**AGENDA**
**BRADENTON CITY COUNCIL MEETING**
8:30 a.m. Wednesday, October 11, 2023
CITY HALL COUNCIL CHAMBERS - 101 OLD MAIN STREET

## 1. INVOCATION & PLEDGE

Pastor Lucus Ashley with The Bridge Church

(The City does not endorse the religious beliefs of any speaker.)

## 2. MEETING CALLED TO ORDER

## 3. PROCLAMATIONS

a) Legislative: Brandon Carnes Day - October 11, 2023
Brandon Carnes Day Proclamation
b) Legislative: Pharmacy Week - October 15-21, 2023
Pharmacy Week Proclamation

## 4. PRESENTATIONS

## 5. CITIZEN COMMENTS

Citizen comment will be accepted during the Citizen Comment portion of the meeting on any non-agenda item, agenda item, future agenda item or topic of relevance to the City. Comments will be accepted on the public hearings at the appropriate time.

## 6. CONSENT AGENDA

a) City Administration: Interlocal Agreement with Manatee County for the City Park Project
Interlocal Agreement with Manatee County
b) City Administration: Resolution 23-73 - Code Enforcement and Compliance Policy & Procedures
Resolution 23-73
c) Clerk: Minutes from the August 15, 2023 City Council Workshop
8-15-2023 City Council Workshop Minutes
d) Clerk: Minutes from the September 7, 2023 City Council Budget Meeting
9-7-2023 Bradenton Budget Meeting Minutes
e) Clerk: Minutes from the September 13, 2023 City Council Meeting
9-13-2023 City Council Meeting Minutes
f) Clerk: Minutes from the September 20, 2023 City Council Budget Meeting

9-20-2023 Bradenton Budget Meeting Minutes

g) Clerk: Minutes from the September 27, 2023 City Council Meeting
9-27-2023 City Council Meeting Minutes

h) Clerk: Resolution 23-81: Council of Governments Meeting
Resolution 23-81

i) Event Review Committee: Main Street Live
2023 Halloween Celebration Application and Site Plan

j) Legal: City of Bradenton v. Diversified Underground Services, Inc., et. al.
Settlement and Release Agreement as to 10th Street Location
Settlement and Release Agreement as to 14th Street Location

## 7. BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

ADMINISTRATION OF THE OATH

Anyone wishing to address City Council during the following public hearings will please stand and raise your right hand: "Do you swear or affirm that the factual statements and representations which you are about to present to this board will be truthful and accurate?"

a) Planning & Community Development:

**Quasi-Judicial:** Resolution 23-76 - PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON GRANTING SPECIAL USE PERMIT NO. SU.23.3297 TO OPERATE A DRIVE-THRU RESTAURANT FACILITY IN THE T4-O (GENERAL URBAN OPEN) ZONING DISTRICT FOR PROPERTY LOCATED AT 109, 116 AND 118 10TH AVENUE EAST (PARCEL IDS 4620200008, 4622000000 AND 4621900002) BRADENTON, FLORIDA, AND MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
Resolution 23-76
SU.23.3297 Application
SU.23.3297 Staff Report
SU.23.3297 Presentation
9-20-2023 Planning Commission Draft Minutes

b) Planning & Community Development:

**Quasi-Judicial:** Resolution 23-77 - PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON GRANTING SPECIAL USE PERMIT NO. SU.23.3543 TO EXPAND A LIGHT INDUSTRIAL USE LOCATED AT 1410 8TH AVENUE EAST AND 1415 9TH AVENUE EAST, BRADENTON, FLORIDA (PARCEL IDS 3247400059, 3247200003, AND 3247000007) IN THE T4-O ZONING DISTRICT AND MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Resolution 23-77
SU.23.3543 Application
SU.23.3543 Staff Report
SU.23.3543 Presentation
9-20-2023 Planning Commission Draft Minutes

c) Planning & Community Development:

**Quasi-Judicial:** Resolution 23-78 - PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON GRANTING SPECIAL USE PERMIT NO. SU.23.3623 FOR A PUBLIC FACILITY USE, TO INCLUDE A NEW TELECOMMUNICATION TOWER AND SHELTER AT PROPERTY LOCATED AT 421 17th AVENUE WEST, PARCEL ID 4493800159, BRADENTON, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Resolution 23-78
SU.23.3623 Application
SU.23.3623 Engineering Certification
SU.23.3623 Staff Report
SU.23.3623 Presentation
9-20-2023 Planning Commission Draft Minutes

d) Fire: Ordinance 4022 - SECOND READING AND PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 42, ARTICLE I, II, AND III RELATING TO FIRE PREVENTION AND PROTECTION; REVISING CHAPTER 42, ARTICLE I, II, AND III, TO REMOVE DUPLICATIVE LANGUAGE FROM THE FLORIDA FIRE PREVENTION CODE AND TO CLEAN UP LANGUAGE AND CODE NUMBERS TO ALLOW EASIER READING AND UNDERSTANDING OF CHAPTER 42; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 4022
Business Impact Estimate for Ordinance 4022

e) Planning & Community Development:

Ordinance 4017 - FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE BRADENTON FORM BASED CODE TO CREATE ARTICLE 1, SECTION 1.12, BUILDING HEIGHT INCENTIVES, TO PROVIDE A TIME LIMITED HEIGHT INCENTIVE IN THE T5 AND T6 ZONING DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 4017

Staff Report

9-20-2023 Planning Commission Draft Minutes

f) Planning & Community Development: Resolution 23-82

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, SETTING THE PUBLIC HEARINGS FOR ORDINANCE 4018 ADOPTING TEXT AMENDMENT PETITION LU.23.3495 TO BE HELD AS PART OF THE REGULAR CITY COUNCIL MEETINGS COMMENCING AT 8:30 A.M.; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 23-82

g) Planning & Community Development:

Ordinance 4018 - FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 2.0, SECTION 2.2.4.1, TYPES OF SPECIAL USES, OF THE LAND USE REGULATIONS OF THE CITY OF BRADENTON, TO CLARIFY THE APPROVAL REQUIREMENTS FOR THE EXPANSION OF SPECIAL USES; AMENDING ARTICLE 4, TABLE 4.7, SPECIFIC FUNCTION AND USE, OF THE BRADENTON FORM BASED CODE, TO ADD USE CATEGORIES INCLUDING SECONDHAND STORE AND PAWNSHOP, AND CHANGING THE STATUS OF MEDICAL CLINICS IN CERTAIN DISTRICTS; AND AMENDING ARTICLE 12, OF THE FORM BASED CODE, DEFINITION OF TERMS, TO DEFINE PAWN, PAWNBROKER, SECONDHAND STORE AND PAWNSHOP; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR RETROACTIVE APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 4018

Staff Report

Application

h) City Administration: City of Bradenton Surplus Property Review - PUBLIC HEARING

Surplus Property Information

## 8. NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

a) City Administration: Update on City Hall

## 9. UNFINISHED BUSINESS

## 10. COUNCIL REPORTS

## 11. DEPARTMENT HEAD REPORTS

## 12. ADJOURN

***RULES OF PROCEDURE FOR AGENDA AND PUBLIC APPEARANCES BEFORE CITY COUNCIL***

Please place all cell phones on silent!

PRIOR TO COUNCIL MEETING: Appointments on the agenda, all items from Department Directors and other interested parties must be submitted before 4:30 p.m. on the Wednesday preceding the Council meeting. Anyone wishing to be placed on the agenda must contact Tamara Melton, City Clerk, at City Hall by phone 941-932-9463 or email: tamara.melton@bradentonfl.gov and give their name, business name (if applicable), whether they are resident taxpayers of the City and their business before Council. Appearances before Council will be authorized by the Mayor or Councilperson in charge of the meeting. NOTE: The Mayor may ask a city department to look into an issue prior to the meeting to see if the issue can be resolved. If the Mayor or Councilperson in charge of the meeting feels the request is justified, they will instruct the City Clerk as to its placement on the agenda.

Non-Discrimination Statement: The City of Bradenton prohibits discrimination in all of its services, programs or activities on the basis of race, color, age, disability, sex, national origin, religion, genetic information or marital status. Persons with a disability needing a reasonable accommodation to participate in, or who require assistance or an alternative means for communication of program information such as Braille, large print, etc., should contact as soon as possible, but at least 48 hours in advance:

City of Bradenton
ADA/Title VI Coordinator
101 Old Main Street
Bradenton, FL 34205
ADACoordinator@cityofbradenton.com
941-932-9400
TTY: 7-1-1 or 1-800-955-8771

La ciudad de Bradenton proveera servicio de interprete a las personas quienes su primer lenguage no es el ingles. Si necesita estos servicios, usted o su representante puede comunicar al ADA/Title VI Coordinator, 101 Old Main Street, Bradenton, FL 34205. Tambien puede llamar al (941) 932-9470 o enviar correo electronico a ADACoordinator@cityofbradenton.com

*AT COUNCIL MEETING:*

Citizen comment will be accepted during the Citizen Comment portion of the meeting on any non-agenda item, agenda item, future agenda item or topic of relevance to the City. Citizen comment related to any public hearing item shall be provided during the duly noticed public hearing in order to maintain an accurate record of the proceedings. All citizen comments related to quasi-judicial items are required to be under oath and such comments will be invited to be presented during the duly noticed public hearing for such items.

If an individual (or agent) wishes to address the City Council, they should complete a comment card available at the back of the Chamber and submit such card to the City Clerk.

At the appropriate time during the meeting, the Mayor will call speakers to come forward. After being recognized by the Mayor, the individual should come to the podium and, for the public record, state their name and address, and then provide any relevant comments or testimony related to the item they wish to address. In the case of an agent, they shall identify themselves and the party they represent. The speaker should then proceed to state their position or present their information.

An individual appearance for citizen comment will be limited to three (3) minutes unless additional time is permitted by the Mayor or consensus of the Council. Additional time will be allowed (up to 10 minutes at the discretion of the Mayor or consensus of the Council) for public hearing items if the speaker is officially representing a group of five or more people, provided that written authorization is provided that the person is authorized to speak on behalf of the group.

*Note: If handouts are being distributed, please provide a minimum of ten (10) copies to the City Clerk. If you wish to display a drawing or rendering, contact Tamara Melton, as indicated above, prior to the meeting. Any submissions commented on, photographs, letters, renderings, etc. will be kept by the City Clerk for the official record.*

PURSUANT TO FLORIDA STATUTE 286.0105: If an individual decides to appeal any decision made by the board, council, agency, or commission at this meeting, such individual will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**PLEDGE OF PUBLIC CONDUCT** We, the Mayor, City Council and Employees of the City of Bradenton, agree to: *Establish a process to promote positive interaction among ourselves and the citizens of Bradenton in a positive and non-threatening environment. *Encourage visible, involved and active participation among all. *Promote improved communication through active listening, providing feedback and honest expression of ideas. *Utilize consensus for decision making. *We realize that though we may disagree, we will be respectful of each other. *We will direct all comments to the issues and will avoid personal attacks.

**AGENDA ITEM NO. 3.a**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Tamara Melton, Legislative

**ITEM TYPE:** Proclamation

**AGENDA SECTION:** PROCLAMATIONS

**SUBJECT:** Brandon Carnes Day - October 11, 2023

**SUGGESTED ACTION:** N/A

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
Proclamation recognizing Brandon Carnes' remarkable accomplishments.

**SUGGESTED MOTION:**
N/A

**ATTACHMENTS:**
Brandon Carnes Day Proclamation

# City of Bradenton
## Office of the Mayor

# Proclamation

*By virtue of the authority vested in me as Mayor of the City of Bradenton, I do hereby issue this proclamation honoring*

# Brandon Carnes Day
# October 11, 2023

***Whereas,*** Brandon Carnes is a professional American sprinter for Team USA and a gold medalist who finished first place in the men's 4x100-meter relay at the World Athletics Championships on August 26, 2023; and

***Whereas,*** Mr. Carnes is from Bradenton and attended Manatee High School, where he lettered all four years in track and field, was the All-Area Male Track Athlete in 2011, 2012, and 2013. He was the district and regional champion in the 100 meters and 200 meters in 2012 and 2013 and holds the school record in the 200 meters; and

***Whereas,*** after graduation in 2013, Mr. Carnes traded his red, white, and blue uniform for purple and gold at the University of Northern Iowa where he graduated with a Bachelor of Arts in Graphic Design in 2017; and

***Whereas,*** in May 2022, Mr. Carnes set a new personal best 100m time of 10.02s in Ponce, Puerto Rico. He was bronze medalist in the 100m at the 2022 NACAC Championships held at the Grand Bahama Sports Complex in Freeport, Grand Bahama. He was then part of the victorious American 4x100m relay that won gold at the event. In June 2023, Mr. Carnes equaled his personal best 100m time in winning the Music City Track Carnival and was selected for the World Athletics Championships in August 2023; and

***Whereas,*** the community proudly joins the Mayor and City Council in congratulating Mr. Carnes on his many accomplishments on the track as well as his focus to continue to give back to the community that he was born and raised in.

***Now, Therefore Be It Resolved*** that, I, Gene Brown, as Mayor of the City of Bradenton, Florida, do hereby proclaim October 11, 2023 as ***"Brandon Carnes Day"*** in Bradenton, and extend our sincere appreciation for his remarkable accomplishments and send best wishes for continued success in all his future endeavors.

*Gene Brown*
*Mayor*
*October 11, 2023*

**AGENDA ITEM NO. 3.b**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Tamara Melton, Legislative

**ITEM TYPE:** Proclamation

**AGENDA SECTION:** PROCLAMATIONS

**SUBJECT:** Pharmacy Week - October 15-21, 2023

**SUGGESTED ACTION:** N/A

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
Proclamation recognizing pharmacists and pharmacy technicians.

**ATTACHMENTS:**
Pharmacy Week Proclamation

# City of Bradenton
## Office of the Mayor

# Proclamation

*By virtue of the authority vested in me as Mayor of the City of Bradenton, I do hereby issue this proclamation honoring*

# Pharmacy Week
# October 15-21, 2023

***Whereas,*** pharmacists are experts in the successful use of today's complex medications; and

***Whereas,*** patients in hospitals and outpatient clinics receive better care when pharmacists are directly involved in medication management decisions; and

***Whereas,*** pharmacists' direct involvement in patient care helps reduce unnecessary costs and burden on the health system; and

***Whereas,*** the pharmacists and pharmacy technicians practicing in the acute and ambulatory care settings of Bradenton contribute to the health and well-being of our citizens; and

***Whereas,*** ASHP and Manatee Memorial Hospital have declared October 15-21, 2023, as Pharmacy Week.

***Now, Therefore Be It Resolved*** that, I, Gene Brown, as Mayor of the City of Bradenton, Florida, do hereby proclaim October 15-21, 2023 as ***"Pharmacy Week"*** in Bradenton, and urge all citizens to acknowledge the valuable services of the pharmacists and pharmacy technicians who work in inpatient, outpatient, home-care, and long-term-care settings and all they do to help patients make the best use of their medicines.

*Gene Brown*
*Mayor*
*October 11, 2023*

**AGENDA ITEM NO. 6.a**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Rob Perry, City Administration

**ITEM TYPE:** Agreement

**AGENDA SECTION:** CONSENT AGENDA

**SUBJECT:** Interlocal Agreement with Manatee County for the City Park Project

**SUGGESTED ACTION:** Approval

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
Manatee County agreed to reimburse the City $1,666,666.67 each year for three years for the initial design, engineering, and construction of a third baseball field at LECOM Park for the City Park project. The attached Interlocal Agreement is scheduled to go before the BOCC on October 24, 2023.

**FINANCIAL IMPACT:**
$1,666,666.67 each year for three years with the total reimbursement not to exceed $5,000,000.

**ATTORNEY REVIEW/RECOMMENDATION:**
Attorney Rudacille reviewed the agreement.

**SUGGESTED MOTION:**
Motion to approve the Interlocal Agreement with Manatee County regarding the City Park project.

**ATTACHMENTS:**
Interlocal Agreement with Manatee County

# INTERLOCAL AGREEMENT

*regarding*

## CITY OF BRADENTON - LECOM/CITY PARK PROJECT

BY AND BETWEEN

MANATEE COUNTY, FLORIDA AND
CITY OF BRADENTON, FLORIDA

This Interlocal Agreement {"Interlocal Agreement" or "Agreement") is made and entered into as of the 24th day of October 2023, ("Effective Date") by and between **Manatee County,** a political subdivision of the State of Florida, hereinafter referred to as the "County", and the **City of Bradenton,** a municipal corporation created and existing under the laws of the State of Florida, hereinafter referred to as the "City".

### *RECITALS*

**WHEREAS,** pursuant to and in accordance with Section 125.0104, *Florida Statutes* (the "Act") and Article II of Chapter 2-29 of the Manatee County Code of Ordinances (the "Code") the County levies and collects a five percent (5%) tourist development tax, a portion of the proceeds of which are legally authorized to be used to pay the cost of remodeling, repairing and improvement of publicly-owned sports stadiums within the meaning of the Act; and

**WHEREAS,** the City owns a publicly-owned sports stadium known as LECOM/City Park, and intends to remodel, repair and improve the park within the meaning of the Act, as described in Exhibit "A" attached hereto (the "Project"); and

**WHEREAS,** the Project described on Exhibit "A" attached hereto and incorporated herein by reference is subject to public use and purposes, such that the improvements of that area (the "Project") constitutes a legal and valid use of tourist development tax proceeds pursuant to the Act; and

**WHEREAS,** Section 163.01, *Florida Statutes,* the "Florida Interlocal Cooperation Act", permits the County and City to enter into this Interlocal Agreement to exercise the powers, privileges, and authority which they share in common and which each might exercise separately, in order to make the most efficient use of their powers; and

**WHEREAS,** the County and the City wish to enter into this Interlocal Agreement to establish their mutual rights and obligations with respect to joint

participation in the funding of the Project as detailed in Exhibit A to this Agreement to generate tourism and growth in Manatee County, Florida: and

**WHEREAS,** it is in the best interest of the County, and serves the tourism mission of the County's Convention and Visitors Bureau, to support the Project by reimbursing the City for the costs of such project in the manner set forth herein.

***NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the County and the City agree as follows:***

## *Article I*
## *AUTHORITY*

This Interlocal Agreement is entered into pursuant to the powers and authority granted to the parties hereto under the Constitution and laws of the State of Florida, including expressly (but not limited to) Sections 1 and 2 of Article VIII of the Constitution of the State of Florida, Chapters 125 and 166 of Florida Statutes and Section 163.01 of Florida Statutes.

## *Article II*
## *CONSTRUCTION*

All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine and neuter, singular or plural, as the identities of the party or parties, personal representatives, subcontractors, successors or assigns may require.

## *Article III*
## *COUNTY CONTRIBUTION TOWARD PROJECT FUNDING*

**3.1 City Completion of Project.** The City shall pay for and complete Project, either with its own forces or through contracted service providers, substantially in accordance with the description of the Project set forth in Exhibit **"A".**

**3.2 County Reimbursement Toward Project Funding.** The County shall reimburse the City for actual costs incurred, beginning on October 24, 2023, for the initial design and installation of a third baseball field (such eligible costs to be referred to herein as "Project Costs", as described in Exhibit **"A"),** in an aggregate amount not to exceed five million dollars ($5,000,000.00); to be reimbursed over a three-year period at one million six hundred sixty-six thousand six hundred sixty-six dollars and sixty-seven cents ($1,666,666.67) each year.

The County shall reimburse the City for only such Project Costs as are validly incurred as described in Exhibit A and in accordance with the requirements of this Agreement. The County's obligation to provide such reimbursement shall be

subject to compliance by the City with its obligations under this Agreement.

The City shall also be responsible for paying one hundred percent of such Project Costs in excess of aggregate City and County funded Project Costs of five million dollars ($5,000,000.00), as may be necessary to complete construction of the Project.

**3.3 Invoice and Payment.** In order to receive reimbursement, the City shall provide the County a written application for payment that meets the requirements of this Section. The City's application(s) for payment shall be submitted as written requests to the Bradenton Area Convention & Visitors Bureau and shall: (i) identify all Project Costs funded by the City for which reimbursement -is requested; and (ii) include detailed invoices (indicated as paid with reference to date of payment and check number), copy of cancelled check (front & back) and a completed W-9 and any other documentation acceptable to the County reasonably necessary to identify the Project Costs incurred and funded by the City. The City shall apportion reimbursable costs on a monthly basis and shall submit applications for payment no more frequently than once every three (3) months.

**3.4 Use of County Payments.** The City shall use the funds paid by the County to the City hereunder solely for the purpose of paying Project Costs.

**3.5 Processing and Payment,** The County shall, within ten (10) days of receipt, review the invoice and either approve the invoice for payment or request from the City additional information. If the invoice is approved for payment, the County shall remit payment to the City within forty-five (45) days of the date of the original submittal to the County representative. If any amount in the request is disputed by the County, the County shall, as soon as practical, notify the City, and make partial payment of the amount which is not in dispute pursuant to this paragraph. The City and the County shall meet within seven (7) days of the County notification to attempt to resolve any disputed amounts.

**3.6 FINANCIAL RECORDS AND ACCOUNTNG.** The City keep and maintain financial records related to the operation of the program in accordance with generally accepted accounting principles and for a period of five (5) years, and shall allow the County or its agents to review and audit same at any time upon reasonable notice. The City shall make all such records available for inspection as otherwise may be required by law. The City shall be responsible for any governmental/regulatory fees or taxes associated with the program.

## *Article IV*
## *TERM*

**4.1 Effective Date.** This Interlocal Agreement shall take effect as of its date set forth above.

## *Article V*
## *AMENDMENTS; ENFORCEMENT*

**5.1 Amendments Generally.** This Interlocal Agreement may be amended, and its material provisions may be waived, only by written instrument expressly approved for the County by the Board of County Commissioners and for the City by the City Council, and only if properly executed by all the parties hereto.

**5.2. Enforcement.** The parties to this Interlocal Agreement shall have all legal and equitable remedies provided by Florida law for enforcement hereof.

## *Article VI*
## *MISCELLANEOUS PROVISIONS*

**6.1 Validity.** After consultation with their respective legal counsel, the County and the City each represents and warrants to the other its respective authority and power under Florida law to enter into this Interlocal Agreement, acknowledges the validity and enforceability of this Interlocal Agreement, and waives any future right of defense based on claim of illegality, invalidity, or unenforceability of any nature. The City and the County each hereby represents, warrants, and covenants to and with the other (i) that this Interlocal Agreement has been validly approved by its respective governing body at a duly held public meeting, and (ii) that this Interlocal Agreement constitutes a legal, valid, and binding contract enforceable against the respective party in accordance with the terms hereof (assuming the due authorization, execution, and delivery hereof by the other party hereto).

**6.2 No General Obligation.** Notwithstanding any other provisions of this Interlocal Agreement, the obligations undertaken by the parties hereto shall not be construed to be or constitute general obligations, debts or liabilities of the City, the County or the State of Florida or any political subdivision thereof within the meaning of the Constitution and laws of the State of Florida, but shall be payable solely in the manner and to the extent provided in or contemplated by the respective authorizing instruments and this Interlocal Agreement.

**6.3 Availability of Funds.** The County intends to fund the reimbursements to be made hereunder with proceeds of the County's tourist development tax. The obligation of the County to reimburse the City for Project Costs hereunder Is subject to the discretion of the Board of County Commissioners to budget legally available funds, including without limitation proceeds of the County's tourist development tax, as well as other revenues, in amounts sufficient to fund such reimbursements. Accordingly, this Agreement shall not be construed to constitute a debt or general obligation of the County, or to result in a pledge of or lien upon any revenues of the County, including without limitation general revenues or proceeds of the County's tourist development tax. The County's obligation to pay such funds hereunder shall be limited by and shall be subordinate

to: (a) all senior funding priorities set forth in the tourist development plan, (b) any covenants of the County to budget and appropriate legally available revenues to service County debt obligations, and (c) and requirements of the Act.

To the extent of any conflict between this subsection and any other provision of this Interlocal Agreement, this subsection shall control.

**6.4 Indemnification.** To the extent permitted by law, including without limitation Section 768.28, Florida Statutes and the dollar limitations set forth therein, and from legally available funds, each of the parties hereto (in such context, an "indemnifying party") shall defend, indemnify and save harmless the other, its officers, agents, employees and assigns, from and against any and all liabilities, claims, damages, losses and expenses, including costs and attorney's fees, arising out of or resulting from the negligent or wrongful acts or omissions of such indemnifying party, its officers, agents or employees, made in connection with the performance of the acts, duties, covenants and obligations contemplated in, or imposed pursuant to, this Interlocal Agreement. The City shall maintain insurance policies in amounts and coverages necessary and sufficient to fund its obligations pursuant to this Sect1on and shall name the County as an additional insured on such policies.

**6.5 Force Majeure.** No party shall be liable for any failure to perform, or delay in the performance of, any obligation under this Interlocal Agreement if such failure is caused directly by hurricane, tornado, fire, earthquake, civil commotion or failure or disruption of utility services, or other like cause beyond the reasonable control of the party obliged to perform.

**6.6 Ambiguities.** Both parties have been allowed equal input regarding the terms and wording of this Interlocal Agreement and have had the benefit of consultation with legal counsel prior to its execution, such that all language herein shall be construed equally against the parties, and no language shall be construed strictly against its drafter.

**6.7 Headings; Pronouns.** The headings or captions of sections or paragraphs used in this Interlocal Agreement are for convenience of reference only and are not intended to define or limit their contents, nor are they to affect the construction of or to be taken into consideration in interpreting this Interlocal Agreement. All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine and neuter, singular or plural, as the identities of the party or parties, personal representatives, subcontractors, successors, or assigns may require.

**6.8 Severability.** The provisions of this Interlocal Agreement are declared by the parties to be severable.

**6.9 Governing Law; Venue.** This Interlocal Agreement shall be

governed by and construed in accordance with laws of the State of Florida, and venue for any action arising out of or related to this Interlocal Agreement shall be in the Circuit Court for the Twelfth Judicial Circuit in Manatee County, Florida, or, to the extent any proceeding Is removed to federal court, the United States District Court for the Middle District of Florida, Tampa Division.

**6.10 Full Agreement; Filing with Clerk of Circuit Court.** This Interlocal Agreement contains the entire agreement of the parties with respect to the matters addressed herein. Previous agreements and understandings of the parties with respect to such matters are null and void and of no effect. As required by Subsection 163.01(11) of Florida Statutes, this Interlocal Agreement and all amendments thereto shall be filed with the Clerk to the Circuit Court for Manatee County.

**6.11 Notices.** All notices, elections, requests and other communications hereunder shall be in writing and shall be deemed given in the following circumstances: when personally delivered; or three (3) business days after being deposited in the United States Mail, postage prepaid, certified or registered; or the next business day after being 6 deposited with a recognized overnight mail or courier delivery service; or when transmitted by facsimile or telecopy transmission, with receipt acknowledged upon transmission; and addressed as follows (or to such other person or at such other address, of which any party hereto shall give written notice as provided herein):

If to County:

Manatee County Administrator
Manatee County Administration Center
1112 Manatee Avenue, Suite 920
Bradenton, Florida 34205
Facsimile: (941)745-3790

With copies to:

Manatee County Clerk of the Circuit Court
Angelina Colonnese
1115 Manatee Avenue West
Bradenton, Florida 34205
Facsimile: (941)741-4082

AND

Manatee County Attorney's Office
1112 Manatee Avenue West, Suite 969
Bradenton, Florida 34205

Attention: County Attorney
Facsimile: (941)749-3089

If to City:

City of Bradenton
City Administrator
101 Old Main Street
Bradenton, FL 34205
Facsimile: (941) 932-9547

With copies to:

City of Bradenton
City Clerk
101 Old Main Street
Bradenton, FL 34205
Facsimile: (941) 932-9547

AND

Blalock Walters, P.A.
802 11th Street West
Bradenton, FL 34205
Attention: Scott E. Rudacille, Esquire
Facsimile (941) 745-2093

In all cases, notices shall be deemed delivered to a party only upon delivery of copies to the persons indicated above in the same manner as for the party being notified.

[*Signature page to follow*]

***WHEREFORE, the County and the City have executed this Interlocal Agreement as of the date and year first above written.***

**MANATEE COUNTY, FLORIDA,**
a political subdivision of the State of Florida

By: Board of County Commissioners

By:_____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By:_____
Deputy Clerk

**CITY OF BRADENTON, Florida**
a municipal corporation of the State of Florida

By:_____

Mayor Gene Brown

ATTEST: TAMARA MELTON, CITY CLERK

By:_____
City Clerk

**EXHIBIT"A"**
**to Interlocal Agreement Description of Project**

**CITY OF BRADENTON**
**LECOM/CITY PARK PROJECT**

Project Costs to include, but not be limited to design, engineering, and construction of a third baseball field and related amenities and expenditures as described in this Exhibit "A".

**Total Project Costs to be reimbursed by County to City of Bradenton: not to exceed $5,000,000.00 - ($1,666,666.67 per year for three years).**

# EXHIBITA-
# CITY PARK PROJECT DESCRITPION

## 1. OVERVIEW

The City of Bradenton intends to redevelop and construct new baseball fields along with community activities support facilities in an area north of the existing LECOM Park, currently occupied by City Public Works, into City Park, a premier baseball complex and community development area ("Project"). The Project consists of the construction of a new third lighted baseball field, addition of lights, dugouts, and other construction to an existing field, fan amenities, team amenities, and parking.

The completed baseball complex, shall provide accommodations and facilities to include three (3) regulation sized competitive baseball playing fields, open air seating, shaded seating area, observation zones, bullpens, dugouts, LED lights, concession area, bathrooms, support areas, and parking.

The City park concept will accomplish community re-development, with a focus on neighborhood development for youth education, sports, activities programs and will provide sports tourism economic development on a year-round basis.

## 2. GENERAL PROJECT DESCRIPTION

**Program spaces to be included in the Project:**

### 2.1. Redevelopment of Existing Fields

2.1.1. **Field Lighting**

2.1.1.1. All new lighting system that shall utilize an LED source and consistent with any lighting requirements as outlined by US Amateur Baseball Association, United States Specialty Sports Association, or Major League Baseball (MLB) requirements.

2.1.2. **Dugouts/Bullpens**

2.1.2.1. Addition of new home team dugout, home team bullpen, visiting team dugout, batting tunnels, and visiting team bullpen.

### 2.2 Construction of New Baseball Field

**2.2.1. Demolition Work**

2.2.1.1. The City of Bradenton Public Works building, the Public Works yard which includes two covered parking areas, and the Public Works auxiliary building will need to be demolished and cleared for development.

**2.2.2. Property Acquisition**

2.2.2.1. Additional non-city owned property may need to be acquired in order to build new parking area.

**2.2.3. Baseball Field**

2.2.3.1. Construction of a new LED lighted regulation sized baseball field consistent with generally accepted US amateur baseball standards and/or requirements as outlined by MLB standards.

**2.2.4. Park Entry/Surrounds**

2.2.4.1. Park entry gate and perimeter fencing with flag memoriam, informational area, and signage.

**2.2.5. Seating**

2.2.5.1. Open air seating and covered seating areas in various locations throughout the park.

**2.2.6. Restroom and Concession Building**

2.2.6.1. Construction of two (2) restrooms and a concession building with an observation deck on top.

**2.2.7. Batting Tunnel**

2.2.7.1. Batting tunnel with an observation area.

**2.2.8. Dugouts/Bullpens**

2.2.8.1. The field shall include a home team dugout, home team bullpen, visiting team dugout, and visiting team bullpen.

**2.2.9. Potential Support Structures**

2.2.9.1 Potential vertical construction of onsite multiuse structure(s) to support both competitive competition and youth baseball as well as community development and associated programs

### 2.2.10 Parking Lot

2.2.10.1 Parking lot area that will provide approximately sixty (60) parking spaces.

**AGENDA ITEM NO. 6.b**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Corey Fortin, City Administration

**ITEM TYPE:** Resolution

**AGENDA SECTION:** CONSENT AGENDA

**SUBJECT:** Resolution 23-73 - Code Enforcement and Compliance Policy & Procedures

**SUGGESTED ACTION:** Approve and adopt Resolution 23-73.

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
The City Council wishes to establish and memorialize a uniform set of procedures governing the code enforcement process to ensure compliance with Statutory requirements and uniformity of process.

**FINANCIAL IMPACT:**
N/A

**ATTORNEY REVIEW/RECOMMENDATION:**
Approved

**SUGGESTED MOTION:**
Motion to approve and adopt Resolution 23-73.

**ATTACHMENTS:**
Resolution 23-73

# CITY OF BRADENTON

# RESOLUTION NUMBER 23-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, MEMORIALIZING THE PURPOSE, POLICY AND PROCEDURES GOVERNING THE CODE ENFORCEMENT PROCESS IN THE CITY OF BRADENTON; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council for the City of Bradenton seeks to establish a uniform set of procedures governing the code enforcement process; and

**WHEREAS,** the City Council wishes to memorialize the procedures and guidelines to be followed by City personnel to ensure compliance with the Statutory requirements and uniformity of process;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA:**

1. The City of Bradenton hereby adopts the Code Enforcement and Compliance Policy and Procedures;
2. Said Policy consists of 11 pages and is attached to and a part of this Resolution;
3. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED BY THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, WITH A QUORUM PRESENT AND VOTING ON THIS 11th DAY OF OCTOBER, 2023.

ATTEST:

_____ _____

Tamara Melton
CITY CLERK

Gene Brown
MAYOR

APPROVED AS TO FORM:

_____

Scott Rudacille
CITY ATTORNEY

# CODE ENFORCEMENT AND COMPLIANCE POLICY & PROCEDURES

**Approved by City Council – Resolution 23-73 dated October 11, 2023**

**PURPOSE:** The purpose of this policy is to establish a uniform set of procedures governing the code enforcement process in the City of Bradenton and to provide guidance to all Code Enforcement Division, Building Division and Fire Department personnel regarding strategies and best practices to ensure that the City's Code of Ordinances are enforced both fairly and uniformly.

**OVERVIEW:** Code Enforcement is a Division within the Planning & Community Development Department of the City of Bradenton. The Code Enforcement Division is responsible for providing for the overall health, safety and welfare of the community by ensuring compliance with the Code of Ordinances of the City of Bradenton, the International Property Maintenance Code, the Minimum Maintenance Standards, the Form Based Code and Land Use Regulations. Chapter 162 of the Florida Statutes outlines and provides the statutory authority for the Code Enforcement process. The City's Code Enforcement Division's focus is to assist all citizens with maintaining a safe, economically viable quality of life, with the goal of obtaining voluntary compliance through education and cooperation.

The Building Division, in conjunction with the Fire Marshal or Deputy Fire Marshall, is responsible for ensuring the public safety, health and general welfare of the citizens of the City of Bradenton by ensuring the safety and structural integrity of all structures or portions thereof.

**AUTHORITY:** Authority has been granted by the Bradenton City Council to enforce this Policy's administration as it relates to the Code Enforcement and Condemnation Processes and the policies and procedures City personnel must follow in furtherance of the City's mission to ensure that all properties are in compliance with the City's Code of Ordinances and Land Use Regulations.

**PROCEDURES:**

## A. Violations

Code Enforcement proceedings must be initiated by a Code Enforcement Officer. These proceedings are initiated as a result of a finding that a property is in violation of the City's Code of Ordinances. Violations are generally discovered as the result of either, receipt of a citizen complaint, or discovery by a Code Enforcement Officer during a routine inspection of an area. As set forth in F.S. Section 162.06, a code inspector may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance solely by way of anonymous complaint. A person who reports a potential violation of a code or ordinance must provide his or her name and address to the respective local government before an enforcement proceeding can occur, ***unless*** the code inspector has reason to believe that the violation presents *an imminent threat to public health, safety, or welfare or imminent destruction of habitat or*

*sensitive resources.* Complaints are routed to the Division personnel as determined by the Compliance Manager.

Signs located within a right-of-way will be removed. The Code Enforcement Officer will take a photograph of the location of the sign prior to removal. Any political sign that is removed, will be stored at City Hall until 10 days after the election. If not claimed prior to that time, the signs will be discarded. All other signs will be discarded immediately.

Pursuant to the provisions of F.S. 162.06(b), unless the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources, a person who reports a potential violation must provide their name and address. The name and address of the complainant, will then be recorded in the Enterprise ERP Code Enforcement Module. It is the goal of the Code Enforcement Division to investigate all complaints, when possible, within one business day of receipt. All inspections must comply with federal, state and local laws. It is the responsibility of the Code Enforcement Officer investigating to determine the appropriate action to take based on the inspection of the premises and the gravity of the violation. For tracking and record keeping purposes, all inspections are entered into the Enterprise ERP Code Enforcement Module.

The Code Enforcement Division considers complaints about construction work without a permit to be an imminent threat to public health, safety or welfare, and tree removal without a permit to be imminent destruction of habitat or sensitive resources. Accordingly, the Division accepts anonymous complaints of these violations. Pursuant to F.S. 163.045(2), the City will accept documentation in lieu of a tree removal permit that states an onsite assessment was performed in accordance with the tree risk assessment procedures outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017).

Once a violation is detected by a Code Enforcement Officer upon investigation of a citizen complaint or discovered during a routine inspection of an area, a property inspection is completed. When a minor violation is found the Code Enforcement Officer will give the violator either a verbal warning or leave a door hanger at the property which provides a reasonable time for correction of the violation, generally ten days. If the violation is corrected during that time, no further action is required. If the violation is not corrected within the time allowed, the next step will be a written Notice of Violation, as provided below.

When a substantial violation is found, or a minor violation has not been corrected, the Code Enforcement Officer will issue a Notice of Violation. The Notice of Violation will provide the violator with a reasonable time within which to correct the violation. The determination of a “reasonable time” shall be in the sole discretion of the inspector based on the type of violation, the facts and circumstances surrounding the violation, the length of time the violation has existed and the action deemed reasonably necessary to correct the violation.

A Notice of Violation is provided to the alleged violator either by hand delivery by the Code Enforcement Officer, or by certified mail, return receipt requested to the owner of the property at the address listed in the tax collector's office for tax notices, and at any other address provided to the City by such owner. If said certified mail is returned as unclaimed or refused, the Notice of Violation may be provided by sending first class mail directed to the address furnished to the City with an affidavit confirming the same; or by publication or posting as set forth in Section 2-355(b) of the City's Code of Ordinances.

a) No Running Water

If, upon inspection, it is found that a residence does not have running water, the property will be posted "Unfit for Human Habitation". If necessary based on the residency circumstances, the Code Enforcement Officer will notify Child Protective Services or Elder Protective Services.

b) Work Without a Permit

When work is being performed without a permit either by a homeowner or a contractor, a Notice of Violation is issued. If, after reinspection, the Notice of Violation has been complied with, the case will be closed.

c) Abandoned or Inoperable Vehicles

When an abandoned and/or inoperable vehicle is located on a private property, the Code Enforcement Officer will red tag the vehicle with an "abandoned Property" sticker and leave a door hanger at the property. Additionally, the Code Enforcement Officer may utilize the Driver and Vehicle Information Database ("DAVID") to identify the owner. The DAVID system may not be used for any other purpose, and information obtained from the system must not be shared with non-authorized users. Once the owner has been identified, the Code Enforcement Officer will send a letter to the owner of the vehicle and the property owner. Once the information from the DAVID system has been entered into the letter, the DAVID documentation must be shredded.

If, upon reinspection after 10 days, the vehicle has not been removed it will be towed with the cost to be borne by the owner of the vehicle.

Once a Notice of Violation has been issued, a reinspection will be scheduled. If, upon reinspection, the property is found to be non-compliant, the Code Enforcement Officer *may* provide the owner additional time to correct the violation based on the circumstances surrounding the violation, the length of time of the violation, and the actions reasonably necessary to correct the violation.

Once all time allowed for correction of a violation has passed and a property is found to remain in a state of non-compliance, the case is referred to the Special Magistrate, and a hearing is scheduled. Once a hearing date has been scheduled, the Code Enforcement Coordinator shall send a Notice of Hearing to

the owner of record by certified mail at the address in the tax collector's office for tax notices **and** any other addresses provided to the City by the owner, at least 10 days prior to the scheduled hearing. If the certified mailing has not been signed for, the Notice of Hearing will also be posted at the property and at City Hall and forwarded by first class mail.

If the Code Enforcement Officer has reason to believe that a violation or condition causing a violation presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator, but regardless of the success of such efforts, the Code Enforcement Officer may immediately request a hearing before the Special Magistrate.

### B. Citations

Upon inspection of a property, the Code Enforcement Officer will determine if a citation should be issued based on their investigation of the circumstances. All citations issued are processed with the Clerk of the Circuit Court by the Code Enforcement Manager on the next business day.

