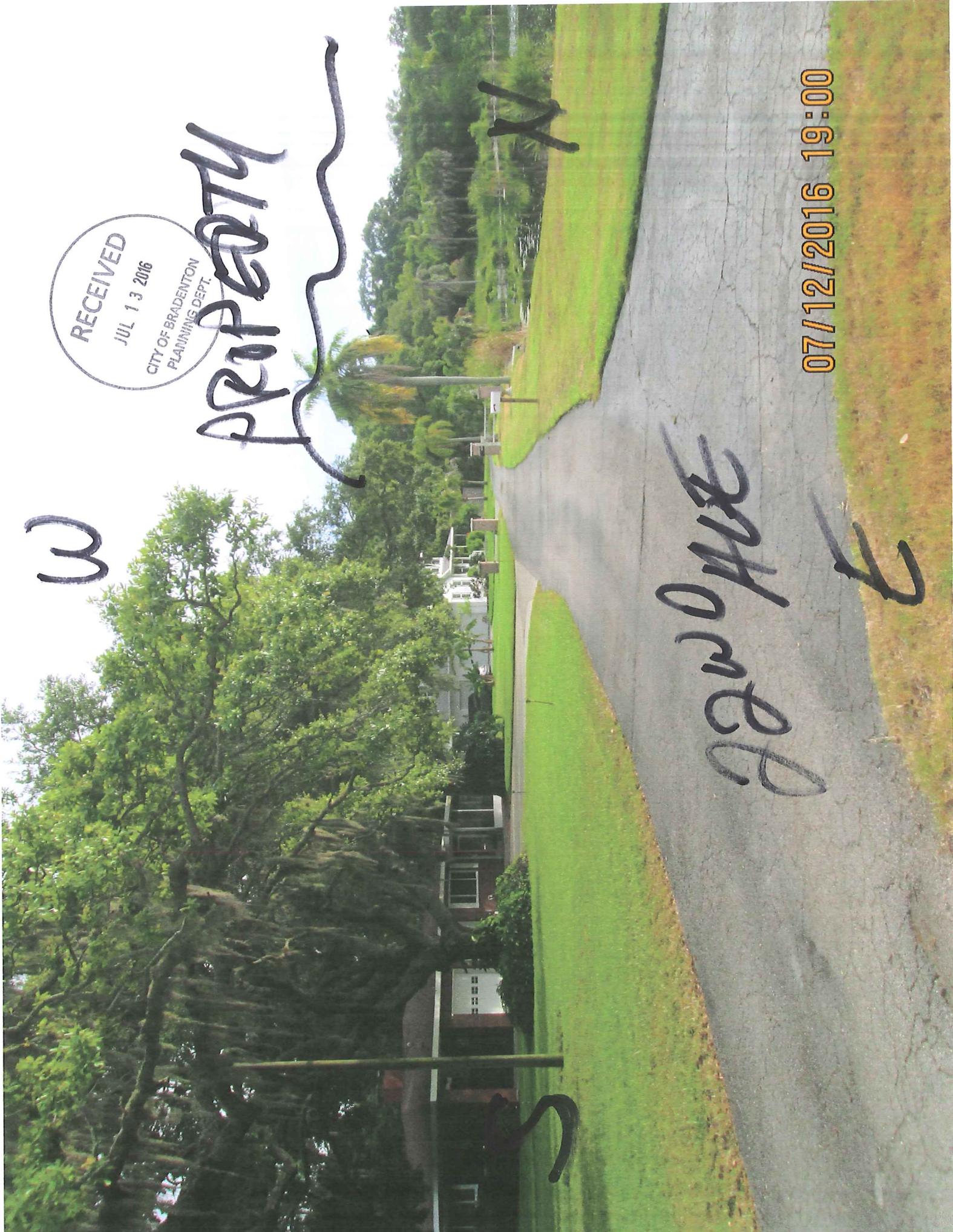


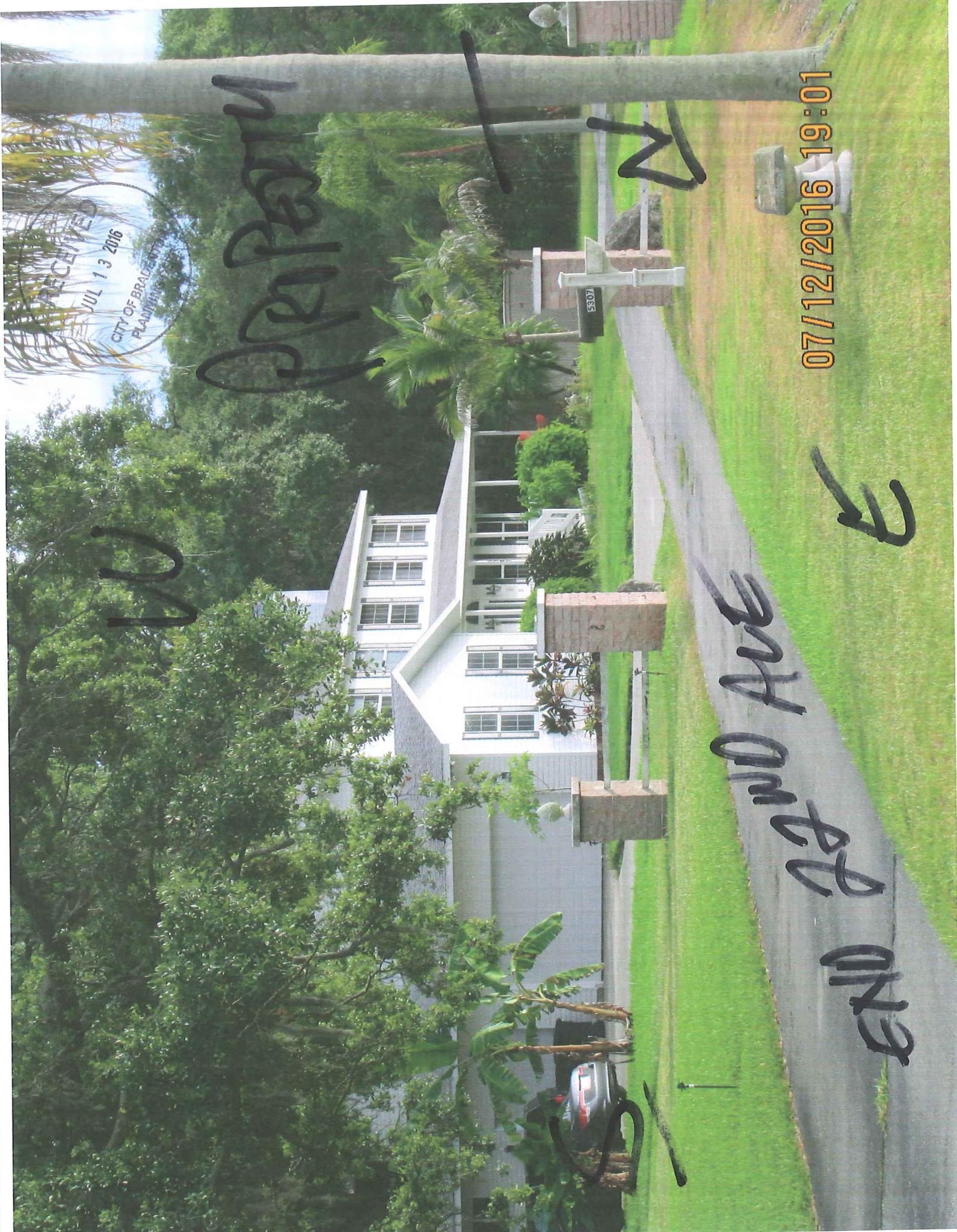
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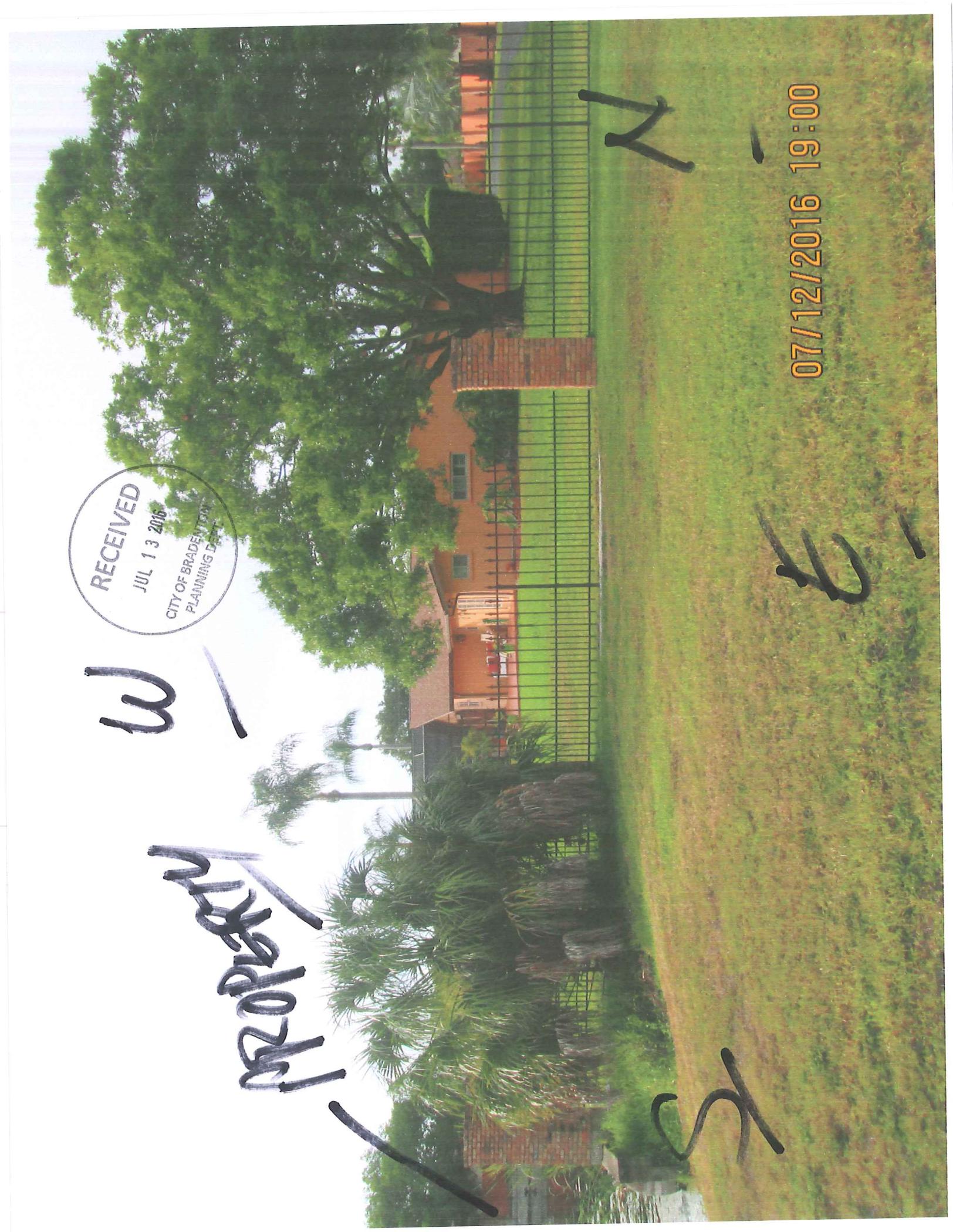
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COLDWELL BANKER COMMERCIAL REAL ESTATE
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SAM WATKINS
941-321-8300

