

**MINUTES
PLANNING & ZONING BOARD MEETING
WEDNESDAY, AUGUST 13, 2014 @ 3:00 p.m.
KATIE PIEROLA COMMISSION CHAMBERS**

Pledge of Public Conduct: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

NOTE: MORE THAN ONE ELECTED OFFICIAL MAY BE IN ATTENDANCE

**CALL TO ORDER
PLEDGE TO THE FLAG**

ROLL CALL

PRESENT: Chair Dan DeBaun; Vice-Chair John Burns; Fawzy Makar; John Metz

ABSENT: Barbara Curtis; Robert Dale; Dawn Betts.

ALSO PRESENT: Building Official, Stephen W. Gilbert; City Planner, Alan Garrett

PRESS: The Sun; The Islander, Herald Tribune.

**WITH A QUORUM PRESENT AND ACTING, THE CHAIR
CALLED THE MEETING TO ORDER.**

ORDER OF BUSINESS:

1. Approval of Minutes dated June 11th, 2014.

MOTION BY JOHN BURNS TO APPROVE THE MINUTES DATED JUNE 11, 2014 AS WRITTEN. THE MOTION WAS SECONDED BY JOHN METZ AND DISCUSSION CONTINUED. MOTION APPROVED WITH ACCEPTION TO PAGE 1 CORRECTION TO THE MINUTES WHERE IT WAS STATED THAT JOHN BURNS QUESTIONED WHETHER THIS INCLUDES PARKING IT WAS JOHN METZ WHO STATED THAT. VOTE: ALL AYE. MOTION PASSES WITH THAT ACCEPTION.

2. OLD BUSINESS

- A) A CONTINUED PUBLIC HEARING to consider and receive public input on a Special Exception for a Hotel in a Limited Commercial district (C-1) based on the provisions of Section 34-343, Allowable Use chart in order to develop a two unit hotel for the following described property located at 113 9th Street North: Lot 18 less the west 13.85 feet thereof; and**

the west 13.85 feet of Lot 17 of Mira-Mar subdivision, as per plat thereof recorded in Plat Book 7, Page 46 of the Public Records of Manatee County.

Alan Garret City Planner spoke: Our first item is a special exception and we will need to be sworn in. He then stated what the first item of business was and I would like to hand out and give applicant copy of a letter related to the request. (See attached).

Ms. Petruff will speak: this is continuation of public hearing I am still under oath, this Commission directed us for a variance to do research and answer questions on history of the site; she then went on to talk about everything she had done and exhibits that she handed out at the meeting with the Magistrate. She stated she would hand all copies to the board and clerk. Discussion Continued.

She continued to discuss deeds that went back to the 70's that tracks history of how her client came to own the land. Discussion Continued. (Structure, lot 17 and lot 18, Ordinance number 98-310).

She went onto explain how lot 18 became a legal lot of record by enactment of the ordinance. One of the most important documents she gave to the Special Magistrate (in her judgment) had to do with traffic and she passed them out to clerk and board members. This is the ITE (Institute of Transportation Engineers Common trip generation rates) Discussion Continued. (Traffic, Subdivision Plat).

The City of Bradenton Beach made a decision that had nothing to do with me nothing to do with this board that allowed a lot of traffic to ingress and egress on 9th street, at the time it was a legal decision for them to make. But the fact that there is all of that traffic on 9th street in my estimation should not be used as a part of a decision to disallow a lot that is part of the plat that consists of 9th street to not have any use of their property. Discussion Continued. (Traffic).

Ms. Petruff then handed all copies to board and clerk for the record. Discussion Continued on parking lot. (Site plan, setbacks, heights, landscaping).

I believe we comply with the Comp plan and I do not believe we will cause a substantial issue. (Parking on right of way, enforcement issue on parking).

Ms. Petruff spoke: I think I have covered the issues that you asked me to review. I believe I gave a very thorough presentation demonstrating entitlement to the special exception. I would be happy to answer any questions I have relevant parts of your zoning code with me to talk to you about any questions on any other permit issues. Discussion Continued.

We are all trying to do the best we can with the limitations and guidelines we are given. I respectfully request that you make a recommendation to approve this use and forward it to the City commission for their final action. That will be another full public hearing and any citizens that are unhappy will be able to discuss their position with the City Commission. I again respectfully ask that you approve this and move it forward today.

Chair Dan DeBaun spoke: Ask if the board members had any questions at this time. Questions and answers ensued among board members Ms. Petruff and Alan Garrett and Steve Gilbert.

Discussion Continued.

John Burns read from attached.

Discussion Continued about the issue's that John Burns read.

Discussion on continuing the meeting for more information found continued.

Chair Dan DeBaun asked questions of Steve Gilbert and Alan Garrett. (They answered questions).

Discussion ensued.

Staff:

Planner Alan Garrett read the agenda item for the public hearing into the record and noted for the record that the due public notice requirements had been met.