The Schedule of Fines for Citations is as follows:

| Level of Violation | Type of Violation | First Offense | Subsequent Offense |
|---|---|---|---|
| Level I | Overgrowth | $75 if uncontested<br>$175 if contested | $175 if uncontested<br>$375 if contested |
| Level II | Land Use Regulations<br>IPMC (Except 302.4)<br>Form Based Code<br>Work Without a Permit<br>Code of Ordinances | $150 if uncontested<br>$250 if contested | $250 if uncontested<br>$450 if contested |
| Level III | Noise Ordinance<br>Tampering with a City water meter<br>Theft of Water | $175 if uncontested<br>$300 if contested | $300 if uncontested<br>$500 if contested |

Additionally, the following fines are authorized and set forth in Section 70 of the City of Bradenton Code of Ordinances:

| | |
|---|---|
| $25.00 | Watering 2nd Violation (Sec. 70-204) |
| $50.00 | Watering 3rd Violation (Section 70-204) |
| $100.00 | Watering 4th Violation (Section 70-204) |

| | |
|---|---|
| $500.00 | Watering, any subsequent violation (Sec. 70-204) |
| $500.00 | Illicit Discharge (Sec. 70-192; 70-193) |

a) Work Without a Permit

Generally, when work is being performed without a permit, a citation is issued to the contractor performing the work and a Stop Work Order is posted on the property by the Code Enforcement Officer. The Code Enforcement Officer shall take pictures of the performed worked and the posted Stop Work Order and upload the pictures into the Enterprise ERP Code Enforcement Module. If, upon reinspection, the property is found to be in non-compliance a second citation is issued and the Special Magistrate process is initiated.

If Code enforcement is unable to determine when the work was performed and/or the work was performed more than one year prior, no action will be pursued.

Once a Citation has been issued, if the fine is paid and the property brought into compliance, the case will be closed. If the owner files an appeal of the fine, a hearing will be held in the Manatee County Court.

### C. Hearings Before the Special Magistrate

The Special Magistrate is an attorney under contract with the City of Bradenton empowered pursuant to F.S. 162 and Section 2-319 of the City's Code of Ordinances. The Special Magistrate works to provide the equitable, expeditious, effective and inexpensive enforcement of all of the Codes and Ordinances of the City.

The day prior to the scheduled hearing, the property will be reinspected to determine the current status of violations. Pictures of the violations will be taken by the Code Enforcement Officer. All federal, state and local laws must be observed when taking pictures.

Hearings before the Special Magistrate are quasi-judicial. Although formal rules of evidence do not apply, fundamental due process shall be observed. All hearings are open to the public, but public comment is only allowed if someone has relevant testimony, and only with permission of the Special Magistrate. All testimony is taken under oath and is recorded. The violator or their legal counsel or authorized representative, the Code Enforcement Officer handling the case, and any witnesses who will be providing evidence or offering testimony shall be sworn in.

Each case concerning a violation that is brought before the Special Magistrate shall be presented on behalf of the City by the Code Enforcement Officer. The Code Enforcement Officer will present evidence and

recommend the number of days to be allowed to bring a property into compliance, as well as the fine to be assessed. The violator or their legal counsel or authorized representative may then present their case. Upon presentation of all evidence, the Special Magistrate shall close the hearing. Based on the evidence presented at the hearing, the Special Magistrate shall determine if a violation exists and, if so, shall issue a First Order, which contains the findings of fact and conclusions of law. The First Order shall include the fine amount, the corrective action to be taken, and the date by which the property must be brought into compliance. If the Special Magistrate finds that a violation does not exist, an Order to that effect shall be issued and the case shall be dismissed.

Once an Order finding a violation exists has been issued by the Special Magistrate, the Code Enforcement Officer will conduct an inspection upon notification by the property owner that the property has been brought into compliance or upon the expiration of the time provided for corrective action to be completed. If the property has been brought into compliance an affidavit of compliance is issued and the case is closed.

### D. Liens

Upon notification by the Code Enforcement Officer that an Order has not been complied with by the time set forth in the First Order, the Special Magistrate will schedule a second hearing. At that hearing, if the Magistrate determines that the required corrective action did not occur within the established timeframe, the Special Magistrate will issue a Second Order, imposing a fine not to exceed $250.00 per day for each day the property remains in non-compliance and the Compliance Manager will cause the Second Order to be recorded in the Official Records for Manatee County constituting a lien on the property within 30 days of issuance. The maximum fine imposed is limited to $75,000 for a first time violator and $150,000 for a repeat violator. A copy of the Second Order will be forwarded to the property owner by certified mail at the address in the tax collector's office for tax notices **and** any other addresses provided to the City by the owner.

The Special Magistrate may reduce a lien upon written application by the property owner accompanied by a $50.00 filing fee. Said application shall state the factual basis upon which the reduction is requested. A reduction hearing open to the public will be held. The Special Magistrate may not reduce a fine below $2,500.00. A reduction will not be considered unless all properties under the same ownership are in code compliance and unencumbered by a City lien.

### E. Demolitions/Condemnations

Section 18-36 of the City's Code of Ordinances allows the City of Bradenton Building Official to ensure the public safety, health and general welfare of its citizens by ensuring the strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, demolition and occupancy of buildings, structures or premises.

Under this Section of the City's Code of Ordinances, the Building Official, or their designee, is required to inspect any building, structure or portion thereof which is or may be considered unsafe. A building or structure that poses a threat to the life, health, property or safety of its occupants or the general public is considered an unsafe structure. The conditions that deem a property an unsafe structure are:

a) Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
b) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive rating, is in disrepair or in a dilapidated or non-working condition such that means of egress could be rendered unsafe in case of fire or panic.
c) The stress in any material, member or portion thereof, due to all imposed loads including dead load, exceeds the stressed allowed in the Florida Building Code for new buildings or structures or the applicable building code in effect at the time of construction for existing buildings or structures.
d) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the Florida Building Code for new buildings or structures or the applicable building code in effect at the time of construction for existing buildings or structures.
e) Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Florida Building Code for new buildings or structures or the applicable building code in effect at the time of construction for existing buildings and structures.
f) The building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being occupied.
g) The building, structure or portion thereof, as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
h) The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the Florida Building Code, the applicable building code in effect at the time of construction, or a city, county or state law.
i) Any building, structure or portion thereof is in such a condition as to constitute a public nuisance.
j) Any building, structure or portion thereof is unsafe, unsanitary or not provided with adequate egress, or constitutes a fire hazard, or is otherwise dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
k) Any building, structure, or portion thereof has been declared unsafe by the Building Official, or their designee pursuant to any former City Code or Ordinance and has not been repaired or demolished in compliance with said former City Code or Ordinance.

If the Fire Marshall or Deputy Fire Marshall deems a property as an unsafe structure upon inspection during a response to a fire, weather related incident, vehicle accident or other emergency incident, they shall complete a Notice of Unsafe Structure form which sets forth the date of the incident, the type of incident, the location of the incident, whether the property is commercial or residential, whether or not the property has been posted and the status of the investigation. The completed Notice of Unsafe Structure

form must then be uploaded into the PowerDMS system and signed by the Fire Department, Building Department and Code Enforcement Departments to ensure a coordinated response from all City Departments, and full compliance with the City's Code of Ordinances.

If the Building Official, or their designee, deems a property to be a potentially unsafe structure, they must conduct an inspection. This may be the result of a routine inspection of an area, receipt of a Notice of Unsafe Structure from the Fire Marshal or Deputy Fire Marshall, or upon receipt of a citizen complaint. If, after inspection, the Building Official or their designee has determined that a structure is unsafe, they shall initiate proceedings to cause abatement of the unsafe conditions by repair, vacation, demolition or a combination thereof.

The first step in the abatement process is the issuance of a Report/Notice by the Building Official to the owner of record of the building or structure. The notice shall contain:

(1) the street address and legal description of the building structure or premises;

(2) a statement indicating that the building or structure has been declared unsafe containing details of the conditions determined to have rendered the premises unsafe;

(3) a statement advising whether the property must be permitted and repaired; vacated and repaired or vacated and demolished; as well as a timeframe for compliance; and

(4) a statement advising that any person having a legal interest in the property may file a written notice of appeal to the Bradenton City Council within 30 days from the date of the notice, and that failure to appeal in the time specified will constitute a waiver of all rights to a hearing.

The Notice shall be served either personally or by certified mail, postage prepaid, return receipt requested to each person residing at the address as appears in the official public records, as well as a copy to any person having a legal interest in the subject premises on file in the official public records. If the notice is returned as undeliverable and the current address of the owner cannot be ascertained after diligent search, service shall be effected by publication in a newspaper of general circulation in Manatee County, two times, at least seven days apart. The first such publication shall be at least ten days prior to any scheduled hearing or the date action is required.

Once a property has been deemed unsafe, a notice shall be posted on the property in a conspicuous location and shall remain posted until the required repairs are made or demolition is complete. The Notice shall contain a statement indicating that the building has been declared unsafe and that occupancy is prohibited.

The Building Official may approve one or more extensions of time for completion of repairs or demolition when a written request showing good cause is submitted on behalf of the property owner. Such extensions may not exceed a total of 120 days. All extensions of time granted by the building official shall be in writing and served by regular mail to the owner of record or other person requesting the extension. Any extension of time that exceeds a total of 120 days must be approved by City Council.

Upon receipt of an appeal, and the $100.00 appeal fee, the building official shall set a hearing before the Bradenton City Council as soon as is practicable. A Notice of the date, time and location of the hearing shall be delivered personally or by mail to each appellant at the address provided on the appeal, by certified mail, postage prepaid, return receipt requested. Except for a vacation order, enforcement of any notice issued by the building official shall be held in abeyance during the course of the appeal before the Bradenton City Council.

When a required repair, vacation or demolition is not commenced within 30 days after the effective date of any Order, a notice shall be posted on the property in a conspicuous location containing a statement that the building or structure will be repaired or demolished by the City and provide the approximate date such action will occur.

As soon as is practicable after posting of said notice of action by the City, the building official will take steps to have the structure either repaired to the extent required to make it safe, or demolished if required by the original unsafe structure report/notice.

***Emergencies***

In circumstances where the building official determines that a building or structure is in immediate danger of failure or collapse or contains a condition that presents an immediate threat to life, or property, the building official shall make every effort to notify the property owner of record, and shall proceed with any of the following actions:

a) Order the immediate vacation of the premises;
b) Take steps to procure materials and labor to complete the repairs necessary to deem the structure temporarily safe;
c) Take steps to procure materials and labor necessary to demolish the building or structure, if the building official deems temporary measures to be inadequate.

All costs associated with the repair or demolition of a property, including administrative costs, shall be billed to the owner of record of the building or structure upon completion. If the owner of record fails to pay the invoice within 30 days of mailing, a lien shall be recorded against the property in the Official Records of Manatee County. The Chief Code Enforcement Officer shall maintain a list of all properties deemed unsafe by the Building Official and review with the City Administrator on a monthly basis.

### F. Foreclosures

Pursuant to F.S. 162.09(3) and City of Bradenton Code of Ordinances Section 2-353, when a lien on a non-homesteaded property has been recorded for three months, the City is able to initiate a foreclosure action.

Prior to initiation of a foreclosure action, the property will be re-inspected and a new case will be opened for any new violations. As to the prior violations, the Code Enforcement Coordinator initiates the process

by mailing a foreclosure warning letter to the property owner, which letter provides the owner 30 days in which to contact the Code Enforcement Division to pay the outstanding fine. The letter is sent to the property owner by certified mail, return receipt requested, at the address in the tax collector's office for tax notices **and** any other addresses provided to the City by the owner. If the property is brought into compliance and the lien is paid, a Release of Lien will be recorded in the Official Records of Manatee County.

If the property is not brought into compliance and the fine remains unpaid, the case will be referred to the City's contracted foreclosure attorney to initiate a foreclosure suit. Once a foreclosure suit has been filed, the Special Magistrate no longer has the power to negotiate settlements. All settlement negotiations are handled by the City Administrator by and through the City's contracted foreclosure attorney. The City Administrator is authorized to settle claims up to $75,000, and to execute and have recorded in the official records an appropriate lien release upon settlement.

Once a foreclosure suit has been filed, the City will only consider settlement negotiations and fine reduction if all properties under the same ownership are in code compliance and otherwise unencumbered by a City lien. After the initiation of a foreclosure action with the Court, the City will only settle the action for no less than 10% of the most recent Just Value of record with the Manatee County Property Appraiser or 10% of the fine, whichever is less. In extraordinary cases, the City may deviate from the 10% requirement for good cause as determined by the City Administrator.

Once a Final Judgment has been issued by the Court, the City will not consider negotiating a settlement. The Final Order will be recorded in the Official Records of Manatee County.

The Code Compliance Manager and City contracted foreclosure attorney shall provide an annual report setting forth all foreclosure activity within the year with circumstances of each case.

### G. Civil Action

Pursuant to F.S. 162.30 and City of Bradenton Code of Ordinances Section 2-291, the City may bring a civil action for injunction to address code enforcement violations on property that is the homestead of the owner and foreclosure is not an available remedy. Civil actions will only be brought in cases where the violations continue after an Order has been issued by the Magistrate for a period of three (3) months and the filing of said action has been approved by the City Administrator.

Prior to initiation of a civil action, the property will be re-inspected and a new case will be opened for any new violations. As to the prior violations, the Code Enforcement Coordinator initiates the process by mailing a warning letter to the property owner, which letter provides the owner 30 days in which to contact the Code Enforcement Division to pay the outstanding fine and bring the property into compliance. The

letter is sent to the property owner by certified mail, return receipt requested, at the address in the tax collector's office for tax notices **and** any other addresses provided to the City by the owner. If the property is brought into compliance and the lien is paid, a Release of Lien will be recorded in the Official Records of Manatee County. The notice shall include a statement that the property owner might be subject to incarceration at the Judge's discretion.

If, after the 30 day warning period, violations remain on the property, the civil action will be initiated.

**AGENDA ITEM NO. 6.c**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Tamara Melton, Clerk

**ITEM TYPE:** Minutes

**AGENDA SECTION:** CONSENT AGENDA

**SUBJECT:** Minutes from the August 15, 2023 City Council Workshop

**SUGGESTED ACTION:** Approval

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
Minutes from the August 15, 2023 City Council Workshop

**FINANCIAL IMPACT:**
N/A

**ATTORNEY REVIEW/RECOMMENDATION:**
N/

**SUGGESTED MOTION:**
Motion to approve the minutes from the August 15, 2023 City Council workshop.

**ATTACHMENTS:**
8-15-2023 City Council Workshop Minutes

**CITY OF BRADENTON**

**CITY COUNCIL WORKSHOP MINUTES**
**August 15, 2023**
**9:00 A.M.**

The City of Bradenton City Council met in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 9:00 a.m. on Tuesday, August 15, 2023.

Present: Mayor Gene Brown; Vice Mayor and Councilwoman Ward I Jayne Kocher; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Josh Cramer; Councilwoman Ward IV Lisa Gonzalez Moore; and Councilwoman Ward V Pam Coachman.

City Officials: Rob Perry, City Administrator; Melanie Bevan, Police Chief; Tim Geer, Fire Chief; Jim McLellan, Public Works & Utilities Director; Robin Singer, Planning & Community Development Director; Nilsa Taylor, Administrative Services Director; Lance Williams, Finance Director; Tamara Melton, City Clerk; and Scott Rudacille, City Attorney.

The Workshop was called to order by Mayor Gene Brown. A moment of silence followed in honor of Firefighter Jared Gould and his family.

## Final Budget Proposal for Fiscal Year 2023 to 2024

Rob Perry, City Administrator, shared that Lance Williams, Finance Director, would present the summary of the Fiscal Year (FY) 2023 to 2024 budget.

Mr. Williams gave an overall presentation, which included:

- Total budget = $181,614,643
    - Increased $24,266,262 since FY 2023
- Revenue Factors
    - Ad Valorem
    - Half-Cent State Revenue Share
    - Other State Revenue Sharing
    - Electric Utility Service Tax
- Expense Factors
    - Wages (4 union contracts, overtime, general employees)
    - Operation increases (inflation, legal fees, chemicals, fuel, equipment costs, overall insurance costs)
    - Multiple capital projects (police station, fire station, City Hall, Public Safety Operations Center (PSOC), sidewalks)
    - Increased insurance and bonds
- General Fund Revenues
    - $4,058,018 increase since FY 2023
- General Fund Expenses: Salaries and Benefits
    - $3,057,990 increase since FY 2023
- General Fund Expenses: Operating
    - $1,342,858 increase since FY 2023
- General Fund Expenses: Capital
    - $1,025,674 decrease since FY 2023

- Overall FY 2024 Projects
    - $16,588,137 increase since FY 2023
        - General Fund allocation = $35,326,000
        - Public Works allocation = $5,853,469
    - "Have to Do" Projects = $4,000,000 (10% of all Projects)
        - Lift Station improvements and upgrades
        - Sewer Linings
        - Force Main Improvements
        - Manhole and Wetwell Lining
        - Corrugated Metal Pipe Upkeep for the Storm Water Drainage System
        - WWTP Filter Improvements
        - Storm Pipe Lining
    - "Need to Do" Projects = $25,599,000 (64% of all projects)
        - Bradenton Police Department Headquarters
        - Fire Station #2
        - Public Safety Operations Center (PSOC)
        - Water Main Replacement Project Year 11
        - New Sidewalks and Maintenance
        - New Community Redevelopment Agency (CRA) Sidewalks
        - Enhanced Paving Program
        - Riverwalk Repair and Maintenance
        - Tide Check Valve
    - "Should Do" Projects = $1,580,469 (4% of all projects)
        - City Security System
        - Homeless Outreach
        - State Housing Initiatives Partnership Program (SHIPP)
        - Automated Water Meter Replacements
        - Increased Compensation

Discussion: Increasing employee compensation to stay competitive with private companies and other governmental entities, as well as inflation.

    - "Want to Do" Projects = $10,000,000 (25% of all projects)
        - City Hall
        - Estimated total project cost = $18,000,000 - $20,000,000
        - Estimated FY 2024 project cost = $10,000,000

Discussion: Opioid Class Action Suit payouts included in future revenue; budget adjustments throughout the year; Homeless Outreach Manager position.

**Citizen Comment**

Mayor Brown invited anyone who wished to speak on the final budget proposal presentation to approach the podium.

None came forward.

The City Council Workshop adjourned at 9:42 a.m.

*NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available upon request.*

**AGENDA ITEM NO. 6.d**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Tamara Melton, Clerk

**ITEM TYPE:** Minutes

**AGENDA SECTION:** CONSENT AGENDA

**SUBJECT:** Minutes from the September 7, 2023 City Council Budget Meeting

**SUGGESTED ACTION:** Approval

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
Minutes from the September 7, 2023 City Council budget meeting.

**FINANCIAL IMPACT:**
N/A

**ATTORNEY REVIEW/RECOMMENDATION:**
N/A

**SUGGESTED MOTION:**
Motion to approve the minutes from the September 7, 2023 City Council budget meeting.

**ATTACHMENTS:**
9-7-2023 Bradenton Budget Meeting Minutes

**CITY OF BRADENTON**

**CITY COUNCIL BUDGET MEETING MINUTES**

**September 7, 2023**
**5:01 P.M.**

The City of Bradenton City Council met in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 5:01 p.m. on Thursday, September 7, 2023.

Present: Vice Mayor/Councilwoman Ward I Jayne Kocher; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Josh Cramer; Councilwoman Ward IV Lisa Gonzalez-Moore; and Councilwoman Ward V Pam Coachman.

Mayor Gene Brown was excused.

City Officials: Rob Perry, City Administrator; Melanie Bevan, Police Chief; Tim Geer, Fire Chief; Jim McLellan, Public Works & Utilities Director; Robin Singer, Planning & Community Development Director; Nilsa Taylor, Administrative Services Director; Lance Williams, Finance Director; Karen Lanke, IT Director; Tamara Melton, City Clerk; and Scott Rudacille, City Attorney.

Vice Mayor Kocher called the meeting to order and invited Rob Perry, City Administrator, to begin the meeting regarding the proposed fiscal year 2023 to 2024 budget.

Mr. Perry thanked the finance team for working all year on the budget and then invited Lance Williams, Finance Director, to present the proposed budget.

Mr. Williams provided a brief overview of the proposed 2023 to 2024 budget, which included:

- Revenue Factors
    - Ad Valorem
    - Half-Cent State Revenue Share
    - Other State Revenue Sharing
    - Electric Utility Service Tax

- Expense Factors
    - Wages (4 union contracts), overtime, general employees
    - Operational Increases (inflation, chemical, fuel, equipment costs, overall insurance costs)
    - Multiple Capital Projects (police station, fire station, City Hall, Public Safety Operations Center (PSOC), sidewalks)
    - Increased insurance and bonds

Mr. Williams provided revisions since the last budget workshop on items "Need and Should Do", including:

- Police Benevolent Association (PBA) Contract Ratified and Council approved: Representing roughly a 15% pay increase to officers and sergeants
- American Federation of State, County and Municipal Employees (AFSCME) Contract Ratified and waiting for Council approval: Representing a 15% pay increase to Public Works employees

- Addition of half pay, as approved by Council, for Social Case Worker for individuals who are homeless and looking for assistance to improve their current situation

Mr. Williams also reviewed the changes in "Have to Do" since the second budget workshop, which included:

- Removed two (2) Fire vehicles. Purchased in the current fiscal year to recognize cost savings and expedite timing.
- Expense corrections to the Community Redevelopment Agency (CRA) Sidewalks and Sanitation Administration Fees
- Approval of Hurricane Loss Mitigation Program Grant
- Online Business Tax Payment Program
- Current millage factor

Tamara Melton, City Clerk, read the following for the record:

- The name of the taxing authority: City of Bradenton
- The rolled-back rate: 5.1888
- The percent increase over the rolled back rate: 12.46%
- The millage rate to be levied: 5.8351

**RESOLUTION 22-63 – MILLAGE RATE – FIRST READING AND PUBLIC HEARING**

A RESOLUTION LEVYING TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, AND PROVIDING FOR THE DISBURSEMENT OF FUNDS ARISING FROM SAID LEVY; ALSO THE DISBURSEMENTS OF CERTAIN OTHER FUNDS.

The public hearing was opened.

Bill Sanders, 2502 Riverside Drive East, spoke in favor of lowering the millage rate.

The public hearing was closed.

**RESOLUTION 23-64 - FIRST READING AND PUBLIC HEARING**

A RESOLUTION ADOPTING THE BUDGET; AND SETTING REVENUES AND MAKING APPROPRIATIONS FOR CITY OF BRADENTON, FLORIDA FOR THE FISCAL YEAR 2023-24; PROVIDING AN EFFECTIVE DATE.

The public hearing was opened.

Bill Sanders, 2502 Riverside Drive East, commented on the three-minute time limit and voiced his concerns regarding budget spending.

The public hearing was closed.

**CLOSING REMARKS**

Councilwoman Gonzalez-Moore shared her appreciation for the time staff spent reviewing the budget with her and was in favor of reducing the millage rate.

Vice Mayor Kocher adjourned the City Council meeting at 5:21 p.m.

*NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available upon request.*

**AGENDA ITEM NO. 6.e**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Tamara Melton, Clerk

**ITEM TYPE:** Minutes

**AGENDA SECTION:** CONSENT AGENDA

**SUBJECT:** Minutes from the September 13, 2023 City Council Meeting

**SUGGESTED ACTION:** Approval

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
Minutes from the September 13, 2023 City Council meeting.

**FINANCIAL IMPACT:**
N/A

**SUGGESTED MOTION:**
Motion to approve the minutes from the September 13, 2023 City Council meeting.

**ATTACHMENTS:**
9-13-2023 City Council Meeting Minutes

**CITY OF BRADENTON**

**CITY COUNCIL MEETING MINUTES**

**September 13, 2023**
**8:30 A.M.**

The City of Bradenton City Council met in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 8:30 a.m. on Wednesday, September 13, 2023.

Present: Mayor Gene Brown; Vice Mayor and Councilwoman Ward I Jayne Kocher; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Josh Cramer; Councilwoman Ward IV Lisa Gonzalez Moore; and Councilwoman Ward V Pam Coachman.

City Officials: Rob Perry, City Administrator; Melanie Bevan, Police Chief; Tim Geer, Fire Chief; Jim McLellan, Public Works & Utilities Director; Robin Singer, Planning & Community Development Director; Nilsa Taylor, Administrative Services Director; Lance Williams, Finance Director; Karen Lanke, IT Director; Tamara Melton, City Clerk; and Scott Rudacille, City Attorney.

The pre-meeting invocation was led by Pastor Don Sturiano with Kingdom Life Christian Church.

*(The City does not endorse the religious beliefs of any speaker.)*

**PROCLAMATIONS: None.**

**PRESENTATIONS: None.**

**CITIZEN COMMENTS:**

Evan Jones, 1110 8th Street East, voiced concerns with the length of time the process had taken to receive grant funding for the refurbishment of his home.

Eugene Gallo, 6607 27th Avenue West and former Fire Chief and City Councilman, spoke on behalf of several Fire Department retirees, voicing concerns about the possible changes to their health insurance. He spoke of their dedication and the heroic rescues they had done while serving the City.

Councilwoman Coachman thanked Mr. Jones for attending the meeting. She urged him to be patient and invited Pam Skelding, Family & Community Outreach Program Administrator, to provide an update on Mr. Jones' grant award. Ms. Skelding explained that she worked with Mr. Jones to collect the necessary documentation and just recently received the signed contract. She said at that time, staff was moving forward with creating a scope of work, and the next step would be to collect bids from vendors.

**CONSENT AGENDA:**

a) Administrative Services: Resolution 23-75: State Housing Initiatives Partnership program (SHIP) 2023 Annual Report
b) City Administration: Contract RFP 23-010EJ with Stantec Consulting Services Inc.
c) Clerk: Minutes from the August 9, 2023 City Council Meeting
d) Clerk: Minutes from the August 9, 2023 City Council Workshop
e) Clerk: Minutes from the August 27, 2023 Emergency Meeting

f) Public Works & Utilities: FDEP Agreement Legislative Appropriation PA0469 for Sanitary Lift Station Emergency Generators
g) Public Works & Utilities: FDEP Agreement Legislative Appropriation LPA0470 for Sanitary Sewer Pipe Lining
h) Purchasing: PB-23-020NT Agreement with Cintas Corporation No. 2
i) Purchasing: PB-23-022NT Agreement with General Control Systems, Inc.
j) Purchasing: PB-22-048NT Contract Extension with Ten-8 Fire and Safety, LLC.
k) City Administration: Florida Blue, BlueMedicare Advantage Plan for Medicare eligible City of Bradenton Retirees

Councilwoman Barnebey removed item (k) for further discussion.

**MOTION TO APPROVE CONSENT AGENDA ITEMS A-J** was made by Councilwoman Barnebey and seconded by Councilwoman Coachman. The motion passed 5-0.

As it related to item (k), Rob Perry, City Administrator, explained the plan they were discussing was for Medicare-eligible retirees. He said there was extensive research on the plans for retirees, and the BlueMedicare Advantage Plan offered the same benefits as their current health plan.

Lance Williams, Finance Director, provided a brief history of the retiree insurance plans, which included:

- 179 Total Retirees
- Retired prior to 2012
    - 55 total retirees
    - No monthly City subsidy
    - 8% increase each year
    - Currently monthly premiums range from $79.00 to $1,058.00
    - 47 total retirees were Medicare eligible
- Retired in 2012 or Later
    - 124 total retirees
    - One 3% increase in 10 years
    - All but 13 received a monthly City subsidy ($210 to $504)
    - Current monthly premiums range from $21.00 to $1,385.00
    - Seven retirees were not Medicare eligible

Mr. Williams explained that the total cost of health insurance had increased by 248% in the past 10 years and presented affordable health insurance options for both Medicare-eligible and non-Medicare-eligible retirees.

Mr. Williams explained the deductible was $1,000 for maximum out-of-pocket costs for the Medicare Advantage Plan. Also, he continued, there were no copays for office visits or prescriptions.

Mayor Brown invited Mr. Gallo to the podium. Mr. Gallo provided history during his time on the Insurance and Benefits Committee. He inquired if retirees would still receive a stipend or subsidy for the costs of health insurance. Mr. Perry confirmed they would still receive stipends.

Shemeka Standifer, Human Resources Manager, explained that the Medicare Advantage Plan encompassed Medicare Parts A, B, C, and D. She said if the retirees were on Medicare now, Part D was a separate prescription benefit that they would have to purchase in order to have the supplement

for prescriptions. She added that the Medicare Advantage Plan actually covers more prescriptions than Medicare Part D.

Mr. Gallo inquired as to the percentage the retirees' premiums would increase each month. Mr. Williams explained that once the 25/75 cost sharing was applied to each plan, the premium cost would increase by 25%.

Doug Huffman, International Association of Fire Fighters (IAFF) Union Representative, said he was extremely encouraged after meeting with City staff regarding health insurance benefits and looked forward to finalizing a plan that would benefit both parties.

**MOTION TO APPROVE THE CONTRACT WITH FLORIDA BLUE EFFECTIVE OCTOBER 1, 2023** was made by Councilwoman Barnebey and seconded by Vice Mayor Kocher. The motion passed 5-0.

**BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS:**

a) Community Redevelopment Agency: Disposition of CRA owned property located at 413 10th Avenue East - PUBLIC HEARING

Chris Munyon, CRA Manager, presented the details of the property, and on May 25, 2023, the CRA Board voted to authorize negotiation of a purchase and sale contract with Manatee Habitat for Humanity, who submitted one of two offers received. Mr. Munyon said that the offer came in below fair market value, which invokes Florida State Statute 163.38, which states the property must come before the governing board for approval to move forward with executing the purchase and sale contract.

The public hearing was opened. Those who wished to speak were invited to the podium. None came.

The public hearing was closed.

**MOTION TO APPROVE THE CRA OF THE CITY OF BRADENTON TO ENTER INTO A PURCHASE AND SALE CONTRACT WITH HABITAT FOR HUMANITY TO DISPOSE OF THE CRA-OWNED PROPERTY LOCATED AT 413 10TH AVENUE EAST FOR UNDER MARKET VALUE** was made by Councilwoman Coachman and seconded by Councilwoman Barnebey. The motion passed 5-0.

**The meeting was recessed at 10:02 a.m. and reconvened at 10:10 a.m.**

b) Administrative Services: Ordinance 4014 - SECOND READING AND PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, RELATING TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE; AMENDING CHAPTER 46, ARTICLE III, SECTION 46-62 TO REVISE QUORUM REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened. Those who wished to speak were invited to the podium. None came.

The public hearing was closed.

**MOTION TO APPROVE ORDINANCE 4014** was made by Councilwoman Gonzalez Moore and seconded by Councilwoman Coachman. The motion passed 5-0.

c) City Administration: Ordinance 4015 - SECOND READING AND PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 18, ARTICLE II, SECTION 18-36 OF THE CODE OF ORDINANCES, ENTITLED "UNSAFE STRUCTURES" TO PROVIDE FOR THE CITY COUNCIL TO HEAR APPEALS RELATING TO UNSAFE STRUCTURES AND TO ADD AN APPEAL FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened. Those who wished to speak were invited to the podium. None came.

The public hearing was closed.

**MOTION TO APPROVE ORDINANCE 4015** was made by Councilwoman Coachman and seconded by Councilwoman Barnebey. The motion passed 5-0.

d) Public Works & Utilities: Resolution 23-69
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON AMENDING THE CITY'S RATE AND FEE STRUCTURE FOR CITY STORMWATER MANAGEMENT FEES, AS PROVIDED FOR IN CHAPTER 70, SECTIONS 70-176 AND 70-177, OF THE CODE OF ORDINANCES, BY INCREASING SUCH FEES; PROVIDING FOR AN EFFECTIVE DATE.

Jim McLellan, Director of Public Works & Utilities, explained that Resolution 23-69 would authorize a 6% increase in stormwater management fees. He said on average, the increase would amount to approximately 31 cents per month for residential customers. He said these funds would offset increased operational costs for the City.

In turn, councilmembers shared their hesitancy about increasing fees; however, the increased operational costs make the increases necessary.

**MOTION TO APPROVE RESOLUTION 23-69** was made by Councilman Cramer and seconded by Councilwoman Coachman. The motion passed 5-0.

e) Public Works & Utilities: Resolution 23-68
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON AMENDING THE CITY'S RATE AND FEE STRUCTURE FOR CITY WATER, SEWER AND RECLAIMED WATER CHARGES, AS PROVIDED FOR IN CHAPTER 70, SECTIONS 70-154 AND 70-155, OF THE CODE OF ORDINANCES, BY INCREASING SUCH FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION TO APPROVE RESOLUTION 23-68** was made by Councilman Cramer and seconded by Councilwoman Coachman. The motion passed 5-0.

f) Public Works & Utilities: Resolution 23-70
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE FEE SCHEDULE FOR CITY GARBAGE, TRASH AND RECYCLING CHARGES, AS PROVIDED FOR IN CHAPTER 58, SECTION 58-61, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Discussion: The opportunity to work with Manatee County regarding curb-side recycling.
**MOTION TO APPROVE RESOLUTION 23-70** was made by Councilman Cramer and seconded by Vice Mayor Kocher. The motion passed 5-0.

g) Clerk: Ordinance 4016 - FIRST READING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE IV, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT, ESTABLISHMENT AND OPERATION OF FUND; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 16, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 27, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 28, PRIOR POLICE SERVICE; AMENDING SECTION 30, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS, CHAPTER 185 SHARE ACCOUNTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

**The second reading and public hearing for Ordinance 4016 was set for September 27, 2023.**

h) Legal: Ordinance 4019 - FIRST READING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 54, ARTICLE I, TO ADD A NEW SECTION 54-15, STORAGE OF PERSONAL PROPERTY, PROHIBITING THE STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY, INCLUDING PUBLIC RIGHTS-OF-WAY, AND PRIVATE PROPERTY WITHOUT APPROVAL OF OWNER; PROVIDING FOR REMOVAL AND/OR DISPOSAL OF PERSONAL PROPERTY IN VIOLATION OF SECTION 54-15; PROVIDING FOR EXEMPTIONS TO SECTION 54-15; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**The second reading and public hearing for Ordinance 4019 was set for September 27, 2023.**

i) Legal: Ordinance 4020 - FIRST READING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 54, ARTICLE I, TO ADD A NEW SECTION 54-7, SIGNS IN THE PUBLIC RIGHTS-OF-WAY, PROHIBITING THE PLACEMENT OF SIGNS IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR REMOVAL AND DISPOSAL OF SIGNS; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**The second reading and public hearing for Ordinance 4020 was set for September 27, 2023.**

j) Legal: Ordinance 4021 - FIRST READING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE III, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 1, DEFINITIONS, AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 7, PRERETIREMENT DEATH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

**The second reading and public hearing for Ordinance 4021 was set for September 27, 2023.**

**NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL**

a) City Administration: Collective Bargaining Agreement between the City of Bradenton and the American Federation of State, County, and Municipal Employees (AFSCME)

Mr. Perry explained the changes to the AFSCME contract, which included an approximate 15% increase for certain Public Works employees. He hoped the increase would assist in retaining and recruiting employees.

**MOTION TO APPROVE THE CONTRACT BETWEEN THE CITY OF BRADENTON AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES EFFECTIVE OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2025 WITH A 2023 REOPENER** was made by Councilman Cramer and seconded by Councilwoman Barnebey. The motion passed 5-0.

Mr. Perry spoke on storm preparedness and gave kudos to staff for their hard work before, during, and after Tropical Storm Idalia. Because Tropical Storm Idalia was primarily a flood event, he stressed the importance of residents adhering to evacuation orders.

Councilwoman Gonzalez Moore suggested creating a text distribution list to keep councilmembers informed when new information was posted on social media during a weather event.

Mr. Perry provided an update on capital projects, which included the inspection of the building located at 1111 3rd Avenue West. He said the visual inspections were promising, and core samples were taken, which should be available within the next two weeks.

Mr. Perry said negotiations were moving along for the Master Development Agreement for the current City Hall site and estimated the agreement would be presented to Council by the end of 2023. He added that the new police station design was moving quickly and estimated the project to break ground in the summer of 2024.

Mr. Perry said that Robin Singer, Planning & Community Development Director, was working with staff to structure a plan for building height incentives. He explained the matter would go before the Planning Commission, then before Council for approval in the near future.

Mr. Perry presented a draft organizational chart for the City which added a Digital, Media, Marketing, Events, and Public Information Specialist position as well as renaming the Assistant City Administrator position to Chief Operating Officer. He recommended promoting Lance Williams, Finance Director, to that new role.

**UNFINISHED BUSINESS: None.**

**COUNCIL REPORTS:**

**Councilwoman Ward V Pam Coachman:** Councilwoman Coachman also gave kudos to staff for their hard work during Tropical Storm Idalia.

As it related to Mr. Jones' comments, she voiced her frustration with how slow government could work sometimes and asked residents to be patient.

Councilwoman Coachman welcomed the children back to school and concluded by thanking everyone for their birthday wishes.

**Vice Mayor and Councilwoman Ward I Jayne Kocher:** Vice Mayor Kocher also thanked staff for their hard work during Tropical Storm Idalia. She also thanked Mayor Brown for helping a resident in Ward I by picking up his trash.

**Councilwoman Ward II Marianne Barnebey:** Councilwoman Barnebey said the community was blessed because of the near-miss of catastrophic flooding from Tropical Storm Idalia.

Councilwoman Barnebey gave condolences to the Masel family due to the recent passing of Lynne Masel and spoke highly of the family.

Councilwoman Barnebey congratulated her niece Karis and her husband Lee on the birth of their daughter Evelyn.

Mayor Brown requested an update on Riverview Boulevard. Mr. McLellan said the vendor was scheduled to begin the work on September 18, 2023.

**Councilman Ward III Josh Cramer:** Councilman Cramer also gave kudos to staff for their hard work during Tropical Storm Idalia.

Councilman Cramer announced the Bradenton Women's Club would be hosting an event called Midnight at the Masquerade on October 14, 2023, which was a murder mystery dinner.

Councilman Cramer introduced Dr. Jeff Burton, who was the newly appointed CRA Executive Director. Dr. Burton relayed his excitement for the opportunity and spoke on his priorities for the CRA.

**Councilwoman Ward IV Lisa Gonzalez Moore:** Councilwoman Gonzalez Moore commented on the flooding in her neighborhood as a result of Tropical Storm Idalia. She stressed the importance of supporting Public Works financially to improve infrastructure.

Councilwoman Gonzalez Moore announced the Tampa Bay Regional Planning annual conference is scheduled for May 2024 and said she would provide more information at a later date.

Councilwoman Gonzalez Moore explained that the Manatee County Homelessness Task Force was currently focusing on developing permanent supportive housing solutions. Following the next meeting, she would provide Council with more information.

**Mayor Gene Brown:** Mayor Brown announced ArtCenter Manatee was holding a groundbreaking on September 14, 2023, at 8:30 a.m.

Mayor Brown announced National Police Woman's Day was the day before and voiced his support for all female law enforcement officers. He said 21% of officers with the Bradenton Police Department were women and would like to continue recruitment efforts.

Because of scheduling conflicts, Mayor Brown suggested combining the October 25 and November 15 City Council meetings. He would bring forward a tentative date after speaking with Ms. Singer about the coordination of Planning items.

**DEPARTMENT HEAD REPORTS: None.**

The meeting was adjourned at 11:36 a.m.

*NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available upon request.*

**AGENDA ITEM NO. 6.f**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Tamara Melton, Clerk

**ITEM TYPE:** Minutes

**AGENDA SECTION:** CONSENT AGENDA

**SUBJECT:** Minutes from the September 20, 2023 City Council Budget Meeting

**SUGGESTED ACTION:** Approval

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
Minutes from the September 20, 2023 City Council budget meeting.

**FINANCIAL IMPACT:**
N/A

**SUGGESTED MOTION:**
Motion to approve the minutes from the September 20, 2023 City Council budget meeting.

**ATTACHMENTS:**
9-20-2023 Bradenton Budget Meeting Minutes

**CITY OF BRADENTON**

**CITY COUNCIL BUDGET MEETING MINUTES**

**September 20, 2023**
**5:01 P.M.**

The City of Bradenton City Council met in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 5:01 p.m. on Wednesday, September 20, 2023.

Present: Mayor Gene Brown; Vice Mayor/Councilwoman Ward I Jayne Kocher; Councilman Ward III Josh Cramer; Councilwoman Ward IV Lisa Moore Gonzalez; and Councilwoman Ward V Pam Coachman.

Councilwoman Ward II Marianne Barnebey was excused.

City Officials: Rob Perry, City Administrator; Melanie Bevan, Police Chief; Tim Geer, Fire Chief; Jim McLellan, Public Works & Utilities Director; Robin Singer, Planning & Community Development Director; Nilsa Taylor, Administrative Services Director; Lance Williams, Finance Director; Karen Lanke, IT Director; Tamara Melton, City Clerk; and Scott Rudacille, City Attorney.

## BUDGET DISCUSSION

Rob Perry, City Administrator, explained that this meeting was the last step for setting the millage rate and approving the budget, which was a process that began in January. Mr. Perry thanked Lance Williams, Finance Director, Linda Guth, Senior Accountant, and Mary Goot, Budget Analyst, for all their hard work on the budget. Mr. Perry then gave an overview of the budget process.

Mr. Perry said, in his opinion, the process was very transparent, including several audits that have all indicated the City was in a strong and healthy financial condition.

## STATUTORY ANNOUNCEMENT OF TRIM REQUIREMENTS

Tamara Melton, City Clerk, read the following for the record:

- The name of the taxing authority: City of Bradenton
- The rolled-back rate: 5.1888
- The percent increase over the rolled back rate: 12.46%
- The millage rate to be levied: 5.8351

## PUBLIC HEARINGS

## RESOLUTION 23-63 – MILLAGE RATE – SECOND READING AND PUBLIC HEARING

A RESOLUTION LEVYING TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, AND PROVIDING FOR THE DISBURSEMENT OF FUNDS ARISING FROM SAID LEVY; ALSO THE DISBURSEMENTS OF CERTAIN OTHER FUNDS.