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CITY OF BRADENTON
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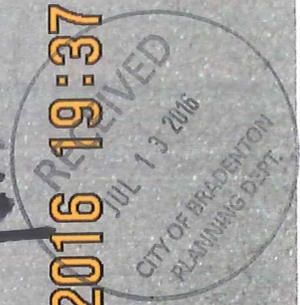
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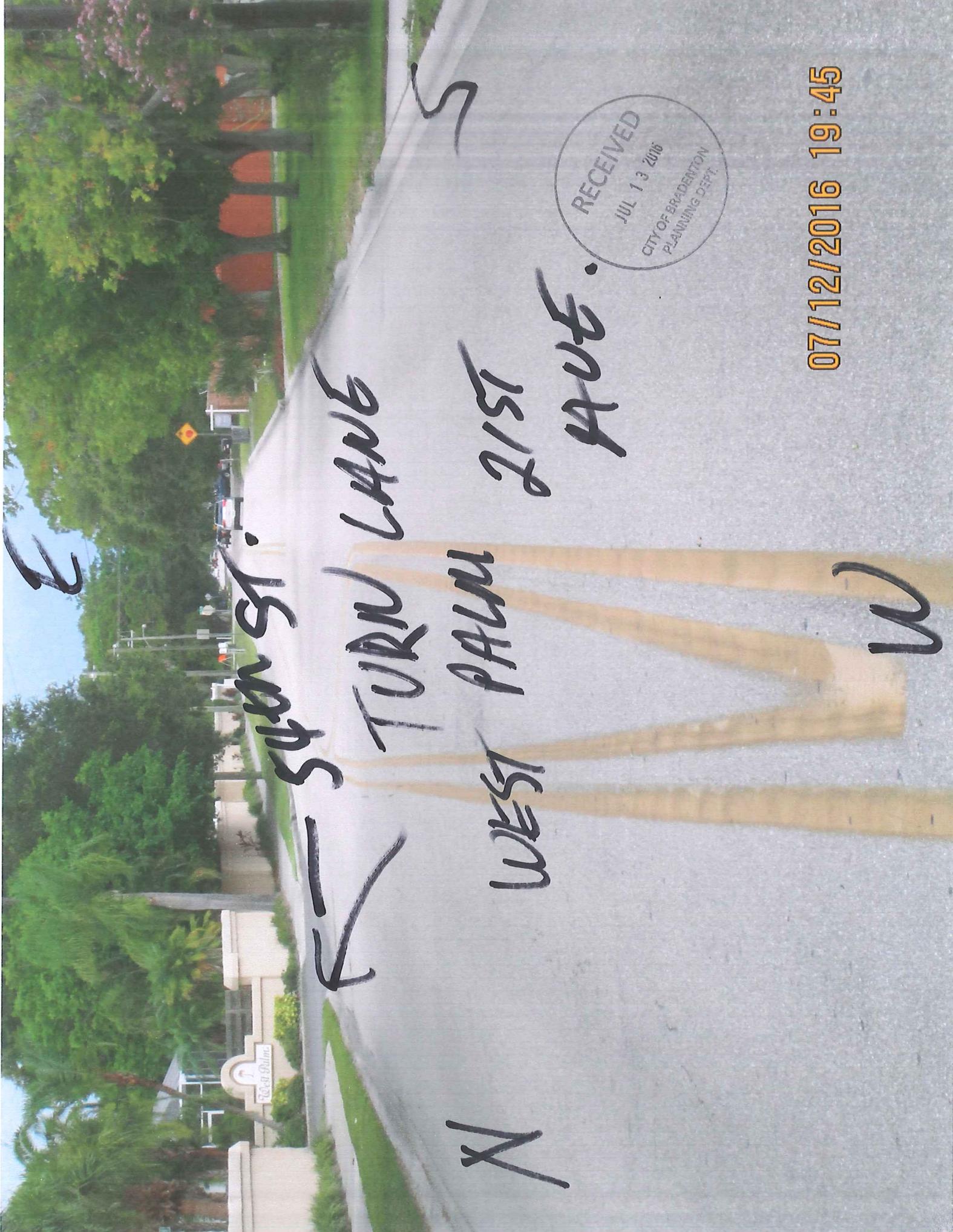
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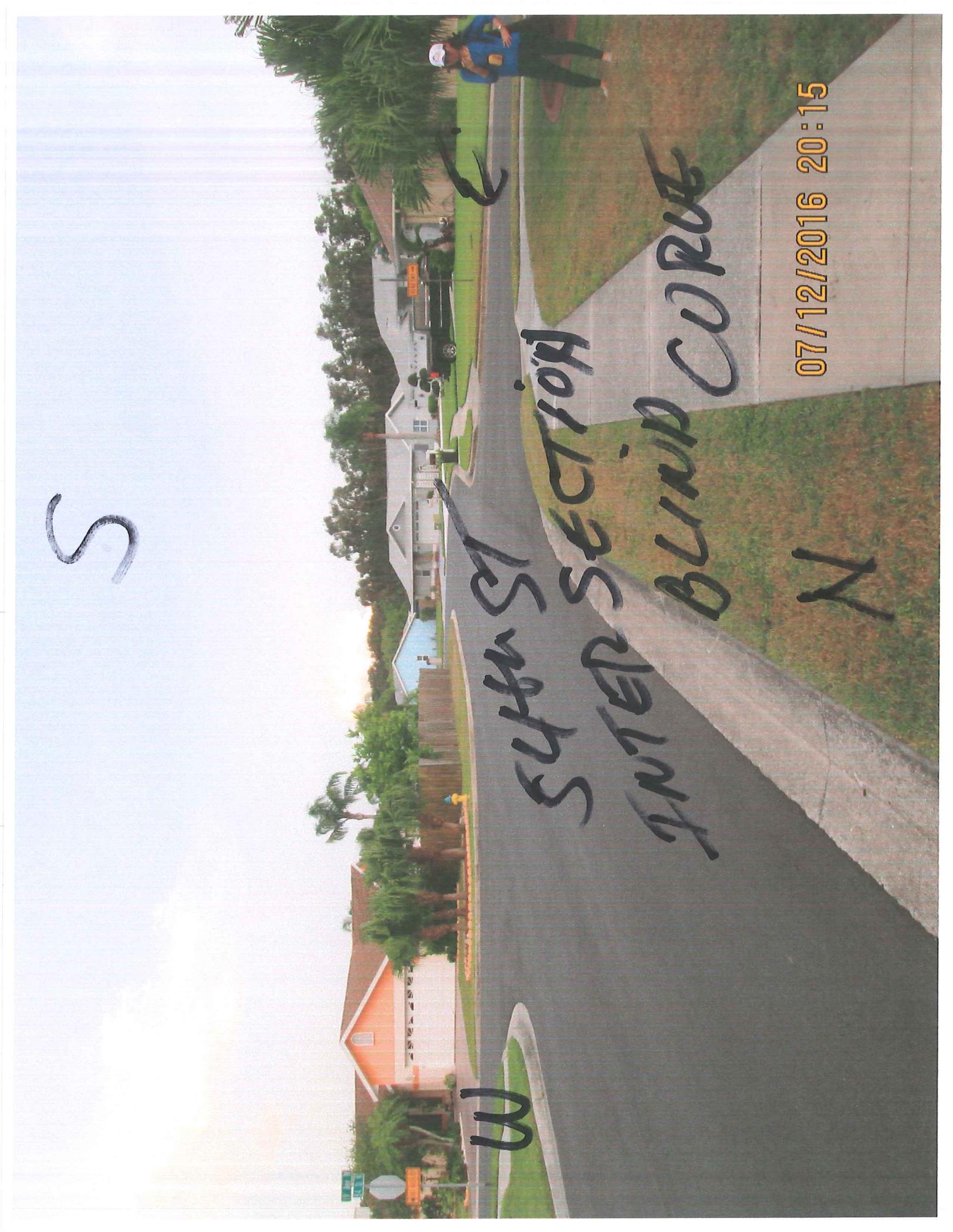
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CITY OF BRADLEY
PLANNING