Board Discussion:

3. NEW BUSINESS:

4. PUBLIC COMMENT:

John Arcadi spoke: I have filled out a card. I do not have as much technical knowledge as others in this room. However I live in that area. The Gulf drive café and it's not that this isn't relevant to what is going on here it is very relevant. The Gulf Drive Café has really hurt this neighborhood. A bunch of retired people, a bunch of older people, the traffic, the noise, the parking, I have some more pictures here and the violations that they have received (Gulf Drive Café) they have gotten 18 violations in the last year. I have a letter I would like the clerk to read into the record. He spoke about a letter from Mary and Ron. He went onto explain his concerns to the board. Clerk read the letter into the record. (See attached for letter and pictures).

Stylianos Gavrilis spoke: I have filled out a card. I am the owner of 111 9th street north on the west side of the property that is being discussed. A lot of traffic is always there; Car's from the Café they park in front of my property and close the entrance to my driveway. The last meeting I believe I gave you the pictures that they took. I do not have to say anything about it. The variance that the Special Master gave was not fair, for me not to know. I wasn't there on the list. And I am the most important person to talk about it I believe. He went onto explain his concerns to the board.

PUBLIC COMMENT CLOSED.

Discussion continued.

Chair Dan DeBaun spoke: The only thing that makes any sense to us is that we obligate them to have the variance. What's in the details and how it's done is the responsibility of the Special Master. So it's almost irrelevant to us because we have had testimony and the decisions we make are based on the testimony we have heard.

Discussion Continued.

John Burns spoke: My questions for Alan and Steve. The variance has been granted and unless it has been contested in court and there was a time frame for that then it stands my question to Alan and Steve is has the City received in its normal matter of course any notification that the variance is being contested.

Alan and Steve both spoke they have not received any notifications.

Discussion Continued. (On seeing if anything has been filed with the clerk's office). (Traffic issues, Parking issues). (levels).

Joe Hendricks Anna Maria Island Sun spoke: It was filed June 22nd I am looking at it now, Joe Hendricks Anna Maria Island Sun stated his name for the record. According to the Clerk of the Circuit Court website notice of administrative appeal filed on June 26, and sent to City of Bradenton Beach P&Z board, Bradenton Beach Commissioners, Mayor, Special Magistrate, City Planner Alan Garrett dated June 22nd, and Steve Gilbert. Alan Garrett stated he did not receive anything from the courts.

John Burns stated: It doesn't matter it is just another matter we need to resolve.

Discussion Continued. (On reviewing all the issues that have been brought up and informing the City Commission).

MOTION BY JOHN BURNS TO CONTINUE THE ISSUE UNTIL OCTOBER 8, 2014 AT 3 P.M. OR AS SOON THERAFTER AS IT CAN BE HEARD AND MAKE THE CITY COMMISSION AWARE OF THE ISSUES AND A REQUEST FOR LEGAL SERVICES OR THE CITY ATTORNEY TO ADDRESS THE ISSUES THAT ARE ITEMIZED. MOTION SECONDED BY JOHN METZ. VOTE: ALL AYE. MOTION PASSES.

B) B. A CONTINUED PUBLIC HEARING to consider and receive public input on Land Development Code, Appendix A of the Code of Ordinances for the City of Bradenton Beach, Ordinance 14-4141.

Alan Garrett spoke: Our favorite discussion the Land Development Code, it is a Public Hearing. I was informed there may be people who want to speak today I do not have speaker cards.

Public Comment: Opened.

Doug LeFevre spoke: Concerns that were brought up by our board I am Doug LeFevre I am the Vice President of the Sandpiper Co-op Resort and we wrote to Mr. Garrett he then read letter.

Alan Garrett spoke: This is relating to our new Ordinance but now we have changed
The line number would be in our first one so they do not correspond to the new one.

John Metz spoke: I have difficulty interpreting it.

Doug LeFevre spoke: Can he get an electronic version.

Alan Garret spoke: He would email a copy

Doug LeFevre spoke he will update the concern and hand it to Alan.

PUBLIC COMMENT CLOSED.

Alan Garrett spoke: Gave update to the board members on what he has been working on
some of the changes for Ordinance 14-441. (Deletions, additions).

**MOTION BY JOHN BURNS TO CONTINUE THE PLANNING AND ZONING
PUBLIC HEARING UNTIL AUGUST 20, 2014 AT 1PM. OR AS SOON AS IT
CAN BE HEARD. MOTION SECONDED BY DAN DEBAUN. VOTE: ALL AYE.
MOTION PASSES.**

5. AROUND THE TABLE

6. ADJOURNMENT 5:00 P.M.

Dan DeBaun, Chairman

ATTEST:

Terri Sanclemente
City Clerk Pro-Tem

NOTE: THIS IS NOT A VERBATIM RECORD