

**ABBREVIATED MINUTES
PLANNING COMMISSION MEETING
August 19, 2015**

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida on August 19, 2015 at 2:00 pm.

Present:

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

City Staff: Tim Polk- Planning Director; Chris Gratz-Development Services Manager; Myra Schwarz-GIS/Planner; Ken Langston-Fire Marshal; Kim Clayback-Public Works; Karen Aihara-Executive Planning Administrator; William Lisch, City Attorney

Absent:

Planning Commission Members: Veronica Rogers, Darin Autrey and O.M. Griffith (alternates)

City Staff: Officer Camacho-Police

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: July 8, 2015 motion to approve by Mr. Whetstone/second Ms. Barcus, approved 5-0.
- Speakers were sworn in by Ms. Aihara.
- Welcome to John Vita, new Planning Commissioner and Myra Schwarz, new staff GIS/Planner.

NEW BUSINESS

CP.15.2887 WARD 4 NEIGHBORHOOD 7.03

Request by ZNS Engineering, LC and Vogler Ashton, agents, for the City of Bradenton, owner, and Bradenton Land Group, LLC and O'Reo Farm Two, LLC, applicants, for a Small Scale Comprehensive Plan Map Amendment for Glazier Gates Park located at 1015 Manatee Avenue East, from Recreation/Open Space to Urban Village.

RV.15.2892 WARD 4 NEIGHBORHOOD 7.03

Request by ZNS Engineering, LC and Vogler Ashton, agents, for Bradenton Land Group, LLC and O'Reo Farm Two, LLC, owners, to vacate plats, alleys, and rights-of-way, confirm the prior vacation of certain plats, alleys, and rights of way, and to release rights of reverter on land generally located north of Manatee Avenue, south of the Manatee River, east of 10th Street East, and west of 12th Street East.

SAP.15.2888 WARD 4 NEIGHBORHOOD 7.03

Request by ZNS Engineering, LC and Vogler Ashton, agents, for Bradenton Land Group, LLC and O'Reo Farms Two, LLC, owners, for a Special Area Plan (mixed use development) located generally at 1015 Manatee Avenue East (zoned T4-O and T4-R), on real property more particularly described in the application for the Special Area Plan approval.

Mr. Gratz reviewed the three requests' staff reports, aerials, and maps for the Villages at Riverwalk mixed use development, Glazier Gates map amendment, and vacation of plats, alleys and right-of-ways, staff recommendations, and stipulations. Additional two stipulations from Ms. Clayback, Public Works to be included in the project: 1) request repaving of 4th Avenue East between 12th and 14th Street East, and 2) extend 3rd Avenue East from 10th St East to 9th St East and combine the two retention ponds. No additional stipulations from Fire Marshal.

Planning Commission Questions/Comments to Staff:

- Mr. Bakker asked who will be maintaining the streets and public right-of-ways. Mr. Gratz replied that once built and dedicated, the City will maintain. The other streets and phases will be maintained by the developer, including landscaping and irrigation along the main boulevard.
- Mr. Bakker asked if the street lighting will match the Old Town style of the Antiques District. Mr. Gratz and Mr. Polk stated that the lighting will match the DDA standard.
- Mr. Bakker asked about the three project phases, is there a timeline for the phasing and if the development playgrounds will be open to the public. The applicant will address the questions.
- Mr. Bakker asked about DRC comment that the drainage needed to be worked out. Ms. Clayback answered that the original documents stated that the City and the developer would share the capacity of the pond at 50%. During the technical detail discussion, we still need to work out what is 50% of treatment volume and total capacity of the pond, it is still not been concluded.
- Mr. Bakker asked where the drainage was connected behind Marriage Works. Ms. Clayback stated that it is a Manatee County pond and it goes out to the river. It is a 9th Street East collection system, south of 9th Street East is a Manatee County maintained road.
- Ms. Barcus asked about the garbage collection for individual phases. Mr. Gratz stated that Phase 3 mixed use has a business use compactor and townhome units will have individual can service. It is a tight site and will need to be addressed by the applicant.
- Ms. Barcus asked about the perimeter fence. Mr. Gratz does not have the details, but assumed it was aluminum picket style and will be addressed by the applicant. Are there any pedestrian gates? Mr. Gratz answered, yes, there will be pedestrian gates along the river, no details on other phases. The applicant will answer the question.