07/12/2016 19:43

CP.16.1480

PLANNING COMMISSION COMMENT

LU.16.1477

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: Misty Servia

ADDRESS: 2930 University Pkwy

TOPIC OF PUBLIC HEARING: Rezoning

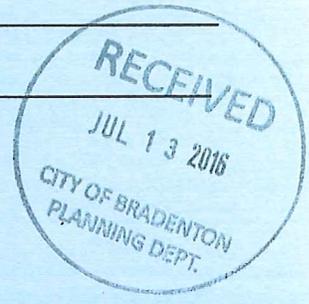
ARE YOU: in favor OR opposed (CIRCLE ONE)

SPEAKING AS: Applicant OR representative of group (CIRCLE ONE)

Name of group: Applicant

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: FLUM + Rezoning
Consistency



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: HERBERT VEASEY

ADDRESS: 5207 22ND AVE W

TOPIC OF PUBLIC HEARING: Acquisition by City of County Parcel rezoning

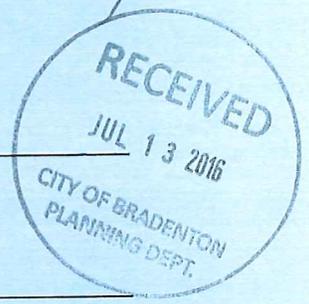
ARE YOU: in favor OR opposed (CIRCLE ONE)

SPEAKING AS: individual OR representative of group (CIRCLE ONE)

Name of group: _____

Do you have a visual presentation or other evidence to be presented? no

Brief description of presentation: _____



PLANNING COMMISSION COMMENT

CP. 16. 1480
LU. 16. 1477

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: CHARLES WHITAKER

ADDRESS: 5407 21ST AVE. W.

TOPIC OF PUBLIC HEARING: GREER PROPERTY PROPOSAL

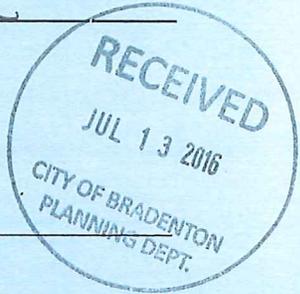
ARE YOU: *in favor* OR opposed (CIRCLE ONE)

SPEAKING AS: individual OR *representative of group* (CIRCLE ONE)

Name of group: _____

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: _____



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: MARC FELDMAN

ADDRESS: 5308 26TH AVE CT W, BRADENTON

TOPIC OF PUBLIC HEARING: CECILIA GREER

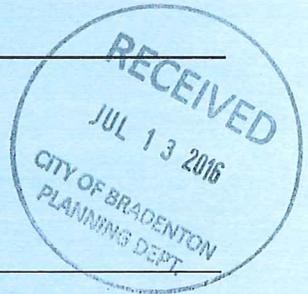
ARE YOU: *in favor* OR opposed (CIRCLE ONE)

SPEAKING AS: individual OR *representative of group* (CIRCLE ONE)

Name of group: _____

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: COPY OF ARIEL MAP



- city / county?

PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: MIKE LUCAS

ADDRESS: 5208 22nd Ave W.