**RESOLUTION 23-64 – SECOND READING AND PUBLIC HEARING**

A RESOLUTION ADOPTING THE BUDGET; AND SETTING REVENUES AND MAKING APPROPRIATIONS FOR CITY OF BRADENTON, FLORIDA FOR THE FISCAL YEAR 2023-24; PROVIDING AN EFFECTIVE DATE.

The public hearing was opened. Those who wished to speak were invited to the podium. None came.

The public hearing was closed.

Councilwoman Gonzalez Moore thanked Mr. Perry and Mr. Williams for their time and explanations of the budget process. She stressed the importance of supporting the Public Works and Utilities Department in order to complete the projects slated for Fiscal Year 2023-24.

Councilwoman Gonzalez Moore stated that she supports decreasing the millage rate for residents who are feeling the effects of inflation.

**MOTION TO APPROVE RESOLUTION 23-63 REFLECTING THE LOWER MILLAGE RATE FIXED AT 5.7726 MILLS** was made by Councilwoman Gonzalez Moore and seconded by Vice Mayor Kocher. The motion passed 4-0. Councilwoman Barnebey was excused.

**MOTION TO APPROVE RESOLUTION 23-64 ADOPTING THE TOTAL ANNUAL BUDGET FOR FISCAL YEAR 2023-24 AT $183,298,462** was made by Vice Mayor Kocher and seconded by Councilwoman Coachman. The motion passed 4-0. Councilwoman Barnebey was excused.

Mayor Brown thanked staff for all their hard work on the budget and for working together to improve the quality of life not only for the residents but also for the City of Bradenton employees.

Mayor Brown adjourned the City Council meeting at 5:18 p.m.

*NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available upon request.*

**AGENDA ITEM NO. 6.g**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Tamara Melton, Clerk

**ITEM TYPE:** Minutes

**AGENDA SECTION:** CONSENT AGENDA

**SUBJECT:** Minutes from the September 27, 2023 City Council Meeting

**SUGGESTED ACTION:** Approval

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
Minutes from the September 27, 2023 City Council meeting.

**FINANCIAL IMPACT:**
N/A

**ATTORNEY REVIEW/RECOMMENDATION:**
n

**SUGGESTED MOTION:**
Motion to approve the minutes from the September 27, 2023 City Council meeting.

**ATTACHMENTS:**
9-27-2023 City Council Meeting Minutes

**CITY OF BRADENTON**

**CITY COUNCIL MEETING MINUTES**

**September 27, 2023**
**8:30 A.M.**

The City of Bradenton City Council met in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 8:30 a.m. on Wednesday, September 27, 2023.

Present: Mayor Gene Brown; Vice Mayor and Councilwoman Ward I Jayne Kocher; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Josh Cramer; Councilwoman Ward IV Lisa Gonzalez Moore; and Councilwoman Ward V Pam Coachman.

City Officials: Rob Perry, City Administrator; Melanie Bevan, Police Chief; Tim Geer, Fire Chief; Jim McLellan, Public Works & Utilities Director; Robin Singer, Planning & Community Development Director; Nilsa Taylor, Administrative Services Director; Lance Williams, Finance Director; Karen Lanke, IT Director; Tamara Melton, City Clerk; and Scott Rudacille, City Attorney.

The pre-meeting invocation was led by Fr. Richard Visconti with Christ Episcopal Church.

*(The City does not endorse the religious beliefs of any speaker.)*

**PROCLAMATIONS:**

a) Legislative: Cybersecurity Awareness Month - October 2023

Karen Lanke, IT Director, accepted the proclamation and said staff would educate employees and the community throughout the month of October on cybersecurity.

**PRESENTATIONS:**

a) Police: Florida Contraband Forfeiture Grant Program Awards

Melanie Bevan, Police Chief, explained that the Police Department must donate at least 25% of forfeiture funds received annually to community organizations and programs. She said this year the awards would be over and above the required 25% of forfeiture funds received. Chief Bevan was proud to present checks to the following community organizations:

- $1,000 was awarded to the Boys & Girls Club of Manatee County, Inc.
- $2,000 - Bradenton Gladiators Football, Inc.
- $2,000 was awarded to the Bradenton Police Department Explorer Post #1004
- $1,800 was awarded to Drug Free Manatee
- $500 was awarded to the Humane Society of Manatee County
- $1,000 was awarded to the Making an Impact, Inc.
- $1,500 was awarded to the Manatee County Girls Club, Inc. dba Just for Girls
- $2,000 was awarded to the New Manatee Broncos
- $1,500 was awarded to the Pace Center for Girls
- $1,000 was awarded to Replay Outreach, Inc.
- $1,000 was awarded to the United Community Centers, Inc./13th Avenue Dream Center

In turn, representatives accepted the awards and spoke briefly about their organizations.

**CITIZEN COMMENTS:**

Valerie Buchand, 1425 25th Street, Sarasota, presented pictures depicting the existence of 4th Street East many years ago. She also presented recent photographs that showed a house that was built where the road was in the past.

Richard Thomas, 904 4th Street East, voiced concerns with the City allowing a house to be built on what was once 4th Street East.

Rob Perry, City Administrator, explained he met with Mr. Thomas after speaking to Planning staff about the matter. He said there was not a readily available solution at the time, but would revisit the matter with staff and Mr. Thomas.

As a retired police officer, Councilman Cramer recalled how difficult Mr. Thomas' house was to find. So much so that officers had to add notes to the computer system on how to locate the house.

Councilwoman Coachman urged staff to work with Mr. Thomas to possibly find a solution.

**CONSENT AGENDA:**

a) Administrative Services: Resolution 23-79 - Public Works Commercial Driver's License Bonus Program Amendment
b) City Administration: Florida Department of Revenue - Revenue Information Sharing and Exchange (RISE) Program 3 Year Agreement Renewal
c) City Administration: Recommendation for Award for RFP 23-013EJ Strategic Planning Services
d) City Administration: State of Florida Department of Commerce Grant Agreement Number HL220
e) Clerk: Minutes from the July 26, 2023 City Council Meeting
f) Clerk: Minutes from the August 23, 2023 City Council Meeting
g) Finance: Budget Adjustment BA23-15
h) Legislative: Agreement between the City of Bradenton and Realize Bradenton, Inc.
i) Purchasing: Agreement Extension with Airgas Specialty Products, Inc.
j) Purchasing: PB-23-024MK Odyssey Manufacturing Co. Agreement
k) Purchasing: RFP-21-03RW Agreement Extension The Southern Group of Florida
l) Public Works & Utilities: FDEP Grant Agreement 23PLN118 – Vulnerability Assessment and Adaptation Plan
m) Public Works & Utilities: FDEP State Revolving Fund (SRF) Loan Agreement WW4103A0

Staff pulled item (c) from the agenda to be presented to City Council at a later date.

**MOTION TO APPROVE CONSENT AGENDA ITEMS A, B, AND D-M** was made by Vice Mayor Kocher and seconded by Councilwoman Coachman. The motion passed 5-0.

**BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS:**

a) Clerk: Ordinance 4016 - SECOND READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE IV, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT, ESTABLISHMENT AND OPERATION OF FUND; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 16, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 27, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 28, PRIOR POLICE SERVICE; AMENDING SECTION 30, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS, CHAPTER 185 SHARE ACCOUNTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

The public hearing was opened. Those who wished to speak were invited to the podium. None came.

The public hearing was closed.

**MOTION TO APPROVE ORDINANCE 4016** was made by Councilwoman Barnebey and seconded by Councilman Cramer. The motion passed 5-0.

b) Legal: Ordinance 4019 - SECOND READING & PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 54, ARTICLE I, TO ADD A NEW SECTION 54-15, STORAGE OF PERSONAL PROPERTY, PROHIBITING THE STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY, INCLUDING PUBLIC RIGHTS-OF-WAY, AND PRIVATE PROPERTY WITHOUT APPROVAL OF OWNER; PROVIDING FOR REMOVAL AND/OR DISPOSAL OF PERSONAL PROPERTY IN VIOLATION OF SECTION 54-15; PROVIDING FOR EXEMPTIONS TO SECTION 54-15; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Scott Rudacille, City Attorney, explained that the passing of Ordinance 4019 would prohibit the storage of private property within the public rights-of-way and provide authority for staff to collect the property. He said there would be notice given for a first violation and 24 hours to clear their belongings.

Councilwoman Coachman asked where the property would be stored until the belongings were collected by the owners. Attorney Rudacille said the property would be stored at the Police Department. Vice Mayor Kocher asked how long the City would store the property until disposal. Attorney Rudacille said the property would be held for 30 days.

The public hearing was opened. Those who wished to speak were invited to the podium. None came.

The public hearing was closed.

**MOTION TO APPROVE ORDINANCE 4019** was made by Councilwoman Barnebey and seconded by Councilwoman Coachman. The motion passed 5-0.

c) Legal: Ordinance 4020 - SECOND READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 54, ARTICLE I, TO ADD A NEW SECTION 54-7, SIGNS IN THE PUBLIC RIGHTS-OF-WAY, PROHIBITING THE PLACEMENT OF SIGNS IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR REMOVAL AND DISPOSAL OF SIGNS; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Rudacille explained that signage in the public rights-of-way was already prohibited, however, Ordinance 4020 would allow for citing not only the person who placed the sign but also the person who would benefit from the signage. He added that the City would then be able to recover the costs of removing and disposing of the signage.

Discussion: Flag signs and sandwich boards.

Robin Singer, Planning and Community Development Director, explained that Code Enforcement staff were focused on collecting snipe-type signs. She said City staff would coordinate efforts with Manatee County staff to collect signs along the main arteries, such as Cortez Road and Manatee Avenue.

The public hearing was opened. Those who wished to speak were invited to the podium. None came.

The public hearing was closed.

**MOTION TO APPROVE ORDINANCE 4020** was made by Vice Mayor Kocher and seconded by Councilwoman Barnebey. The motion passed 5-0.

d) Legal: Ordinance 4021 - SECOND READING & PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE III, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 1, DEFINITIONS, AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 7, PRERETIREMENT DEATH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

The public hearing was opened. Those who wished to speak were invited to the podium. None came.

The public hearing was closed.

**MOTION TO APPROVE ORDINANCE 4021** was made by Councilwoman Barnebey and seconded by Councilwoman Coachman. The motion passed 5-0.

e) Fire: Ordinance 4022 - FIRST READING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 42, ARTICLE I, II, AND III RELATING TO FIRE PREVENTION AND PROTECTION; REVISING CHAPTER 42, ARTICLE I, II, AND III, TO REMOVE DUPLICATIVE LANGUAGE FROM THE FLORIDA FIRE PREVENTION CODE AND TO CLEAN UP LANGUAGE AND CODE NUMBERS TO ALLOW EASIER READING AND UNDERSTANDING OF CHAPTER 42; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**The second reading and public hearing was scheduled for October 11, 2023.**

**NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:**

a) City Administration: RESOLUTION NUMBER 23-80
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING AN AMENDED FUNCTIONAL ORGANIZATION CHART; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Perry announced that the last revision to the City's organizational chart was in 2021. He said the proposed chart added a Digital, Media, Marketing, Events, and Public Information Specialist position as well as renaming the Assistant City Administrator position to Chief Operating Officer. He said the position would be more of a hands-on management approach to the day-to-day operations of the City.

He concluded by recommending the promotion of Lance Williams, Finance Director, to the Chief Operating Officer position.

**MOTION TO APPROVE RESOLUTION 23-80** was made by Vice Mayor Kocher and seconded by Councilman Cramer. The motion passed 5-0.

**UNFINISHED BUSINESS: None.**

**COUNCIL REPORTS:**

**Vice Mayor and Councilwoman Ward I Jayne Kocher:** Vice Mayor Kocher gave her condolences to the families of Gretchen Platt and Louise Josie because of their recent passing. She spoke highly of their service to the community and noted they would be missed.

Vice Mayor Kocher thanked Chief Bevan for the grant awards to community organizations. She noted the ripple effect those awards would have on the community.

Vice Mayor Kocher said she recently attended the Sarasota Bay Estuary Board meeting, and the final report was completed regarding the status of Sarasota Bay. She was pleased to announce that the report showed recovery and new growth of sea grass beds.

**Councilwoman Ward II Marianne Barnebey:** Councilwoman Barnebey reminded everyone to speak into the microphone during meetings.

Councilwoman Barnebey announced the Manatee Seminole Club would be hosting a Florida State University (FSU) trivia night at Godson's Pizza on September 30, 2023 from 5:00 p.m. to 7:00 p.m. She said all of the proceeds would go towards scholarships for local students attending FSU.

**Councilman Ward III Josh Cramer:** Councilman Cramer announced a ground-breaking ceremony would be held on October 3, 2023, at 8:30 a.m. for St. Stephen's Episcopal School's new S.T.E.A.M. Center.

Councilman Cramer congratulated Joel King, Director of Operations with Pinebrook Ironwood Golf Club, for his recent retirement. He spoke about Mr. King's support for police officers and veterans.

Councilman Cramer also thanked Chief Bevan for disbursing more than the required 25% of forfeiture funds required by Florida Statutes. He went on to thank Elba Viruet, Executive Assistant, for managing the grant program all year.

**Councilwoman Ward IV Lisa Gonzalez Moore:** Councilwoman Gonzalez Moore thanked Vice Mayor Kocher for sharing the information from the Sarasota Bay Estuary Board and recommended including water quality in the City's visioning process.

Councilwoman Gonzalez Moore announced she met with Kim Richmond, Director of the 26 West Entrepreneurship Center, regarding growing the downtown area through encouraging entrepreneurs to open small businesses there.

Councilwoman Gonzalez Moore said she enjoyed meeting with representatives from L&L Development Group regarding conceptual designs for the current City Hall site. She felt the meeting was very productive, positive, and exciting.

**Councilwoman Ward V Pam Coachman:** Councilwoman Coachman agreed with Councilwoman Gonzalez Moore regarding the conceptual designs for the current City Hall site.

Councilwoman Coachman also spoke on the importance of and effect the Forfeiture Grant Program Awards had on the community.

Councilwoman Coachman announced she attended the Planning Retreat and Leadership Conference hosted by the Manatee County Chamber of Commerce and was looking forward to attending next year.

As it related to citizen comments, Councilwoman Coachman urged staff to assist Mr. Thomas and Ms. Buchand in finding a solution to a very complicated situation.

Councilwoman Coachman said she was contacted by several residents who were concerned with the Florida Department of Transportation's (FDOT) plan to ease traffic congestion in the eastern part of the City. She urged Council to keep the residents as informed as possible during the road construction.

Councilwoman Coachman requested speed limit signs to be replaced where missing and adding speed gauge signs throughout the City.

**Mayor Gene Brown:** Mayor Brown also thanked Police Department staff for presenting the Forfeiture Grant Program Awards to a number of community organizations.

Mayor Brown was pleased to see the number of community leaders that attended the retreat hosted by the Manatee County Chamber of Commerce. He felt the engagement of those leaders would help business owners become more engaged in the community.

In regards to the final report presented to the Sarasota Bay Estuary Board, he spoke on the history of the Palma Sola Causeway and findings from Dr. David Tomasko, Executive Director of the Sarasota Bay Estuary Program.

As Vice-Chair of the Sarasota/Manatee Metropolitan Planning Organization (MPO), Mayor Brown said information was disseminated following meetings regarding the plans from the FDOT. He noted the

meetings were poorly attended by citizens and encouraged the public to attend those meetings. He added that representatives from FDOT would like to meet with Councilmembers individually.

Mayor Brown spoke highly of staff and City Council for working with integrity and being transparent. He commented on the several projects happening in the City.

Vice Mayor Kocher added that on October 20, 2023, at 10:00 a.m., the Bradenton Kiwanis Club would be presenting a marker at Bradenton Tropical Palms and invited everyone to attend.

**DEPARTMENT HEAD REPORTS:**

Ms. Singer announced staff had their first meeting with Stantec Consulting Services regarding the visioning process through the Planning Department. She said in the beginning of 2024, Stantec representatives would hold public meetings in each ward to collect recommendations from citizens and business stakeholders.

Lance Williams, Chief Operating Officer, thanked Council for their approval of the revised organizational chart and their support for him to be the Chief Operating Officer for the City.

Jim McLellan, Director of Public Works and Utilities, provided an update for the Riverview Boulevard drainage project. He explained that the contractor said high tides are straddling the majority of the work day. He said the pipeline work was completed at 24th Street West, and once the high tides moved to later in the afternoon, more of the project would be completed.

Mr. McLellan expected the landscaping work on 33rd Street Court West would be completed that week.

Mr. Perry thanked Councilmembers for meeting with representatives from L&L Development Group regarding conceptual designs for the current City Hall site. He found the information to be valuable for the project to be a world-class development.

Mr. Perry announced he had met with Jeff Burton, Community Redevelopment Agency (CRA) Executive Director, a number of times, and the information he provided on potential projects and redevelopment was exciting.

Mr. Perry announced he and Mayor Brown went to SeaPort Manatee and met with the Executive Director, Carlos Buqueras. He said their contributions to the City of Bradenton were significant in promoting tourism and new businesses.

Mr. Perry congratulated the Fire Department on the grant they were awarded from Firehouse Subs for Hurst hydraulic rescue tools.

Mr. Perry announced he met with International Association of Fire Fighters (IAFF) Union representatives regarding sustainable solutions to the retiree health benefit plans.

The meeting was adjourned at 10:40 a.m.

*NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available upon request.*

**AGENDA ITEM NO. 6.h**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Tamara Melton, Clerk

**ITEM TYPE:** Resolution

**AGENDA SECTION:** CONSENT AGENDA

**SUBJECT:** Resolution 23-81: Council of Governments Meeting

**SUGGESTED ACTION:** Approval

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
A Resolution, pursuant to Section 125.001 of the Florida Statutes to allow the City Council for the City of Bradenton to participate in a joint meeting with Manatee County Commission and Council of Governments to discuss and plan matters of mutual interest.

The meeting is scheduled for November 7, 2023 at 4:00 p.m. at the Bradenton Area Convention Center.

**FINANCIAL IMPACT:**
N/A

**ATTORNEY REVIEW/RECOMMENDATION:**
Attorney Rudacille reviewed the resolution.

**SUGGESTED MOTION:**
Motion to approve Resolution 23-81.

**ATTACHMENTS:**
Resolution 23-81

# CITY OF BRADENTON

## RESOLUTION NUMBER 23-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING THE BRADENTON CITY COUNCIL TO PARTICIPATE IN A JOINT MEETING WITH THE COUNCIL OF GOVERNMENTS TO DISCUSS AND PLAN MATTERS OF MUTUAL INTEREST; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Manatee County Commission and the Council of Governments, which includes the City of Anna Maria, City of Bradenton, City of Bradenton Beach, City of Holmes Beach, City of Palmetto, and Town of Longboat Key, desire to participate in a joint meeting to discuss and plan matters of mutual interest; and

WHEREAS, Section 125.001, Florida Statutes authorizes county boards to meet and discuss matters of mutual interest with one or more adjacent county or municipality; and

WHEREAS, Section 125.001, Florida Statutes, further states that such meetings may be held at any appropriate public place within the jurisdiction of any participating county or municipality, and requires that due public notice be provided within the jurisdiction of all participating municipalities and counties; and

WHEREAS, Section 125.001, Florida Statutes, further requires that the governing body of a county or municipality must first adopt a resolution authorizing participation in the joint meeting,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA:

Section 1. Pursuant to Section 125.001, Florida Statutes, the City Council for the City of Bradenton is hereby authorized to participate in a joint meeting with the Manatee County Commission and Council of Governments on November 7, 2023 at 4:00 p.m., at the Bradenton Area Convention Center, One Haben Boulevard, Palmetto, Florida.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED BY THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, WITH A QUORUM PRESENT AND VOTING ON THIS 11TH DAY OF OCTOBER, 2023.

ATTEST:

_____
Tamara Melton
CITY CLERK

_____
Gene Brown
MAYOR

APPROVED AS TO FORM:

_____
Scott Rudacille
CITY ATTORNEY

**AGENDA ITEM NO. 6.i**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Shelley DeZiel, Event Review Committee

**ITEM TYPE:** Special Event

**AGENDA SECTION:** CONSENT AGENDA

**SUBJECT:** Main Street Live

**SUGGESTED ACTION:** Approve event.

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
Halloween Celebration Block Party - Free celebration with live music on stage, food trucks, merchandise vendors. Located on 12th St W between SR64/Manatee Ave. and 3rd Ave. W. Event will be held on October 28 from 6 - 10 p.m. with anticipated attendance of 1000+.

**FINANCIAL IMPACT:**
N/A

**SUGGESTED MOTION:**
Motion to approve the Main Street Live event.

**ATTACHMENTS:**
2023 Halloween Celebration Application and Site Plan

bradenton

# SPECIAL EVENT PERMIT APPLICATION

## Application Information

Organization Name: ~~Lay Lee Foundation, Inc~~ Nightlife Productions, LLC

Date of Application: 9/11/23

Contact Name: Kristen Lee Coats

Contact Phone 1: 727 492 2697

Contact Email: Kristen@22NRocks.com

Contact Phone 2: 813 478 0229 DAVID LAY

Address: 3850 67th St. Ct E

City: Bradenton State: FL Zip: 34208

## Event Information

Name of Event: Main Street Live (for now)

Event Date: 10/28/23

Purpose of Event: Halloween Celebration Block Party

Description of Event: Live music on stage, food trucks, merchandise vendors

Event Location: 12th St W between SR 64/Manatee Ave and 3rd Ave W

If the event is to be held on the Riverwalk, please check the area(s) to be used.

| | | |
|---|---|---|
| Mosaic Amphitheater | Pavilion Area | Great Lawn |
| Regatta Plaza | Parking Lot Areas | Tower Plaza |
| Skate Park | Outdoor Living Room | Botanical Gardens |
| Volleyball Courts | Other (specify): | |

| | Date | Day | Start Time | End Time | Anticipated Attendance |
|---|---|---|---|---|---|
| Setup | 10/28/23 | | 1p | 6pm ~~12 Load Out~~ | |
| Event Day 1 | 10/28/23 | | 6p | 10p | 1000+ |
| Event Day 2 | | | | | |
| Event Day 3 | | | | | |
| Break Down | | | 10pm | by 1am | |

Number of years event has been held: 0 Past Attendance: ?

(03/2022)

Is there a fee to attend the event? Yes (No) Is the event open to the public? (Yes) No

Will any tents be used for the event? (Yes) No

| Tent Size | Number of Tents | Tent Location |
|---|---|---|
| 10' x 10' | < 20 | on street |
| | | |
| | | |

Note: Tents must be weighted and stakes are prohibited. Tents larger than 10'x10' require an additional permit.

Will a stage be used for the event? (Yes) No

Will the event require electricity? (Yes) No Type of electrical power: 110v/220v

Will a generator be used? Yes (No) Size of generator: _____

Will gas equipment be used? Yes (No) Type of fuel source: _____

## Vendor Information

Will the event offer food? (Yes) No

Where will the food be prepared? in food trucks or local businesses

Will cooking equipment be used? (Yes) No

Method/type of cooking equipment

Charcoal grills (Food trucks) Fryers Propane grills Warmers/Sternos

Will there be alcohol at the event? (Yes) (No)

Note: Alcohol will require an additional permit.

## Event Entertainment

Will the event feature entertainment? (Yes) No

Will amplified sound equipment be used? (Yes) No

Will musical entertainment be used? (Yes) No

Please describe any type of entertainment and sound equipment.

live band with sound reinforcement to cover city block

Are fireworks planned? Yes (No) Note: Fireworks will require an additional permit.

Are live animals planned to be at the event? Yes (No)

Describe any additional event activities.

merchandise vendors

(03/2022)

## Event Housekeeping

**CITY SERVICES REQUESTED**

Electricity Needed? (Yes) No

Solid Waste Service? (Yes) No

Contact: Electrical Department (941) 465-4923 and/or Sanitation (941) 708-6342

**TEMPORARY SANITARY/PORTABLE TOILETS**

Will temporary sanitary facilities be provided? Yes No

Please indicate how many and location on required site plan. ? Required.

## Event Security

**NOTICE OF PUBLIC SAFETY NOTICE FOR SECURITY AND TRAFFIC CONTROL:**

Bradenton Police Department security is required when alcoholic beverages are present, when closure of a public street is necessary, when large crowds are in attendance, or in any other situation as deemed necessary by the Bradenton Police Department. The number of personnel required is determined by the Bradenton Police Department and wages are payable by applicant.

Contact Bradenton Police Department Extra-Duty Employment Coordinator, Brenda Lovett, at 941-932-9317 or Brenda.Lovett@BradentonPD.com to discuss security requirements.

## Street Closure

Is street closure requested? (Yes) No Note: Please complete the Street Closure Form.

## Application Review

During the application review by the Event Review Committee, additional conditions may be imposed. This permit is valid only for the time indicated on this application. In the event that the applicant fails to fulfill the requirement(s) (as set forth in the permit) or fails to obtain proper authorization to proceed, if conditions have changed, or the expected outcomes, impacts, or conditions are substantially altered, then the permit will be voided immediately by authorized city personnel.

A non-refundable application fee of $25 shall be paid at the time of application. Rental fees and damage deposits will be paid following approval of the event request.

Please return application, rental contract, and site plan to Events at City of Bradenton, 101 Old Main Street, Bradenton, FL 34205 or via email to Events@bradentonFL.gov.

(03/2022)

## Rental Contract

All event organizers must read and sign the Rental Contract before the event permit is issued.

Levels of sound, music, and noise produced at the authorized event shall adhere to the city noise ordinance. If, at any time, a City of Bradenton law enforcement officer determines that this standard has been violated, said officer shall have the authority to require the event organizer, or any agent thereof, to take all necessary and appropriate actions to prevent further violations of this standard. If the event organizer or any agent thereof fails to obey the orders of the law enforcement officer, event organizer will be required to present any future events to City Council for review prior to approval.

The event organizer has been informed that all events at Riverwalk Park, including non-musical events, must be completely closed by 10:00 p.m. If any event wishes to continue past 10:00 p.m. Special City Council approval is required.

I, Kristen Coats, applicant/event organizer for Main St Live (event), scheduled for (date&hours), 10/28/23, from 6p to 10p, hereby agrees to all conditions and regulations set forth in the event guide, application, and contract as adopted by City Council.

Signature of Applicant/Event Organizer

Nightlife Productions LLC
Organization

KRISTEN LEE COATS
Typed or Printed Name and Title

9/11/23
Date

**RELEASE AND WAIVER OF LIABILITY AND INDEMNITY**

I, the undersigned, will indemnify, defend, and hold harmless the City of Bradenton, its agents, employees, officers, and any and all other associated, from and against any and all actions, in law or in equity, from liability or claims for damages, demands, or judgement to any person or property which may result now or in the future from the conduct of this event.

**The undersigned agrees to abide by all Event Approval Standards set forth in the guide (see pages 7 to 9).**

The undersigned has read and voluntarily signed the Release and Waiver of Liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

Signature of Applicant/Event Organizer

Nightlife Production LLC
Organization

KRISTEN LEE COATS
Typed or Printed Name and Title

9/11/23
Date

(03/2022)

# CITY OF BRADENTON
# SPECIAL EVENT REQUEST
# FOR TEMPORARY CLOSING OF CITY STREET(S)

Name of Requestor: KRISTEN LEE COATS

Name of Organization: ~~Lay the Foundation, Inc~~ Night Life Productions LLC

Street Address: 3850 67th St Ct E

City: Bradenton State: FL Zip: 34208

Telephone: 727-492-2697 Email: kristen@22NROCKS.com

Name of Event: Main St Live Halloween Festival(?)

Start Date: 10/28/23 End Date: 10/28/23 Start Time: 6p End Time: 10p

Proposed roads to close (specific locations, include map): load in 1p, load out 1am by

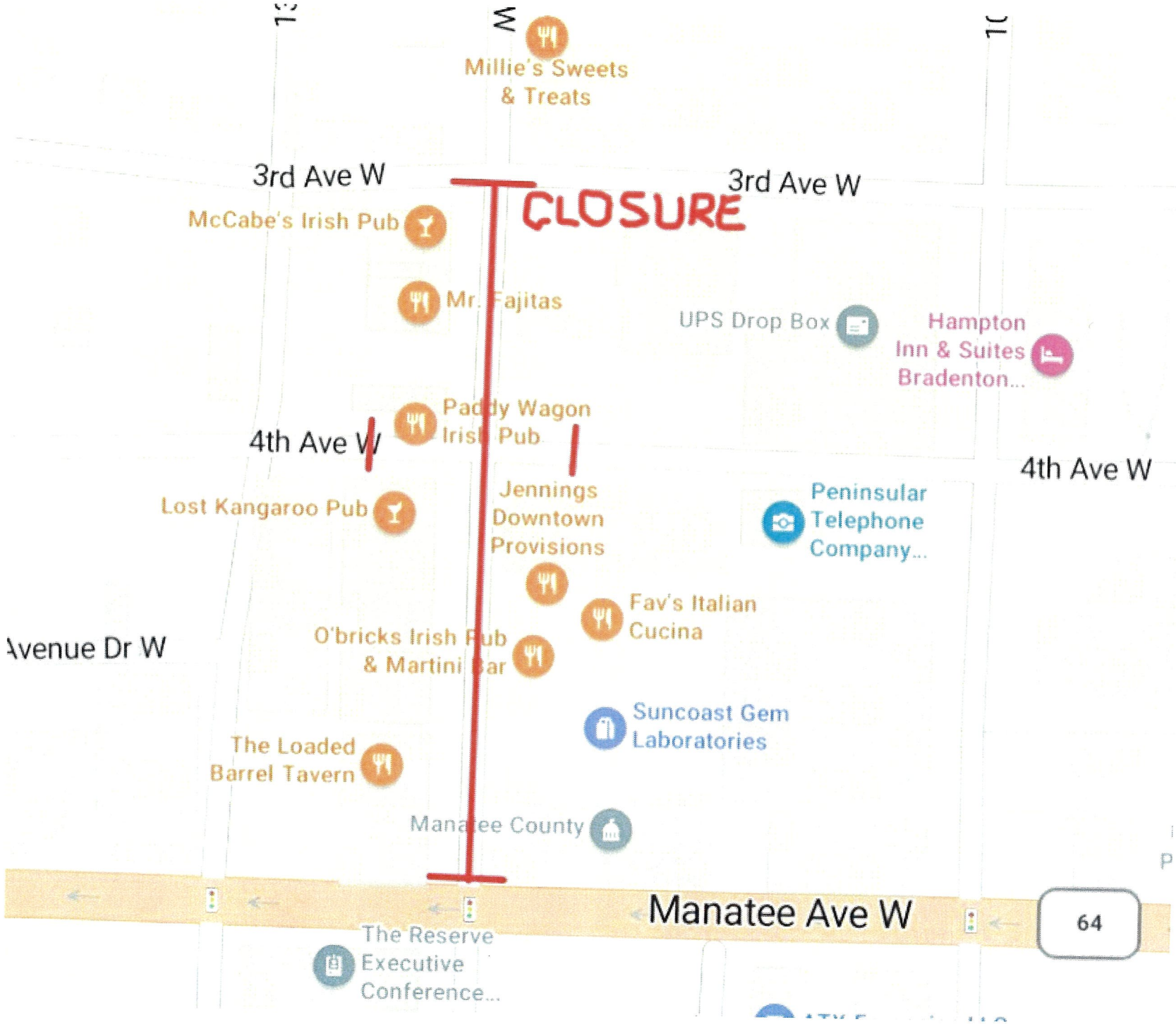
12th St. W between SR 64 (Manatee Ave.) and 3rd Ave W

Proposed detour route (include alternative road and map):

Additional notes and comments:

Need bolsters put up for public safety

(03/2022)


Millie's Sweets & Treats
3rd Ave W
CLOSURE
3rd Ave W
McCabe's Irish Pub
Mr. Fajitas
UPS Drop Box
Hampton Inn & Suites Bradenton...
Paddy Wagon Irish Pub
4th Ave W
4th Ave W
Lost Kangaroo Pub
Jennings Downtown Provisions
Peninsular Telephone Company...
Fav's Italian Cucina
Avenue Dr W
O'bricks Irish Pub & Martini Bar
Suncoast Gem Laboratories
The Loaded Barrel Tavern
Manatee County
Manatee Ave W
64
The Reserve Executive Conference...

**AGENDA ITEM NO. 6.j**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Tamara Melton, Legal

**ITEM TYPE:** Miscellaneous

**AGENDA SECTION:** CONSENT AGENDA

**SUBJECT:** City of Bradenton v. Diversified Underground Services, Inc., et. al.

**SUGGESTED ACTION:** Approval

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
The City has a pending lawsuit with Diversified Underground Services, et al. related to two different disputes involving underground infrastructure. Proposed settlement agreements are being presented for consideration by the City Council. More detailed information will be provided in a separate memorandum.

**FINANCIAL IMPACT:**
As described in memorandum from Attorney Rudacille.

**ATTORNEY REVIEW/RECOMMENDATION:**
Reviewed by City Attorney.

**SUGGESTED MOTION:**
I move for approval of the Diversified settlement agreements and authorize the Mayor to execute.

**ATTACHMENTS:**
Settlement and Release Agreement as to 10th Street Location
Settlement and Release Agreement as to 14th Street Location

**MEDIATED SETTLEMENT AND RELEASE AGREEMENT AS TO 10TH STREET LOCATION**

This Settlement and Release Agreement as to 10th Street Location ("Agreement") is hereby entered into by and among: **(a) City of Bradenton** ("Plaintiff" or "the City"); **(b) Diversified Underground Services, Inc.** ("Diversified"); **(c) Overland Contracting, Inc.** ("Overland"); **(d) MCImetro Access Transmission Services LLC, i/s/h/a MCImetro Access Transmission Services Corp.** ("MCImetro"); **(e) MCI Communications Services LLC, i/s/h/a MCI Communications Services, Inc.** ("MCI"); and **(f) Verizon Sourcing LLC** ("Verizon Sourcing"). Diversified, Overland, MCImetro, MCI, and Verizon Sourcing shall be collectively referred to in this Agreement as the "Settling Defendants." Plaintiff, Diversified, Overland, MCImetro, MCI, and Verizon Sourcing shall be collectively referred to in this Agreement as the "Settling Parties." This Agreement shall take effect upon the last date of execution by the Settling Parties (the "Effective Date").

**Background Recitals**

**A.** **WHEREAS**, the Settling Parties are parties to an action styled *City of Bradenton v. Diversified Underground Services, Inc., Verizon Business Network Services, Inc. d/b/a MCIMetro Access Transmission Services Corp., and Overland Contracting, Inc.* pending in the Circuit Court, Twelfth Judicial Circuit, in and for Manatee County, Florida, Case No. 2020-CA-000878, (herein the "Lawsuit") filed by Plaintiff arising out of a dispute pertaining to damage occurring during the course of underground drilling and utility installation work (the "Dispute") located on 14th Street West, Bradenton, Florida 34205 near the intersection of 14th Street West and Manatee Avenue West (the "14th Street Location") and on 10th Street West, Bradenton, Florida 34205 at the intersection of 10th Street West and Manatee Avenue West (the "10th Street Location");

**B.** **WHEREAS**, the Plaintiff contends that the Settling Defendants were negligent during the course and scope of underground drilling and utility installation work in a Florida Department of Transportation Right of Way adjacent to the City's property, as set forth in the Plaintiff's Second Amended Complaint (the "Claimed Issues");

**C.** **WHEREAS**, MCImetro, MCI, and/or Verizon Sourcing entered into certain agreements, purchase orders, invoices, and otherwise with Overland, pursuant to which Overland agreed to provide all labor, supervision, equipment, tools, and other items necessary to perform work for the installation of the underground utilities at the 10th Street Location;

**D.** **WHEREAS**, Overland entered into certain subcontractor agreements, purchase orders, invoices, and otherwise with Diversified, pursuant to which Diversified agreed to provide all labor, supervision, equipment, tools, and other items necessary to perform work for the installation of the underground utilities at the 10th Street Location;

E. **WHEREAS,** the Settling Parties have agreed to a settlement of the dispute pertaining to the 14th Street Location which settlement agreement is being simultaneously executed with this Agreement. The Settling Parties agree that this Agreement and the settlement agreement pertaining to the 14th Street Location shall fully resolve the issues raised, or that could have been raised, in the Lawsuit.

F. **WHEREAS**, in entering into this Agreement, the Settling Parties desire to resolve any and all claims, defenses, demands, debts, obligations, judgments, actions, causes of action, liens, and liabilities between them related to the 10th Street Location, whether based in tort, statute, contract, or otherwise, including, but not limited to, any and all claims, offsets, debts or defenses that were or could have been asserted in the Lawsuit related to the 10th Street Location. The Settling Defendants specifically exclude, and do not release, any claims they may have amongst themselves, or their respective insurers, in connection with the Lawsuit as set forth at paragraph 4.

**WHEREAS**, the Settling Parties desire to enter into a settlement agreement regarding the 10th Street Location, and the Settling Parties hereby agree as follows:

1. ***Settlement Amount and Payment Terms.*** In full and final settlement of all claims raised in the Lawsuit related to the 10th Street Location, the Settling Parties hereby agree to the following:

A. Diversified will pay, or cause to be paid to Plaintiff, a total sum of $310,000.00. Such settlement amounts should be made payable to City of Bradenton and should be sent to:

City of Bradenton
ATTN: Risk Management
101 Old Main Street
Bradenton, Florida 34205

The settlement amounts from the Settling Defendants are due and owing within thirty (30) days of the receipt of this fully executed Agreement, together with a completed and executed W-9 from the City of Bradenton.

2. ***General Release from Plaintiff as to the 10th Street Location.*** Upon the Effective Date, and receipt of the payment set forth in Paragraph 1(A) above, Plaintiff, with respect to the 10th Street Location, fully and completely releases, acquits, holds harmless and forever discharges the Settling Defendants, including their employees, subcontractors, officers, directors, parent companies, subsidiaries, affiliated entities, parents, subsidiaries, materialmen, vendors, contractors, predecessors, successors, and insurers for the claims brought or which could have been brought, accrued or not accrued, related to the loss incident that occurred on or about August 2, 2018, as referenced more specifically as the 10th Street Damage in Plaintiff's Second Amended Complaint in the Lawsuit. In addition, upon receipt of the payments set forth in Paragraph 1(A) above, Plaintiff fully and completely releases, acquits, holds harmless and forever discharges Black & Veatch Corporation ("B&V") and Verizon Business Network Services, Inc. ("Verizon"),

including their employees, subcontractors, officers, directors, parent companies, subsidiaries, affiliated entities, materialmen, vendors, and insurers for the claims brought or which could have been brought, accrued or not accrued, related to the loss incident that occurred on or about August 2, 2018, as referenced more specifically as the 10th Street Damage in Plaintiff's Second Amended Complaint in the Lawsuit. Settling Defendants, B&V, and Verizon shall be collectively referred to herein as the "Released Parties."

**THIS IS A GENERAL RELEASE OF ANY AND ALL OF PLAINTIFF'S CLAIMS AGAINST THE RELEASED PARTIES AND THEIR INSURANCE CARRIERS FROM THE PRESENT DATE TO THE END OF TIME ARISING OUT OF OR RELATING TO THE 10TH STREET LOCATION. THIS RELEASE IS ONLY MEANT TO RELEASE THE RELEASED PARTIES AND THEIR INSURANCE CARRIERS AS IT RELATES TO THE 10TH STREET LOCATION, AND IT IS NOT A RELEASE OF ANY CLAIMS NOT INCLUDED IN THIS SETTLEMENT AGREEMENT.**

3. ***Release from Settling Defendants***. Upon the Effective Date, the Settling Defendants fully and completely release and forever discharge the City and its respective past and present commissioners, attorneys, agents, employees, and their reinsurers, from any and all lawsuits, arbitrations, causes of action, claims, liens, demands, debts, defenses, and costs, of any nature whatsoever, whether based on contract, tort, or other theory of recovery (including, but not limited to statutory causes of action), whether compensatory or punitive or for attorneys' fees or costs, whether known or unknown, suspected or unsuspected, foreseen or unforeseen, liquidated or unliquidated, accrued or unaccrued, which were or could have been asserted, now or in the future, against each other related to the Claimed Issues, the Dispute, or the 10th Street Location.

4. ***No Release between Settling Defendants.*** This Agreement does not resolve alleged claims by and between Overland, MCImetro, MCI, Verizon Sourcing, B&V, and/or Verizon, and their respective insurers, and Diversified and its insurers.

5. ***Warranty of Exclusive Rights.*** Plaintiff represents and warrants that they have the sole right and exclusive authority to execute the Agreement and receive the sum specified in it, and that they have not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims or causes of action released in this Agreement.

6. ***No Admission of Wrongdoing/Liability.*** Plaintiff agrees and acknowledges that it accepts the payment set forth in Paragraph 1(A) above as a full and complete compromise of issues involving the 10th Street Location, and that such payment shall not be considered an admission of any liability or wrongdoing by the Settling Defendants. It is further understood and acknowledged by the Settling Parties that this Agreement does not constitute an admission of liability or wrongdoing on the part of the Settling Defendants and that this Agreement is purely an act of compromise and shall not be admissible in any other lawsuit or claim.