PUBLIC HEARING:

Opposed

- **Lydia Copeland-McNeal**, 1002 3rd Avenue East, spoke against the project. She expressed concern regarding proper notification of November 2014 meeting, retention pond, the trees on the park property, replacement of a historical park, Vanguard parking.
- **Frank Lambert**, 102 15th Street East, concerned about changing zoning of Glazier Gates Park, the land swap, if the developer is using park as their green space. Concern if this was Section 8 apartments. This development could be great, but this is not it.
- **Sherry Svekis**, 835 S. Osprey Avenue, Sarasota representing Reflections of Manatee at 1302 4th Avenue East. Concerned about impact on remaining historic resources in the area, Phase 3 will surround the Reflections on three sides and will overshadow the wood frame houses, cause rot to the wooden structures.
- **Karen Willey**, 1113 16th Street West representing the Florida Native Plant Society. Asked that the board oppose the comp plan amendment from recreational open space to urban village. The current location of Glazier Gates is at a 14 ft. elevation and new locations are at a 2 ft. elevation. Concerned about the difference in elevation and the soil at the new park site.
- **Shirley Ward**, 819 3rd Avenue East asks the City to leave the park alone.
- **Jerri Lambert**, 102 15th Street East concerned about the retention pond and runoff into the river, the quality of the apartments, green space is not adequate, the loss of the park, large trees and historic value.
- **Dale Ward**, 819 3rd Avenue East and a 22 year resident. Against CP.15.2887 Glazier Gates Park. Park is used on daily basis, it has new equipment, beautiful oak trees. After moving park, it will become a passive park.
- **Affie Twiford**, 1412 1st Avenue East spoke about the traffic on Manatee Avenue East at 14th and 15th. This development will increase traffic by at least 1,000 cars for over 500 units. Mr. Gratz

stated that this is a traffic concurrency exception area which is congested and nothing else can be done to it as far as road improvements.

- **Jackie Atwood**, 1010 Riverside Drive East is opposed to where the park is proposed to be moved to, Second Avenue East was previously vacated and access will be rededicated back to the City. Ms. Atwood is not totally against the development, but is totally against moving the City Park. Ms. Atwood questions release rights of reverter, property should be reverted back to the City, question on zoning over donation of artwork will “buy” another story on condos. Liked the aspect of the stormwater vault, don’t think the flowage easement, retention ponds are going to be adequate for run-off. In heavy rain, the seawall turns into a waterfall that lasts for two days to get rid of the water. She likes Mr. Powers offer of his property.
- **Jeffrey M. Williams**, 322 14th Street East stated his concerns of what is exact size of parking spaces, where are the handicapped spaces shown on the plan, the project design with rental development. Mr. Bakker stated that the City has requirements for spaces, number of handicapped spaces, and it is reviewed for fire safety. The documents on City Calendar show clearly the site plan with building heights.
- **Kay Young**, 1420 1st Avenue East has concerns about her high end rentals, the ecosystem with trees, eagles, ospreys nesting in the park. Who will be maintaining the green space during Phases 2 and 3 that are not being developed, they are not mowed now and there are huge holes in the road.

In Favor

- **Carey Newton**, 112 10th St East asked who will be responsible for the upkeep of land, the retention pond was supposed to be a “dry” pond, not full of water, what is the fencing height around the property, will the new water and sewer lines extend to all properties, and the riparian rights of current owners. Ms. Clayback, PW, stated that the developer is responsible for reconstructing the infrastructure within the community and Lift Station 1 will be part of the Phase 1 construction. 10th Street is the City’s responsibility and outside of the purview. Infrastructure replacement in this area is being evaluated as part of the City’s 15 year CIP process.

Not In Favor or Opposed

- **Klaus Doranth**, 1007 Manatee Avenue East, representative of Marriage Works; concerned about loss of park parking for Vanguard and Marriage Works.
- **Michael Fernandez**, 1409 1st Avenue East, developer of Riviera Dunes. Concerned by the quality of the rental units, price range, how the density will affect the area, perimeter fencing, relocated and rezoned park, and new park layout. Mr. Polk stated that the new park will be decided by City Council.
- **Robert L. Pelot**, business at 831 Manatee Avenue East, not totally against the project. His concerns include the parking, the oak trees in the park, will the public be able to use the dock at Spears Point (end of 11th St.), fencing around Ms. Atwood’s property, green space, need recreational elements in park, i.e. pathways, gazebos, too high of density, eminent domain.
- **Don Power**, 1001-1007 Manatee Avenue East, owns several homes in the immediate area. Volunteered to sell his property for the park swap, 102 14th St East right on the water. Marriage Works parking concern.