TOPIC OF PUBLIC HEARING: APT COMPLEX

ARE YOU: *in favor* OR opposed (CIRCLE ONE)

SPEAKING AS: individual OR *representative of group* (CIRCLE ONE)

Name of group: _____



Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: INFORMED 07/12 HAVE NO IDEA HOW OR WHAT OR WHY LOCATION

PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: GEORGE ELLERS

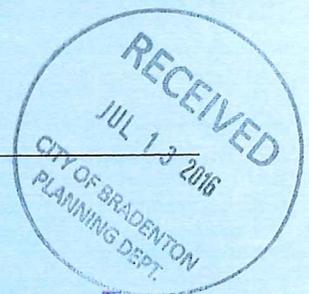
ADDRESS: 5309 19th AVE, W

TOPIC OF PUBLIC HEARING: REZONING CP. 16.1480 LU. 16.1477

ARE YOU: *in favor* OR opposed (CIRCLE ONE)

SPEAKING AS: *individual* OR representative of group (CIRCLE ONE)

Name of group: WEST PALM HOA



Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: Yes - PICTURES COUNTER & CHALLENGE ANALYSIS

PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: Michelle So

ADDRESS: 5309 19th Avenue West Bradenton FL 34209

TOPIC OF PUBLIC HEARING: CP. 16-14.00, LV-16.1477

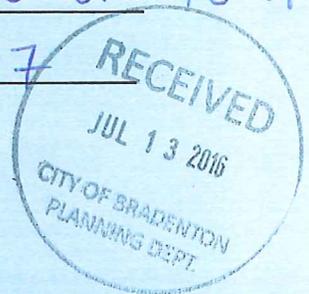
ARE YOU: *in favor* OR opposed (CIRCLE ONE)

SPEAKING AS: *individual* OR *representative of group* (CIRCLE ONE)

Name of group: N/A

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: N/A



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: LESLEY NOBLE

ADDRESS: 5305 19th AVE. W.

TOPIC OF PUBLIC HEARING: CP. 16.1480 & LU. 16.1477

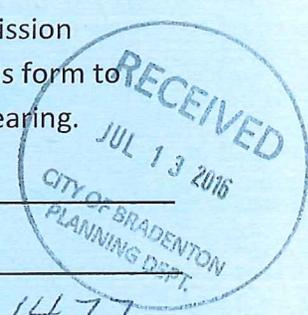
ARE YOU: *in favor* OR opposed (CIRCLE ONE)

SPEAKING AS: individual OR representative of group (CIRCLE ONE)

Name of group: WEST PALM HOA

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: NO



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: RICHARD BUNTON, CHAIRMAN

ADDRESS: 5302 19th Ave W. Bradenton

TOPIC OF PUBLIC HEARING: CP-16-1450, LU-16-1477

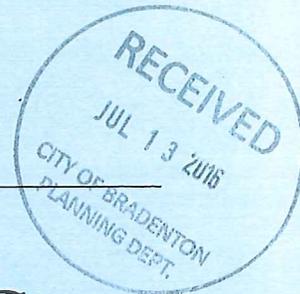
ARE YOU: *in favor* OR *opposed* (CIRCLE ONE)

SPEAKING AS: *individual* OR *representative of group* (CIRCLE ONE)

Name of group: WEST PALM

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: STATEMENT ON OPPOSITION TO PROPOSED REZONING



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: EDWARD MEKUSHI

ADDRESS: 1924 54th ST. W.

TOPIC OF PUBLIC HEARING: CP-16-1480 WARD 1 NEIGHBOR HOOD 4.06
LU-16-1477 WARD 1 NEIGHBOR HOOD 4.06

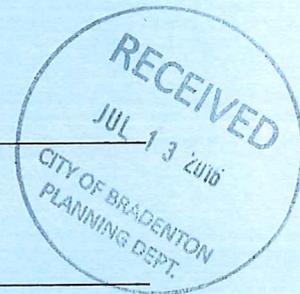
ARE YOU: *in favor* OR *opposed* (CIRCLE ONE)

SPEAKING AS: *individual* OR *representative of group* (CIRCLE ONE)

Name of group: _____

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: _____



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: RICHARD KREMPASKY

ADDRESS: 1920 54TH ST. W.

TOPIC OF PUBLIC HEARING: CA 16-1480, W 16, 1477 #2 & 3

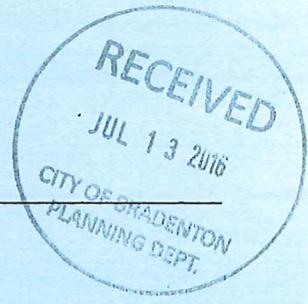
ARE YOU: *in favor* OR opposed (CIRCLE ONE)

SPEAKING AS: *individual* OR representative of group (CIRCLE ONE)

Name of group: WEST PALM SUB DIVISION

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: _____



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: Gregory Sullivan

ADDRESS: 5405 19th Ave W Bradenton, FL

TOPIC OF PUBLIC HEARING: WARD 1 Neighborhood 4.06

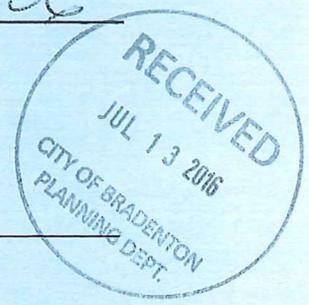
ARE YOU: *in favor* OR opposed (CIRCLE ONE)

SPEAKING AS: individual OR *representative of group* (CIRCLE ONE)

Name of group: West Palm Sub Division

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: Just don't want to see it across from my back yard. Plus traffic impact.



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: DENNIS & CAREN KRAMER

ADDRESS: 2305 PHEASANT LN, BRADENTON 34209

TOPIC OF PUBLIC HEARING: CP16.1480, LU16.1477

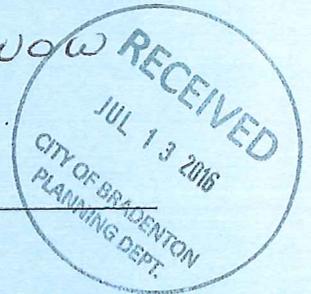
ARE YOU: *in favor* OR *opposed* (CIRCLE ONE) DON'T KNOW

SPEAKING AS: individual OR *representative of group* (CIRCLE ONE)

Name of group: _____

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: CLARIFY AMENDMENT & ZONING CHANGE



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: Debbie Capobianco

ADDRESS: 5211 21st Ave W

TOPIC OF PUBLIC HEARING: Neighborhood sub 184 words CP.16.148 word 7

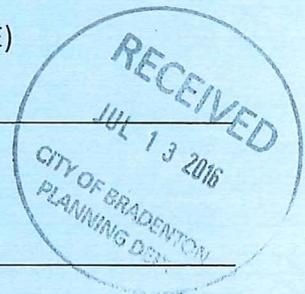
ARE YOU: *in favor* OR opposed (CIRCLE ONE)

SPEAKING AS: individual OR *representative of group* (CIRCLE ONE)