7. ***Tax Consequences.*** Plaintiff agrees that if it is later determined by the Internal Revenue Service that taxes of any type should have been paid in connection with any benefit Plaintiff receives pursuant to this Agreement, that Plaintiff will be solely responsible for paying such taxes.

8. ***Fees and Costs.*** The Settling Parties agree to bear their own attorneys' fees and costs arising out of this dispute. However, should any action be filed arising out of this Agreement or be necessary for the enforcement thereof, the prevailing party in any such action shall recover its reasonable attorney's fees and costs from the non-prevailing party.

9. ***Adequate Consideration.*** Plaintiff acknowledges that the consideration received by Plaintiff in connection with this Agreement is fair, adequate and substantial and consists only of the terms set forth in this Agreement.

10. ***Warranty of Voluntary Agreement.*** The Settling Parties warrant that they have entered this Agreement voluntarily and of their own accord without reliance on any inducement, promise, or representations by any other party.

11. ***Warranty of Understanding and Advice of Counsel.*** The Settling Parties state that they have carefully read this Agreement, know its contents, and freely and voluntarily agree to all of its terms and conditions. Each Settling Party warrants that it has obtained, or has been given the opportunity to obtain, the advice of counsel with regard to this Agreement.

12. ***Governing Law.*** It is hereby agreed by the Settling Parties that this Agreement shall be governed by the laws of the State of Florida, regardless of any conflicts of law provision requiring reference to the rules of, decisions in, and/or laws of another state or sovereign nation and any enforcement of this agreement shall take place in the Circuit Court for the Twelfth Judicial Circuit in and for Manatee County, Florida.

13. ***Dismissal with Prejudice.*** Within twenty (20) days following execution of this Agreement and the City's receipt and clearing of the payment set forth in Paragraph 1(A) above, Plaintiff shall execute a Notice of Dismissal, With Prejudice, of any claims related to the 10th Street Location against the Settling Defendants in the Lawsuit, with each party to bear their own attorneys' fees and costs. The Notice of Dismissal, With Prejudice, of any claims related to the 10th Street Location coupled with the Notice of Dismissal, With Prejudice, of any claims related to the 14th Street Location that are to be filed by the Plaintiff shall fully resolve the issues raised, or that could have been raised, in the Lawsuit.

14. ***Execution in Counterparts.*** This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be one and the same instrument. Delivery of an executed counterpart of this Agreement by email and/or facsimile shall be equally as effective as delivery of a manually executed counterpart of this Agreement.

15. ***Merger, Amendments, and Waiver.*** This Agreement constitutes the entire agreement between the Settling Parties regarding the subject matter of this Agreement. It supersedes all prior and contemporaneous agreements, representations, and understandings between the Settling Parties related thereto. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by all the parties. No waiver of any of the provisions of this Agreement by a party shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver by a party shall be binding unless executed in writing by the party against whom enforcement of the waiver is sought.

16. ***Incorporation of Recitals.*** The Settling Parties warrant and represent that the above-stated Background Recitals are true and accurate statements in all material respects and reflect the intent of the parties in entering into this Agreement. The Background Recitals are incorporated by reference into the terms of the Agreement.

17. ***Warranty Acknowledgement.*** In entering into this Agreement, Plaintiff acknowledges and agrees that any and all express and/or implied warranties given by the Settling Defendants to Plaintiff have expired and/or are null and void. This includes any implied warranty of merchantability; implied warranty of fitness for particular purpose; and implied warranty of habitability. In light of the foregoing, Plaintiff acknowledges and agrees that it will not make any warranty claims (or any other claims) regarding the 10th Street Location to the Settling Defendants, including their directors, employees, vendors, contractors, predecessors, successors, affiliated entities, and insurers.

18. ***No Party is Drafter.*** Should any provision of the Agreement require interpretation or construction, each party acknowledges participation in the negotiation of this Agreement and agrees that no provision of this Agreement shall be construed against or interpreted to the disadvantage of any party hereto by any court or other governmental or judicial authority by reason of such party having or being deemed to have structured, dictated, or drafted such provision.

19. ***Successors.*** This Agreement is binding upon the parties' successors and assigns.

20. ***Severability.*** Each of the Settling Parties agrees that each of the provisions of this Agreement is severable, and if any part of it is found to be unenforceable, the remaining provisions shall remain fully valid and enforceable

**[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

**[SIGNATURE PAGE IMMEDIATELY FOLLOWS]**

**IN WITNESS WHEREOF,** this Agreement has been signed by the parties as shown below:

**City of Bradenton**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**Diversified Underground Services, Inc.**

By: _____

Printed Name: Fernando Torres

Title: President

**DATED:** September 19th 2023

**MCImetro Access Transmission Services LLC, i/s/h/a MCImetro Access Transmission Services Corp.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**Overland Contracting, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**MCI Communications Services LLC, i/s/h/a MCI Communications Services, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**Verizon Sourcing LLC**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

_____

Daniel P. VanEtten, Esquire
Counsel for the City of Bradenton

_____

Bryan M. Krasinski, Esquire
Counsel for Diversified, Overland, MCImetro, and MCI

_____

Alexander S. Whitlock, Esquire
Counsel for Verizon Sourcing

**IN WITNESS WHEREOF,** this Agreement has been signed by the parties as shown below:

**City of Bradenton**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**Diversified Underground Services, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**MCImetro Access Transmission Services LLC, i/s/h/a MCImetro Access Transmission Services Corp.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**Overland Contracting, Inc.**

By: _____

Printed Name: Jeff Stamm

Title: Senior Vice President

**DATED:** Sept 12, 2023

**MCI Communications Services LLC, i/s/h/a MCI Communications Services, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**Verizon Sourcing LLC**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

_____
Daniel P. VanEtten, Esquire
Counsel for the City of Bradenton

_____
Alexander S. Whitlock, Esquire
Counsel for Verizon Sourcing

_____
Bryan M. Krasinski, Esquire
Counsel for Diversified, Overland, MCImetro, and MCI

**IN WITNESS WHEREOF,** this Agreement has been signed by the parties as shown below:

**City of Bradenton**

By: _____

Printed Name: _____

Title: _____

**DATED**: _____

**Diversified Underground Services, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**MCImetro Access Transmission Services LLC, i/s/h/a MCImetro Access Transmission Services Corp.**

By: _____

Printed Name: Jennifer Constantinou

Title: Associate General Counsel - Litigation

**DATED**: 8/25/23

**Overland Contracting, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**MCI Communications Services LLC, i/s/h/a MCI Communications Services, Inc.**

By: _____

Printed Name: Jennifer Constantinou

Title: Associate General Counsel - Litigation

**DATED**: 8/25/23

**Verizon Sourcing LLC**

By: _____

Printed Name: Jennifer Constantinou

Title: Associate General Counsel - Litigation

**DATED:** 8/25/23

_____

Daniel P. VanEtten, Esquire
Counsel for the City of Bradenton

_____

Bryan M. Krasinski, Esquire
Counsel for Diversified, Overland, MCImetro, and MCI

_____

Alexander S. Whitlock, Esquire
Counsel for Verizon Sourcing

**SETTLEMENT AND RELEASE AGREEMENT**
**AS TO 14TH STREET LOCATION**

This Settlement and Release Agreement as to 14th Street Location ("Agreement") is hereby entered into by and among: **(a) City of Bradenton** ("Plaintiff" or "the City"); **(b) Diversified Underground Services, Inc.** ("Diversified"); **(c) Overland Contracting, Inc.** ("Overland"); **(d) MCImetro Access Transmission Services LLC, i/s/h/a MCImetro Access Transmission Services Corp.** ("MCImetro"); **(e) MCI Communications Services LLC, i/s/h/a MCI Communications Services, Inc.** ("MCI"); and **(f) Verizon Sourcing LLC** ("Verizon Sourcing"). Diversified, Overland, MCImetro, MCI, and Verizon Sourcing shall be collectively referred to in this Agreement as the "Settling Defendants." Plaintiff, Diversified, Overland, MCImetro, MCI, and Verizon Sourcing shall be collectively referred to in this Agreement as the "Settling Parties." This Agreement shall take effect upon the last date of execution by the Settling Parties (the "Effective Date").

**Background Recitals**

**A.** **WHEREAS**, the Settling Parties are parties to an action styled *City of Bradenton v. Diversified Underground Services, Inc., Verizon Business Network Services, Inc. d/b/a MCIMetro Access Transmission Services Corp., and Overland Contracting, Inc.* pending in the Circuit Court, Twelfth Judicial Circuit, in and for Manatee County, Florida, Case No. 2020-CA-000878, (herein the "Lawsuit") filed by Plaintiff arising out of a dispute pertaining to damage occurring during the course of underground drilling and utility installation work (the "Dispute") located on 14th Street West, Bradenton, Florida 34205 near the intersection of 14th Street West and Manatee Avenue West (the "14th Street Location") and on 10th Street West, Bradenton, Florida 34205 at the intersection of 10th Street West and Manatee Avenue West (the "10th Street Location");

**B.** **WHEREAS**, the Plaintiff contends that the Settling Defendants were negligent during the course and scope of underground drilling and utility installation work in a Florida Department of Transportation Right of Way adjacent to the City's property, as set forth in the Plaintiff's Second Amended Complaint (the "Claimed Issues");

**C.** **WHEREAS**, MCImetro, MCI, and/or Verizon Sourcing entered into certain agreements, purchase orders, invoices, and otherwise with Overland, pursuant to which Overland agreed to provide all labor, supervision, equipment, tools, and other items necessary to perform work for the installation of the underground utilities at the 14th Street Location;

**D.** **WHEREAS**, Overland entered into certain subcontractor agreements, purchase orders, invoices, and otherwise with Diversified, pursuant to which Diversified agreed to provide all labor, supervision, equipment, tools, and other items necessary to perform work for the installation of the underground utilities at the 14th Street Location;

E. **WHEREAS,** the Settling Parties have agreed to a settlement of the dispute pertaining to the 10th Street Location which settlement agreement is being simultaneously executed with this Agreement. The Settling Parties agree that this Agreement and the settlement agreement pertaining to the 10th Street Location shall fully resolve the issues raised, or that could have been raised, in the Lawsuit.

F. **WHEREAS**, in entering into this Agreement, the Settling Parties desire to resolve any and all claims, defenses, demands, debts, obligations, judgments, actions, causes of action, liens, and liabilities between them related only as to the 14th Street Location, whether based in tort, statute, contract, or otherwise, including, but not limited to, any and all claims, offsets, debts or defenses that were or could have been asserted in the Lawsuit related to the 14th Street Location. The Settling Defendants specifically exclude, and do not release, any claims they may have amongst themselves, or their respective insurers, in connection with the Lawsuit as set forth at paragraph 4.

**WHEREAS**, the Settling Parties desire to enter into a settlement agreement regarding the 14th Street Location, and the Settling Parties hereby agree as follows:

1. ***Settlement Amount and Payment Terms.*** In full and final settlement of all claims raised in the Lawsuit related to the 14th Street Location, the Settling Parties hereby agree to the following:

A. Diversified will pay, or cause to be paid to Plaintiff, a total of $21,086.92. Such settlement amounts should be made payable to City of Bradenton and should be sent to:

City of Bradenton
ATTN: Risk Management
101 Old Main Street
Bradenton, Florida 34205

The settlement amounts from the Settling Defendants are due and owing within thirty (30) days of the receipt of this fully executed Agreement, together with a completed and executed W-9 from the City of Bradenton.

2. ***General Release from Plaintiff as to the 14th Street Location.*** Upon the Effective Date, and receipt of the payment set forth in Paragraph 1(A) above, Plaintiff, only with respect to the 14th Street Location, fully and completely releases, acquits, holds harmless and forever discharges the Settling Defendants, including their directors, employees, vendors, contractors, predecessors, successors, affiliated entities, parent companies, subsidiaries, materialmen, and insurers from and against any and all claims, known or unknown, alleged or not, flowing from the loss at the 14th Street Location as alleged in the Lawsuit. In addition, upon receipt of the payments set forth in Paragraph 1(A) above, Plaintiff fully and completely releases, acquits, holds harmless and forever discharges Black & Veatch Corporation ("B&V") and Verizon Business Network Services, Inc. ("Verizon"), including their employees, subcontractors, officers, directors, parent companies, subsidiaries, affiliated entities, materialmen, vendors, and insurers for the claims

brought or which could have been brought, accrued or not accrued, flowing from the loss at the 14th Street Location as alleged in the Lawsuit. Settling Defendants, B&V, and Verizon shall be collectively referred to herein as the "Released Parties."

**THIS IS A GENERAL RELEASE OF ANY AND ALL OF PLAINTIFF'S CLAIMS AGAINST THE RELEASED PARTIES AND THEIR INSURANCE CARRIERS FROM THE PRESENT DATE TO THE END OF TIME ARISING OUT OF OR RELATING TO THE 14TH STREET LOCATION. THIS RELEASE IS ONLY MEANT TO RELEASE THE RELEASED PARTIES AND THEIR INSURANCE CARRIERS AS IT RELATES TO THE 14TH STREET LOCATION, AND IT IS NOT A RELEASE OF ANY CLAIMS NOT INCLUDED IN THIS SETTLEMENT AGREEMENT.**

3. ***Release from Settling Defendants.*** Upon the Effective Date, the Settling Defendants fully and completely release and forever discharge the City and its respective past and present commissioners, attorneys, agents, employees, and their reinsurers, from any and all lawsuits, arbitrations, causes of action, claims, liens, demands, debts, defenses, and costs, of any nature whatsoever, whether based on contract, tort, or other theory of recovery (including, but not limited to statutory causes of action), whether compensatory or punitive or for attorneys' fees or costs, whether known or unknown, suspected or unsuspected, foreseen or unforeseen, liquidated or unliquidated, accrued or unaccrued, which were or could have been asserted, now or in the future, against the City related to the Claimed Issues, the Dispute, or the 14th Street Location.

4. ***No Release between Settling Defendants.*** This Agreement does not resolve alleged claims by and between Overland, MCImetro, MCI, Verizon Sourcing, B&V, and/or Verizon, and their respective insurers, and Diversified and its insurers.

5. ***Warranty of Exclusive Rights.*** Plaintiff represents and warrants that they have the sole right and exclusive authority to execute the Agreement and receive the sum specified in it, and that they have not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims or causes of action released in this Agreement.

6. ***No Admission of Wrongdoing/Liability.*** Plaintiff agrees and acknowledges that it accepts the payment set forth in Paragraph 1(A) above as a full and complete compromise of issues involving the 14th Street Location, and that such payment shall not be considered an admission of any liability or wrongdoing by the Settling Defendants. It is further understood and acknowledged by the Settling Parties that this Agreement does not constitute an admission of liability or wrongdoing on the part of the Settling Defendants and that this Agreement is purely an act of compromise and shall not be admissible in any other lawsuit or claim.

7. ***Tax Consequences.*** Plaintiff agrees that if it is later determined by the Internal Revenue Service that taxes of any type should have been paid in connection with any benefit Plaintiff receives pursuant to this Agreement, that Plaintiff will be solely responsible for paying such taxes.

8. ***Fees and Costs.*** The Settling Parties agree to bear their own attorneys' fees and costs arising out of this dispute. However, should any action be filed arising out of this Agreement

or be necessary for the enforcement thereof, the prevailing party in any such action shall recover its reasonable attorney's fees and costs from the non-prevailing party.

9. ***Adequate Consideration.*** Plaintiff acknowledges that the consideration received by Plaintiff in connection with this Agreement is fair, adequate and substantial and consists only of the terms set forth in this Agreement.

10. ***Warranty of Voluntary Agreement.*** The Settling Parties warrant that they have entered this Agreement voluntarily and of their own accord without reliance on any inducement, promise, or representations by any other party.

11. ***Warranty of Understanding and Advice of Counsel.*** The Settling Parties state that they have carefully read this Agreement, know its contents, and freely and voluntarily agree to all of its terms and conditions. Each Settling Party warrants that it has obtained, or has been given the opportunity to obtain, the advice of counsel with regard to this Agreement.

12. ***Governing Law.*** It is hereby agreed by the Settling Parties that this Agreement shall be governed by the laws of the State of Florida, regardless of any conflicts of law provision requiring reference to the rules of, decisions in, and/or laws of another state or sovereign nation and any enforcement of this agreement shall take place in the Circuit Court for the Twelfth Judicial Circuit in and for Manatee County, Florida.

13. ***Dismissal with Prejudice.*** Within twenty (20) days following execution of this Agreement and the City's receipt and clearing of the payment set forth in Paragraph 1(A) above, Plaintiff shall execute a Notice of Dismissal, With Prejudice, of any claims related to the 14th Street Location against the Settling Defendants in the Lawsuit, with each party to bear their own attorneys' fees and costs. The Notice of Dismissal, With Prejudice, of any claims related to the 14th Street Location coupled with the Notice of Dismissal, With Prejudice, of any claims related to the 10th Street Location that are to be filed by Plaintiff shall fully resolve the issues raised, or that could have been raised, in the Lawsuit.

14. ***Execution in Counterparts.*** This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be one and the same instrument. Delivery of an executed counterpart of this Agreement by email and/or facsimile shall be equally as effective as delivery of a manually executed counterpart of this Agreement.

15. ***Merger, Amendments, and Waiver.*** This Agreement constitutes the entire agreement between the Settling Parties regarding the subject matter of this Agreement. It supersedes all prior and contemporaneous agreements, representations, and understandings between the Settling Parties related thereto. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by all the parties. No waiver of any of the provisions of this Agreement by a party shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver by a party shall be binding unless executed in writing by the party against whom enforcement of the waiver is sought.

16. ***Incorporation of Recitals.*** The Settling Parties warrant and represent that the

above-stated Background Recitals are true and accurate statements in all material respects and reflect the intent of the parties in entering into this Agreement. The Background Recitals are incorporated by reference into the terms of the Agreement.

17. ***Warranty Acknowledgement.*** In entering into this Agreement, Plaintiff acknowledges and agrees that any and all express and/or implied warranties given by the Settling Defendants to Plaintiff have expired and/or are null and void. This includes any implied warranty of merchantability; implied warranty of fitness for particular purpose; and implied warranty of habitability. In light of the foregoing, Plaintiff acknowledges and agrees that it will not make any warranty claims (or any other claims) regarding the 14th Street Location to the Settling Defendants, including their directors, employees, vendors, contractors, predecessors, successors, affiliated entities, and insurers.

18. ***No Party is Drafter.*** Should any provision of the Agreement require interpretation or construction, each party acknowledges participation in the negotiation of this Agreement and agrees that no provision of this Agreement shall be construed against or interpreted to the disadvantage of any party hereto by any court or other governmental or judicial authority by reason of such party having or being deemed to have structured, dictated, or drafted such provision.

19. ***Successors.*** This Agreement is binding upon the parties' successors and assigns.

20. ***Severability.*** Each of the Settling Parties agrees that each of the provisions of this Agreement is severable, and if any part of it is found to be unenforceable, the remaining provisions shall remain fully valid and enforceable

**[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

**[SIGNATURE PAGE IMMEDIATELY FOLLOWS]**

**IN WITNESS WHEREOF,** this Agreement has been signed by the parties as shown below:

**City of Bradenton**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**Diversified Underground Services, Inc.**

By: _____

Printed Name: Fernando Torres

Title: President

**DATED:** September 19th 2023

**MCImetro Access Transmission Services LLC, i/s/h/a MCImetro Access Transmission Services Corp.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**Overland Contracting, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**MCI Communications Services LLC, i/s/h/a MCI Communications Services, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**Verizon Sourcing LLC**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**IN WITNESS WHEREOF,** this Agreement has been signed by the parties as shown below:

**City of Bradenton**

By: _____

Printed Name: _____

Title: _____

**DATED**: _____

**Diversified Underground Services, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**MCImetro Access Transmission Services LLC, i/s/h/a MCImetro Access Transmission Services Corp.**

By: _____

Printed Name: _____

Title: _____

**DATED**: _____

**Overland Contracting, Inc.**

By: Jeff Stamm

Printed Name: Jeff Stamm

Title: Senior Vice President

**DATED:** Sept 12, 2023

**MCI Communications Services LLC, i/s/h/a MCI Communications Services, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED**: _____

**Verizon Sourcing LLC**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**IN WITNESS WHEREOF,** this Agreement has been signed by the parties as shown below:

**City of Bradenton**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**Diversified Underground Services, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**MCImetro Access Transmission Services LLC, i/s/h/a MCImetro Access Transmission Services Corp.**

By: _____

Printed Name: Jennifer Constantinou

Title: Associate General Counsel - Litigation

**DATED:** 8/25/23

**Overland Contracting, Inc.**

By: _____

Printed Name: _____

Title: _____

**DATED:** _____

**MCI Communications Services LLC, i/s/h/a MCI Communications Services, Inc.**

By: _____

Printed Name: Jennifer Constantinou

Title: Associate General Counsel - Litigation

**DATED:** 8/25/23

**Verizon Sourcing LLC**

By: _____

Printed Name: Jennifer Constantinou

Title: Associate General Counsel - Litigation

**DATED:** 8/25/23

**AGENDA ITEM NO. 7.a**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Jamie Schindewolf, Planning & Community Development

**ITEM TYPE:** Resolution

**AGENDA SECTION:** BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

**SUBJECT:**

**Quasi-Judicial:** Resolution 23-76 - PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON GRANTING SPECIAL USE PERMIT NO. SU.23.3297 TO OPERATE A DRIVE-THRU RESTAURANT FACILITY IN THE T4-O (GENERAL URBAN OPEN) ZONING DISTRICT FOR PROPERTY LOCATED AT 109, 116 AND 118 10TH AVENUE EAST (PARCEL IDS 4620200008, 4622000000 AND 4621900002) BRADENTON, FLORIDA, AND MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**SUGGESTED ACTION:** Approval of Resolution 23-76 with stipulations.

Planning Commission recommended approval of Resolution 23-76 with stipulations (vote 6-0).

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
Yes

**EXPLANATION:**

The applicant is requesting approval of a Special Use Permit for a Drive-Through

Restaurant Facility. The subject properties are approximately 0.50 acres and zoned T4-O (General Urban Open). The properties are within the UCC, Urban Commercial Corridor, Future Land Use category. The properties are currently vacant, and the applicant is proposing a development utilizing new construction of an approximately 1,920 square foot drive thru with an overflow parking.

A conceptual site plan shows the drive thru restaurant situated close to 10th Ave E., reflecting Form Based Code siting standards. The parking located across 10th Ave E. is meant primarily for employees.

**FINANCIAL IMPACT:**
N/A

**ATTORNEY REVIEW/RECOMMENDATION:**
Reviewed by City Attorney Rudacille.

**SUGGESTED MOTION:**
Motion to approve Resolution 23-76 with the following stipulations:

1. The site plan and elevations shall be reviewed through the Form-based Code review process and shall be approved with adjustments as determined by the PCD Director.
2. An opaque fence and landscaping will be provided between the drive-thru restaurant and the parcel to the east.
3. The parking spaces on the northern parcel will be oriented away from the single-family home to the east.
4. Pedestrian safety features will be added and approved with the Site Improvement Permit.
5. Modifications to the site plan during the Site Improvement Permitting phase shall be reviewed for compliance with the Florida Fire and Building Codes and with City of Bradenton Form-based Code and Land Use regulations, as applicable.
6. Modifications to the site plan during the Site Improvement Permitting phase shall reflect safe and logical traffic circulation and pedestrian access.

**ATTACHMENTS:**
Resolution 23-76
SU.23.3297 Application
SU.23.3297 Staff Report
SU.23.3297 Presentation
9-20-2023 Planning Commission Draft Minutes

**RESOLUTION 23-76**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON GRANTING SPECIAL USE PERMIT NO. SU.23.3297 TO OPERATE A DRIVE-THRU RESTAURANT FACILITY IN THE T4-O (GENERAL URBAN OPEN) ZONING DISTRICT FOR PROPERTY LOCATED AT 109, 116 AND 118 10TH AVENUE EAST (PARCEL IDS 4620200008, 4622000000 AND 4621900002) BRADENTON, FLORIDA, AND MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, 101 Partners, LLC (the "Property Owner" or "Applicant"), owns the property located at 109, 116 and 118 10th Avenue East (parcel IDs 4620200008, 4622000000 and 4621900002) Bradenton, Florida, more particularly described in Exhibit "A" (collectively the "Property"), and

**WHEREAS**, the City of Bradenton Comprehensive Plan's Future Land Use Map designates the Property as Suburban Commercial Corridor (UCC); and

**WHEREAS**, the City of Bradenton Official Zoning Map classifies the Property under the General Urban Open (T4-O) zoning district; and

**WHEREAS**, the City of Bradenton Form Based Code Table 4.7 identifies uses in the T4-O zoning district; and

**WHEREAS,** the City of Bradenton Form Based Code Table 4.7 identifies Drive-Through Facilities as a Special Use in the T4-O zoning district; and

**WHEREAS,** Bob Schmitt, agent for the Property Owner submitted an application for a Special Use Permit to operate a Drive Through Facility; and

**WHEREAS**, the Planning Commission held a noticed public hearing on September 20, 2023 at which the Board received testimony and evidence from the applicant and City Planning staff; and

**WHEREAS,** the City Council held a noticed public hearing on October 11, 2023, at which the Council received testimony and evidence from City Planning staff and members of the public in attendance.

**NOW, THEREFORE**, the City Council makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact and Conclusions of Law. After considering the evidence on the record and that presented at public hearing, including the staff

report and the recommendation of the Planning Commission, the City Council hereby makes the following Findings of Fact and Conclusions of Law:

a. The Whereas clauses contained herein are hereby adopted as Findings of Fact.

b. The Property Owner is requesting approval of a Special Use Permit to operate a Drive Through Facility as generally shown on the Conceptual Site Plan attached hereto as Exhibit "B".

c. The City's professional staff determined that the project as proposed is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.

d. The City's professional staff recommended approval with stipulations.

e. The Planning Commission, which is designated as the local planning agency, determined that the project as proposed is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.

f. The Planning Commission recommended approval with the stipulations recommended by Staff.

The proposed use with stipulations meets Section 3.3.2 of the Land Use Regulations, as further described below.

a. The tract of land is suitable for the type of use proposed by virtue of its location, topography, shape and the nature of surrounding development.
b. Access point are provided on two frontages and located so as to best suit the use and property.
c. All buildings are located an adequate distance from property lines and streets.
d. Any nuisance or hazardous feature of the use is adequately screened, buffered or separated.
e. Adequate ingress and egress to property and proposed structures, with particular regard for automobiles and pedestrian safety and convenience, and emergency access, are provided.
f. Off-street parking and loading areas are appropriately located and designed There will be no smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties.
g. Refuse and service areas are appropriately located and designed to address availability, adequacy and effect upon surrounding properties.
h. Utilities are available and adequate to serve the property in a similar manner to surrounding properties.

i. Sufficient screening is provided to protect surrounding properties from view of the premises; and internal noises from the use.
j. Proposed signage and exterior lighting adequately address glare, traffic safety and compatibility and harmony with surrounding properties.
k. The proposed use does not hinder the development of nearby vacant properties or adversely affect their economic value.
l. The land and/or building which are to be used are adequate.
m. The use is generally compatible with adjacent properties and other property in the district, including proposed hours of operation.
n. The proposed use will not adversely affect the environmental quality of the district.
o. The proposed use is consistent with the City's Comprehensive Plan.

Section 2. Order. Based upon the foregoing, a Special Use Permit is hereby approved and issued for the Property, to allow a Drive Through Facility as generally shown on the conceptual Site Plan attached hereto as Exhibit "B", with the following stipulations:

1. The site plan and elevations shall be reviewed through the Form-based Code review process, and shall be approved with adjustments as determined by the PCD Director.
2. An opaque fence and landscaping will be provided between the drive-thru restaurant and the parcel to the east.
3. The parking spaces on the northern parcel will be oriented away from the single-family home to the east.
4. Pedestrian safety features will be added and approved with the Site Improvement Permit.
5. Modifications to the site plan during the Site Improvement Permitting phase shall be reviewed for compliance with the Florida Fire and Building Codes and with City of Bradenton Form-based Code and Land Use regulations, as applicable.
6. Modifications to the site plan during the Site Improvement Permitting phase shall reflect safe and logical traffic circulation and pedestrian access.

Section 3. State and Federal Permits. Issuance of this development permit by the City does not in any way create any right on the part of the applicant to

obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. The applicant must obtain all applicable state and federal permits before commencing development or use.

Section 4. Severability. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Resolution which shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall be effective upon adoption.

**ADOPTED WITH A QUORUM PRESENT AND VOTING BY THE CITY COUNCIL OF THE CITY OF BRADENTON this 11th day of October, 2023.**

ATTEST:

_____ _____

Tamara Melton
CITY CLERK

Gene Brown
MAYOR

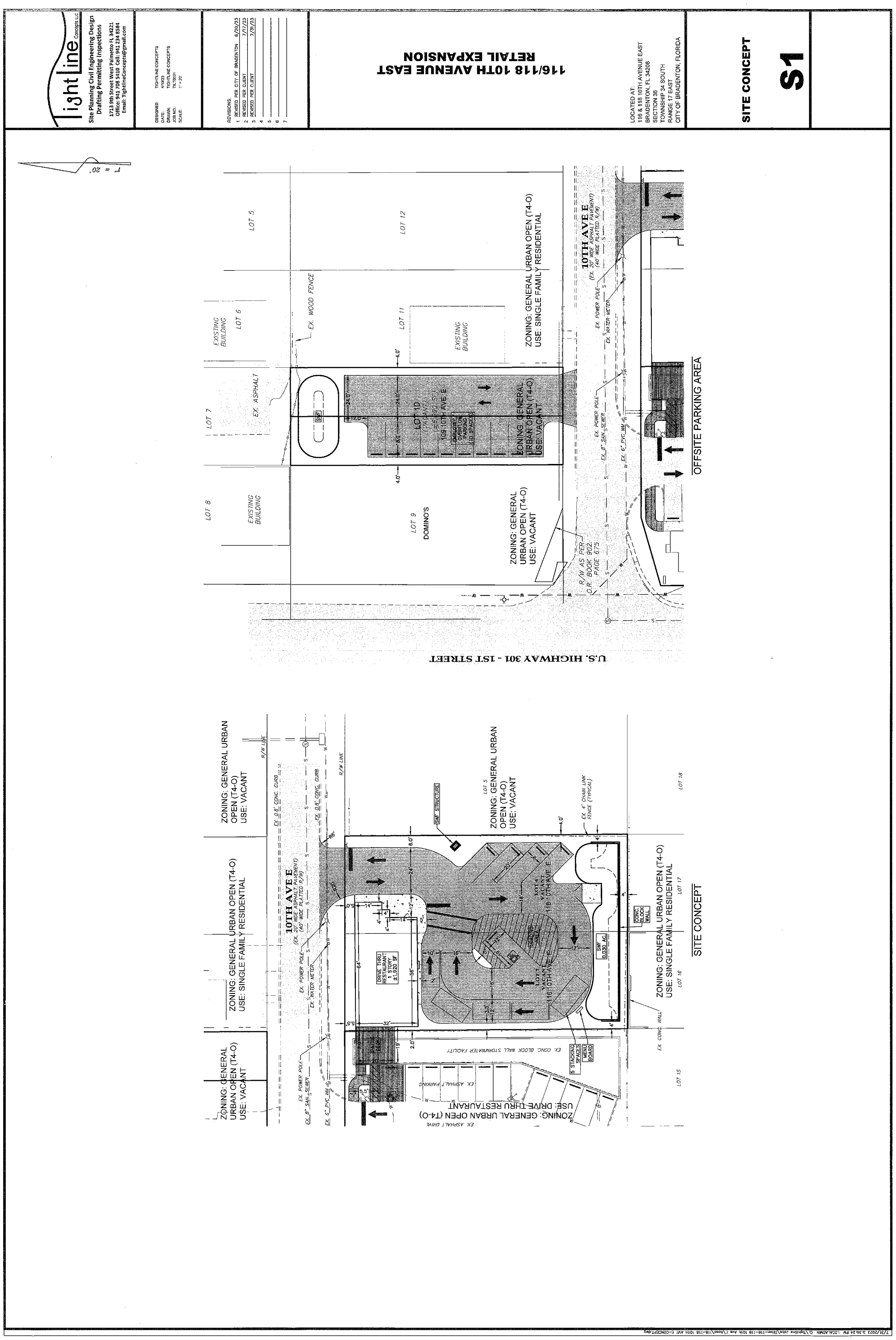
APPROVED AS TO FORM:

_____
Scott Rudacille
CITY ATTORNEY

## EXHIBIT A

Lot 10, Block A, along with Lots 6 and 7, Block B, Sharps Addition, PB6, PG68

# EXHIBIT B


116/118 10TH AVENUE EAST
RETAIL EXPANSION
SITE CONCEPT
S1
OFFSITE PARKING AREA
U.S. HIGHWAY 301 - 1ST STREET
10TH AVE E
SITE CONCEPT

LPA inc.

# LAND PLANNING ASSOCIATES, INC.

REZONES•PERMITTING•EMINENT DOMAIN

Cell Phone: (941) 524-0756
E-mail: lpa.bobschmitt@gmail.com
Post Office Box 20115
Bradenton, Florida 34204-0115

August 7, 2023

Ms. Jamie Schindewolf
City of Bradenton Planning and Community Development
Bradenton City Hall
101 Old Main Street West
Bradenton, FL 34205

RE: 109, 116-118 10th Avenue East
Special Use for Drive-thru Facility

Dear Ms. Schindewolf,

This letter accompanies the Special Use request for the above referenced properties. The proposal is for a drive-thru breakfast establishment. A pre-application meeting was held on June 6, 2023 for this request. We have attempted to address the comments presented by the DRC at the pre-application meeting with this request. Additional details are provided in the narrative addressing the required Review Criteria.

The following items are included:

1. Project Narrative
2. Boundary Survey
3. Site Plan
4. Application
5. Agent Authorization Form
6. $1,820.00 Application Fee

I trust this addresses the information necessary to review the application. Feel free to contact me if you have any questions.

Sincerely,

Robert Schmitt, AICP
President

Cc: Russ Tilton

# Special Use Application

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

**CONTACT INFORMATION** (REQUIRED)

Name of Property Owner: 101 Partners, LLC

Owner Address: 423 Suwanee Ave, Sarasota, FL 34243 Telephone: 941-721-0721

Name of Agent: Robert Schmitt, AICP

Agent Address: P.O. Box 20115, Bradenton, FL 34204 Telephone: 941-524-0756

Owner/Agent Email:

**PROPERTY INFORMATION** (REQUIRED)

Property Address: 109, 116, 118 10th Ave E, Bradenton, FL 34208

Parcel ID: 4621900002, 4622000000, 4626200008 Acreage: 0.50

Zoning District: T4-0 *click to view Zoning map

Future Land Use: UCC *click to view FLU map

Ward #: 5 *click to view Ward map

Neighborhood #: CCRA *click to view Neighborhoods map

**DESCRIPTION** (REQUIRED)

Indicate Type of Special Use Request:

Special Use ☑ Special Use-Amendment ☐

Provide a brief description of the propose land use activity: Retail development with accessory parking

**MATERIALS FOR REVIEW** (REQUIRED)

- **Special Use**
  - Special Use Application Fee: **$1,820**
  - Notarized Agent Authorization Form, if applicable
  - Letter of Request
  - Review Criteria (see page 2 for Special Use Review Criteria)
  - Site Plan
  - Properly Survey signed & sealed within the last 3 years
  - One (1) electronic copy in pdf format of Application and all required support materials
- **Special Use Permit - Amendment**
  - Special Use Amendment Application Fee: **$1,820**
  - Notarized Agent Authorization Form, if applicable
  - Letter of Request
  - Properly Survey signed & sealed within the last 3 years
  - One (1) electronic copy in pdf format of Application and all required support materials including site plan

**CITY STAFF ONLY**

Application Fees:
Fee Required: **$1,820** (Special Use)
**$1,820** (Special Use-Amendment)

Application Sufficiency:
Sufficient:☐
Incomplete:☐

FEE COLLECTED: $

RECEIPT #:

**APPLICATION #:**

**CITY STAFF ONLY**

**REVIEW DATES – TO BE COMPLETED BY CITY STAFF**

CITY COUNCIL:

PLANNING COMMISSION:

DRC:

# Special Use Application

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

REVIEW CRITERIA

**SPECIAL USE and SPECIAL USE-AMENDMENT REVIEW CRITERIA:**

Special Use and Special Use-Amendments shall comply with and be reviewed using the Special Use criteria found in Section 3.3 of the Land Use Regulations to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.

**Prepare detailed written responses, using factual statements (called Findings of Fact) to explain how the requested Special Use complies with each of the following 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.*

SITE PLAN REQUIRMENTS

**SPECIAL USE and SPECIAL USE AMENDMENT SITE PLAN REQUIRMENTS:**

Please prepare an accurate, legible, scaled site plan containing the following information:

REQUIRED

A. *The dimensions of the lot, all existing and proposed buildings, setbacks, easements, driveways, landscaping and trees, and fences.*
B. *Parking design and availability*
C. *Traffic impacts*
D. *Location and design of trash collection areas,*
E. *Utilities on the site*
F. *Signs and exterior lighting*

# Special Use Application

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

SPECIAL USE PROCEDURES

**SPECIAL USE REVIEW PROCEDURE:**

Step 1: Pre-Application Meeting

Prior to submitting an application for a Special Use Permit, please schedule a pre-application meeting by contacting Karen Aihara at (941)932-9407. Cost for a Pre-Application meeting is $100.00. This amount is deducted from your application fee. Meetings are held the first and third Tuesday of each month by appointment only. At these meetings, the Development Review Committee (Fire, Public Works, Police, Building, Planning & Zoning), will review the proposed Special Use and offer constructive input. The Pre-Application meeting is required in order to file an application.

Step 2: Application Submittal

An official Special Use Permit application must be completely filled out and submitted to Planning and Community Development (PCD) by the second Thursday of the month, no later than 4:00 PM. Failure to meet this deadline will result in delay of application consideration.

Step 3: 1st Sign Posting

About two weeks before the Planning Commission meeting, the PCD Department will contact the owner or authorized agent (applicant) to pick up the required public notice sign from the PCD Department. The sign must be posted on the property 10 days before the meeting. The applicant is required to sign a notarized affidavit stating that the signs have been posted. The affidavit will be kept on file.

Step 4: Staff Review

The PCD Staff will review the application and create a Staff Evaluation and Analysis Report with a recommendation to the reviewing bodies. The PCD staff will then send to the applicant a copy of the agenda for the Planning Commission meeting as a reminder of the date and time.

Step 5: First Public Hearing (Planning Commission)

The Planning Commission will hold a public hearing of the request and will allow anyone interested to speak for or against the request. The Planning Commission is an appointed board which meets the third Wednesday of each month at 2:00 PM in City Council Chambers at City Hall, 101 Old Main Street. After reviewing the evidence presented, the Planning Commission will make a recommendation to the City Council for approval, approval with stipulations, or denial. Notice of the request will be placed in the Bradenton Herald 10 days prior to the Planning Commission meeting. People owning property within 300 feet of the subject property will also be notified by the City.

The PCD staff will then send a letter to the applicant confirming the recommendation of the Planning Commission to the City Council. Unless the Planning Commission has requested changes to the site plan or submission of additional information, nothing else is required except sign posting.

Step 6: 2nd Sign Posting

The second sign must be posted on the property 10 days before the City Council meeting. An affidavit is required for this sign, as well, and will be kept on file.

Step 7: Second Public Hearing and Final Determination

The City Council will hold a second public hearing of the request and will allow anyone interested to speak for or against the request. The City Council is an elected board, which considers Special Use Permits on the second and fourth Wednesdays of each month at 8:30 AM. Notice of the request will be placed in the Bradenton Herald 10 days prior to the City Council meeting. After reviewing the evidence presented, it will vote to approve, approve with stipulations, or deny the request. The decision of the City Council may be appealed to Circuit Court and must be done within 30 days of its decision.