Applicant Presentations

Mr. Ed Vogler, 2411A Manatee Avenue West is representing Bradenton Land Group which the principles are Bob Hatfield and Bill Rank and property owners. Introduced Ron Allen, NDC; Michael Corcharan, Architect; Rachel Layton and Nathan Kragt, ZNS Engineering. Mr. Vogler introduced the three applications to redevelop this series of subdivisions which were homes, but were removed by the prior development owner and due to public safety. The Riviera Southshore is still technically active with 691 units and 12 story buildings. This plan is an amendment and consistent with the Form Based Code. The primary motivation for the park swap is the continuation of the Riverwalk Park from 14th St West to 12th Street East is in the best interest of the City of Bradenton. The pre-

development agreement dealt with these issues: the park exchange, right of way conformations, drainage cooperation, development of a new lift station and attempt the live work. Mr. Vogler continued his presentation of the Villages of Riverwalk overview, history of project, park swap advantages, land acquisition process, parking challenges, land vacations, eminent domain was never suggested and should not be a concern. The distinction between ownership and rentals was addressed. No objection to combining the ponds, but the language is to be reviewed. No timing on the phasing of the project. Fencing is usually 5 ft. aluminum picket-style. Staff recommends approval and asks for support of the Planning Commission.

Applicant Technical Presentation

Ms. Rachel Layton, Planning Director, ZNS Engineering presented overview of Villages of Riverwalk and her presentation with maps and building renderings are attached (Exhibit A). Ms. Layton answered questions from the Commissioners:

- Breakdown of size of units:
 - 50% of development is one bedroom
 - 40% are two bedrooms
 - 10% three bedrooms
- Ms. Layton answered that the lift station and roundabout will be constructed with Public Works during Phase 1.
- Mr. Polk stated that drainage rain gardens in form based code is an approach, but not a requirement.
- Infrastructure will be built for each phase as needed.
- Mr. Moon asked when will green space be built? Mr. Vogler stated that land will be conveyed to the City immediately, development will be driven by the City.
- Mr. Polk stated that the green space and landscaping are form-based code requirements.
- Mr. Bakker asked if the drainage on the west boundary will be fenced or open. Ms. Clayback stated that it has not been determined; if it is a 4:1 slope it will not require fencing. If it has retaining walls, it will need to be fenced. It is being designed as a wet pond.
- Ms. Layton reiterated that the public park is not in the calculations as open space.
- The form-based code table 4-4 provides a height bonus for the provision of public art, which will be located in the roundabout. The art will be reviewed by the Architectural Review Board before approval.
- There are two bus stops in front of the development and sidewalks throughout the project.
- Ms. Barcus commented that Phase 3 of project looks “old world” and very walkable. Pedestrian access and walkability are keys to the Urban Village form-based code.

Ms. Layton requests recommendation of approval of the Comprehensive Plan Amendment, Right-of-Way Vacation, and Special Area Plan.

Planning Commission Questions to the Applicants

- Mr. Bakker confirmed that public art is slated for the roundabout in Phase 1. During the phasing of project, who will maintain and to what level the Phases 2 and 3. Mr. Vogler stated that during construction, there will be construction trailers, staging. The rest of the site will be secured with fencing. Contractors have been unable to get in there to mow because of the rain. It will be mowed and maintained.
- Mr. Vita stated that he heard that this is not a final plan, just a detailed concept. Phase 2 parcel has been stated that it would be very desirable as a park, has this been considered. Mr. Vogler stated that swapping Bldg. 9 is not considered economically viable at this time.
- Mr. Bakker asked if rental rates have been set. Mr. Vogler stated that they do not know that and would not intimate to a public body. The downtown Riversong project has some of the highest rents in Manatee County. Ms. Barcus stated that this is not a Section 8 housing project.
- Mr. Whetstone asked if we know the percentage of total green space in this project. Mr. Vogler answered the green space is approximately 8 out of 22 acres, around 30%, this calculated per the code.