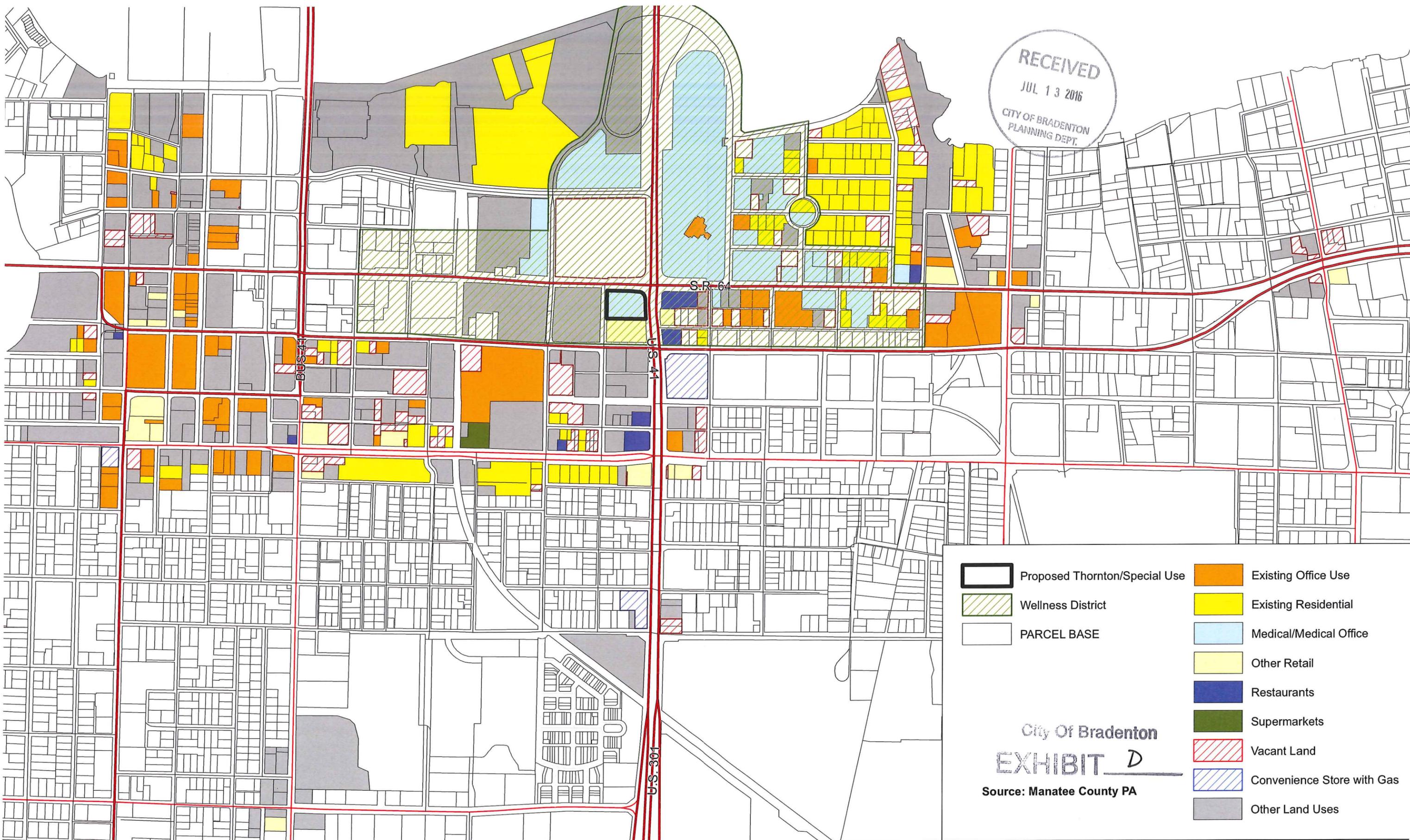
Name of group: _____

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: _____



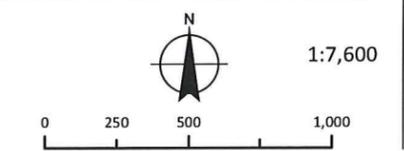
RECEIVED
 JUL 13 2016
 CITY OF BRADENTON
 PLANNING DEPT.



	Proposed Thornton/Special Use		Existing Office Use
	Wellness District		Existing Residential
	PARCEL BASE		Medical/Medical Office
			Other Retail
			Restaurants
			Supermarkets
			Vacant Land
			Convenience Store with Gas
			Other Land Uses

City Of Bradenton
EXHIBIT D
 Source: Manatee County PA

IAP: **1/1**
 TITLE: **T5 Existing Land Use**
 DATE: Jul. 12. 2016 BY: CP Smith



PROJECT: **THORNTON'S**
 Manatee County Florida

STEARNS WEAVER MILLER

Professional Qualifications



RONALD A. OXTAL, MAI
PRINCIPAL



Ronald "Ron" Oxtal, a Principal of Capright, has been active in the real estate industry since 1977. Prior to joining Capright in 2015, Mr. Oxtal served as President and Owner of Oxtal Real Estate Advisors, Inc. (2001-2015) and President/Shareholder of R/E Marketing Consultants, Inc. (1986-2001).

To date, Mr. Oxtal has personally completed or supervised valuation assignments encompassing more than 10,000 properties in 12 US states. These assignments, which involve all types of commercial real estate, have been prepared for institutional clients including: pension funds, trusts, REITS, insurance companies, corporations, lenders and legal counsel.

In addition to his valuation experience, Mr. Oxtal has developed ground-up real estate ventures, and has supervised historic and traditional office building renovations. Other areas of expertise include: due diligence, feasibility analysis, property tax appeals, partial interest valuations, and litigation support and testimony. Mr. Oxtal has testified in numerous jurisdictions throughout the United States.

EDUCATION:

Temple University – Philadelphia, PA

- Bachelor of Business Administration - BBA

AFFILIATIONS:

Appraisal Institute

- Designated Member of the Appraisal Institute (MAI)

Real Estate Investment Council – Tampa Bay

National Association of Realtors

Tampa Bay Board of Realtors

State Licenses

- Certified General Real Estate Appraiser – State of Florida
- Certified General Real Estate Appraiser – State of Georgia
- Certified General Real Estate Appraiser – State of Texas
- Licensed Real Estate Broker – State of Florida



City Of Bradenton

EXHIBIT E

SU. 16. 1840

KENNETH METCALF, AICP

106 East College Avenue, Suite 720
Tallahassee, Florida 32301

PROFESSIONAL EXPERIENCE

DIRECTOR OF PLANNING

Stearns Weaver Miller, P.A.
August 2014 – Present

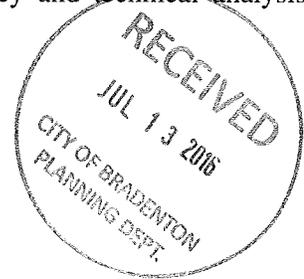
DIRECTOR OF PLANNING SERVICES

Greenberg Traurig, P.A.
October 2004 – August 2014

Provide professional planning services to assist private sector and governmental clients with project development, community planning and regulatory compliance. Develop land use planning and entitlement strategies for private sector clients, ranging from feasibility analysis/conceptual project planning through final project implementation and monitoring. Assist governmental clients in developing community planning strategies, public project planning, program evaluation and compliance strategies related to Florida's growth management and regulatory requirements. Advanced policy and technical analysis related to all aspects of growth management and development planning.

Planning Services:

- Due Diligence, Concept Development and Feasibility Analysis
- Project Entitlement and Permitting Compliance
- Project Management
- Comprehensive Planning and Growth Management Strategies
- Developments of Regional Impact - new DRI applications, DRI restructuring, management, annual reports, development agreements and compliance
- DRI Alternatives - binding letters, vesting analysis and Regional Activity Centers
- Area of Critical State Concern - ROGO analysis, compliance and feasibility/redevelopment analysis
- Area-wide Planning – DRIs, New Towns, Urban Villages, Sector Plans and Stewardship Plans
- Specialized Planning - Campus Master Plans, Airport Master Plans, Military Base Compatibility, Redevelopment/CRA Plans, Neighborhood Master Plans and Entertainment Districts
- Land Development Regulations/Zoning Codes
- Sustainability/Smart Growth Strategies – TNDs/New Urbanism, TDR/PDR programs, transect/form-based codes, performance zoning, climate/carbon/greenhouse gas/LEED programs
- Negotiations and Dispute Resolution
- Compliance Evaluation and Expert Witness Testimony
- Planning Studies/Policy and Technical Analysis
 - Land Use Need/Urban Sprawl Evaluation
 - Population Projections and Modeling
 - Financial Feasibility/Capital Improvement Planning
 - Infrastructure and Water Supply Planning
 - School Planning and School Concurrency
 - NEPA Analysis
 - Coastal Permitting (CCCLs, State Lands leases/easements, etc.)
 - Coastal Policy/Hurricane Evacuation and Shelter Demand Modeling
 - Marina Siting Analysis and Manatee Mortality Modeling
 - Corridor Analysis
 - Transportation Studies/Concurrency Management and Alternative Concurrency Strategies
 - Mobility Plans and Multimodal Strategies
 - Historic Preservation Planning



City Of Bradenton

EXHIBIT F

REGIONAL PLANNING ADMINISTRATOR

Department of Community Affairs

January 1995 - October 2004

Directed staff of 15 managers, planners and biologists in implementing Florida's growth management programs within the southeast Florida region (Indian River to the Florida Keys). Directed all Division functions and programs within the region, including administration and implementation of the Growth Management Act, Developments of Regional Impact (DRI), Areas of Critical State Concern (ACSC) and Federal coastal consistency. Formulated Department policy, implementation strategies and legislative proposals regarding growth management and programmatic requirements. Led Department compliance and settlement negotiations on major comprehensive plans/amendments and DRI cases involving complex policy and technical issues throughout the region and on various specialized issues throughout the State. Directed Florida Keys Field Office in implementing all facets of ACSC program requirements, including compliance review of comprehensive plans/amendments, administrative rulemaking and drafting of extensive plan amendments for comprehensive plans and land development regulations.