# Agent Authorization Form

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

**PLANNING & ZONING AGENT AUTHORIZATION FORM**

Property Address: 109, 116, 118 10th Ave E, Bradenton, FL 34208

I, Russell F. Tilton, the registered property owner(s) of the above noted property, do hereby authorize

Robert Schmitt, AICP — Print Name of Agent

Land Planning Associates, Inc. — Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

AGENT AUTHORIZATION — REQUIRED

Signature of Owner(s)

423 Suwanee Ave, Sarasota, FL 34243
Owner(s) Address (if different than property above)

Signature of Agent

P.O. Box 20115, Bradenton, FL 34204
Agent Address and Phone

**STATE OF FLORIDA, MANATEE COUNTY**

The Foregoing instrument was acknowledged before me by means of ✓ physical presence or ___ online notarization, this 8th day of August 2023, produced personally Known respectively, as identification and who did (did not) take an oath:

NOTARY — REQUIRED

Signature

Julie Ovens, Notary Public
Print Name

State of Florida
My Commission Expires: ___

JULIE OVENS
NOTARY PUBLIC
MY COMMISSION EXPIRES 4-27-2027
STATE OF FLORIDA
COMMISSION NUMBER HH 371100

# Agent Authorization Form

**Department of Planning & Community Development**
**101 Old Main Street, Bradenton, FL 34205**
**Ph: (941) 932-9400**
**www.cityofbradenton.com**

bradenton
The Friendly City

**PLANNING & ZONING AGENT AUTHORIZATION FORM**

Property Address: 109, 116, 118 10TH AVE E, BRADENTON, FL 34208

I, RUSSELL TILTON, the registered property owner(s) of the above noted property, do hereby authorize

BOB SCHMITT — Print Name of Agent
LAND PLANNING ASSOCIATES — Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

AGENT AUTHORIZATION — REQUIRED

Signature of Owner(s)

423 SUMMIT AVE, SARASOTA, FL 34243
Owner(s) Address (if different than property above)

Signature of Agent

Agent Address and Phone

**STATE OF FLORIDA, MANATEE COUNTY**

The Foregoing instrument was acknowledged before me by means of ✓ physical presence or ___ online notarization, this 28 day of April 2023, produced personally Known respectively, as identification and who did (did not) take an oath:

NOTARY — REQUIRED

Julie Ovens
Signature

Julie Ovens, Notary Public
Print Name

State of Florida
My Commission Expires: 4/27/2027

JULIE OVENS
NOTARY PUBLIC
MY COMMISSION EXPIRES 4-27-2027
STATE OF FLORIDA
COMMISSION NUMBER HH 371100

City of Bradenton – Development Review Committee

7/24/23 Response to Comments - Meeting Date 6/6/23 – 101 Partners, LLC

PLANNING DEPARTMENT

All items noted.

PUBLIC WORKS DEPARTMENT

Item 4. Entrance drive radius changed to stay within property limits.

Item 5. Covered patio deck note removed. Deck design uncovered with safety hand rails.

Item 7. Parking space length increased to 20’.

Item 8. Ramp and walkway relocated to clear existing light pole and to allow stop bar to be installed prior to walkway access. Additional sidewalk added on the west side of parking lot for connectivity and safe internal movement of pedestrians.

Item 9. Dumpster repositioned for better access as requested.

All remaining items noted.

BUILDING DEPARTMENT

Item noted.

FIRE DEPARTMENT

Item noted.

CITY SURVEYOR

Item noted.

POLICE DEPARTMENT

Item 1. Proposed additional parking area drawing provided to department during DRC meeting. Separate drawing showing additional parking had not been provided to department prior to meeting. Drive thru widened to allow up to 9 stacking spaces while maintaining a clear interior bypass lane for all users. Overflow parking drive isle shifted further away from 1st St.

Item 2. Item noted.

Item 3. Stop bar repositioned and additional internal sidewalk added as requested.

Item 4. Item noted.

# Project Description

116 – 118 10th Avenue E, Bradenton - 101 Partners, LLC - Retail Expansion

Proposed Single Story Building +/- 1,920 SF with Drive Thru and Overflow Parking Area

7/21/23

SPECIAL USE and SPECIAL USE-AMENDMENT REVIEW CRITERIA:

Special Use and Special Use-Amendments shall comply with and be reviewed using the Special Use criteria found in Section 3.3 of the Land Use Regulations to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use. Prepare detailed written responses, using factual statements (called Findings of Fact) to explain how the requested Special Use complies with each of the following 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.

**Response: Access to the property is from 1st St E. Use of the existing two-way driveway is proposed with this request. Additional two-way driveways will be constructed to access the drive thru and employee/overflow parking areas. A sidewalk is currently provided along 1st St E. Safe pedestrian access from the buildings to the sidewalk is currently provided and will continue to be maintained.**

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.

**Response: The existing parking conditions are shown on the attached site plans. Additional parking areas added include an enclosed dumpster and loading area that will be buffered from surrounding properties by fencing and the building structure. The proposed employee/overflow parking area parking spaces have been reversed pointing away from adjacent property. Existing site conditions will largely remain the same.**

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

**Response: An enclosed dumpster pad is provided at the rear of the parking lot. Truck access and circulation meet code standards. All operations involving refuse collection and loading will be contained within the property boundaries not effecting surrounding properties.**

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

**Response: All utilities are available at the property line on 10th Avenue. Applicant will coordinate with Public Works for connection details.**

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

**Response: Required landscaping buffers and fencing will be depicted on the Site Improvement Permit application. Headlights from drive thru activity will be shielded from 10th Avenue by fencing and the building structure. The dumpster is designed to be fully enclosed.**

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

**Response: A monument sign is existing on the property. Any building signage would be restricted to the west side of the proposed building facing 1st St. All exterior lighting will be contained within the property and comply with City of Bradenton safety standards. Additional details will be provided with the site Improvement Permit application.**

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.

**Response: All operations will be conducted within the boundaries of the property. No unusual noises or lighting will be generated by the proposed use.**

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

**The land is properly zoned and adequate land area is provided. Site elevation for proposed use will remain consistent with surrounding properties. There are no environmental issues. Building permits and the Site Development Permit application will provide more details.**

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

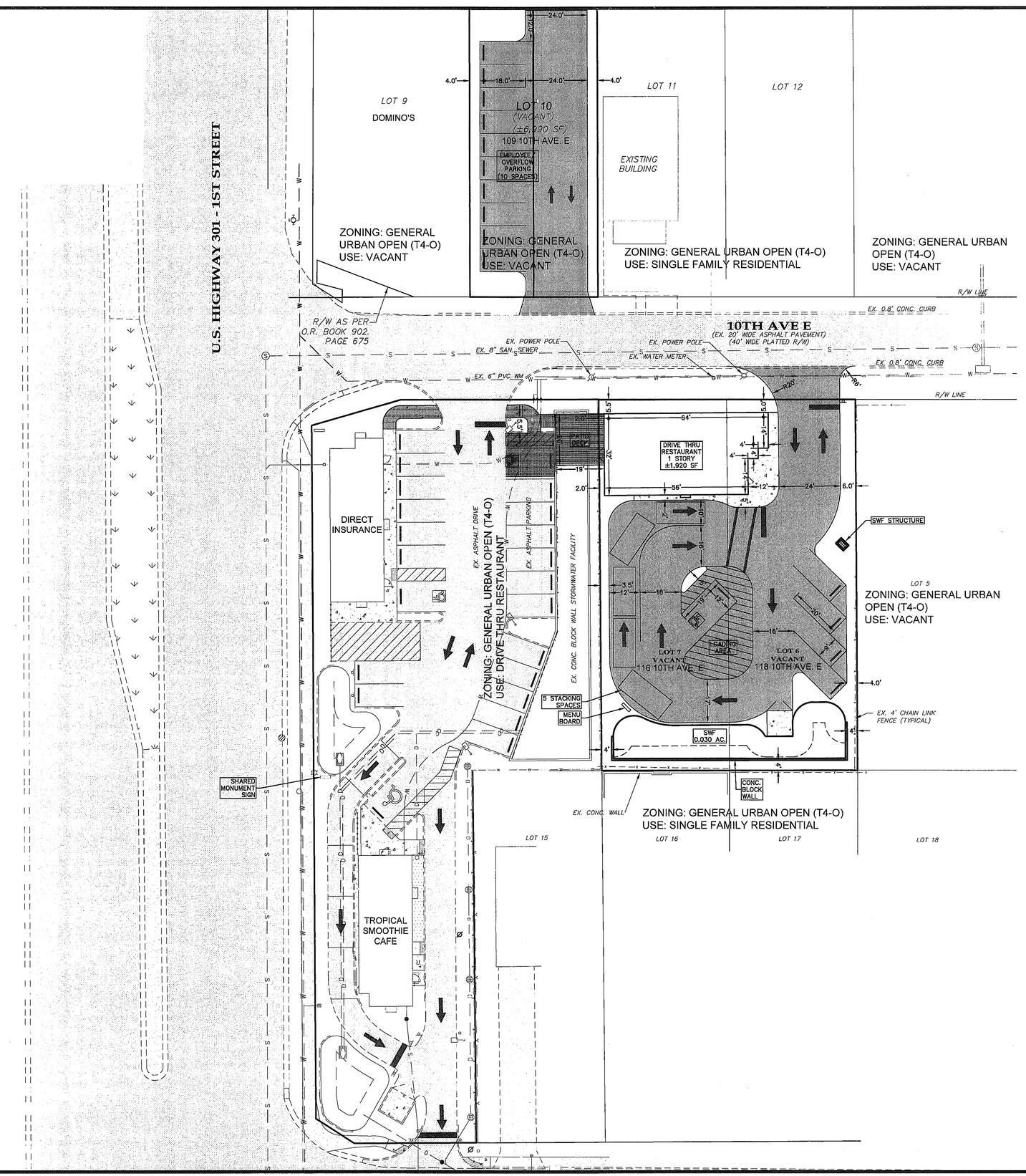
**Response: The proposed use is consistent with current commercial uses in the surrounding area. No overnight operations are being proposed on the property.**

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

**Response: No adverse environmental conditions are proposed. Use is consistent with other commercial uses in the surrounding area.**

11. Consistency with the City of Bradenton Comprehensive Plan.

**Response: The proposed use is consistent with the City of Bradenton Comprehensive Plan goals, policies, and objectives, and consistent with the UCC Future Land Use category. A Special Use Permit is required for the drive thru component in UCC Zoning.**





TightLine Concepts LLC
Site Planning Civil Engineering Design
Drafting Permitting Inspections
1713 9th Street West Palmetto FL 34221
Office: 941 708 5410 Cell: 941 234 8584
Email: TightlineConcepts@gmail.com


| | |
|---|---|
| DESIGNED: | TIGHTLINE CONCEPTS |
| DATE: | 4/19/23 |
| DRAWN: | TIGHTLINE CONCEPTS |
| JOB NO.: | TILT0001 |
| SCALE: | 1" = 20' |

REVISIONS:

| | | |
|---|---|---|
| 1 | REVISED PER CITY OF BRADENTON | 6/20/23 |
| 2 | REVISED PER CLIENT | 7/17/23 |
| 3 | REVISED PER CLIENT | 7/31/23 |
| 4 | | |
| 5 | | |
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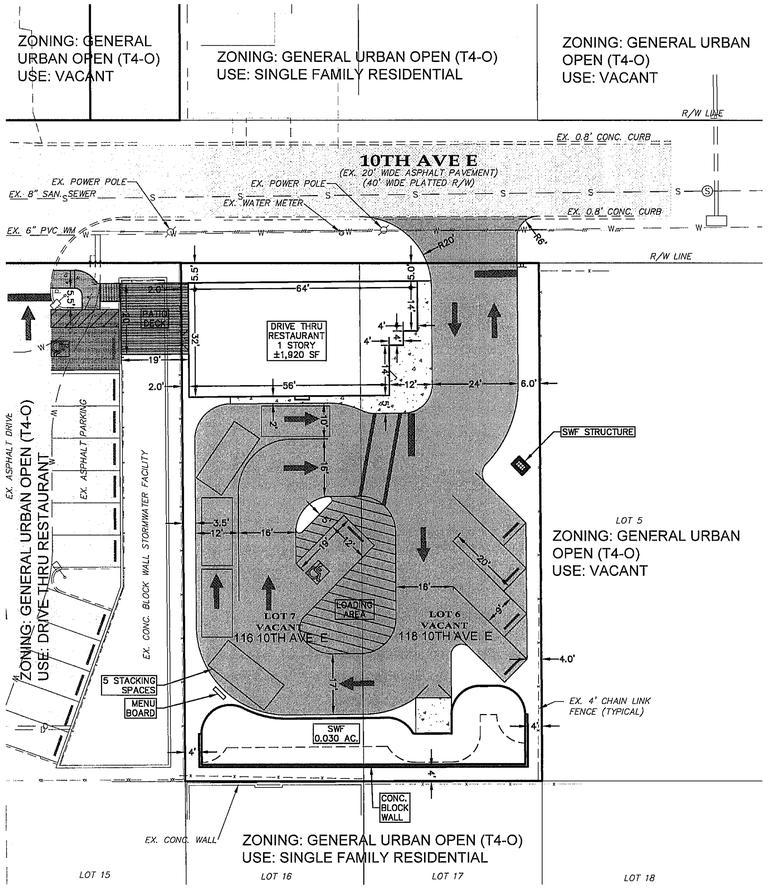
# 116/118 10TH AVENUE EAST RETAIL EXPANSION

LOCATED AT:
116 & 118 10TH AVENUE EAST
BRADENTON, FL 34208
SECTION 36
TOWNSHIP 34 SOUTH
RANGE 17 EAST
CITY OF BRADENTON, FLORIDA

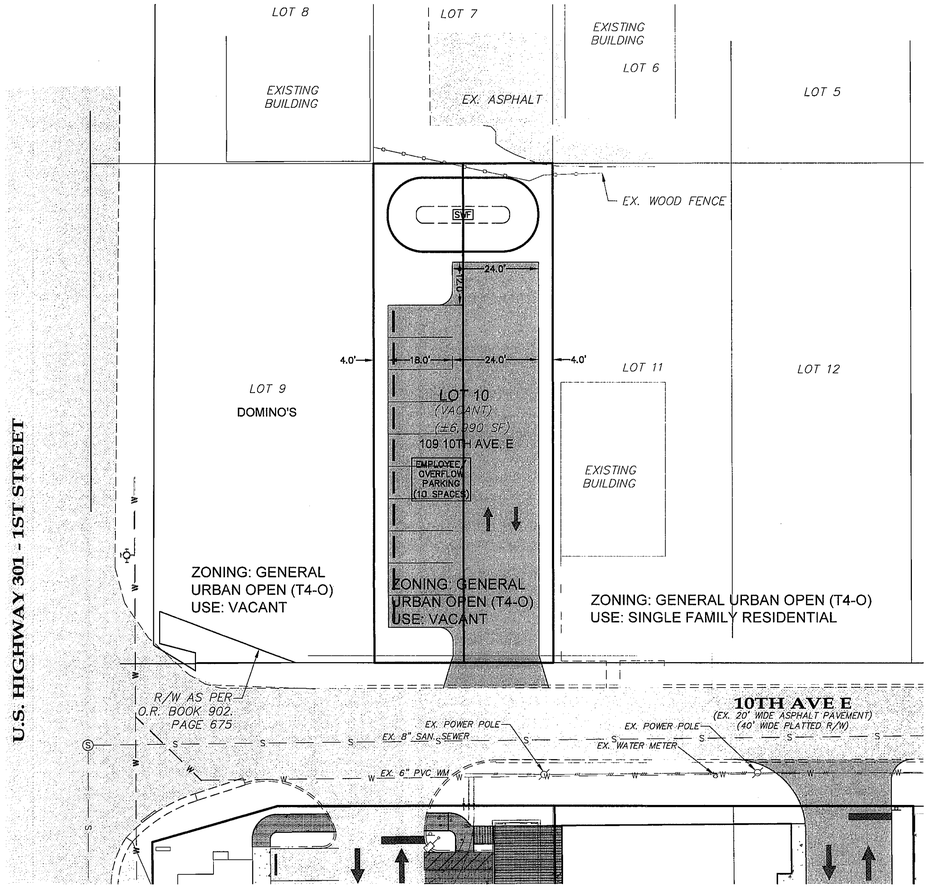
## SITE CONCEPT

**CS**

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SITE CONCEPT




OFFSITE PARKING AREA

1" = 20'


TightLine Concepts LLC
Site Planning Civil Engineering Design
Drafting Permitting Inspections
1713 9th Street West Palmetto FL 34221
Office: 941 708 5410 Cell: 941 234 8584
Email: TightlineConcepts@gmail.com


| | |
|---|---|
| DESIGNED: | TIGHTLINE CONCEPTS |
| DATE: | 4/19/23 |
| DRAWN: | TIGHTLINE CONCEPTS |
| JOB NO.: | TILT0001 |
| SCALE: | 1" = 20' |

REVISIONS:

| | | |
|---|---|---|
| 1 | REVISED PER CITY OF BRADENTON | 6/20/23 |
| 2 | REVISED PER CLIENT | 7/17/23 |
| 3 | REVISED PER CLIENT | 7/31/23 |
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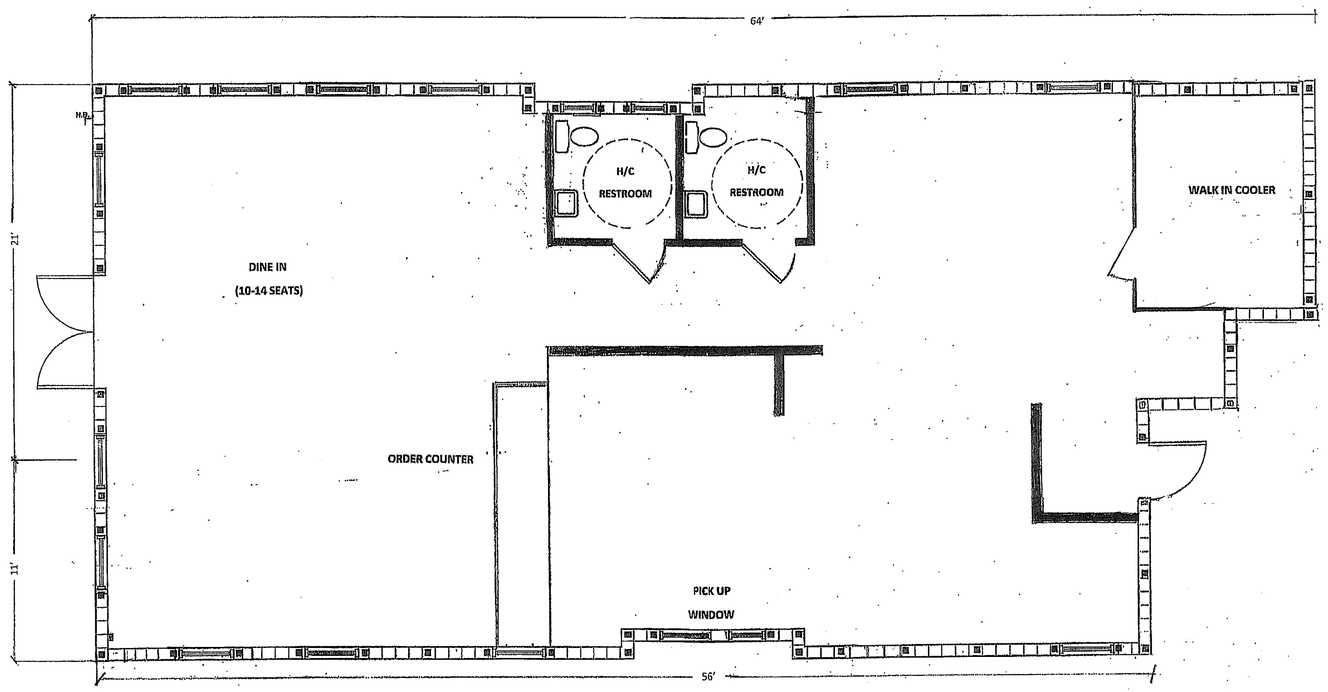
# 116/118 10TH AVENUE EAST RETAIL EXPANSION

LOCATED AT:
116 & 118 10TH AVENUE EAST
BRADENTON, FL 34208
SECTION 36
TOWNSHIP 34 SOUTH
RANGE 17 EAST
CITY OF BRADENTON, FLORIDA

## SITE CONCEPT

# S1

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**FLOORPLAN**

**PROPOSED 1,920 SF**

SCALE ¼" = 1'

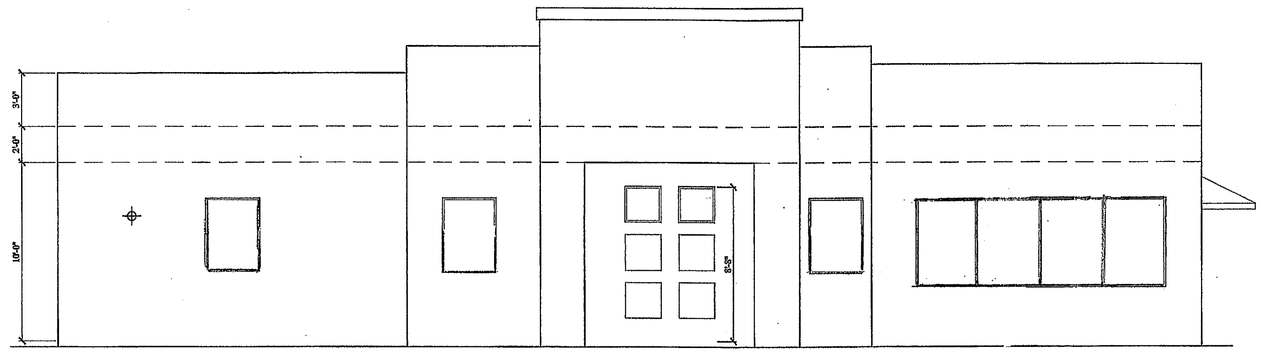
**RETAIL EXPANSION**
**109, 116, 118 10th AVENUE E**
**BRADENTON, FL 34206**


2004 53rd Avenue East
Bradenton, Florida 34203
Ph. (941) 750-2050

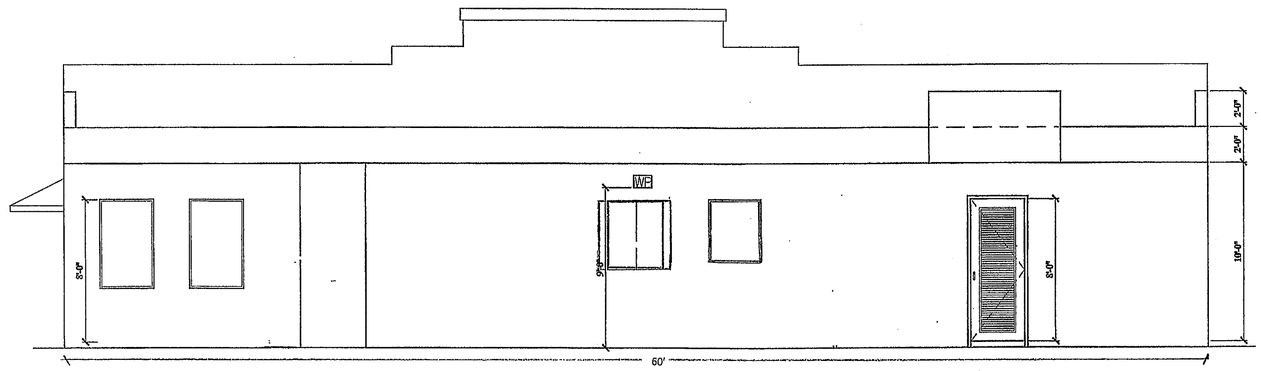
Design CSM INC.


DRAWN BY: S.T.
CHECKED BY: C.J.
DATE:
REVISIONS:

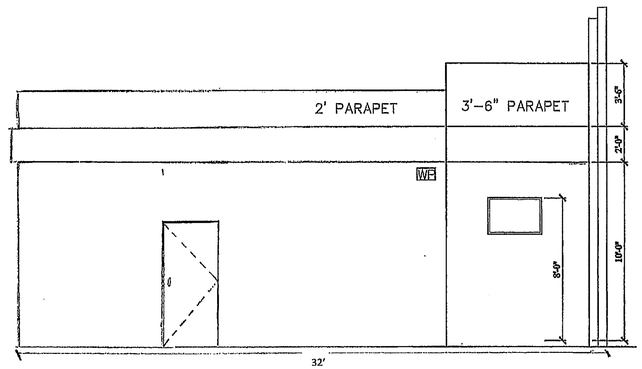
PROJECT NO.
PROJECT
SHEET NUMBER
A2



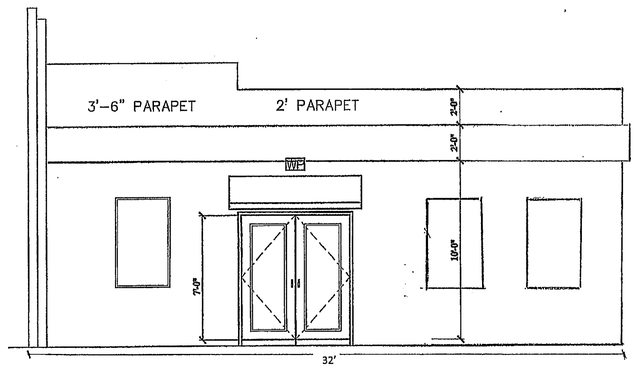

## FRONT ELEVATION
SCALE: 1/4" = 1'-0"




## REAR ELEVATION
SCALE: 1/4" = 1'-0"




## LEFT ELEVATION
SCALE: 1/4" = 1'-0"




## RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

**RETAIL EXPANSION**
**109, 116, 118 10th AVENUE E**
**BRADENTON, FL 34206**

2004 53rd Avenue East
Bradenton, Florida 34203
Ph. (941) 730-2050

Design
CSM INC.

DRAWN BY: S.T.
CHECKED BY: C.J.
DATE:
REVISIONS:

PROJECT NO.
PROJECT
SHEET NUMBER
A-5

# CLEMENTS SURVEYING, INC.

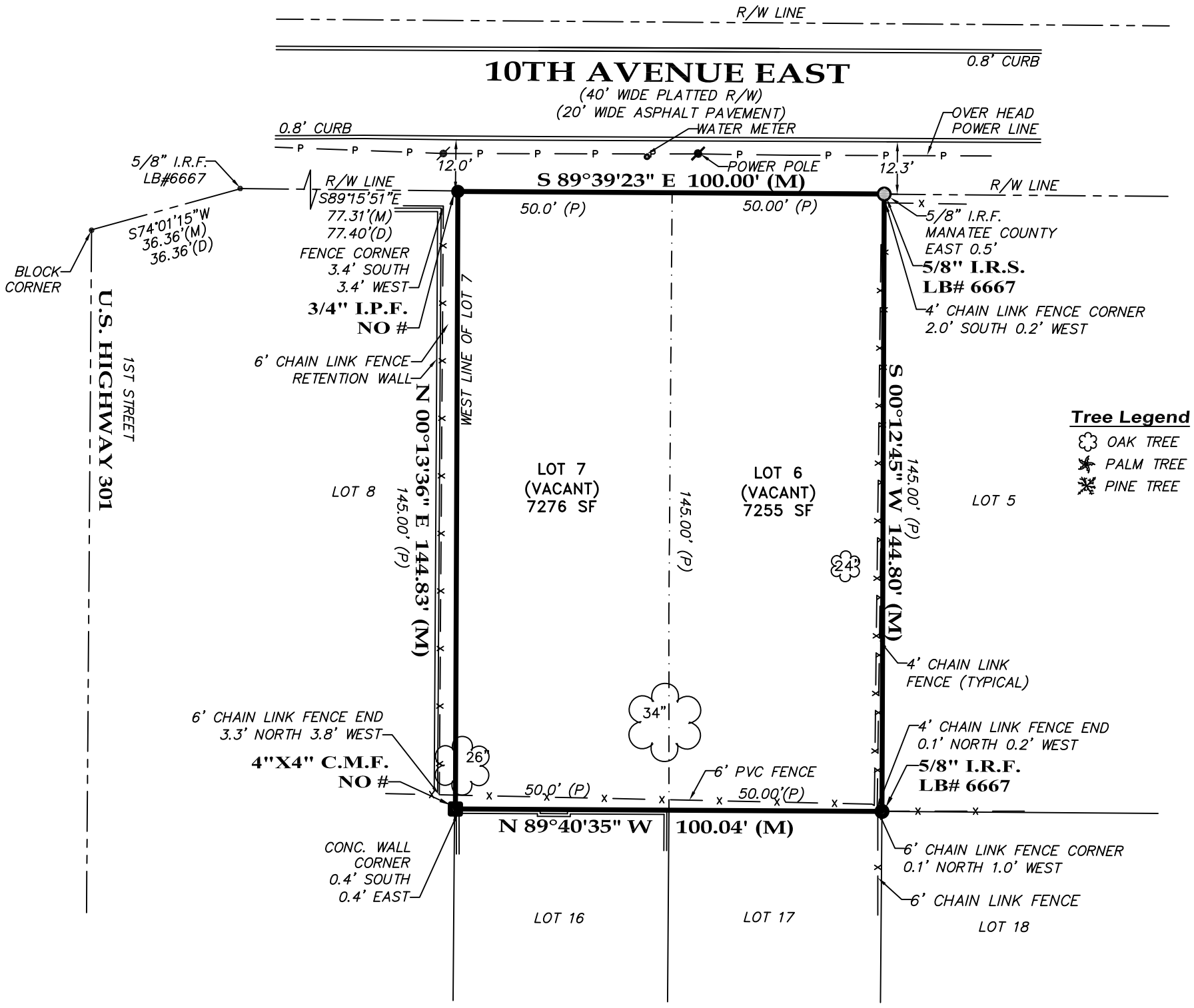
509 8th Avenue West, Ste. 140
Palmetto, Florida 34221
Phone: 729-6690 Email: office@clements.biz


MEMBER OF:
Florida Society Of Professional Surveyors & Mappers
Manatee County Chamber of Commerce
Manasota Chapter Of Professional Surveyors & Mappers

BOUNDARY SURVEY OF LOTS 6&7 BLOCK B SUBDIVISION SHARP'S ADDITION TO THE CITY OF MANATEE
SECTION 36 TOWNSHIP 34 SOUTH, RANGE 17 EAST, AS RECORDED IN PLAT BOOK 6 PAGES 68
OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA PARCEL ID # 4621900002 & 4622000000
PROPERTY ADDRESS: 116 & 118 10TH AVENUE EAST, BRADENTON, FLORIDA 34208

N

SCALE 1"= 30'




***NOTES:***

*BEARINGS ARE BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 10TH AVENUE EAST BEING S89°39'23"E (GRID), UTILIZING THE FLORIDA PERMANENT REFERENCE NETWORK (FLORIDA WEST ZONE).*

*PROPERTY LIES WITHIN FLOOD ZONE "X", AS PER FLOOD INSURANCE RATE MAP PANEL NO. 12081C0306F, DATED 08-10-2021, (SUBJECT TO VERIFICATION).*

*THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT, THEREFORE IS SUBJECT TO ALL RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY OF RECORD, IF ANY.*

*UTILITIES SHOWN HEREON ARE ABOVE GROUND (VISIBLE) UTILITIES ONLY, NO UNDERGROUND UTILITIES, IF ANY WERE LOCATED FOR THE PURPOSE OF THIS SURVEY.*

*ELEVATIONS SHOWN HEREON (IF ANY) ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND WERE DERIVED FROM MANATEE COUNTY BENCHMARK.*

***Exclusive Use Of:***
**101 PARTNERS LLC**

JAMES L. CLEMENTS LICENSE NUMBER No. 6667 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

Job No. 15-286

Boundary 08-18-2015 FB 224 PG 62 Other:
Foundation FB PG Other:
Final FB PG Revision:
Update 07-25-2023 FB 224 PG 62 Revision:
Drawn By KDH/JMD

CERTIFICATION OF SURVEYOR

BY: _____
JAMES L. CLEMENTS, P.S.M. # 4091
Licensed Business No. 6667
DATE OF CERTIFICATION 07-28-2023

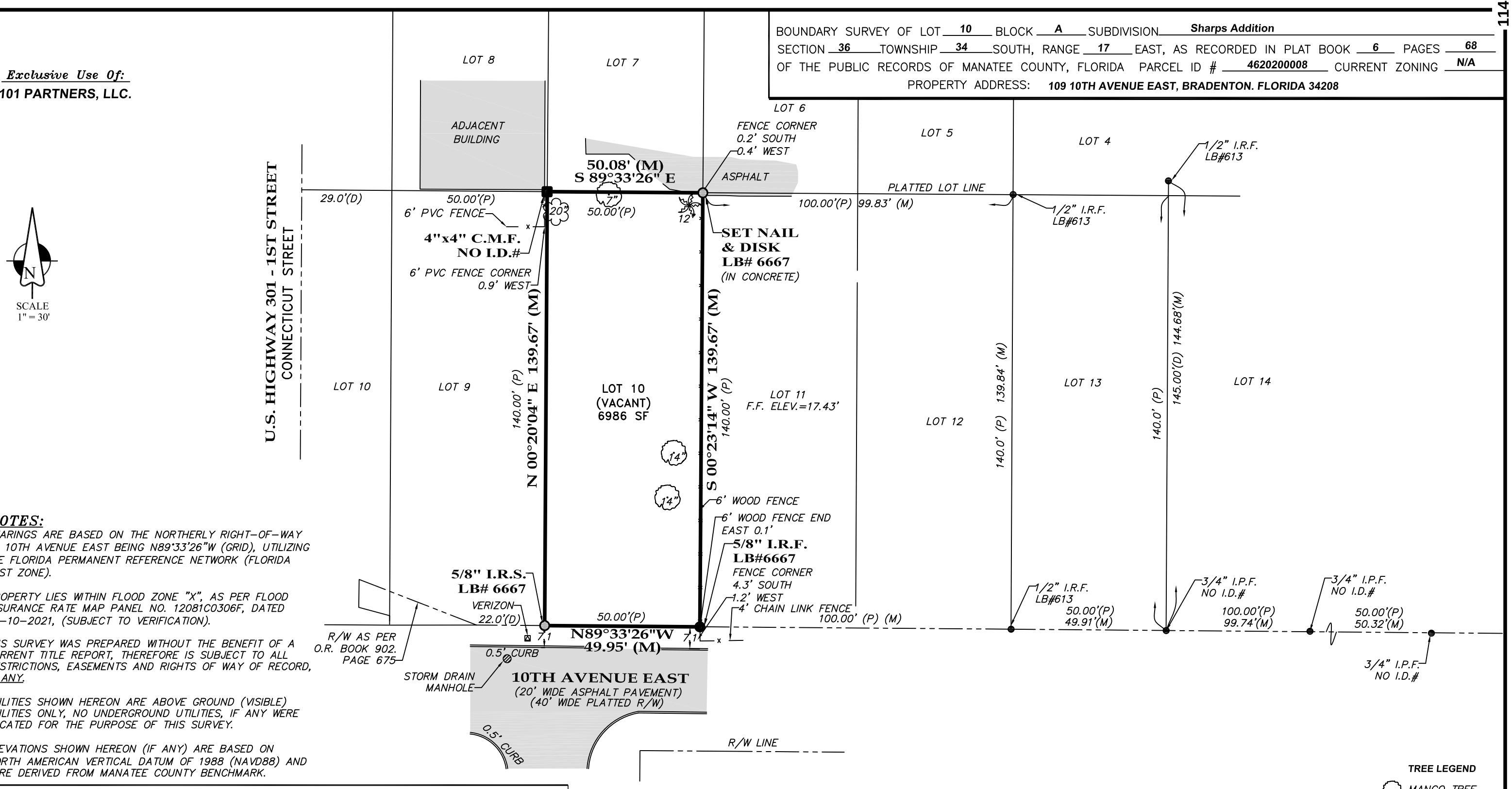
**NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER**

LEGEND

(M)=Measured (P)=Plat (D)=Deed (R)=Radial
O=Iron Rod Set(IRS)#6667 ●=Iron Pipe Found (IPF)
TBM=Temporary Bench Mark POB=Point Of Beginning
CMS=Concrete Monument Set #6667 R/W=Right Of Way
P.T.=Point of Tangent
PCC=Point of Compound Curve
CMF=Concrete Monument Found
PRM=Permanent Reference Monument
P.C.=Point Of Curve
=Water Flow
=Proposed Elevation
F.N.D.=Found Nail & Disk
●=Iron Rod Found(IRF)
PRC=Point of Reverse Curve
POC=Point Of Commencement
0.00'=Existing Elevation

BOUNDARY SURVEY OF LOT 10 BLOCK A SUBDIVISION Sharps Addition
SECTION 36 TOWNSHIP 34 SOUTH, RANGE 17 EAST, AS RECORDED IN PLAT BOOK 6 PAGES 68
OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA PARCEL ID # 4620200008 CURRENT ZONING N/A
PROPERTY ADDRESS: 109 10TH AVENUE EAST, BRADENTON. FLORIDA 34208

***Exclusive Use Of:***
**101 PARTNERS, LLC.**




***NOTES:***

*BEARINGS ARE BASED ON THE NORTHERLY RIGHT-OF-WAY OF 10TH AVENUE EAST BEING N89°33'26"W (GRID), UTILIZING THE FLORIDA PERMANENT REFERENCE NETWORK (FLORIDA WEST ZONE).*

*PROPERTY LIES WITHIN FLOOD ZONE "X", AS PER FLOOD INSURANCE RATE MAP PANEL NO. 12081C0306F, DATED 08-10-2021, (SUBJECT TO VERIFICATION).*

*THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT, THEREFORE IS SUBJECT TO ALL RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY OF RECORD, IF ANY.*

*UTILITIES SHOWN HEREON ARE ABOVE GROUND (VISIBLE) UTILITIES ONLY, NO UNDERGROUND UTILITIES, IF ANY WERE LOCATED FOR THE PURPOSE OF THIS SURVEY.*

*ELEVATIONS SHOWN HEREON (IF ANY) ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND WERE DERIVED FROM MANATEE COUNTY BENCHMARK.*


CLEMENTS SURVEYING, INC.
509 8TH AVENUE WEST
SUITE 140
LB #6667 PALMETTO, FLORIDA 34221
(941) 729-6690 FAX (941) 729-7580


SCALE : 1" = 30' JOB NO. 17-098

| | | | |
|---|---|---|---|
| Boundary 4-10-17 | FB 238 | PG 37 | Other: 06-14-17: Topo |
| Foundation | FB | PG | Other: |
| Final | FB | PG | Other: 7-13-17: Added conc. drive |
| Update 07-26-2023 | FB LL | PG | Drawn By KDH/JMD |

CERTIFICATION OF SURVEYOR

BY: James L Clements
JAMES L. CLEMENTS, P.S.M. # 4091
Licensed Business No. 6667

DATE OF CERTIFICATION 08-02-2023

**NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER**

JAMES L. CLEMENTS LICENSE NUMBER No. 6667 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

**TREE LEGEND**
MANGO TREE
OAK TREE
PALM TREE

**LEGEND**

(M)=Measured (D)=Deed
●=Iron Rod Found(IRF)
○=Iron Rod Set(IRS)#6667
●=Iron Pipe Found (IPF)
PRC=Point of Reverse Curve
R = Radial (P)=Plat
PCC=Point of Compound Curve
CMF=Concrete Monument Found
CMS=Concrete Monument Set #6667
PRM=Permenent Reference Monument
P.T.=Point Of Tangent
TBM=Temporary Bench Mark
POB=Point Of Beginning
R/W=Right Of Way
P.O.C.=Point Of Commencement
P.C.=Point Of Curve
=Water Flow
N&D=Nail and Disc
=Proposed Elevation
0.00=Existing Elevation

City of Bradenton
Planning and Community Development Department
Planning Commission Public Hearing
September 20, 2023

# Staff Report

Case Number: SU.23.3297
Applicant: Robert Schmitt, Agent
Address: 109, 116, 118, 10th Ave E, Bradenton, FL 34208
Parcel ID #4621900002, 4622000000, 4626400008
Zoning/Future Land Use: T4-O / UCC (Urban Commercial Corridor)
Flood Zone: X

Surrounding Property:

| | |
|---|---|
| Zoning: | North: T-5<br>South: T4-O<br>East: T4-O<br>West: T-O |
| Future Land Use: | North: Urban Central Business District (UCBD)<br>South: UCC<br>East: UCC<br>West: UCC |

## Summary of Request

The applicant is requesting approval of a Special Use Permit for a Drive-Through Restaurant Facility. The subject properties are approximately 0.50 acres and zoned T4-O (General Urban Open). The properties are within the UCC, Urban Commercial Corridor, Future Land Use category. The properties are currently vacant and owned by 101 Partners, LCC. The applicant is proposing a development utilizing new construction of an approximately 1,920 square foot drive thru with an overflow parking area. The establishment of a drive-through facility within the T4-O zoning district requires the approval of a Special Use Permit.

The subject property is one parcel off of US Highway 301 and located on 10th Ave E. The proposal shows an access off of 10th Ave E. to the overflow parking and another to the drive-thru restaurant. A conceptual site plan shows the drive thru restaurant situated close to 10th Ave E., reflecting Form Based Code siting standards. The parking located across 10th Ave E. is meant primarily for employees.

While a drive through facility may be feasible on this property, staff does have concerns about pedestrians navigating between the parking on site and the restaurant itself, and about pedestrians walking from the proposed off-site parking lot. The Planning Commission and City Council are encouraged to consider conditions on the development as it moves forward through the site planning process.

**Compliance with Land Use Regulations**

**GENERAL STANDARDS**

L.U.R. 3.3.1. All Special Uses shall comply at minimum with the following standards. Additional requirements may be made by City Council to ensure compatibility of uses.

L.U.R. 3.3.1.1. All Special Uses shall be subject to the general standards of these Land Use Regulations for single lot development, structures, lots, yards and vehicular use areas as well as the specific dimensional regulations for lots and structures for the zoning district in which the Special Use is proposed.

L.U.R. 3.3.1.2. A landscaped separation strip of at least ten feet in width shall be provided along all property lines and

along and all streets serving the premises, except at approved access points.