- Mr. Bakker asked if in the Phase 3 development, will there be market research to set fair market prices for the commercial space before converting to residential. Mr. Vogler stated that the answer is yes.
- Mr. Moon commented that this is a huge opportunity for live work. The location of the live work is the furthest eastern location of property, is there consideration to include Central Café, Rexall Drugs, and Vanguard to create a small market of retail space. Mr. Vogler stated that it has been considered and discussed, but the 9th St corner is not in the project.
- Mr. Bakker asked if there are homeowners in the vicinity that may be interested in selling their property to add to the project, is there still an opportunity to approach. Mr. Vogler stated that the short answer is, yes of course, it is always an option but the reality is that construction is planned to start end of this year or beginning of 2016. If the parcels do not integrate into the project, the timing of the window has closed.
- Mr. Whetstone asked if nothing was done at Planning Commission today, could the developers revert back to original Riviera Southshore PDP with higher density. Mr. Vogler answered that the approvals all exist; particularly the market for high rise condominiums is not today. When it comes to creating opportunities for your community, have to seize them and this is one.
- Mr. Bakker asked about parking just west of Pelot's Pharmacy next to Retro Rosie, this seems to be ¼ full at all times of day. Is that a public lot and can it be used for displaced cars? Mr. Polk stated that he believes it is a private lot.
- Mr. Moon asked if a tree survey has been done. Mr. Vogler said yes, it has been done. Survey was displayed (Exhibit B). Consideration was considered relative to tree location, canopy, also quality of the trees, many of which are not good. Mr. Moon asked if the development team would be willing to meet with the conservancy group or Bradenton Tree Board if it has not already been done. Mr. Vogler said it is a very difficult proposition to take into consideration the roots, canopy, and location. We can't change the design at this stage, we are going through permitting and hurdles. What I heard from the citizens was the trees are an important part of this existing park, so don't move this park. This is a policy question, do we have a linear Riverwalk park or keep a quaint neighborhood park. We already advanced over that hurdle early on with the City Council, because we didn't want to come this far if the City did not share that policy. The question of the park swap is not on the table today, the site plan approval and changing the comp plan to allow for this use is on the table.
- Mr. Polk submitted that a letter was sent to the Mayor and City Council on August 10, 2015 from the Chair of the Tree Board, Caryl Ponder. The letter was a request to preserve the name, Glazier Gates Park (Exhibit N) and include the Tree and Land Preservation Board in the design of the park. Mr. Lisch stated that all park decisions will be made by City Council.
- Ms. Atwood stated that according to the Pre-Development Agreement, City and Developers will use best efforts to cause an exchange – there was no guarantee, best efforts is not a guarantee for a land swap. The November Meeting was advertised with less than 24 hours public notice before the meeting. There were things done that no one had any say in, such as easements that affect us that were agreed to with no public input. Ms. Atwood was upset and disagreed with comments from Mr. Vogler about offers of money on her property.
- Mr. Vogler objected to comments by Ms. Atwood. A summary of all outreaches to Ms. Atwood and the neighbors have been sent to the City Clerk, Planning Director, and the City Council members.
- Mr. Moon asked about the time table for the development of the public park. Mr. Polk stated that City Council will make this decision, but it would be part of the first phase. The park will be the City's responsibility and will some community engagement on what the citizens would like to see in the park.
- Ms. Barcus stated that she remembers when Glazier Gates was not safe. It can be improved and the City's intention would be to keep improving it, if it is relocated.

Public Hearing is closed.

Staff Comments:

- Mr. Lisch suggested that the second stipulation of the pond decision should be determined by City Council.
- Fire Marshal had no additional comments.

PLANNING COMMISSION RECOMMENDATIONS

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1. Dedicate and construct a roadway within a 20' easement to maintain alley access for the properties located at 314 and 318 12th Street East upon development of the surrounding property.

Motion to approve by Mr. Whetstone, second by Ms. Barcus, 5-0 approved.

SAP.15.2888 WARD 4 NEIGHBORHOOD 7.03

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1. Submission of a Small Scale Comprehensive Land Use Plan Map amendment to change the three (3) parcels currently shown as Residential Medium (10 DU/AC) to Urban Village in order to clarify the Future Land Use Plan Map.
2. Dedicate to the City all of the right-of-ways necessary (to the back of sidewalk) for 11th Street East through the project, 3rd Avenue East for the east and west legs off of the roundabout, and 10th Street Court East from Riverside Boulevard Drive East to 2nd Avenue East as shown on the proposed Special Area Plan.
3. Design the roundabout to adequately accommodate all vehicles, provide irrigation and below grade well up-lighting acceptable to the Public Works Department.
4. Provide a signage plan that meets the Form Based Code standards prior to building permits being issued.
5. Grant temporary easements to the Public Works Department for existing utilities to be in place until such time as the infrastructure improvements required for the project are completed.
6. Repave 4th Avenue East between 12th Street East and 14th Street East with Phase 3 of the project.

Motion to Approve with six stipulations and correction on stipulation #2 by Ms. Barcus, second by Mr. Moon, 5-0 approved.

These requests are going to City Council on September 9, 2015 at 8:30 am with second reading on the comprehensive plan on September 23, 2015 at 6:00 pm.

REPORT OF THE PLANNING & COMMUNITY DEVELOPMENT DIRECTOR

- The Villages of Riverwalk aka Riviera Southshore project goes way back with six reiterations of site plan, then went dormant for a while. Density dropped from 693 units to 531 units. Kudos to Chris, Myra and Karen for their work. This has been an intensive project to review.
- Flowers Bakery is under construction with the possibility of nearby work force housing.
- Manatee Inn redevelopment on 14th Street plan for work force housing, not public housing.
- Mr. Bakker commented that the transient population has been on the up tic. It is a regional problem, needs a master plan between Sarasota and Manatee Counties. DDA Board had a discussion on community policing on Riverwalk and downtown areas. Homeless care should be a discussion point at the Manatee Chamber Planning Retreat.

NEXT PLANNING COMMISSION MEETING - Wednesday, September 16, 2015.

ADJOURNMENT – Motion to adjourn at 5:31 p.m. (Moon/Whetstone).

Diane Barcus, Vice Chairman

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