Served as primary expert witness for the Department on compliance cases, rulemaking and development order/permit appeals.

Concurrently served as Transportation Administrator for the Division and focused on developing smart growth, multi-modal land use and transportation strategies. Implemented the start up of the Efficient Transportation Decision Making program for the Department to coordinate agency review of transportation improvements. Extensively involved in corridor review including agency coordination, comprehensive plan consistency evaluation, permitting issues and ultimate determination of compliance with Chapters 380 and 163, Florida Statutes as related to the widening of U.S.-1 in the Florida Keys between Key Largo and Florida City and on Big Pine Key in regard to protection of the Key deer. Conducted Department compliance review and related negotiations regarding comprehensive plan amendments authorizing widening of Krome Avenue in Miami-Dade County, focusing on growth management, urban sprawl, land use and access issues.

Concurrently served as Marina Siting Administrator for the Division in coordinating with USFWS and FFWCC on comprehensive plans and permitting related to marina siting and manatee impacts. Served as Department lead on numerous interagency committees, such as various Everglades committees, Florida Keys National Marine Sanctuary, concurrency and multimodal working groups, and various other coastal/environmental working groups. Provided specialized policy and technical analysis to support program implementation, including development impact analysis, evacuation modeling, listed species conservation planning and marina siting analysis. Provided program and budget analysis to support Division. Regularly interacted and presented before elected officials, local government staff, agency staff, private developers and interest groups.

COMMUNITY PROGRAM ADMINISTRATOR

Department of Community Affairs - Florida Keys Field Office

May 1988 - December 1994

Florida Keys ACSC/Field Office Administrator. Directed all field office operations and supervised staff of planners and biologists in implementing and enforcing Chapter 380, F.S., Florida Keys Protection Act. Formulated program policies, growth management strategies, review methodologies and compliance/enforcement tactics. Served as lead expert on complex cases involving multi-party negotiations, dispute resolution and compliance hearings. Facilitated public hearings and workshops concerning major policy issues, rulemaking, compliance and enforcement and on technical issues, such as evacuation modeling and level of service analysis. Conducted extensive rulemaking and drafted substantial amendments to comprehensive plans and land development regulations. Directed staff in

reviewing comprehensive plans, land development regulations, and development orders for compliance with Chapters 163 and 380, F.S. Directed field work and monitoring for development order compliance cases and initiated Chapter 120 enforcement actions through Notices of Violation and development order appeals. Directed research activities involving evaluation of habitat conditions, listed species, and development-related impacts. Served as Department liaison in implementing interagency coordination activities and served as member on numerous local, state and federal committees, such as National Marine Sanctuary committees, various Everglades committees, KEYWEP (habitat) committee, Hurricane Evacuation Modeling Committee and U.S. 1 LOS Task Force. Provided extensive expert testimony in administrative and judicial proceedings involving comprehensive plan/land development regulation compliance, administrative rules, eminent domain/takings, vested rights, and development appeals. Routinely presented before governing bodies, commissions, local government staff and review committees on program requirements and related policy issues, procedural requirements and technical studies. Provided program and budget analysis to support field office operations.

SENIOR PLANNER/ MUNICIPAL PLANNER

Ocala MPO/Planning Department

July 1985 - April 1988

Served as MPO coordinator for all planning activities of the Ocala/Marion County Metropolitan Planning Organization (MPO), including preparation of the annual MPO budget, administration of grant-assisted programs, development of the Unified Planning Work Program and Transportation Improvement Program, preparation of meeting agendas and support documents for the MPO, Transportation Technical Committee and Citizen Advisory Committee. Coordinated transportation modeling efforts and provided support in developing z-data files for FSUTMS model and program. Reviewed traffic studies for site developments and prepared related technical reports. Conducted development review involving evaluation of comprehensive plan amendments, rezoning applications, site plans, variances, special exceptions and Development of Regional Impact applications. Drafted comprehensive plan amendments, land development regulations, and specialized planning reports. Served as staff to the Planning Commission, Board of Adjustment, and Historic Preservation Board. Conducted research and analysis required for Department projects. Trained entry level staff on MPO operations.

ADJUNCT INSTRUCTOR

Florida State University, Periodically (2007-Present)

Department of Urban and Regional Planning. Periodically teach graduate courses in growth management and infrastructure planning.

EDUCATION

Florida State University, Masters of Science in Urban and Regional Planning. Graduated May 2002 (*Summa Cum Laude*)

University of South Florida, B.A. (major in Geography). Curriculum included Urban Planning, Physical Geography, Hydrology, Cartography, Photogrammetry and Conservation Planning. Graduated May 1985.

CERTIFICATES/MEMBERSHIPS/AWARDS

American Institute of Certified Planners/American Planning Association
Urban Land Institute

Florida American Planning Association Award (Co-Author of Ocala Historic Preservation Element)
Phi Kappa Phi National Honor Society
McClure Award for Academic Excellence
Legal 500 US, 2008 edition

EXPERT WITNESS EXPERIENCE

Testified as expert in over 40 administrative and judicial proceedings. Qualified as expert in urban and regional planning, growth management, administration of Chapters 163 and 380, F.S., Florida Keys Area of Critical State Concern program, aerial photograph interpretation and assessment of development impacts.



**BRADENTON 14, LLC
PROPOSED THORNTONS SERVICE
STATION/CONVENIENCE STORE
SPECIAL USE PERMIT REQUEST
BRADENTON PLANNING COMMISSION HEARING
JULY 13, 2016**

Kenneth Metcalf, AICP
Planning Director
Stearns Weaver Miller, PA

Application Request

- The Form Based Code authorizes service stations as a Special Use in the T-5 District.
- The proposed Thorntons Service Station/Convenience Store complies with the requirements for a Special Use:
 - It is consistent with the review criteria set forth in the Code.
 - It is consistent with the City of Bradenton Comprehensive Plan.

Form Based Code: Table 4.7

- T4-O and T5 are the only Districts in downtown where service stations are permitted.

OTHER: AUTOMOTIVE	T3	T4-R	T4-O	T5	T6	SD
Service Station/Repair			SU	SU		SU

- City's Zoning Handbook (p. 3), "The Form-Based Code zoning area covers about a third of the city."
- Most of T4-O and T-5 occurs within neighborhoods and/or areas dominated by CBD office uses.
- Service stations are appropriate on high volume corridors and major intersections.