*Staff Response: The property for this proposed development is located in the Form Based Code area, where buildings are encouraged to be placed in a way that adds bulk to the street frontage. The drive-thru is situated to meet frontage build out requirements. Due to this siting and the need for ingress/egress, ten feet of separation is not provided between this use and the use to the east. In lieu of the full buffer, staff recommends placing landscaping conditions on the project.*

**REVIEW CRITERIA**

L.U.R. 3.3.2. 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 appropriate conditions to the use.

L.U.R. 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 development.

*Staff Response: The property is located just off a corridor with a variety of drive-thru establishments and businesses like gas stations and convenience stores. It is adjacent to and connected via pedestrian bridge another property with a drive-thru restaurant.*

L.U.R. 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.

*Staff Response: Access to the southern portion (with the restaurant itself) will be through an existing driveway, which will be improved to serve two-way traffic. The northern parcel access will follow the general pattern of access on the street.*

L.U.R. 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.

*Staff Response: The T4-O zoning district calls for relatively small setbacks. The proposed building meets the setback requirements, and the building is sited towards 10th Avenue East which meets the intent of the Form Based Code. The proposed use will not introduce any novel negative externalities that are not already present within the existing urban fabric.*

L.U.R. 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.

*Staff Response: The applicant has indicated intent to provide a fence along the eastern and southern property lines where the drive thru is to be located.*

L.U.R. 3.3.2.5. The following shall be considered and cited as reasons for approval or denial of the application:

a) 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.

*Staff Response: A pedestrian crossing from the existing commercial directly to the west has been proposed. The board may wish to condition a crosswalk or similar to aid pedestrians in navigating the crossing between the employee/overflow parking and the restaurant.*

*At a pre-application meeting held on June 6, 2023, the Police Department representative recommended the following:*

*- A marked crosswalk across 10th Ave. E.*

*- Consider moving the stop bar back for pedestrian safety and creating a pedestrian crosswalk across the north end of the parking lot of Direct Insurance.*

*- The applicant utilize clear signage at each parking lot and business to ensure proper flow of traffic and wayfinding.*

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

*Staff Response: The northern parking lot is situated in a way where parking will be oriented only towards the adjacent restaurant. No parking spaces are indicated adjacent to the single-family residence to the east. On the southern property where the drive-thru will be located, a fence and landscaping will be provided.*

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

*Staff Response: The dumpster will be shielded and has been re-oriented based on comments received in the pre-application meeting.*

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

*Staff Response: Adequate utilities are available for the project. Final location of water and sewer will be determined with review of the Site Improvement Permit.*

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

*Staff Response: The proposed uses are not nuisance uses in this location and are not inherently hazardous.*

f) Proposed sign and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.

*Staff Response: Exterior lighting will be reviewed for consistency with land use regulations at time of SIP. Signage will be reviewed separately through the permitting process and will be in accordance with the requirements of the Form-Based Code. The applicant asserts, "A monument sign is existing on the property. Any building signage would be restricted to the west side of the proposed building facing 1st St. All exterior lighting will be contained within the property."*

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

*Staff Response:* *The property is located just off of a major commercial corridor and the proposed use is consistent with other commercial uses nearby and adjacent. The introduction of additional service retail and office uses to the area may increase the value of nearby property. Existing nearby uses include gas stations and various drive through restaurants.*

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

*Staff Response:* *The site is adequate to support the proposed uses per the Form Based Code requirements.*

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

*Staff Response:* *The proposed use is generally compatible with the surrounding properties and uses. Other commercial uses in the vicinity include 24-hour gas stations and several drive-through restaurants, which are appropriate to the US 301/41 arterial street frontage. The proposed parking area is adjacent to a single-family residence, but that residence is already adjacent to commercial uses along the rear property line.*

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

*Staff Response:* *The proposed uses are not noxious and will not have a significant adverse impact on the environmental quality of*

*the district, given the already heavily car-dependent nature of the area.*

k) Consistency with the City's Comprehensive Plan.

*Staff Response: The proposed plan is consistent with the UCC future land use classification of Urban Commercial Corridor, which includes drive-through restaurants as a permitted use.*

L.U.R. 4.1.4.3 Access

d. Stacking lanes for all drive-through operations shall have a minimum width of 9 feet per lane and shall be of sufficient length to accommodate five (5) vehicles, including the vehicle at the pick-up window. The PCD Director may, under certain circumstances, allow relief from this standard. Site specific design and location shall be determined by the PCD Director and Fire Marshal.

*Staff Response: The applicant has shown staking for five vehicles on the conceptual site plan. The design and location have been reviewed by the PCD Director and Fire Marshal.*

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the requested Special Use Permit SU.23.3297 **with the following stipulations**:

1. The site plan and elevations shall be reviewed through the Form-based Code review process, and shall be approved with adjustments as determined by the PCD Director.
2. An opaque fence and landscaping will be provided between the drive-thru restaurant and the parcel to the east.

3. The parking spaces on the northern parcel will be oriented away from the single-family home to the east.
4. Pedestrian safety features will be added and approved with the Site Improvement Permit.
5. Modifications to the site plan during the Site Improvement Permitting phase shall be reviewed for compliance with the Florida Fire and Building Codes and with City of Bradenton Form-based Code and Land Use regulations, as applicable.
6. Modifications to the site plan during the Site Improvement Permitting phase shall reflect safe and logical traffic circulation and pedestrian access.

On September 20, 2023, the City of Bradenton Planning Commission recommended approval with the above stipulations.

Respectfully submitted,



Jamie Schindewolf, Senior Planner
City of Bradenton

**Exhibits**

Exhibit A: Location Map

Exhibit B: Future Land Use Map

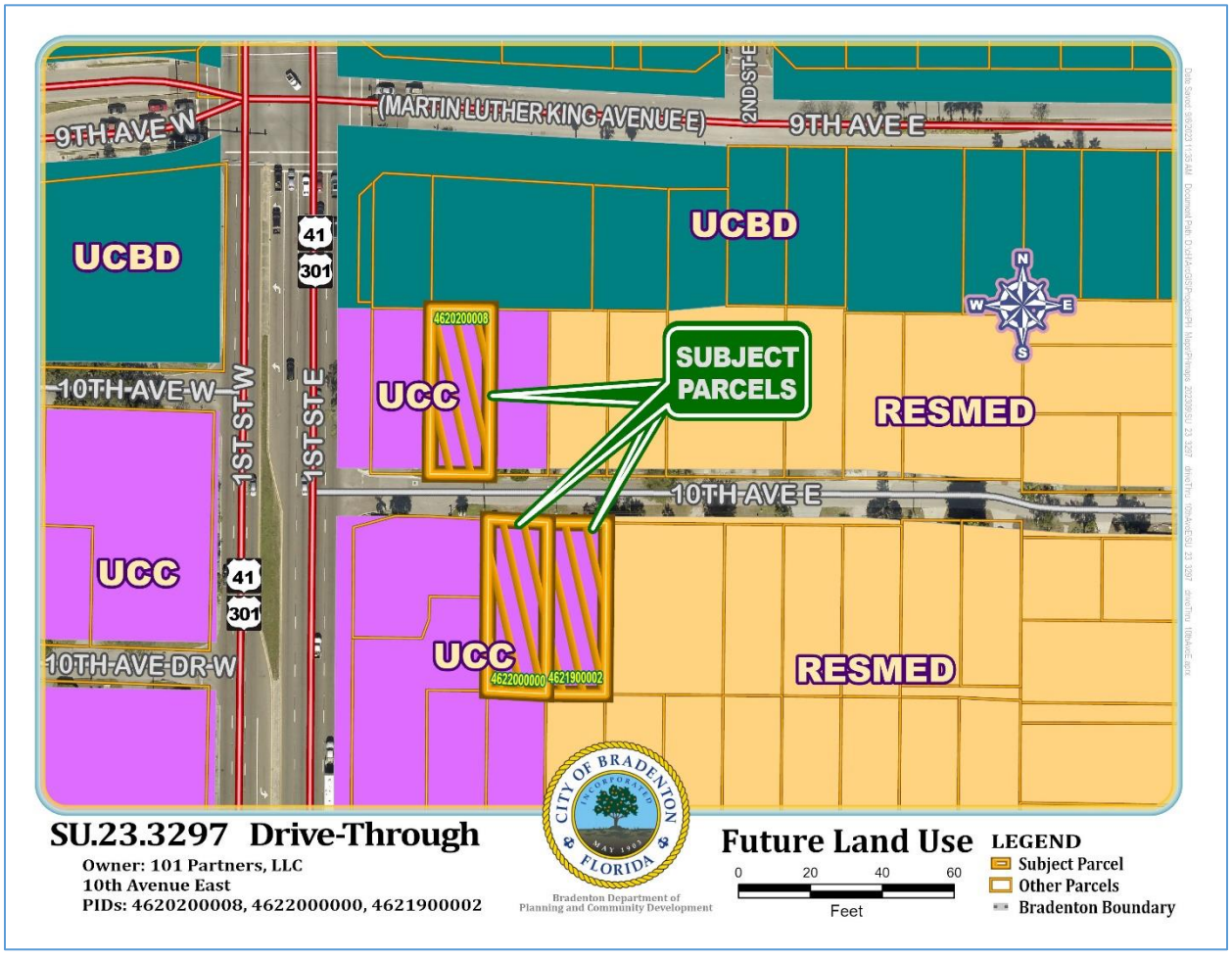
Exhibit C: Zoning Map

Exhibit D: Special Use Conceptual Site Plan

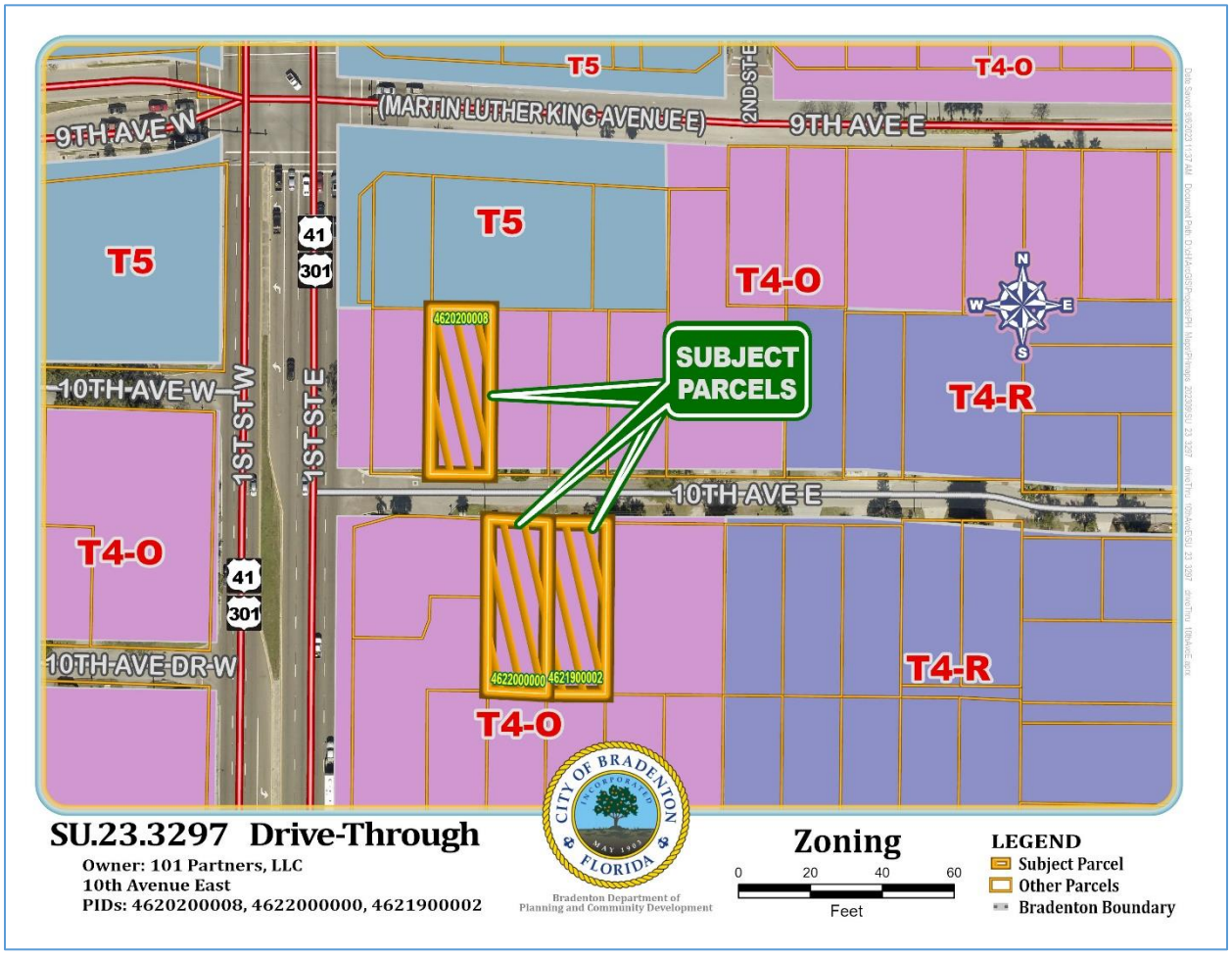
# Exhibit A


9TH AVE W
(MARTIN LUTHER KING AVENUE E)
2ND ST E
9TH AVE E
41
301
Domino's Pizza
4620200008
SUBJECT PARCELS
10TH AVE W
1ST ST W
1ST ST E
10TH AVE E
Direct Insurance
41
301
10TH AVE DR W
4622000000
4621900002
Tropical Smoothie Cafe
N
W
E
S
Bradenton
SU.23.3297 Drive-Through
Owner: 101 Partners, LLC
10th Avenue East
PIDs: 4620200008, 4622000000, 4621900002
CITY OF BRADENTON
INCORPORATED
MAY 1903
FLORIDA
Bradenton Department of
Planning and Community Development
Location
0 20 40 60
Feet
LEGEND
Subject Parcel
Other Parcels
Bradenton Boundary

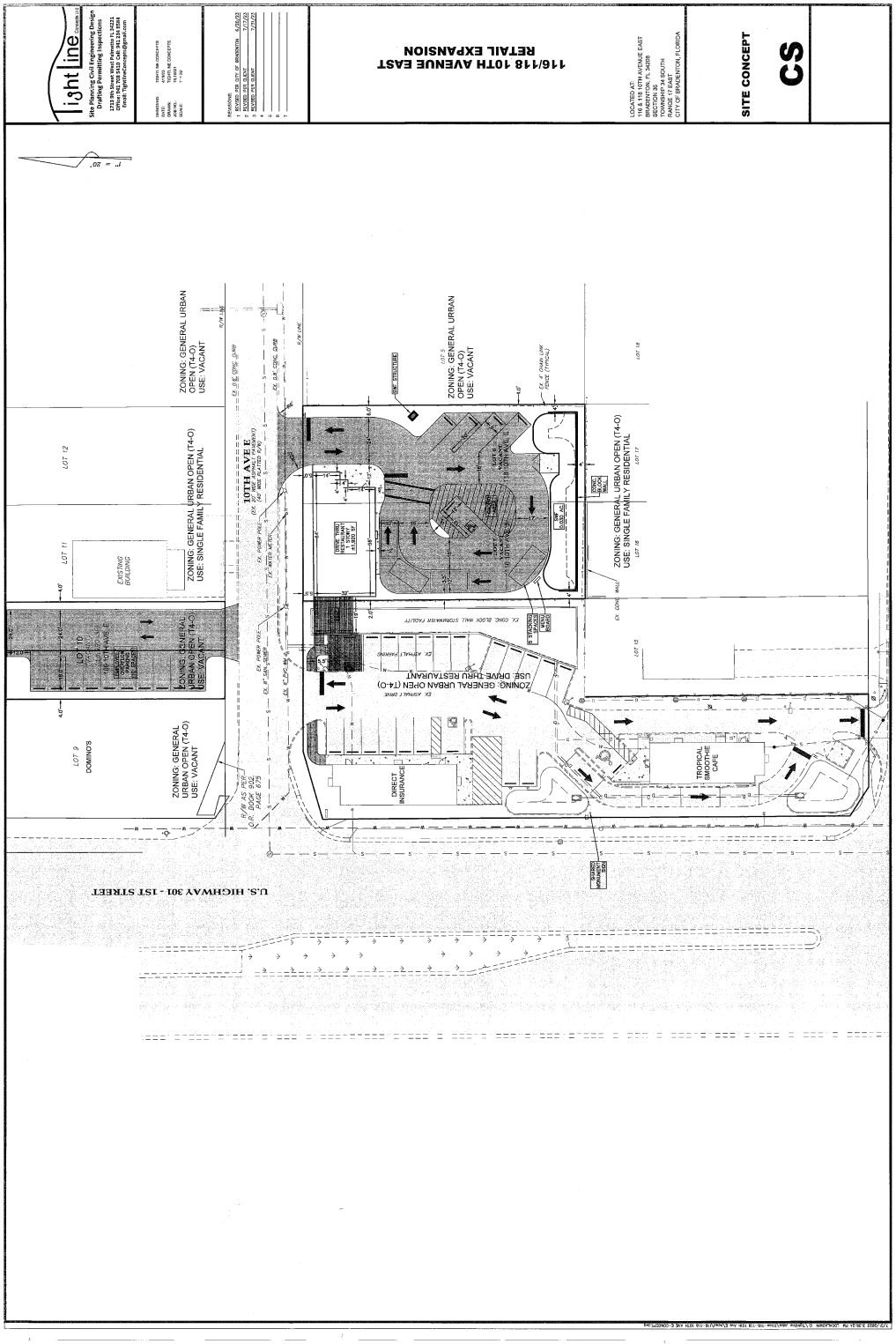
# Exhibit B

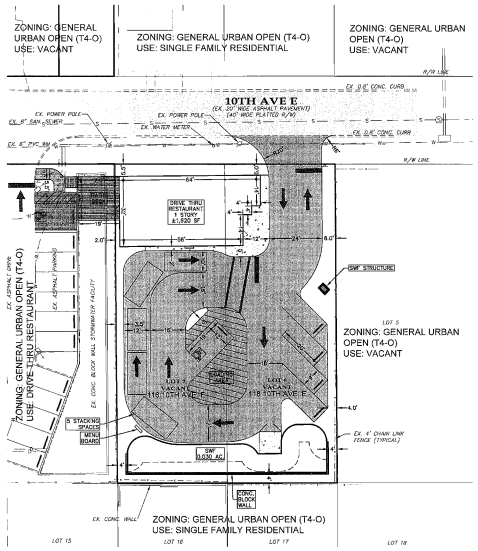

9TH AVE W
(MARTIN LUTHER KING AVENUE E)
2ND ST E
9TH AVE E
UCBD
UCBD
41
301
4620200008
SUBJECT PARCELS
UCC
RESMED
10TH AVE W
1ST ST W
1ST ST E
10TH AVE E
UCC
41
301
10TH AVE DR W
UCC
4622000000
4621900002
RESMED
N
W
E
S
SU.23.3297 Drive-Through
Owner: 101 Partners, LLC
10th Avenue East
PIDs: 4620200008, 4622000000, 4621900002
CITY OF BRADENTON
INCORPORATED
MAY 1903
FLORIDA
Bradenton Department of
Planning and Community Development
Future Land Use
0 20 40 60
Feet
LEGEND
Subject Parcel
Other Parcels
Bradenton Boundary

# Exhibit C

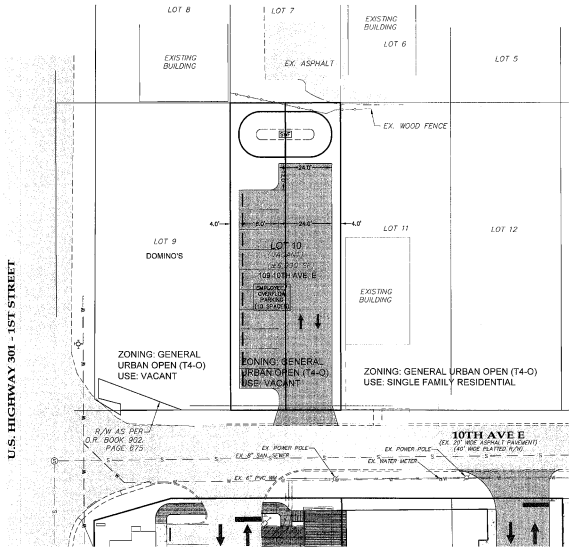

T5
T4-O
(MARTIN LUTHER KING AVENUE E)
9TH AVE W
9TH AVE E
2ND ST E
T5
T5
T4-O
41
301
4620200008
SUBJECT PARCELS
T4-R
10TH AVE W
1ST ST W
1ST ST E
10TH AVE E
T4-O
41
301
10TH AVE DR W
4622000000
4621900002
T4-R
T4-O
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S
SU.23.3297 Drive-Through
Owner: 101 Partners, LLC
10th Avenue East
PIDs: 4620200008, 4622000000, 4621900002
CITY OF BRADENTON
INCORPORATED
MAY 1903
FLORIDA
Bradenton Department of
Planning and Community Development
Zoning
0 20 40 60
Feet
LEGEND
Subject Parcel
Other Parcels
Bradenton Boundary

# Exhibit D


116/118 10TH AVENUE EAST
RETAIL EXPANSION
SITE CONCEPT
CS
10TH AVE E
U.S. HIGHWAY 301 - 1ST STREET
ZONING: GENERAL URBAN OPEN (T4-O)
USE: VACANT
ZONING: GENERAL URBAN OPEN (T4-O)
USE: SINGLE FAMILY RESIDENTIAL
ZONING: GENERAL URBAN OPEN (T4-O)
USE: DRIVE THRU RESTAURANT
DIRECT INSURANCE
TROPICAL SMOOTHIE CAFE
DOMINO'S
EXISTING BUILDING




SITE CONCEPT




OFFSITE PARKING AREA

1" = 20'

TightLine Concepts LLC
Site Planning Civil Engineering Design
Drafting Permitting Inspections
1713 9th Street West Palmetto FL 34221
Office: 941 708 5410 Cell: 941 234 8584
Email: TightlineConcepts@gmail.com

| | |
|---|---|
| DESIGNED: | TIGHTLINE CONCEPTS |
| DATE: | 4/26/23 |
| DRAWN: | TIGHTLINE CONCEPTS |
| JOB NO.: | TL71231 |
| SCALE: | 1" = 20' |

REVISIONS:

| | | |
|---|---|---|
| 1 | REVISED PER CITY OF BRADENTON | 6/20/23 |
| 2 | REVISED PER CLIENT | 7/17/23 |
| 3 | REVISED PER CLIENT | 7/31/23 |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |

# 116/118 10TH AVENUE EAST RETAIL EXPANSION

LOCATED AT:
116 & 118 10TH AVENUE EAST
BRADENTON, FL 34208
SECTION 36
TOWNSHIP 34 SOUTH
RANGE 17 EAST
CITY OF BRADENTON, FLORIDA

**SITE CONCEPT**

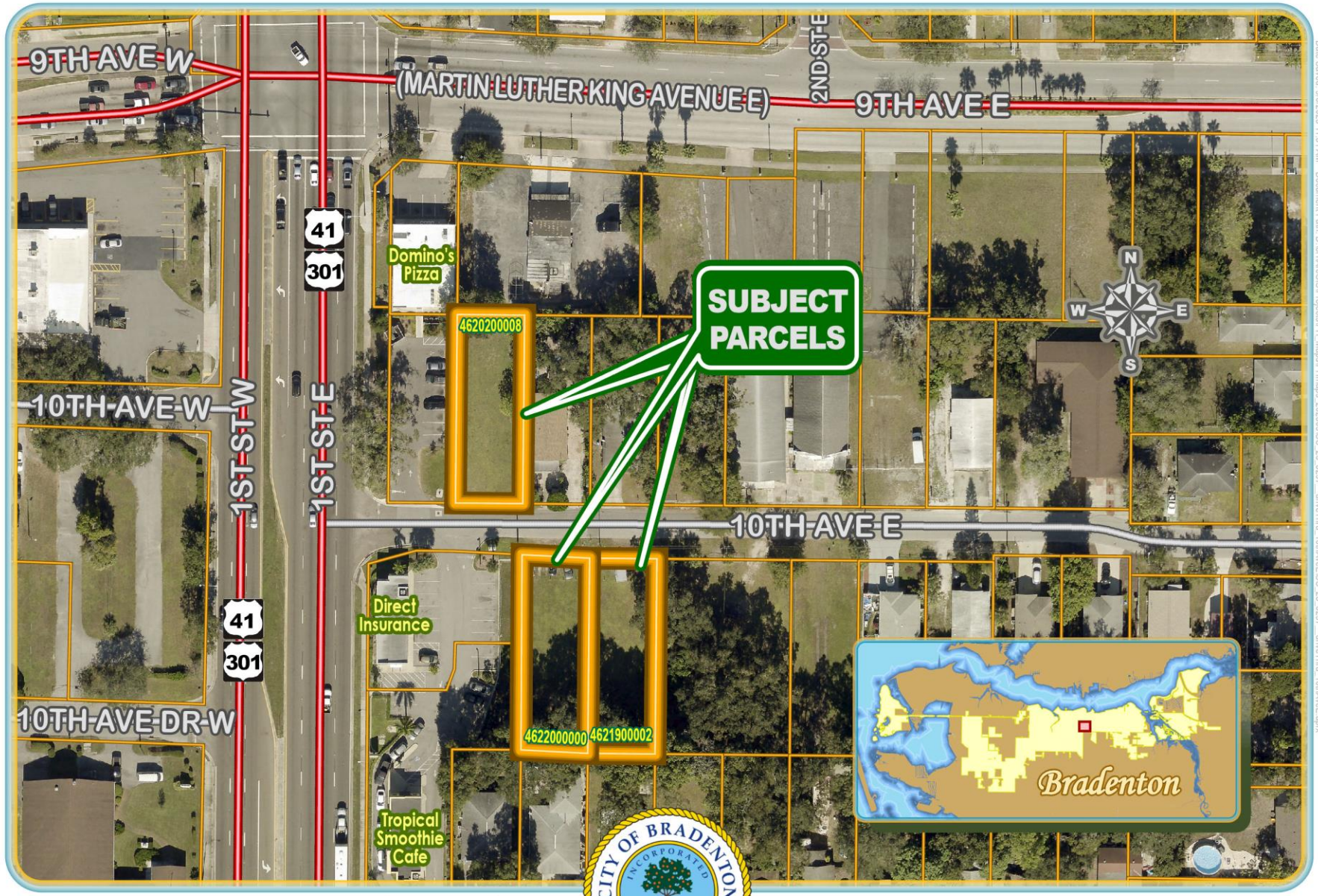
**S1**

# City Council
# October 11, 2023

## SU.23.3297

109, 116, 118, 10th Ave E, Bradenton, FL 34208

Special Use consideration for a drive thru in the T4-O transect zoning district




# SU.23.3297 Drive-Through

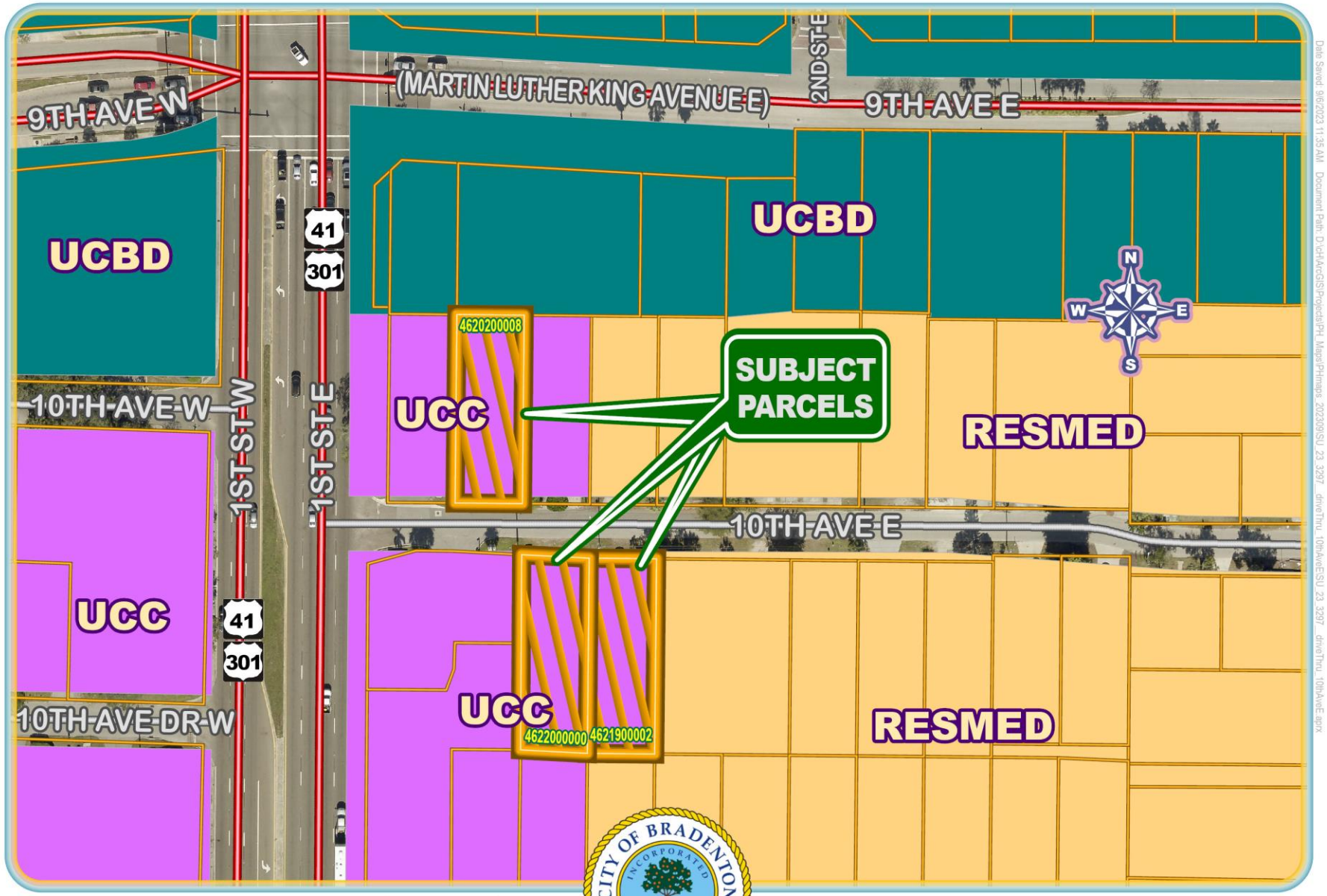
**Owner: 101 Partners, LLC**
**10th Avenue East**
**PIDs: 4620200008, 4622000000, 4621900002**

Bradenton Department of Planning and Community Development

## Location

0 20 40 60
Feet

**LEGEND**
- Subject Parcel
- Other Parcels
- Bradenton Boundary




# SU.23.3297 Drive-Through

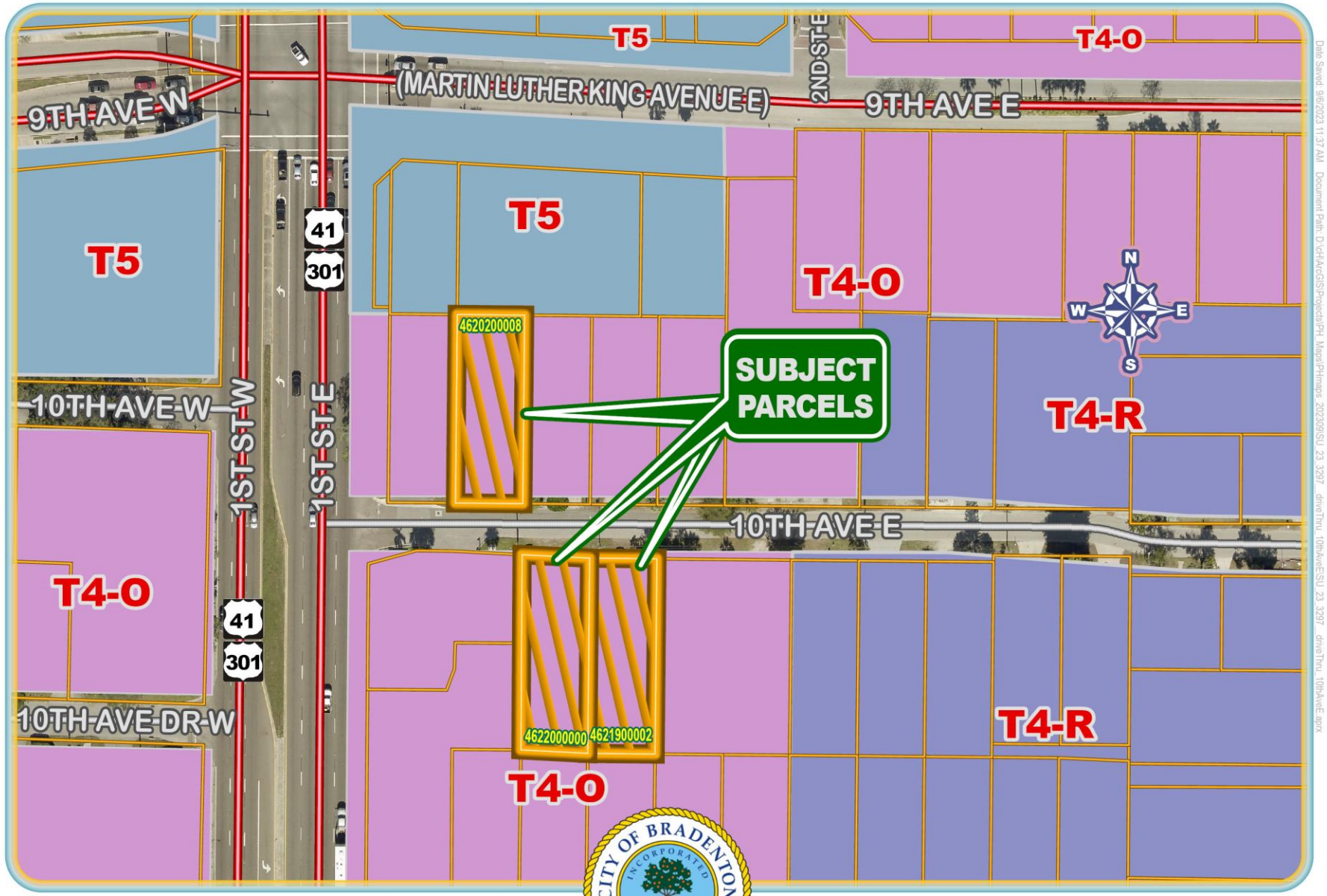
**Owner: 101 Partners, LLC**
**10th Avenue East**
**PIDs: 4620200008, 4622000000, 4621900002**

Bradenton Department of
Planning and Community Development

## Future Land Use

0 20 40 60
Feet

**LEGEND**
- Subject Parcel
- Other Parcels
- Bradenton Boundary




# SU.23.3297 Drive-Through

**Owner: 101 Partners, LLC**
**10th Avenue East**
**PIDs: 4620200008, 4622000000, 4621900002**

Bradenton Department of
Planning and Community Development

## Zoning

0 20 40 60
Feet

**LEGEND**
- Subject Parcel
- Other Parcels
- Bradenton Boundary

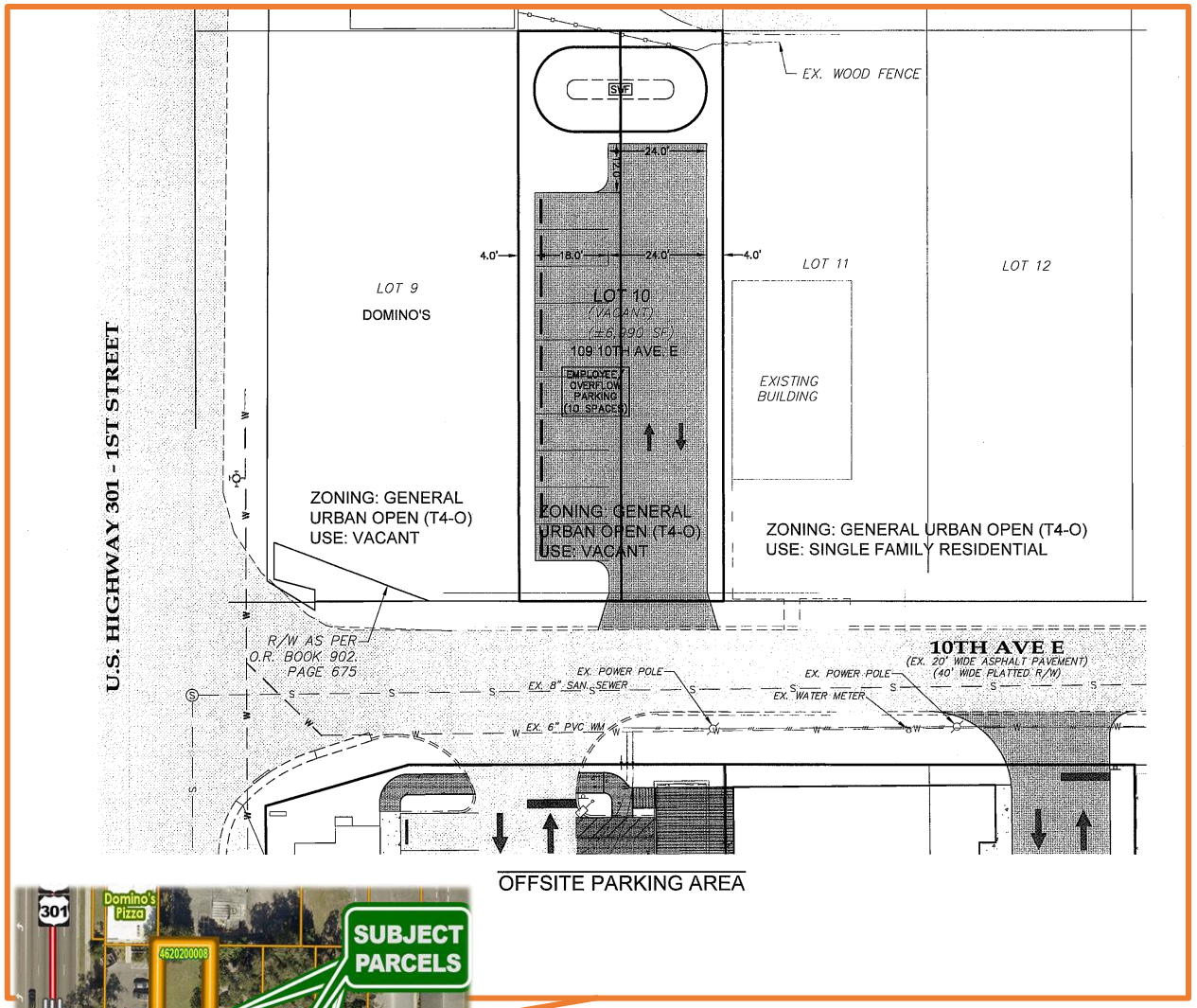


Northern Lot

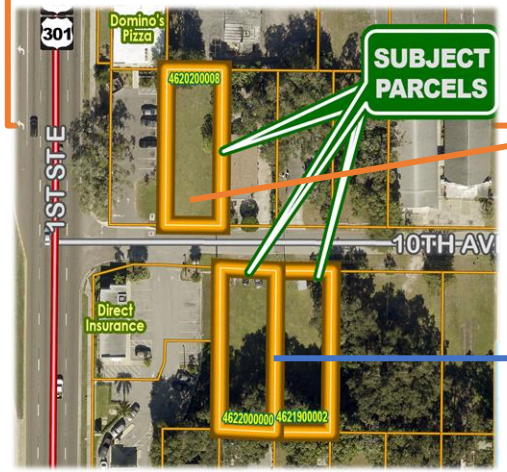
Parking for Direct Insurance
and Tropical Smoothie

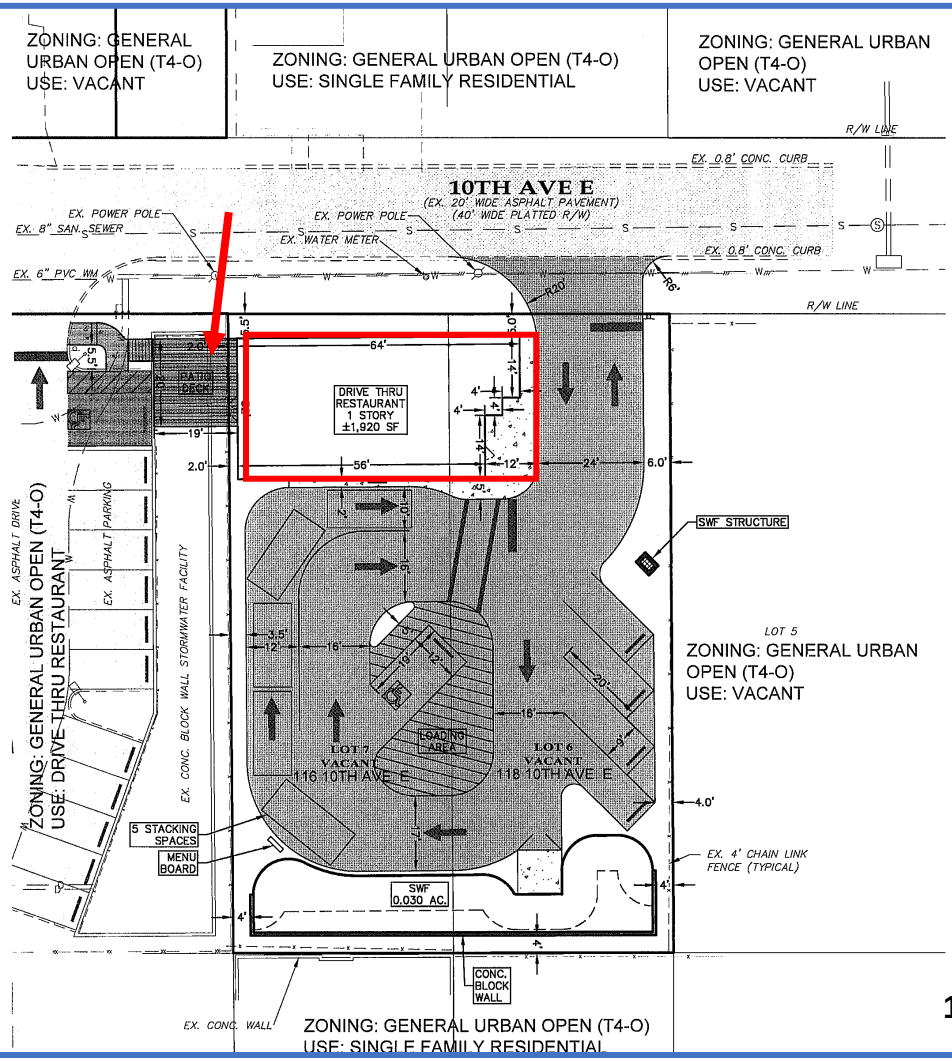


Southern Lots




OFFSITE PARKING AREA



# General Special Use Standards

- L.U.R. 3.3.1.2. A landscaped separation strip of at least ten feet in width shall be provided along all property lines and along and all streets serving the premises, except at approved access points.
- L.U.R. 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.