Section 3.2.2

- All Special Uses shall comply with and be reviewed using the following criteria to determine whether to allow the use at the proposed location and to determine the appropriate conditions to the use.
 - 3.3.2.1. The tract of land must be suitable for the type of use proposed by virtue of its location, topography, shape, and the nature of surrounding property.
 - 3.3.2.2. Access points must be located so as to best suit the use and property. Wide spacing between access points and intersecting streets should be required when feasible.
 - 3.3.2.3. All buildings shall be located an adequate distance from property lines and streets. Setbacks in excess of those required for the specific zone may be required to lessen the effect of the use on neighboring properties.
 - 3.3.2.4. Permanent screening, such as walls, fences, hedges, and other barriers, may be required to protect surrounding properties from view of the premises or noises from the use. The minimum height and other parameters of such screening may be specified.
 - The following shall be considered and cited as reasons for approval or denial of the application:

Section 3.3.2 Review Criteria

- All Special Uses shall comply with and be reviewed using the following criteria to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.
 - 3.3.2.1. The tract of land must be suitable for the type of use proposed by virtue of its location, topography, shape, and the nature of surrounding property.

US 41/Manatee Avenue – Highly Appropriate Location

- 50,000+ vehicles per day on US 41.
- Busiest intersection in T-5 District.
- Only service station/convenience store on west side of US 41 in Downtown.
- Preferable to corridors fronting residential neighborhoods.
- Provides food services for downtown.

US 41/Manatee Avenue



US 41/Manatee Avenue



US 41/Manatee Avenue



US 41/Manatee Avenue



US 41/Manatee Avenue



Site Characteristics

- 3.3.2.1. The tract of land must be suitable for the type of use proposed by virtue of its location, topography, shape, and the nature of surrounding property.
 - The level grade and square shape is ideal for a service station/convenience store.
 - Accessible from both U.S. 41 and S.W. 2nd Avenue.
 - Access is not proposed from Manatee Avenue.

Surrounding Uses

- 3.3.2.1. The tract of land must be suitable for the type of use proposed by virtue of its location, topography, shape, and the nature of surrounding property.
 - South - CVS Pharmacy
 - North – Vacant (planned for hotel/Assisted Living Facility)
 - East – Fast food/Pawn Shop
 - West – School District Office
 - Northeast – Manatee Memorial Hospital
- The site is highly suitable considering these surrounding uses.

CVS Pharmacy (south)



Site/CVS Pharmacy (S.W. 2nd Avenue)



Starbucks/Pawn Shop (east)



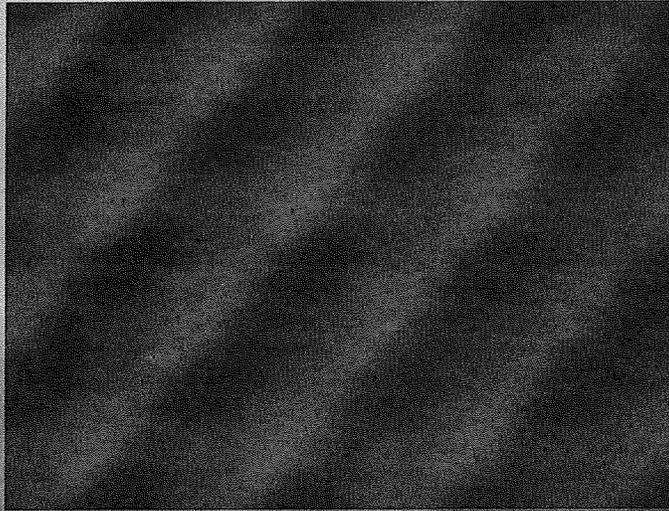
School District Office (west)



US 41 Video



Manatee Avenue Video



Section 3.3.2 Review Criteria

- All Special Uses shall comply with and be reviewed using the following criteria to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.
 - 3.3.2.3. All buildings shall be located an adequate distance from property lines and streets. Setbacks in excess of those required for the specific zone may be required to lessen the effect of the use on neighboring properties.
 - Finding: The proposed setbacks are appropriate for this use at this busy intersection. The setbacks will require an Adjustment Approval from the maximum 8' front setback.

Section 3.3.2 Review Criteria

- All Special Uses shall comply with and be reviewed using the following criteria to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.
 - 3.3.2.4. Permanent screening, such as walls, fences, hedges, and other barriers, may be required to protect surrounding properties from view of the premises or noises from the use. The minimum height and other parameters of such screening may be specified.
 - Finding: The proposed site plan utilizing landscaping and a buffer garden wall along US 41 and Manatee Avenue to serve as a street screen as provided by Code Sections 4.9 and 5.5.16(f)(iv).

Section 3.3.2 Review Criteria

- All Special Uses shall comply with and be reviewed using the following criteria to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.
 - The following shall be considered and cited as reasons for approval or denial of the application: (list on next slide)

Special Use Permit Review Criteria

1. Adequacy of ingress and egress to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access.
2. Location and design of off-street parking and loading areas in regard to the items in "1" above and the smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties.
3. Location and design of refuse and service areas in regard to availability, adequacy and effect upon surrounding properties.
4. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties.
5. Screening, buffering or separation of any nuisance or hazardous feature of the use.
6. Proposed signs and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.
7. Effect upon the value of surrounding properties; the use shall not hinder the development of nearby vacant properties or adversely affect their economic values.
8. Adequacy of land and/or building which are to be used.
9. General compatibility or appropriateness with adjacent properties and other property in the district with special consideration given to proposed hours of operation.
10. Environmental quality of the district in which the use is proposed and the effect the Special Use Permit might have on such quality.
11. Consistency with the City of Bradenton Comprehensive Plan.

Special Use Permit Review Criteria

1. Adequacy of ingress and egress to property and proposed structures with particular regard for automobiles and pedestrian safety and convenience, traffic generation, flow and control and emergency access.

Finding: Adequate ingress/egress is available from US 41 and SW 2nd Street and designed to minimize vehicular/pedestrian interaction. The location of the fuel pumps in front of the store minimize vehicular movements by providing direct access from US 41.

Special Use Permit Review Criteria

2. Location and design of off-street parking and locating areas in regard to the items in "1" above and the smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties.

Finding: Parking is designed to minimize vehicular movements. Stage 1 vapor recovery capture vapors during refueling. Smoke and dust will be minimal. Vibrations and pollution will not impact adjacent properties beyond existing traffic conditions.

Special Use Permit Review Criteria

3. Location and design of refuse and service areas in regard to availability, adequacy and effect upon surrounding properties.

Finding: The refuse area is located at the southwest corner of the building and will be screened with an enclosure (8').

Special Use Permit Review Criteria

4. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties.

Finding: The site is served by adequate utilities that will not impact surrounding properties.

Special Use Permit Review Criteria

5. Screening, buffering or separation of any nuisance or hazardous feature of the use.

Finding: There are no nuisance or hazardous features on the proposed site. The garden wall will serve as a street buffer per Sections 4.9 and 5.4.16(f)(iv).

Special Use Permit Criteria

6. Proposed signs and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.

Finding: The proposed signs and lighting will conform with the Form-Based Code.

Special Use Permit Review Criteria

7. Effect upon the value of surrounding properties; the use shall not hinder the development of nearby vacant properties or adversely affect their economic values.

Finding: Research conducted by Capright determined that the proposed use will not adversely affect surrounding economic values.

Special Use Permit Review Criteria

8. Adequacy of land and/or building which are to be used.

Finding: The property is ideally situated to function as a service station/convenience store.

Special Use Permit Review Criteria

9. General compatibility or appropriateness with adjacent properties and other property in the district with special consideration given to proposed hours of operation.

Finding: Hours of operation will be standard, as the proposed location is not adjacent to any residential uses. The proposed site is consistent with the commercial character of the US 41 corridor.

Special Use Permit Review Criteria

10. Environmental quality of the district in which the use is proposed and the effect the Special Use Permit might have on such quality.

Finding: There are no environmental features on or adjacent to the proposed site. The proposed use will not impact any environmental resources within the T-5 District.

Special Use Permit Review

11. Consistency with the Comprehensive Plan.
 - Site is designated as Urban Central Business District on the Future Land Use Map.
 - Mixed-use area surrounding the urban core;
 - Provides for residential and non-residential land uses;
 - Transition from the Urban Core to the less intense Urban Village land use classification; and
 - Goal is to achieve a 50/50 mix of residential and non-residential land uses.
 - The proposed use is consistent with the UCBD.

Special Use Permit Review

11. Consistency with the Comprehensive Plan.

- ▣ Policy 1.10.2 – The Downtown Subdistricts each have specific needs and require special planning and design...Exhibit 1: ...to guide compatibility decisions for new development and redevelopment within each of these subareas.
- ▣ Policy 1.10.12 – The Health and Wellness Sub-District is characterized by mid-rise medical office buildings, live/work residential, and mixed use commercial/retail uses that support the Hospital and related office uses.
 - Finding: The proposed use is consistent with Policy 1.10.12.
 - Finding: Policy 1.10.12 does not limit uses in the Sub-District to only medical uses.
 - Finding: The proposed use provides a mix of fuel sales, convenience goods, and prepared food to support visitors to the Hospital and local residents and workers.

Special Use Permit Review

11. Consistency with the Comprehensive Plan.

- ▣ Policy 1.12.2 Encourage Infill Development. Bradenton will encourage infill development... by promoting other forms of economic growth and by... land development regulations that facilitate the sensitive integration of new development in older urban areas.
 - Finding: The proposed site has been vacant for many years and qualifies as an infill property in need of redevelopment.
 - Finding: Based on its limited size and location, the site is appropriate for only certain uses.
 - Finding: The proposed use incorporates garden walls and architectural features to achieve sensitive integration.

Special Use Permit Review

11. Consistency with the Comprehensive Plan.
 - Policy 1.13.2. Urban Infill Development. The City of Bradenton will promote urban liveability while balancing the needs of mobility and access.
 - Finding: One of the objectives of the redevelopment plan is to make Downtown self sufficient. The proposed site provides gas, prepared foods and convenience goods that are very limited in Downtown.

Special Use Permit Review

11. Consistency with the Comprehensive Plan.
 - Policy 1.2.7 (Design Element). Building Entrances. The City shall require primary building entrances to be physically and visually oriented toward streets... rather than to interior parking areas.
 - Finding: The primary building entrance is oriented toward US 41 to conveniently serve customers.
 - An Adjustment has been requested in a separate application to reconcile this requirement with code design standards that orient the entrances inward for gas customers or otherwise require customers to circle the building to enter at the street.

Special Use Permit Review

11. Consistency with the Comprehensive Plan.
 - ❑ Policy 1.2.9 (Design Element). Crime Prevention Through Environmental Design (CPTED) principles shall be incorporated, where feasible and appropriate, in new development projects.
 - Finding: CPTED principles direct sight visibility and avoidance of obscured areas.
 - An Adjustment has been requested in a separate application to allow the parking and fuel pumps to be oriented toward US 41 to implement CPTED principles.

Conclusion

- ❑ Section 4.7.1. –The decision to allow or prohibit a use in the various zones is based on the goals and action strategies of the Bradenton Comprehensive Plan.
- ❑ As summarized above, the proposed use is consistent with the Bradenton Comprehensive Plan and the Special Use Review criteria.
- ❑ The proposed Special Use complies with the requirements for approval.

PLANNING COMMISSION COMMENT

SU.16.1840

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: Kon Weaver

ADDRESS: 4403 Wazeele

TOPIC OF PUBLIC HEARING: Thornton's No. 1

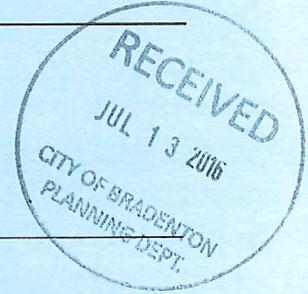
ARE YOU: in favor OR opposed (CIRCLE ONE)

SPEAKING AS: individual OR representative of group (CIRCLE ONE)

Name of group: Thornton's

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: No



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: RONALD A. OXTAL, MAI

ADDRESS: 1102 W. CASS ST TAMPA, FL

TOPIC OF PUBLIC HEARING: 7/13/16 Thornton's

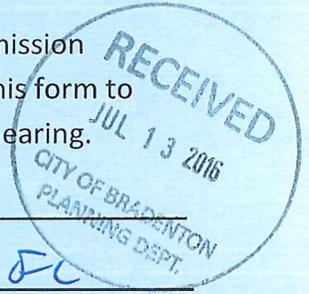
ARE YOU: in favor OR opposed (CIRCLE ONE) Applicant's witness

SPEAKING AS: individual OR representative of group (CIRCLE ONE)

Name of group: 1

Do you have a visual presentation or other evidence to be presented? Yes

Brief description of presentation: VALUATION MARKET



SU.16.1840

PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: Ken Metcalf

ADDRESS: # 107 E. College Avenue

TOPIC OF PUBLIC HEARING: Thornton Special Use

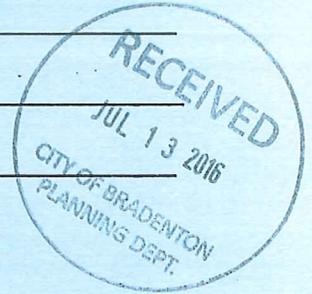
ARE YOU: *in favor* OR *opposed* (CIRCLE ONE)

SPEAKING AS: *individual* OR *representative of group* (CIRCLE ONE)

Name of group: Applicant / Stearns Weaver

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: Yes, powerpoint



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: Jode Balkard

ADDRESS: 10101 Linn Station Rd #200

TOPIC OF PUBLIC HEARING: Thorntons Louisville

ARE YOU: *in favor* OR *opposed* (CIRCLE ONE)

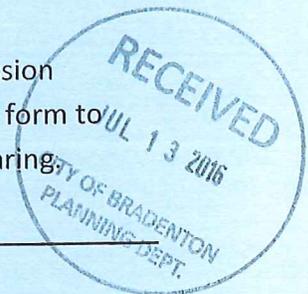
Applicant

SPEAKING AS: *individual* OR *representative of group* (CIRCLE ONE)

Name of group: _____

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: Applicant



PLANNING COMMISSION COMMENT *SU. 16. 1840*

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: PAUL SCHIRMER / TIM BAIRD.

ADDRESS: 3164 LAKWOOD AVE. C.W. OH. 45208

TOPIC OF PUBLIC HEARING: THORNTONS

ARE YOU: in favor OR opposed (CIRCLE ONE)

SPEAKING AS: individual OR representative of group (CIRCLE ONE)

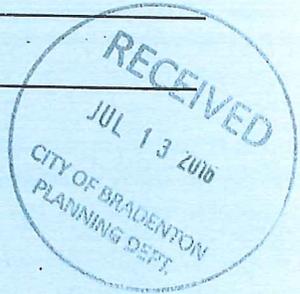
N/A

Name of group: FOR LANDLORD.

Do you have a visual presentation or other evidence to be presented?

N/A

Brief description of presentation: _____



PLANNING COMMISSION COMMENT

Individuals wishing to speak with regard to any item on today's Planning Commission agenda must indicate so by completing the information below and returning this form to Karen Aihara, Executive Planning Administrator, prior to the beginning of the hearing.

NAME: TIMOTHY FOLK

ADDRESS: 4890 TRAIT RIVER XING

TOPIC OF PUBLIC HEARING: THORNTONS

ARE YOU: in favor OR opposed (CIRCLE ONE)

SPEAKING AS: individual OR representative of group (CIRCLE ONE)

Name of group: _____

Do you have a visual presentation or other evidence to be presented?

Brief description of presentation: _____