# L.U.R. 3.3.2.5.: The following shall be considered and cited as reasons for approval or denial of the application:

A. Adequacy of ingress and egress
B. Location and design of off-street parking
C. Location and design of refuse and service areas
D. Utilities, in regard to location, availability, adequacy and compatibility
E. Screening, buffering or separation of nuisance or hazardous feature[s]
F. Proposed sign and exterior lighting
G. Effect upon the value of surrounding properties
H. Adequacy of land
I. General compatibility or appropriateness with adjacent properties…hours of operation
J. Environmental quality of the district
K. Consistency with the City's Comprehensive Plan

- L.U.R. 4.1.4.3 Access

  d. Stacking lanes for all drive-through operations shall have a minimum width of 9 feet per lane and shall be of sufficient length to accommodate five (5) vehicles, including the vehicle at the pick-up window. The PCD Director may, under certain circumstances, allow relief from this standard. Site specific design and location shall be determined by the PCD Director and Fire Marshal.

# Police Recommendations from June 6, 2023

- A marked crosswalk across 10th Ave. E.
- Consider moving the stop bar back for pedestrian safety and creating a pedestrian crosswalk across the north end of the parking lot of Direct Insurance.
- The applicant should utilize clear signage at each parking lot and business to ensure proper flow of traffic and wayfinding.

# Staff Recommendation

Staff recommends **APPROVAL with the following stipulations**:

- The site plan and elevations shall be reviewed through the Form-based Code review process, and shall be approved with adjustments as determined by the PCD Director.
- An opaque fence and landscaping will be provided between the drive-thru restaurant and the parcel to the east.
- The parking spaces on the northern parcel will be oriented away from the single-family home to the east.
- Pedestrian safety features will be added and approved with the Site Improvement Permit.
- Modifications to the site plan during the Site Improvement Permitting phase shall be reviewed for compliance with the Florida Fire and Building Codes and with City of Bradenton Form-based Code and Land Use regulations, as applicable.
- Modifications to the site plan during the Site Improvement Permitting phase shall reflect safe and logical traffic circulation and pedestrian access.

**On September 20, 2023, Planning Commission recommended approval with same.**

# ABBREVIATED MINUTES
# PLANNING COMMISSION MEETING
## September 20, 2023

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida at 2:00 p.m.

**PRESENT**

**Planning Commission Members:** Ben Bakker-Chair, Michael Jones, Michael Neal, Kurt Landefeld, Richard Whetstone, Keith Green-Alternate.
**City Staff:** Scott Rudacille-City Attorney, Robin Singer-Planning and Community Development Director, Greg DeLong-Asst. Director, Planning and Community Development, Jamie Schindewolf-Senior Planner, Lori Brunner-Planning and Community Development Administrative Assistant, Timothy Hochuli-Plans Examiner.

**REGULAR MEETING**

1. Meeting was called to order by the Planning Commission Chair, Ben Bakker at 2:01 p.m.
2. Pledge of Allegiance.
3. Roll Call
4. Motion to approve the July 19, 2023 Meeting Minutes by Commissioner Whetstone and seconded by Commissioner Landefeld.

**PUBLIC COMMENT**
No speakers came forward to speak on non-agenda items.

**AGENDA ITEMS:**

1. Adjustment Request: Case Number AD.23.2988: Resolution granting a Form Based Code adjustment for an additional wall sign to be located on the north façade, and for a sign band to be located on the second level of the parking garage on the south and west facades, of a building located at 1001 3rd Avenue West (Parcel ID 3291400004) in the T6 (Urban Core) zoning district. Application filed by 3rd Avenue Associates.

**Staff Recommendation:** Jamie Schindewolf spoke on behalf of the City. Staff recommends approval.

**Applicant:** Kaley Grimes, 3rd Avenue Associates representative. Asking for variance to allow signage for this newer project.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

Chair Bakker recused himself as he is employed by the NDC Company.

DRAFT

**Motion:** Commissioner Green motioned to approve. Commissioner Neal seconded the motion. Motion passed 5 to 1, with recusal of Chair Bakker.

2. Variance Application: Case Number VA.23.2946: Request to increase the square footage of an existing accessory structure, located in the front yard of the property at 2712 2nd Avenue West (Parcel ID 3456400109) in the R-1 (Low Density Single Family) zoning district. Application filed by property owner Jeremy Hammond.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends denial of the variance based on the criteria.

**Applicant:** Jeremy Hammond, 2712 2nd Avenue West, asking to enclose porch area. The building looks well for the area, which was built in 1917. This will be to increase square footage of the building.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

**Motion:** Commissioner Landefeld motioned to approve. Commissioner Green seconded. Motion passed unanimously.

3. Variance Application: Case Number VA.23.3571: Request to reduce the minimum driveway distance for two separate driveways from the intersection of 31st Street N.W. and Riverview Boulevard and to increase the driveway width at the property line along 31st Street N.W. for property located at 3102 Riverview Boulevard (Parcel ID 3491000059) in the R-1 (Low Density Single Family) zoning district. Application filed by property owner Sloan Properties Group, LLC, Daniel Sloan, Manager.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends denial of the variance based on the criteria.

**Applicant:** Daniel Sloan, Sloan and Sloan Architects, 3102 Riverview Boulevard, and Sloan Properties Group. Mr. Sloan gave a presentation with handouts as well as his background of his education and experience. He stated that their goal is to minimize the destruction of trees and also increase the driveway area. They are also asking that the City change the requirements to 30 feet so that applicants in the future would not have to go through this process.

Chair Bakker asked Mr. DeLong about widening the apron for access. Mr. DeLong, stated that it is a possibility, but it is up to the applicant.

**Public Comment:** Chair Bakker opened the Public Hearing.

DRAFT

Carl Callahan, 114 25th Street West, Bradenton, is for approval of this variance with the circular driveway.

**Motion:** Commissioner Jones motioned to approve with stipulations. Commissioner Neal seconded. Motion passed unanimously.

4. Special Use Permit: Resolution 23-76, Case Number SU.23.3297: Request for a Special Use Permit for a Drive-Thru Restaurant facility to be located at 109, 116 and 118 10th Avenue East (Parcel ID Numbers 4620200008, 4622000000 and 4621900002) in the T4-O (General Urban Open) zoning district. Application filed by Robert Schmitt, agent for 101 Partners, LLC.

**Staff Recommendation:** Jamie Schindewolf spoke on behalf of the City. Staff recommends approval with stipulations.

The Commissioners briefly discussed the parking access.

**Applicant:** Robert Schmitt, P. O. Box 20115, Bradenton, agent for 101 Partners, LLC. Mr. Schmitt went over the plans for the parking areas and also stated that the project is consistent with the area.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

**Motion:** Commissioner Green motioned to approve with stipulations as submitted. Commissioner Neal seconded. Motion passed unanimously.

5. Special Use Permit: Resolution 23.77, Case Number SU.23.3543: Request filed for a Special Use Permit for the expansion of a light manufacturing use located at 1410 8th Avenue East and 1415 9th Avenue East (Parcel ID Numbers 3247400059, 3247200003, and 3247000007) in the T4-O (General Urban Open) zoning district. Application filed by Brian J. Aungst, Jr., Esq, agent for General Properties.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends approval with stipulations.

**Applicant:** Clay Gillman, on behalf of General Properties, 65 Court Street, Florida. This request is to remove the existing building and rebuild a new facility. They are working through the stipulations, and feel that this project is a big improvement for the site.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

**Motion:** Commissioner Landefeld motioned to approve. Commissioner Green seconded with current stipulations. Motion passed unanimously.

DRAFT

6. Special Use Permit: Resolution 23.78, Case Number SU.23.3623: Request filed for a Special Use Permit to construct a new 250-foot communications tower and shelter for property located at 1801 5th Street West (Parcel ID 4493800159) in the R-2 (Medium Density, 1 & 2 Family) zoning district. Application filed by John Hamel, agent and Manatee County Radio Division Manager for Manatee County Government.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends approval with specifications.

**Applicant:** Marshall Robinson, Staff Planner, Manatee County. Was there to help with any zoning questions on relocating the tower.
John Hamel, 1801 5th Street West, Manatee County Radio Division Manager. Answered Commissioner Green's question about which wireless carrier the existing tower has and will the new tower also have the same. Mr. Hamel stated that this is part of a 10-tower system located throughout the County that will provide public safety communications for the City of Bradenton, Police, Fire, Manatee County Government, Palmetto, West Bradenton, EMS, MSO, etc. The tower needs to be moved due to the construction project at the County parking garage. The location of the new tower is based on specific criteria.

Commissioner Landefeld asked if the new tower will be a Cat 5. Mr. Hamel stated that, yes, it will be, as are all of the 10 towers. They are part of the Public Safety infrastructure.

**Public Comment:** Chair Bakker opened the Public Hearing.

Bruce Cotellis, 1908 39th Street. Mr. Cotellis also owns other properties within the County. He opposes the building of the tower.

**Applicant:** Mr. Hamel addressed the concerns of Mr. Cotellis including the special requirements by design that will be met, such as lights on the tower and self-collapsing features during an emergency.

Commissioner Neal asked again about self-collapsing. Mr. Hamel discussed it further.

Police Chief Bevan added that the tower needs to be somewhere for Public Safety for communication. She said the tower would not affect law enforcement and she has no concerns with policing.

**Motion:** Commissioner Green motioned to approve. Commissioner Whetstone seconded. Motion passed unanimously

7. Amendment to the Form Based Code: Ordinance 4017, Case LU.23.3494: Request by the City of Bradenton creating Article 1, Section 1.12, Building Height Incentives, of the Bradenton Form Based Code, to provide a time limited height incentive in the T5 and T6 zoning districts.

DRAFT

Robin Singer presented the Form Based Code amendment and discussed the purpose of the amendment.

The Commission discussed the specifics of the amendment.

**Public Comment:** Chair Bakker opened the Public Hearing.

Carl Callahan, 114 25th Street West, Bradenton. He has spoken to staff quite a bit over the years about this subject. He is glad this is being looked at.

**Motion:** Commissioner Landefeld motioned to approve as submitted, with suggestions for staff. Commissioner Green seconded. Motion passed unanimously.

8. Amendment to the Land Use Regulations and Form Based Code: Ordinance 4018, Case LU.23.3495: Request by the City of Bradenton amending Chapter 2.0, Section 2.2.4.1, types of Special Uses, of the Land Use Regulations to clarify the approval requirements for the expansion of Special uses; amending Article 4, Table 4.7, specific function and use, of the Form Based Code, to add use categories including Secondhand Store and Pawnshop, and changing the status of Medical Clinics in certain districts; and amending Article 12, of the Form Based Code, definition of terms, to define Pawn, Pawnbroker, Secondhand Store and Pawnshop.

Ms. Singer discussed the amendment to the Form Based Code and the area uses, as well as the changes. She spoke about the process of the special use projects.

The Commission discussed which uses are being specifically reviewed.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

**Motion:** Commissioner Whetstone motioned to approve. Commissioner Green seconded. Motion passed unanimously.

**Director's Report:**
Mr. DeLong stated that they are getting ready to launch the Citywide Visioning Project. He said that the Planning Commission meeting date for November needs to be moved back to the original date of November 15th; it had been moved to November 8th. There will also be a meeting in October, with a couple of items to discuss.

**Adjournment:** The meeting adjourned at 3:59 p.m.

DRAFT

Ben Bakker, Chair

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

DRAFT

**AGENDA ITEM NO. 7.b**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Greg DeLong, Planning & Community Development

**ITEM TYPE:** Resolution

**AGENDA SECTION:** BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

**SUBJECT:**

**Quasi-Judicial:** Resolution 23-77 - PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON GRANTING SPECIAL USE PERMIT NO. SU.23.3543 TO EXPAND A LIGHT INDUSTRIAL USE LOCATED AT 1410 8TH AVENUE EAST AND 1415 9TH AVENUE EAST, BRADENTON, FLORIDA (PARCEL IDS 3247400059, 3247200003, AND 3247000007) IN THE T4-O ZONING DISTRICT AND MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**SUGGESTED ACTION:** Approval of Resolution 23-77 with stipulations.

Planning Commission recommended approval of Resolution 23-77 with stipulations (vote 6-0).

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
Yes

**EXPLANATION:**

The applicant is requesting approval of a Special Use Permit to expand an existing "Light Industrial Facility" use. The property currently operates as General Propeller, who is a leader in the marine industry since 1945.

The subject property currently contains existing buildings and an asphalt area. The applicant is proposing to remove one of the buildings and construct a new 20,000 square foot, 2-story building, and a 24-space off-street parking lot.

**FINANCIAL IMPACT:**
N/A

**ATTORNEY REVIEW/RECOMMENDATION:**
Reviewed by City Attorney Rudacille.

**SUGGESTED MOTION:**
Motion to approve Resolution 23-77 with the following stipulations:

1. The site plan shall be reviewed through the Site Improvement Permit (SIP) process and the standard building and zoning review process. Any deviations from the Form Based Code are subject to administrative adjustments as outlined in Section 1.10 of the Form Based Code.
2. Off-street parking must be screened per the Form Based Code, unless an administrative adjustment is granted.
3. Building must meet the design requirements of the Form Based Code, unless an administrative adjustment is granted.

**ATTACHMENTS:**
Resolution 23-77
SU.23.3543 Application
SU.23.3543 Staff Report
SU.23.3543 Presentation
9-20-2023 Planning Commission Draft Minutes

**RESOLUTION 23-77**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON GRANTING SPECIAL USE PERMIT NO. SU.23.3543 TO EXPAND A LIGHT INDUSTRIAL USE LOCATED AT 1410 8TH AVENUE EAST AND 1415 9TH AVENUE EAST, BRADENTON, FLORIDA (PARCEL IDS 3247400059, 3247200003, AND 3247000007) IN THE T4-O ZONING DISTRICT AND MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, General Properties, LLC (the "Property Owner" or "Applicant"), owns the property located at 1410 8th Avenue East and 1415 9th Avenue East, Bradenton, Florida (Parcel IDs 3247400059, 3247200003, and 3247000007) more particularly described in Exhibit "A" (the "Property"), and

**WHEREAS**, the City of Bradenton Comprehensive Plan's Future Land Use Map designates the Property as Urban Commercial Corridor (UCC); and

**WHEREAS**, the City of Bradenton Official Zoning Map classifies the Property under the General Urban Open (T4-O) zoning district; and

**WHEREAS**, the City of Bradenton Form Based Code, Table 4.7, identifies uses in the T4-O zoning district; and

**WHEREAS,** the City of Bradenton Form Based Code, Table 4.7, identifies Light Industrial Facility as a Special Use in the T4-O zoning district; and

**WHEREAS,** the Property Owner submitted an application for a Special Use Permit to expand an existing Light Industrial Facility; and

**WHEREAS**, the Planning Commission held a noticed public hearing on September 20, 2023 at which the Commission received testimony and evidence from the applicant and City Planning staff; and

**WHEREAS,** the City Council held a noticed public hearing on October 11, 2023, at which the Council received testimony and evidence from City Planning staff and members of the public in attendance.

**NOW, THEREFORE**, the City Council makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact and Conclusions of Law. After considering the evidence on the record and that presented at public hearing, including the staff

report and the recommendation of the Planning Commission, the City Council hereby makes the following Findings of Fact and Conclusions of Law:

a. The Whereas clauses contained herein are hereby adopted as Findings of Fact.
b. The Property Owner is requesting approval of a Special Use Permit to expand an existing Light Industrial Facility, as shown on the Site Plan attached hereto as Exhibit "B".
c. The City's professional staff determined that the project as proposed is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
d. The City's professional staff recommended approval with stipulations.
e. The Planning Commission, which is designated as the local planning agency, determined that the project as proposed is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
f. The Planning Commission recommended approval as submitted.

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.

a. The tract of land is suitable for the type of use proposed by virtue of its location, topography, shape and the nature of surrounding development.
b. Access point are provided on two frontages and located so as to best suit the use and property.
c. All buildings are located an adequate distance from property lines and streets.
d. Any nuisance or hazardous feature of the use is adequately screened, buffered or separated.
e. Adequate ingress and egress to property and proposed structures, with particular regard for automobiles and pedestrian safety and convenience, and emergency access, are provided.
f. Off-street parking and loading areas are appropriately located and designed There will be no smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties.
g. Refuse and service areas are appropriately located and designed to address availability, adequacy and effect upon surrounding properties.
h. Utilities are available and adequate to serve the property in a similar manner to surrounding properties.
i. Sufficient screening is provided to protect surrounding properties from view of the premises; and internal noises from the use.

j. Proposed signage and exterior lighting adequately address glare, traffic safety and compatibility and harmony with surrounding properties.
k. The proposed use does not hinder the development of nearby vacant properties or adversely affect their economic value.
l. The land and/or building which are to be used are adequate.
m. The use is generally compatible with adjacent properties and other property in the district, including proposed hours of operation.
n. The proposed use will not adversely affect the environmental quality of the district.
o. The proposed use is consistent with the City's Comprehensive Plan.

Section 2. Permit. Based upon the foregoing, a Special Use Permit is hereby approved and issued for the Property, to allow for the expansion of an existing Light Industrial Facility as generally shown on the Site Plan attached hereto as Exhibit "B", with the following stipulations:

1. The site plan shall be reviewed through the Site Improvement Permit (SIP) process and the standard building and zoning review process. Any deviations from the Form Based Code are subject to administrative adjustments as outlined in Section 1.10 of the Form Based Code.
2. Off-street parking must be screened per the Form Based Code, unless an administrative adjustment is granted.
3. Building must meet the design requirements of the Form Based Code, unless an administrative adjustment is granted.

Section 3. State and Federal Permits. Issuance of this development permit by the City does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. The applicant must obtain all applicable state and federal permits before commencing development or use.

Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Special Use Permit which shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall be effective upon adoption.

**ADOPTED WITH A QUORUM PRESENT AND VOTING BY THE CITY COUNCIL OF THE CITY OF BRADENTON THIS 11th DAY OF OCTOBER, 2023.**

**THE CITY OF BRADENTON, BY AND THROUGH THE CITY COUNCIL OF THE CITY OF BRADENTON**

ATTEST:

_____ _____

Tamara Melton
CITY CLERK

Gene Brown
MAYOR

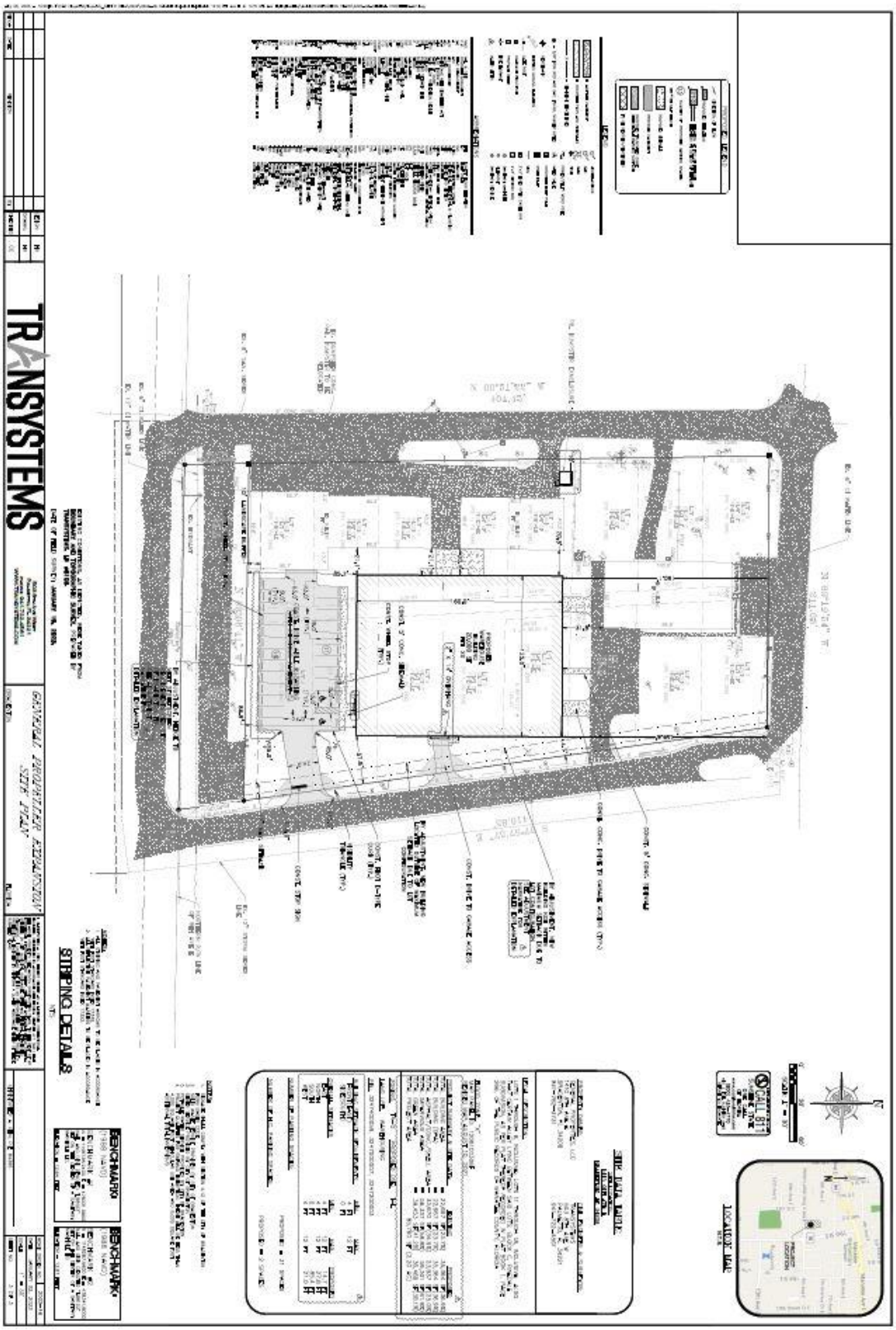
APPROVED AS TO FORM:

_____
Scott Rudacille
CITY ATTORNEY

## EXHIBIT A

Lots 1 thru 3, Lots 16 thru 18; also, that certain e ½ alley ly w of sd lot, Lot 4, also that of certain e 1/2 alley ly w of sd lot and Lots 5, 6, 7, 8, 11, 12, 13, 14 together with that certain alley lying between sd lots and Lot 15 together with w ½ of ally lying e of sd lot, Block C of the Pinedale Resubdivided Plat, as per plat thereof recorded in Plat Book 1, page 266 of the Public Records of Manatee County, Florida.

# EXHIBIT B



**RECEIVED**
By Isabell Salazar at 11:29 am, Aug 28, 2023

bradenton
The Friendly City

# Special Use Application

**Department of Planning & Community Development**
**101 Old Main Street, Bradenton, FL 34205**
**Ph: (941) 932-9400**
www.cityofbradenton.com

**CONTACT INFORMATION** (REQUIRED)

Name of Property Owner: General Properties LLC

Owner Address: 1410 8th Ave E, Bradenton, FL 34208 Telephone: 941-782-3731

Name of Agent: Brian J. Aungst, Jr., Esq.

Agent Address: 625 Court Street, Suite 200, Clearwater, FL 33756 Telephone: 727-441-8966

Owner/Agent Email: bja@macfar.com

**PROPERTY INFORMATION** (REQUIRED)

Property Address: 1410 8th Ave E & 1415 9th Ave E, Bradenton, FL 34208

Parcel ID: 3247400059, 3247200003, & 3247000007 Acreage: 2.20 acres

Zoning District: T-4O (General Urban Open) Future Land Use: UCC (Urban Commercial Corridor)
*click to view Zoning map *click to view FLU map

Ward #: 5 Neighborhood #: 7.03
*click to view Ward map *click to view Neighborhoods map

**DESCRIPTION** (REQUIRED)

Indicate Type of Special Use Request:
Special Use ☑ Special Use-Amendment ☐

Provide a brief description of the propose land use activity:
Request to expand the current use of the property to include 'Light Manufacturing/Industrial' as an allowable use

**MATERIALS FOR REVIEW** (REQUIRED)

- **Special Use**
  - Special Use Application Fee: **$1,820**
  - Notarized Agent Authorization Form, if applicable
  - Letter of Request
  - Review Criteria (see page 2 for Special Use Review Criteria)
- Site Plan
  - Property Survey signed & sealed within the last 3 years
  - One (1) electronic copy in pdf format of Application and all required support materials
- **Special Use Permit - Amendment**
  - Special Use Amendment Application Fee: **$1,820**
  - Notarized Agent Authorization Form, if applicable
  - Letter of Request
  - Property Survey signed & sealed within the last 3 years
  - One (1) electronic copy in pdf format of Application and all required support materials including site plan

**CITY STAFF ONLY**

Application Fees:
Fee Required: **$1,820** (Special Use)
**$1,820** (Special Use-Amendment)

FEE COLLECTED: $_____

RECEIPT #: _____

Application Sufficiency:
Sufficient: ☒x
Incomplete: ☐_____

**APPLICATION #:** 233543

**CITY STAFF ONLY**

CITY COUNCIL:

PLANNING COMMISSION:

DRC:

REVIEW DATES – TO BE COMPLETED BY CITY STAFF

REVIEW CRITERIA

**SPECIAL USE and SPECIAL USE-AMENDMENT REVIEW CRITERIA:**

Special Use and Special Use-Amendments shall comply with and be reviewed using the Special Use criteria found in Section 3.3 of the Land Use Regulations to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.

**Prepare detailed written responses, using factual statements (called Findings of Fact) to explain how the requested Special Use complies with each of the following 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.*

SITE PLAN REQUIRMENTS

**SPECIAL USE and SPECIAL USE AMENDMENT SITE PLAN REQUIRMENTS:**

Please prepare an accurate, legible, scaled site plan containing the following information:

REQUIRED

A. *The dimensions of the lot, all existing and proposed buildings, setbacks, easements, driveways, landscaping and trees, and fences.*
B. *Parking design and availability*
C. *Traffic impacts*
D. *Location and design of trash collection areas,*
E. *Utilities on the site*
F. *Signs and exterior lighting*

# Special Use Application

**Department of Planning & Community Development**
**101 Old Main Street, Bradenton, FL 34205**
**Ph: (941) 932-9400**
www.cityofbradenton.com

SPECIAL USE PROCEDURES

**SPECIAL USE REVIEW PROCEDURE:**

Step 1: Pre-Application Meeting

Prior to submitting an application for a Special Use Permit, please schedule a pre-application meeting by contacting Karen Aihara at (941)932-9407. Cost for a Pre-Application meeting is $100.00. This amount is deducted from your application fee. Meetings are held the first and third Tuesday of each month by appointment only. At these meetings, the Development Review Committee (Fire, Public Works, Police, Building, Planning & Zoning), will review the proposed Special Use and offer constructive input. The Pre-Application meeting is required in order to file an application.

Step 2: Application Submittal

An official Special Use Permit application must be completely filled out and submitted to Planning and Community Development (PCD) by the second Thursday of the month, no later than 4:00 PM. Failure to meet this deadline will result in delay of application consideration.

Step 3: 1st Sign Posting

About two weeks before the Planning Commission meeting, the PCD Department will contact the owner or authorized agent (applicant) to pick up the required public notice sign from the PCD Department. The sign must be posted on the property 10 days before the meeting. The applicant is required to sign a notarized affidavit stating that the signs have been posted. The affidavit will be kept on file.

Step 4: Staff Review

The PCD Staff will review the application and create a Staff Evaluation and Analysis Report with a recommendation to the reviewing bodies. The PCD staff will then send to the applicant a copy of the agenda for the Planning Commission meeting as a reminder of the date and time.

Step 5: First Public Hearing (Planning Commission)

The Planning Commission will hold a public hearing of the request and will allow anyone interested to speak for or against the request. The Planning Commission is an appointed board which meets the third Wednesday of each month at 2:00 PM in City Council Chambers at City Hall, 101 Old Main Street. After reviewing the evidence presented, the Planning Commission will make a recommendation to the City Council for approval, approval with stipulations, or denial. Notice of the request will be placed in the Bradenton Herald 10 days prior to the Planning Commission meeting. People owning property within 300 feet of the subject property will also be notified by the City.

The PCD staff will then send a letter to the applicant confirming the recommendation of the Planning Commission to the City Council. Unless the Planning Commission has requested changes to the site plan or submission of additional information, nothing else is required except sign posting.

Step 6: 2nd Sign Posting

The second sign must be posted on the property 10 days before the City Council meeting. An affidavit is required for this sign, as well, and will be kept on file.

Step 7: Second Public Hearing and Final Determination

The City Council will hold a second public hearing of the request and will allow anyone interested to speak for or against the request. The City Council is an elected board, which considers Special Use Permits on the second and fourth Wednesdays of each month at 8:30 AM. Notice of the request will be placed in the Bradenton Herald 10 days prior to the City Council meeting. After reviewing the evidence presented, it will vote to approve, approve with stipulations, or deny the request. The decision of the City Council may be appealed to Circuit Court and must be done within 30 days of its decision.

# Agent Authorization Form

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

bradenton
The Friendly City

**PLANNING & ZONING AGENT AUTHORIZATION FORM**

Property Address: 1410 8th Ave E & 1415 9th Ave E, Bradenton, FL 34208

I, General Properties LLC, the registered property owner(s) of the above noted property, do hereby authorize

Brian J. Aungst, Jr., Esq — Print Name of Agent

Macfarlane, Ferguson & McMullen, P.A. — Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

AGENT AUTHORIZATION — REQUIRED

George Rauch
Signature of Owner(s)

Owner(s)Address (if different than property above)
625 Court Street, Suite 200, Clearwater, FL 33756 // (727-441-8966)

Signature of Agent

Agent Address and Phone

**STATE OF FLORIDA, MANATEE COUNTY**

The Foregoing instrument was acknowledged before me by means of ✓ physical presence or ___ online notarization, this 6 day of March, 2023, produced Personally Known to me respectively, as identification and who did (did not) take an oath:

NOTARY — REQUIRED

Carol Lee Porter
Signature

CAROL LEE PORTER, Notary Public
Print Name

State of Florida
My Commission Expires: March 26, 2024

CAROL LEE PORTER
MY COMMISSION EXPIRES MARCH 26, 2024
#GG 934984
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

# Agent Authorization Form

**Department of Planning & Community Development**
**101 Old Main Street, Bradenton, FL 34205**
**Ph: (941) 932-9400**
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bradenton
The Friendly City

**PLANNING & ZONING AGENT AUTHORIZATION FORM**

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Brian J. Aungst, Jr., Esq — Print Name of Agent

Macfarlane, Ferguson & McMullen, P.A. — Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

AGENT AUTHORIZATION — REQUIRED

Signature of Owner(s)

Owner(s) Address (if different than property above)

Signature of Agent

625 Court Street, Suite 200, Clearwater, FL 33756 // (727-441-8966)

Agent Address and Phone

**STATE OF FLORIDA, MANATEE COUNTY**

The Foregoing instrument was acknowledged before me by means of ✓ physical presence or ___ online notarization, this 22nd day of March 2023, produced _____ _____ respectively, as identification and who did (did not) take an oath:

NOTARY — REQUIRED

Valerie A Sulecki
Signature

Valerie A. Sulecki, Notary Public
Print Name

State of Florida
My Commission Expires: 4/21/2025

VALERIE A. SULECKI
MY COMMISSION # HH 119922
EXPIRES: April 21, 2025
Bonded Thru Notary Public Underwriters

General Properties, LLC
1410 8th Avenue E
Bradenton, Florida 34208

**Review Criteria**
**Special Use Application**

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.
   a. The parcel currently has adequate means of ingress and egress and the site plan attached hereto even adds a stop sign and visibility triangle for automobile and pedestrian safety. The proposed use will not have a significant increase on the traffic flow and control on the property.

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.
   a. The site plan accompanying this application shows the location and design of off-street parking for this request. The requested use will not increase the smoke, noise, glare, dust, vibrations, fumes, pollution or 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.
   a. Any refuse area would be designed and located so that there is no interference or nuisance to surrounding properties.

4. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties.
   a. The property is already serviced by utilities and the requested use would only create a minimal increase in the burden on the utility infrastructure, if any increase at all.

5. Screening, buffering or separation of any nuisance or hazardous feature of the use.
   a. The requested use would not create a nuisance or hazardous feature which would require screening, buffering or separation which is not already in place on the property.

6. Proposed signs and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.
   a. Applicant already has multiple structures on the property which utilize signage and exterior lighting which do not negatively impact nearby traffic or properties. The requested use and the utilization of the property to achieve the use would not create a nuisance with regard to exterior lighting or 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.
   a. The requested special use on the property will not have a negative impact on the economic value of surrounding parcels. Each of the directly adjacent parcels have uses which are compatible with the requested use and would be benefitted by an improved facility on the applicant's property.

8. Adequacy of land and/or building which are to be used.
   a. The applicant's property is approximately 2.20 acres in size and is more than adequate space for the requested use.

9. General compatibility or appropriateness with adjacent properties and other property in the district with special consideration given to proposed hours of operation.
   a. The requested special use of "light manufacturing/industrial" in the T4-O zoning district is compatible with the adjacent properties. Directly adjacent to the west is a parcel zoned T4-O with a future land use designation of UCC that is owned by the utility company Frontier Florida LLC and is utilized for storing utility vehicles and supplies. Frontier Florida LLC also owns the parcel directly adjacent to the north which is zoned T4-R with a future land use designation of Residential Medium and which is also utilized for storage of utility vehicles. Furthermore, directly adjacent to the south and the east of the property are parcels which are also zoned T4-O with a future land use designation of UCC and have uses such as a gas station/convenience store, garage/autobody/paint shop, car wash, and warehousing/distribution. Allowance of a special use on the property for "light manufacturing/industrial" will not disrupt the quality of the neighborhood and will be compatible with adjacent properties.

10. Environmental quality of the district in which the use is proposed and the effect the Special Use Permit might have on such quality.
    a. The surrounding area has uses which consist of a gas station, garage/autobody/paint shop, car wash, and other warehousing/distribution uses. The proposed special use permit will not create any different impact to the environmental quality of the district than what is already created by the property.

11. Consistency with the City of Bradenton Comprehensive Plan.
    a. The requested special use on the property is consistent with the City of Bradenton's Comprehensive Plan. The Comprehensive Plan states that the objective of the Future Land Use Element's planning and design principals is, "To guide future development and redevelopment through planning and design principals that foster successful urban communities." (Objective 1.1—Planning and Design Principles). Approval of this request would allow a successful urban community to continue to flourish by granting the property the ability to maximize the utility of the property. Further, this use will be compatible with adjacent uses which consist of a gas station, garage/autobody/paint shop, car wash, storage of utility vehicles, and other warehousing/distribution uses.

(Goal 1—Future Land Use: Uses and Intensities). Additionally, the approval of the special use will not cause conflict between the City's land use policies and state/regional policies and plans. (Objective 1.15—Consistency). The property is already served by adequate public facilities and approval of this special use will not significantly impact the already existing facilities. Therefore, the property's public facilities are presently concurrent with development and the provided services are consistent with the level of service standards. (Objective 1.4—Adequate Public Facilities, Future Land Use Element) (Objective 1.1—Service Consistent with Level of Service Standards, Public Facilities Element).

March 3, 2023

City of Bradenton
Attn: Department of Planning & Community Development
101 Old Main Street W
Bradenton, Florida 34205

Re: Special Use Application for General Properties, LLC at 1410 8th Avenue E & 1415 9th Avenue E, Bradenton, Florida 34208

To whom it may concern:

The purpose of this letter is to request review of a Special Use Application for the marine hardware store operating at 1410 8th Avenue E & 1415 9th Avenue E, Bradenton, Florida 34208, with parcel identification numbers 3247000007, 3247200003, & 3247400059 ("*Property*"). General Properties, LLC is requesting to add 'Light Manufacturing/Industrial' as an allowable use on the Property. We appreciate the City of Bradenton's Planning and Community Development Department taking the time to review this application. If there are any questions or concerns regarding this application, please contact our authorized agent Brian J. Aungst, Jr. at bja@macfar.com and CC cgilman@macfar.com on the e-mail.

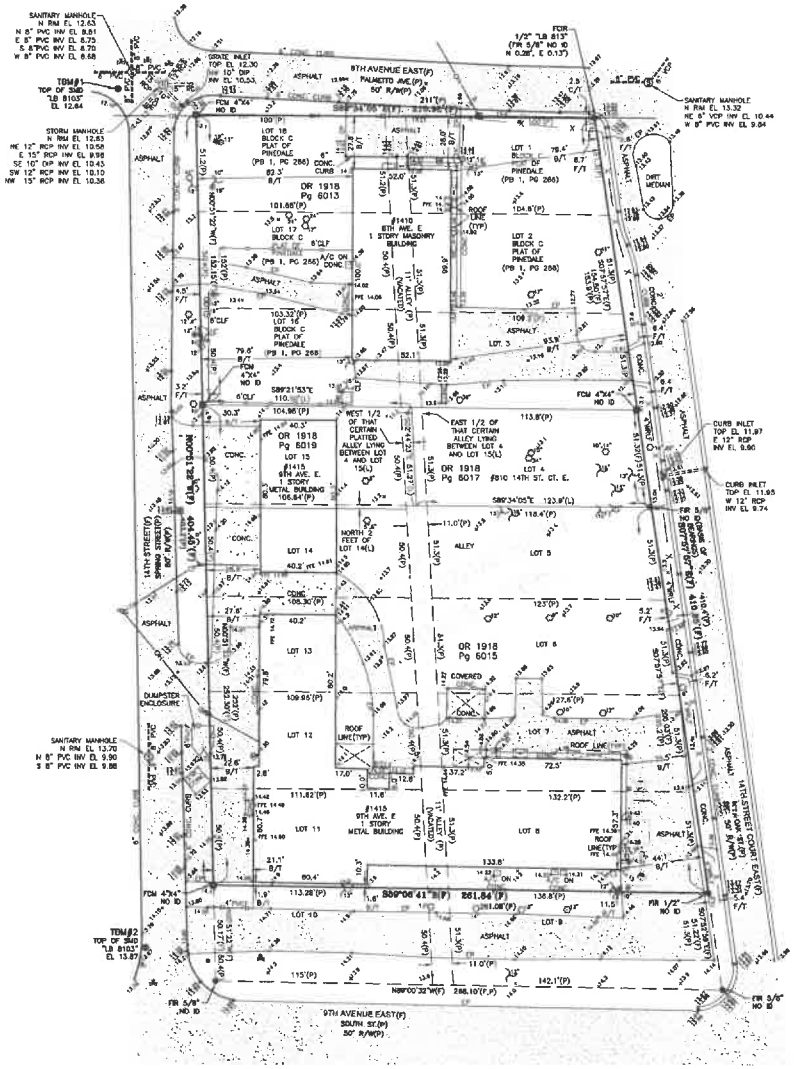
Sincerely,

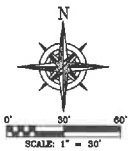
George Rauch

George Rauch
MGRM—General Properties, LLC

SEC. 25, TWP. 34 S., RNG. 17 E.

MANATEE COUNTY, FLORIDA




LEGEND

| | |
|---|---|
| A/C | AIR CONDITIONER |
| ADA | AMERICANS WITH DISABILITIES ACT DETECTIBLE SURFACE |
| BFPD | BACK FLOW PREVENTION DEVICE |
| B/T | BUILDING TIE |
| Δ | CURVE – SEE CURVE TABLE |
| (C) | CALCULATED |
| CBW | CONCRETE BLOCK WALL |
| CCR | CERTIFIED CORNER RECORD |
| ℄ | CENTERLINE |
| CLF | CHAIN LINK FENCE |
| CONC. | CONCRETE |
| C/T | CURB TIE |
| CRW | CONCRETE RETAINING WALL |
| DB | DEED BOOK |
| DIP | DUCTILE IRON PIPE |
| ERCP | ELLIPTICAL REINFORCED CONCRETE PIPE |
| EP | EDGE OF PAVEMENT |
| EL | ELEVATION |
| (F) | FIELD |
| FB | FIELD BOOK |
| FCIR | FOUND CAPPED IRON ROD |
| FCM | FOUND CONCRETE MONUMENT |
| FFE | FINISHED FLOOR ELEVATION |
| FIP | FOUND IRON PIPE |
| FIR | FOUND IRON ROD |
| FN&D | FOUND NAIL AND DISK |
| FPC | FLORIDA POWER CORPORATION (NOW KNOWN AS DUKE ENERGY) |
| F/T | FENCE TIE |
| GI | GRATE INLET |
| ID. | IDENTIFICATION |
| INV | INVERT |
| L# | LINE – SEE LINE TABLE |
| (L) | LEGAL DESCRIPTION |
| LB | LICENSED BUSINESS |
| MES | MITERED END SECTION |
| MH | MANHOLE |
| NDT | NO DRAWER FOUND OR SET |
| NGS | NATIONAL GEODETIC SURVEY |
| NO. | NUMBER |
| OH | OVERHEAD WIRES |
| OR | OFFICIAL RECORD BOOK |
| (P) | PLAT BOOK 1, PAGE 266 |
| (P1) | PLAT BOOK , PAGE |
| PB | PLAT BOOK |
| (PCPAO) | PINELLAS COUNTY PROPERTY APPRAISER'S WEB SITE DATA |
| PG | PAGE/PAGES |
| PID# | PERMANENT IDENTIFIER NUMBER |
| PLS | PROFESSIONAL LAND SURVEYOR |
| POB | POINT OF BEGINNING |
| POC | POINT OF COMMENCEMENT |
| PRM | PERMANENT REFERENCE MONUMENT |
| PSM | PROFESSIONAL SURVEYOR & MAPPER |
| PVC | POLY VINYL CHLORIDE PIPE |
| PVCF | POLY VINYL CHLORIDE FENCE |
| P/T | PAVEMENT TIE |
| RCP | REINFORCED CONCRETE PIPE |
| RNG. | RANGE |
| R/W | RIGHT-OF-WAY |
| SEC. | SECTION |
| SAN. | SANITARY |
| SCIR | SET CAPPED IRON ROD |
| SCO | SANITARY CLEAN-OUT |
| SMD | SET "MAG" NAIL AND DISK |
| SN&D | SET NAIL AND DISK |
| SW/T | SIDEWALK TIE |
| TBM | TEMPORARY BENCHMARK |
| TOB | TOP OF BANK |
| TOS | TOE OF SLOPE |
| TYP | TYPICAL |
| TWP. | TOWNSHIP |
| VCP | VITRIFIED CLAY PIPE |
| WF | WOOD FENCE |
| WRLF | WOOD RAIL FENCE |
| W/T | WALL TIE |
| | ASPHALT |
| | BRICK |
| | CONCRETE |

SYMBOL LEGEND

| | | | |
|---|---|---|---|
| — | FLOW MEDIA/IRON OXIDE | | CONTROL VALVE |
| | | | LIGHT POLE |
| | | | MISCELLANEOUS TREE |
| | | | |
| | CONCRETE LIGHT POLE | | PALM AND OTHER (MISC) |
| | CONCRETE MONUMENT (FOUND) | | PALM TREE |
| | CROSS WALK POLE | | PINE TREE |
| | | | PARKING SPACES |
| | ELECTRIC BOX | | |
| | ELECTRIC METER | | |
| | ELECTRIC TRANSFORMER | | POWER/UTILITY WOOD POLE |
| | ELEVATION | | RECLAIMED WATER METER |
| | ELEVATION | | RECLAIMED WATER VALVE |
| | ELEVATION BACK OF CURB FLOW LINE EDGE OF PAVEMENT | | RED MAPLE |
| | | | SANITARY MANHOLE |
| | | | SANITARY SEWER CLEANOUT |
| | | | |
| | | | STORM SEWER MANHOLE |
| | | | TELEPHONE PEDESTAL |
| | | | TEMPORARY BENCHMARK |
| | | | TRAFFIC SIGNAL JUNCTION BOX |
| | | | WATER METER |
| | | | WATER VALVE |
| | | | X-CUT (FOUND) |
| | | | YARD DRAIN |

**DESCRIPTION:** (OR 1918 , PG 6013)

LOTS 1, 2, 3 AND 16, 17 AND 18, BLOCK C, PINEDALE SUBDIVISION, AND THAT PORTION OF THE VACATED ALLEY LYING BETWEEN LOTS 1 THROUGH 3 AND LOTS 16 THROUGH 18, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 266 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

AND

(OR 1918 , PG 6015)

LOT 5 THROUGH 8 AND 11 THROUGH 14, IN BLOCK C, OF PINEDALE SUBDIVISION, AS SHOWN BY THE PLAT RECORDED IN PLAT BOOK 1, PAGE 266 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. LESS THE NORTHERLY 2 FEET OF LOT 14 AND INCLUDING THE ALLEYWAY LOCATED BETWEEN SAID LOTS.

AND

(OR 1918 , PG 6017)

LOT 4, BLOCK C, OF PINEDALE SUBDIVISION, AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 266, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, TOGETHER WITH THE EAST 1/2 OF THAT CERTAIN PLATTED ALLEY LYING BETWEEN LOT 4 AND LOT 15, BLOCK C, PINEDALE SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 266 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

AND

(OR 1918, PG 6019)

NORTH 2 FEET OF LOT 14, BLOCK C, AND ALL OF LOT 15, BLOCK C, OF PINEDALE SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 266, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, TOGETHER WITH ANY RIGHT, TITLE, AND INTEREST IN WHICH THE GRANTOR HAS IN AND TO THE WEST 1/2 OF THAT CERTAIN PLATTED ALLEY LYING IN BETWEEN LOT 4 AND LOT 15, BLOCK C, PINEDALE SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 266 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

**SURVEYOR'S REPORT:**

1. BEARINGS ARE BASED ON THE EASTERLY BOUNDARY LINE OF THE SUBJECT PROPERTY, BEING ASSUMED AS S07°57'57"E.
2. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J–17.052(6) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
3. SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EXCEPT THOSE WITH ELECTRONIC SIGNATURE AND ELECTRONIC SEAL. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
4. NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND UTILITIES, ENCROACHMENTS, IMPROVEMENTS, STRUCTURES OR FOUNDATIONS. UNDERGROUND UTILITY LINE LOCATIONS (IF SHOWN HEREON) ARE ASSUMED BASED UPON VISIBLE SURFACE EVIDENCE.
5. RE–USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE–USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE TO WHOM CERTIFIED.
6. THIS SURVEY IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.
7. THE SITE APPEARS TO BE IN FLOOD ZONE X, ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM) 12081C0305F, COMMUNITY NUMBER 120155, EFFECTIVE DATE 8/10/2021. DEUEL & ASSOCIATES AND THE SIGNING SURVEYOR HEREON ASSUMES NO LIABILITY FOR THE ACCURACY OF THIS DETERMINATION. ELEVATIONS ON FIRM ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88). THE AUTHOR OF THE MAP, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, OR THE LOCAL GOVERNMENTAL AGENCY HAVING JURISDICTION OVER SUCH MATTERS SHOULD BE CONTACTED PRIOR TO ANY JUDGMENTS BEING MADE FROM THIS INFORMATION. THE ABOVE REFERENCED MAP STATES IN THE NOTES TO THE USER THAT "THIS MAP IS FOR USE IN ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM" AND "BASE FLOOD ELEVATIONS (BFEs) SHOWN REPRESENT ROUNDED WHOLE–FOOT ELEVATIONS AND THEREFORE MAY NOT EXACTLY REFLECT THE FLOOD ELEVATION DATA PRESENTED IN THE FLOOD INSURANCE STUDY (FIS) REPORT." THE FIS REPORT WAS NOT CONSULTED FOR THIS SURVEY. FLOOD ZONE LINES AND LIMIT OF MODERATE WAVE ACTION SHOWN HEREON, IF ANY, WERE SCALED FROM SAID MAP AND ARE APPROXIMATE ONLY.
8. SHOWN ANYWHERE ON THIS SURVEY, THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF A PROFESSIONAL OPINION BASED UPON THE SURVEYOR'S BEST KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT THUS CONSTITUTES NEITHER A GUARANTEE NOR A WARRANTY.
9. UNLESS OTHERWISE INDICATED, THE PROPERTY DESCRIPTION AND EASEMENTS SHOWN WERE FURNISHED TO DEUEL & ASSOCIATES AND ARE PRESUMED TO BE CORRECT. NO SEARCH OF ANY PUBLIC RECORDS, FOR EASEMENTS, DEEDS, ETC., WAS PERFORMED BY THIS FIRM FOR THE COMPLETION OF THIS SURVEY AND THERE MAY BE ADDITIONAL RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
10. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS–OF–WAY AND OTHER MATTERS OF RECORD.
11. ELEVATIONS ARE BASED ON CITY OF BRADENTON BENCHMARK 1003 HAVING AN ELEVATION OF 6.05 FEET NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
12. TREES 4" IN DIAMETER AND LARGER HAVE BEEN LOCATED WITH COMMON NAME AND APPROXIMATE DIAMETER BREAST HIGH. SMALLER TREES, NON–PROTECTED SPECIES (INCLUDING ORNAMENTALS) AND TREES WITHIN JURISDICTIONAL AREAS (IF ANY) HAVE NOT BEEN LOCATED. TREES BY NATURE ARE IRREGULAR IN SIZE AND SHAPE. EVERY EFFORT IS MADE TO ACCURATELY LOCATE TREES. THE TREE LOCATION IS THE CENTER OF THE TREE. THIS LOCATION MAY BE DIFFERENT IF LOCATED FROM A DIFFERENT DIRECTION. ALL TREE LOCATIONS SHOULD BE FIELD CHECKED IF CRITICAL TO DESIGN.
13. INFORMATION FOR ADJOINING PROPERTIES WAS OBTAINED FROM PINELLAS COUNTY PROPERTY APPRAISERS WEB SITE AT WWW.MANATEEPAO.COM ON 02/09/2023.
14. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/30 OR SMALLER.
15. THIS SURVEY IS BASED ON THE U.S. SURVEY FOOT.
16. THE SUBJECT PARCEL CONTAINS 90,780 SQUARE FEET, (2.189 ACRES) MORE OR LESS.

| REV.# | DESCRIPTION | DATE | BY |
|---|---|---|---|

TRANSYSTEMS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PHONE: 727 822 4151
WWW.TRANSYSTEMS.COM
LICENSED BUSINESS NUMBER 8103

*BOUNDARY AND TOPOGRAPHIC SURVEY*
*1410 8TH AVE E. & 1415 9TH AVE. E.*
*BRADENTON*

MANATEE FLORIDA

PREPARED FOR:
GENERAL PROPELLER EXPANSION, INC.
1410 8TH AVENUE E.
BRADENTON, FL 34208

Digitally signed by Dana A Wyllie
Date: 2023.03.01 14:38:35 -05'00'

DANA A. WYLLIE
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA, LS 6874

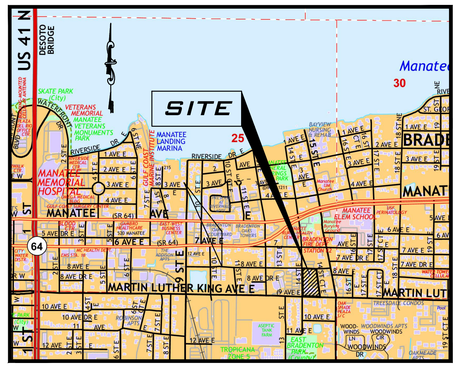
| | |
|---|---|
| PROJECT NUMBER | 2022-48 |
| FIELD DATE: | 02/08/2023 |
| DRAWN BY: | KWR |
| FB: | 272 PG: 42 |
| SCALE: | 1" = 30' |
| SHEET NO. | 1 OF 1 |

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SUNSHINE STATE ONE CALL OF FLORIDA
www.callsunshine.com
(800) 432-4770
MIN. 2 FULL BUSINESS DAYS BEFORE YOU EXCAVATE

# PRELIMINARY SITE PLAN
## FOR
# GENERAL PROPELLER EXPANSION

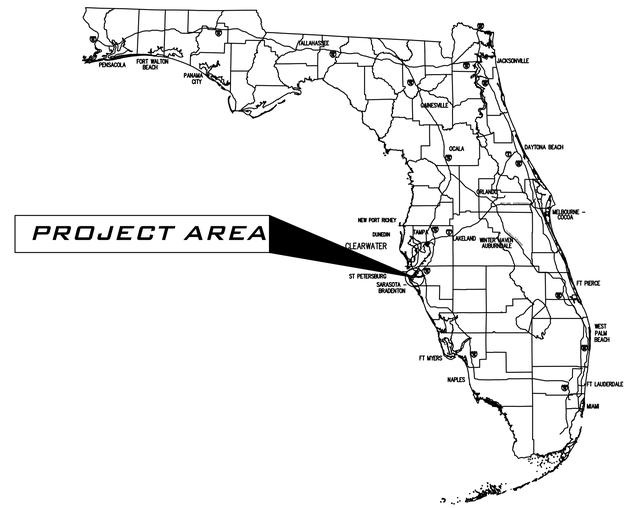
1415 9TH AVE E
BRADENTON, FL

### VICINITY MAP




SECTION 25, TOWNSHIP 34S, RANGE 17E
BRADENTON, MANATEE COUNTY

### LOCATION MAP




## INDEX OF DRAWINGS


| DRAWING TITLE | SHEET NO. |
|---|---|
| COVER SHEET | 1 |
| EX. CONDITIONS & DEMO PLAN | 2 |
| SITE PLAN | 3 |


## PREPARED FOR

GENERAL PROPERTIES, LLC
1410 8TH AVE E
BRADENTON, FL 34208

TRANSYSTEMS
503 8TH AVE WEST
PALMETTO, FL 34221
PHONE 941.722.4561
WWW.TRANSYSTEMS.COM

| REV.# | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

| | |
|---|---|
| PROJECT NO. | 2022-48 |
| DATE: | JANUARY 02, 2023 |
| SCALE: | N.T.S. |
| SHEET NO. | 1 OF 3 |

Aug 09, 2023 - 3:56pm \\Cdd Projects\Projects_SSPI X Drive\2023\2022-48 General Propeller Expansion 1410 8th Ave E & 1415 9th Ave E\Engineering\Arcsoft\CONSTRUCTION PLANS\2022-48-GENERAL PROPELLER-COVER.dwg

## PROPOSED LEGEND

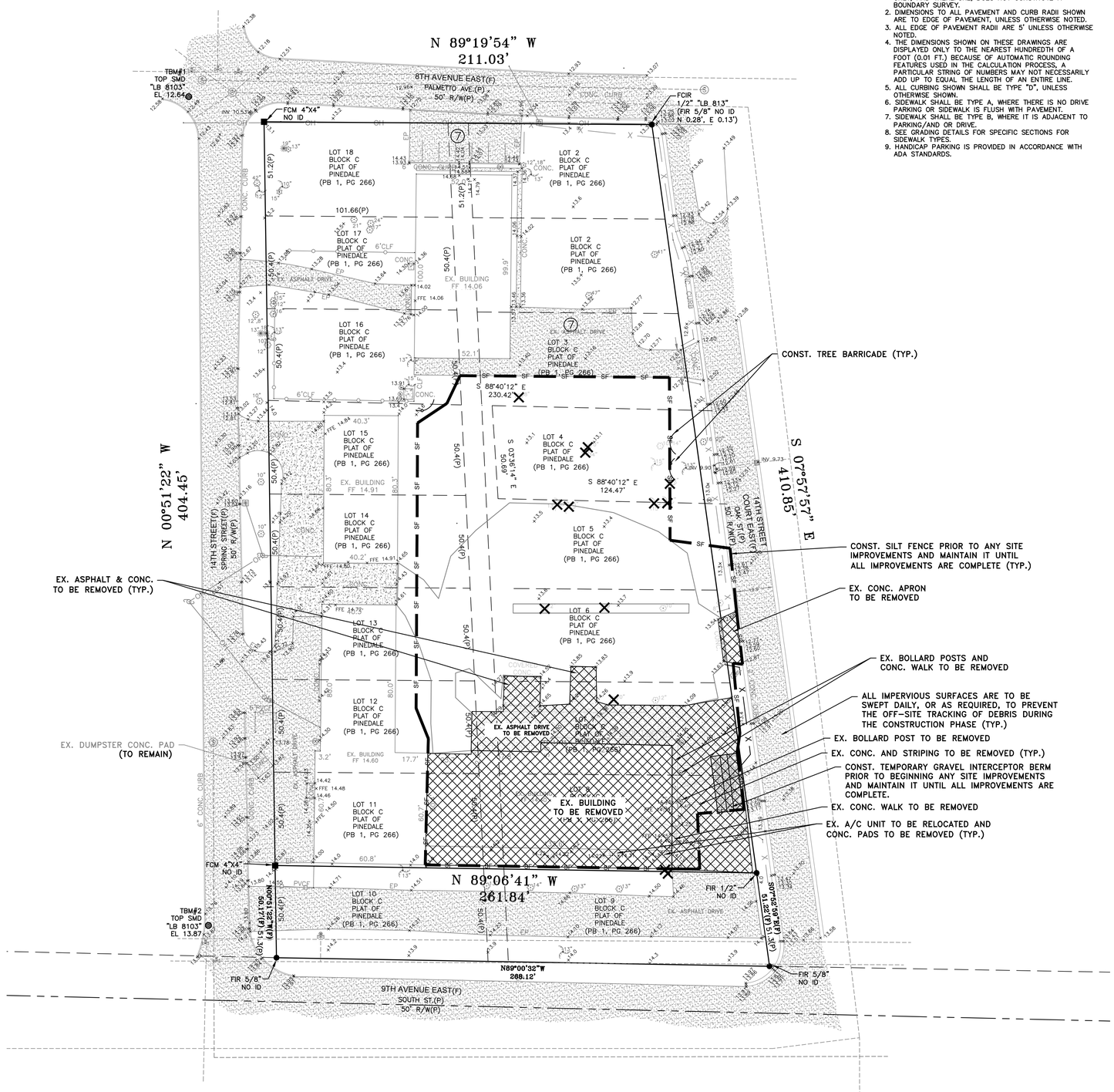
- DIRECTION OF FLOW
- (18.82) PROPOSED ELEVATION
- (18.87XX) ELEVATION AT TOP OF FEATURE / (18.37XX) ELEVATION AT BOTTOM OF FEATURE
- (23) NUMBER OF PROPOSED PARKING SPACES
- SILT FENCE
- PROPOSED SIDEWALK
- PROPOSED PAVEMENT
- PROPOSED TRUNCATED DOME DETECTABLE WARNING SURFACE
- TO BE REMOVED/DEMOLISHED

## LEGEND

- = ASPHALT PAVEMENT
- = CONCRETE PADS AND SIDEWALKS
- X = CHAINLINK FENCE LINES
- = 5/8" IRON ROD AND CAP, FOUND, NUMBER NOTED
- BENCHMARK
- 12.56 EXISTING GROUND ELEVATION
- GATE POST
- DRAINAGE STRUCTURE
- PROPANE METER
- FIRE HYDRANT
- WATER METER
- REMOVE EXISTING TREE
- MISCELLANEOUS
- 4" OAK
- 24" PALM
- 36" PINE
- POWER/UTILITY WOOD POLE
- WATER VALVE
- CONCRETE LIGHT POLE
- GRATE INLET
- SIGN
- FO 2'x3' FIBER OPTIC CABLE BOX
- V 2'x3' VERIZON BOX
- S SANITARY MANHOLE
- CLEANOUT
- SANITARY SERVICE

## ABBREVIATIONS

| | | | |
|---|---|---|---|
| NAD | NAIL & DISK | LFE | LOWEST FLOOR ELEVATION |
| C.M. | CONCRETE MONUMENT | LP | LIGHT POLE |
| (A) | FIELD MEASUREMENT | (M) | MEASURED |
| ∧ | ARC | M.E.G. | MATCH EXISTING GRADE |
| A/C | AIR CONDITIONER | MEP | MECHANICAL, ELECTRICAL & PLUMBING |
| AC. | ACRES | MES | MITERED END SECTION |
| ADA | AMERICANS WITH DISABILITIES ACT | MH | MANHOLE |
| AKA | ALSO KNOWN AS | MHWL | MEAN HIGH WATER LINE |
| BC | BACK OF CURB | MIN. | MINIMUM |
| BFPD | BACK FLOW PREVENTION DEVICE | NAVD | NORTH AMERICAN VERTICAL DATUM |
| BOLL | BOLLARD | NGVD | NATIONAL GEODETIC VERTICAL DATUM |
| BSL | BUILDING SETBACK LINE | O/H | OVERHEAD WIRES |
| B/T | BUILDING TIE | O.R. | OFFICIAL RECORD |
| C | CHORD | O.R.B. | OFFICIAL RECORDS BOOK |
| (C) | CALCULATED | (P) | PLAT |
| CB | CATCH BASIN | PB | PLAT BOOK |
| CBW | CONCRETE BLOCK WALL | PE | POLYETHYLENE |
| CHB | CHORD BEARING | PG | PAGE/PAGES |
| ℄ | CENTERLINE | PID | PARCEL IDENTIFICATION NUMBER |
| CLF | CHAIN LINK FENCE | POB | POINT OF BEGINNING |
| CMP | CORRUGATED METAL PIPE | PREP | PREPARE |
| C.O. | CLEANOUT | PRM | PERMANENT REFERENCE MONUMENT |
| CONC. | CONCRETE | PROP. | PROPOSED |
| CONST. | CONSTRUCT | P.T. | POINT OF TANGENCY |
| CS | CONCRETE SLAB | PVC | POLYVINYL CHLORIDE |
| C.T. | CURB TIE | R | RADIUS |
| CTV | CABLE TELEVISION | (R) | RECORD |
| (D) | DEED | RCP | REINFORCED CONCRETE PIPE |
| DEMO | DEMOLITION/DEMOLISH | RCW | RECLAIMED WATER |
| DEP | DEPARTMENT OF ENVIRONMENTAL PROTECTION | R/W | RIGHT-OF-WAY |
| DHW | DESIGN HIGH WATER | RES-6 | RESIDENTIAL-6 DWELLING UNIT |
| DIP | DUCTILE IRON PIPE | RNG | RANGE |
| DLW | DESIGN LOW WATER | R/O/R | RETAIL/OFFICE/RESIDENTIAL |
| EL | ELEVATION | RSF | RESIDENTIAL SINGLE-FAMILY |
| EP | EDGE OF PAVEMENT | SAN | SANITARY |
| EX. | EXISTING | SCH | SCHEDULE |
| (F) | FIELD MEASURED | SCO | SANITARY CLEAN-OUT |
| FDOT | FLORIDA DEPARTMENT OF TRANSPORTATION | SDR | STANDARD DIMENSION RATIO |
| FFE | FINISHED FLOOR ELEVATION | SEC | SECTION |
| FHA | FIRE HYDRANT ASSEMBLY | SF | SQUARE FEET |
| FPC | FLORIDA POWER CORPORATION | SHW | SEASONAL HIGH WATER |
| F/T | FENCE TIE | S.R. | STATE ROAD |
| GI | GRATE INLET | TBM | TEMPORARY BENCHMARK |
| GAV | GAS VALVE | TBR | TO BE REMOVED |
| GC | GENERAL COMMERCIAL | TC | TOP OF CURB |
| GM | GAS METER | TOB | TOP OF BERM |
| GV | GATE VALVE | TOS | TOE OF SLOPE |
| GW | GUY WIRE | TRANS | TRANSFORMER |
| HDPE | HIGH DENSITY POLYETHYLENE | TRAV | TRAVERSE POINT |
| H.P. | HIGH POINT | TWP | TOWNSHIP |
| INV | INVERT | TYP. | TYPICAL |
| (L) | LEGAL | UP | UTILITY POLE |
| LB | LICENSED BUSINESS | WF | WOOD FENCE |
| LBSL | LANDSCAPE BUFFER SETBACK LINE | WM | WATER METER |
| LF | LINEAR FEET | ± | MORE OR LESS |




**NOTES:**

1. BOUNDARY DATA SHOWN FOR INFORMATION PURPOSES ONLY, AND THEREFORE, DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. DIMENSIONS TO ALL PAVEMENT AND CURB RADII SHOWN ARE TO EDGE OF PAVEMENT, UNLESS OTHERWISE NOTED.
3. ALL EDGE OF PAVEMENT RADII ARE 5' UNLESS OTHERWISE NOTED.
4. THE DIMENSIONS SHOWN ON THESE DRAWINGS ARE DISPLAYED ONLY TO THE NEAREST HUNDREDTH OF A FOOT (0.01 FT.) BECAUSE OF AUTOMATIC ROUNDING FEATURES USED IN THE CALCULATION PROCESS, A PARTICULAR STRING OF NUMBERS MAY NOT NECESSARILY ADD UP TO EQUAL THE LENGTH OF AN ENTIRE LINE.
5. ALL CURBING SHOWN SHALL BE TYPE "D", UNLESS OTHERWISE SHOWN.
6. SIDEWALK SHALL BE TYPE A, WHERE THERE IS NO DRIVE PARKING OR SIDEWALK IS FLUSH WITH PAVEMENT.
7. SIDEWALK SHALL BE TYPE B, WHERE IT IS ADJACENT TO PARKING/AND OR DRIVE.
8. SEE GRADING DETAILS FOR SPECIFIC SECTIONS FOR SIDEWALK TYPES.
9. HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH ADA STANDARDS.




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LOCATION MAP
N.T.S.

**BENCHMARK:**
(1988 NAVD)
BENCHMARK #1
N = 1148738.2400 E = 478331.0800
NAIL AND DISK DENOTED "LB8103" SET ON THE CENTER OF A SANITARY MANHOLE LID.
ELEVATION = 12.64 FEET

**BENCHMARK:**
(1988 NAVD)
BENCHMARK #2
N = 1148287.5900 E = 478341.8000
NAIL AND DISK DENOTED "LB8103" SET ON THE CENTER OF A SANITARY MANHOLE LID.
ELEVATION = 13.87 FEET

EXISTING CONDITIONS, AS DEPICTED, WERE TAKEN FROM **BOUNDARY AND TOPOGRAPHIC SURVEY**, PREPARED BY **TRANSYSTEMS**, LB **#8103**.

DATE OF FIELD SURVEY: **JANUARY 19, 2023**.

| REV.# | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

DESIGN: HV
DRAWN: HV
CHECKED: CC

TRANSYSTEMS
503 8TH AVE WEST
PALMETTO, FL 34221
PHONE 941.722.4561
WWW.TRANSYSTEMS.COM

*GENERAL PROPELLER EXPANSION*
*EX. CONDITIONS & DEMO PLAN*
BRADENTON FLORIDA

I, CHRISTOPHER A. CHIN, HEREBY CERTIFY AS A LICENSED PROFESSIONAL ENGINEER, REGISTERED IN ACCORDANCE WITH FLORIDA STATUTE 471 (481) THAT THE ABOVE PROJECT'S SITE AND/OR CONSTRUCTION PLANS, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, WILL MEET APPLICABLE DESIGN CRITERIA SPECIFIED BY CITY MUNICIPAL ORDINANCE, STATE AND FEDERAL ESTABLISHED STANDARDS. I UNDERSTAND THAT IT IS MY RESPONSIBILITY AS THE PROJECT'S PROFESSIONAL ENGINEER TO PERFORM A QUALITY ASSURANCE REVIEW OF THESE SUBMITTED PLANS.

CHRISTOPHER A. CHIN, P.E. 84365

WORK ORDER NO. 2022-48
DATE: JANUARY 02, 2023
SCALE: 1" = 30'
SHEET NO. 2 OF 3

Aug 09, 2023 - 3:55pm N:\CAD Projects\Projects_SER X Drive\2023\2022-48 General Propeller Expansion 1410 8th Ave E & 1415 9th Ave E\Engineering\Acad\CONSTRUCTION PLANS\2022-48-GENERAL PROPELLER-DEMO.dwg

## PROPOSED LEGEND

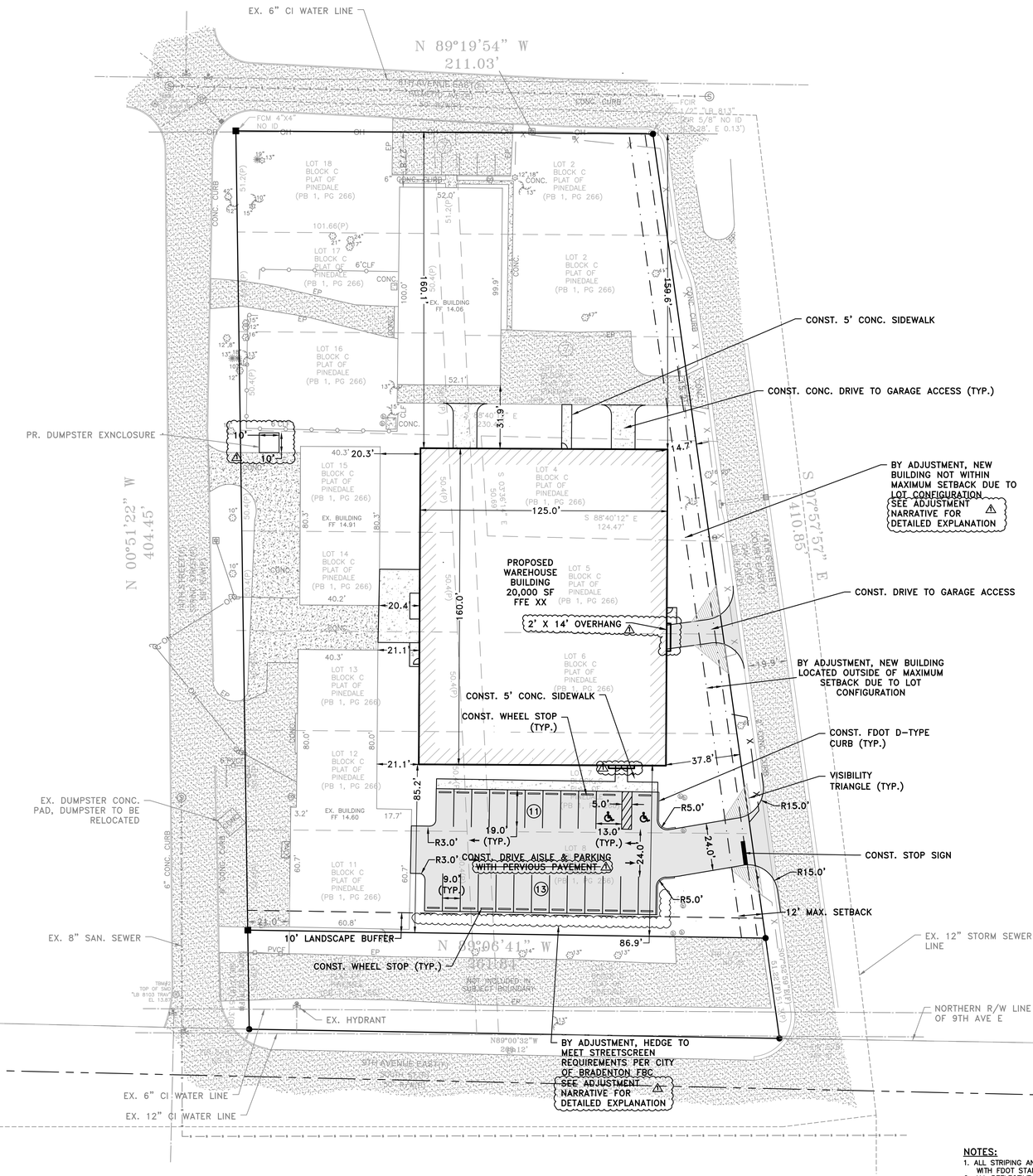
- DIRECTION OF FLOW
- 18.82 PROPOSED ELEVATION
- 18.87XX ELEVATION AT TOP OF FEATURE / 18.37XX ELEVATION AT BOTTOM OF FEATURE
- 23 NUMBER OF PROPOSED PARKING SPACES
- SILT FENCE
- PROPOSED SIDEWALK
- PROPOSED PAVEMENT
- PROPOSED TRUNCATED DOME DETECTABLE WARNING SURFACE
- TO BE REMOVED/DEMOLISHED

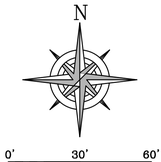
## LEGEND

- = ASPHALT PAVEMENT
- = CONCRETE PADS AND SIDEWALKS
- X = CHAINLINK FENCE LINES
- = 5/8" IRON ROD AND CAP, FOUND, NUMBER NOTED
- BENCHMARK
- 18.82 EXISTING GROUND ELEVATION
- GATE POST
- DRAINAGE STRUCTURE
- PROPANE METER
- FIRE HYDRANT
- WATER METER
- MISCELLANEOUS
- 6" OAK
- 12" PALM
- 24" PINE
- POWER/UTILITY WOOD POLE
- WATER VALVE
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- V 2"x3" VERIZON BOX
- S SANITARY MANHOLE
- CLEANOUT
- SANITARY SERVICE

## ABBREVIATIONS

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| ^ | ARC | M.E.G. | MATCH EXISTING GRADE |
| A/C | AIR CONDITIONER | MEP | MECHANICAL, ELECTRICAL & PLUMBING |
| AC. | ACRES | MES | MITERED END SECTION |
| ADA | AMERICANS WITH DISABILITIES ACT | MH | MANHOLE |
| AKA | ALSO KNOWN AS | MHWL | MEAN HIGH WATER LINE |
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| CB | CATCH BASIN | PB | PLAT BOOK |
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| CLF | CHAIN LINK FENCE | POB | POINT OF BEGINNING |
| CMP | CORRUGATED METAL PIPE | PREP | PREPARE |
| C.O. | CLEANOUT | PRM | PERMANENT REFERENCE MONUMENT |
| CONC. | CONCRETE | PROP. | PROPOSED |
| CONST. | CONSTRUCT | P.T. | POINT OF TANGENCY |
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| DEMO | DEMOLITION/DEMOLISH | RCW | RECLAIMED WATER |
| DEP | DEPARTMENT OF ENVIRONMENTAL PROTECTION | R/W | RIGHT-OF-WAY |
| DHW | DESIGN HIGH WATER | RES-6 | RESIDENTIAL-6 DWELLING UNIT |
| DIP | DUCTILE IRON PIPE | RNG | RANGE |
| DLW | DESIGN LOW WATER | R/O/R | RETAIL/OFFICE/RESIDENTIAL |
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| EP | EDGE OF PAVEMENT | SAN | SANITARY |
| EX. | EXISTING | SCH | SCHEDULE |
| (F) | FIELD MEASURED | SCO | SANITARY CLEAN-OUT |
| FDOT | FLORIDA DEPARTMENT OF TRANSPORTATION | SDR | STANDARD DIMENSION RATIO |
| FFE | FINISHED FLOOR ELEVATION | SEC | SECTION |
| FHA | FIRE HYDRANT ASSEMBLY | SF | SQUARE FEET |
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| GAV | GAS VALVE | TBR | TO BE REMOVED |
| GC | GENERAL COMMERCIAL | TC | TOP OF CURB |
| GM | GAS METER | TOB | TOP OF BERM |
| GV | GATE VALVE | TOS | TOE OF SLOPE |
| GW | GUY WIRE | TRANS | TRANSFORMER |
| HDPE | HIGH DENSITY POLYETHYLENE | TRAV | TRAVERSE POINT |
| H.P. | HIGH POINT | TWP | TOWNSHIP |
| INV | INVERT | TYP. | TYPICAL |
| (L) | LEGAL | UP | UTILITY POLE |
| LB | LICENSED BUSINESS | WF | WOOD FENCE |
| LBSL | LANDSCAPE BUFFER SETBACK LINE | WM | WATER METER |
| LF | LINEAR FEET | ± | MORE OR LESS |







LOCATION MAP
N.T.S.

CALL 811 SUNSHINE STATE ONE CALL OF FLORIDA www.callsunshine.com (800) 432-4770 MIN. 2 FULL BUSINESS DAYS BEFORE YOU EXCAVATE

## SITE DATA TABLE:

SITE LOCATION:
1415 9TH AVE E
BRADENTON, FL 34208

PROPERTY OWNER:
GENERAL PROPERTIES, LLC
1410 8TH AVE E
BRADENTON, FL 34208
941-782-3731

CIVIL ENGINEER & SURVEYOR:
TRANSYSTEMS
503 8TH AVE W
PALMETTO, FL 34221
941-722-4561

LEGAL DESCRIPTION:

LOTS 1 THROUGH 8, INCLUSIVE; LOTS 11 THROUGH 18, INCLUSIVE; ALSO THAT CERTAIN ALLEY LYING BETWEEN SAID LOTS; BLOCK C, PINEDALE SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 266, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

FLOOD ZONE: "X"
MAP PANEL ID: 12081C0306F
REVISED MAP: AUGUST 10, 2021

| PROJECT SUMMARY & SITE DATA: | | EXISTING | PROPOSED |
|---|---|---|---|
| TOTAL BUILDING AREA | = | 22,667 SF(23.7%) | 35,364 SF(36.9%) |
| TOTAL BUILDING (GFA) | = | 22,667 SF(23.7%) | 35,364 SF(36.9%) |
| TOTAL ASPHALT/CONC./SHELL AREA | = | 33,670 SF(34.9%) | 23,937 SF(25.0%) |
| TOTAL IMPERVIOUS AREA | = | 56,337 SF(58.8%) | 59,301 SF(61.9%) |
| TOTAL GREEN AREA | = | 39,453 SF(41.2%) | 36,489 SF(38.1%) |
| TOTAL PROJECT AREA | | 95,790 SF (2.20 AC) | |

ZONING: T4-O PROPOSED USE: I-L

LAND USE: WAREHOUSING

PIN: 3247400059, 3247000007, 3247200003

| BUILDING SETBACK REQUIREMENTS: | MIN. | MAX. |
|---|---|---|
| FRONT(EAST) | 4 FT | 12 FT |
| SIDE(SOUTH) | 0 FT | |

| OVERALL SETBACKS | MIN. | MAX. | PROPOSED |
|---|---|---|---|
| EAST | 4 FT | 12 FT | 14.7 FT |
| NORTH | 4 FT | 12 FT | 27.8 FT |
| SOUTH | 0 FT | | 85.4 FT |
| WEST | 4 FT | 12 FT | 21.0 FT |

NUMBER OF PARKING SPACES:
PROPOSED = 31 SPACES

NUMBER OF H.C. PARKING SPACES:
PROPOSED = 2 SPACES

NOTES:
1. SIGNAGE SHALL COMPLY WITH SECTION 4.12 OF THE CITY OF BRADENTON FORM BASED CODE
2. SOLID WASTE SERVICE PROVIDED BY CITY OF BRADENTON
3. SEWER SERVICE PROVIDED BY CITY OF BRADENTON
3. POTABLE WATER SERVICE PROVIDED BY CITY OF BRADENTON
4. PROJECT QUALIFIES FOR SWFWMD EXEMPTION, THERE WILL BE LESS THAN 4,000 SQUARE FOOT VEHICULAR USE AREA AND 9,000 SQUARE FOOT ADDITIONAL TOTAL IMPERVIOUS

NOTES:
1. ALL STRIPING AND PAVEMENT ARROWS TO BE PLACED IN ACCORDANCE WITH FDOT STANDARD INDEX 17346.
2. ALL REFLECTIVE PAVEMENT MARKERS TO BE PLACED IN ACCORDANCE WITH FDOT STANDARD INDEX 17352.

## STRIPING DETAILS

NTS

EXISTING CONDITIONS, AS DEPICTED, WERE TAKEN FROM **BOUNDARY AND TOPOGRAPHIC SURVEY**, PREPARED BY **TRANSYSTEMS**, LB **#8103**.

DATE OF FIELD SURVEY: **JANUARY 19, 2023**.

**BENCHMARK:** (1988 NAVD)
BENCHMARK #1
N = 1148738.2400 E = 478331.0800
NAIL AND DISK DENOTED "LB8103"
SET ON THE CENTER OF A SANITARY MANHOLE LID.
ELEVATION = 12.64 FEET

**BENCHMARK:** (1988 NAVD)
BENCHMARK #2
N = 1148287.5900 E = 478341.8000
NAIL AND DISK DENOTED "LB8103"
SET ON THE CENTER OF A SANITARY MANHOLE LID.
ELEVATION = 13.87 FEET

| REV.# | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

DESIGN: HV
DRAWN: HV
CHECKED: CC

TRANSYSTEMS
503 8TH AVE WEST
PALMETTO, FL 34221
PHONE 941.722.4561
WWW.TRANSYSTEMS.COM

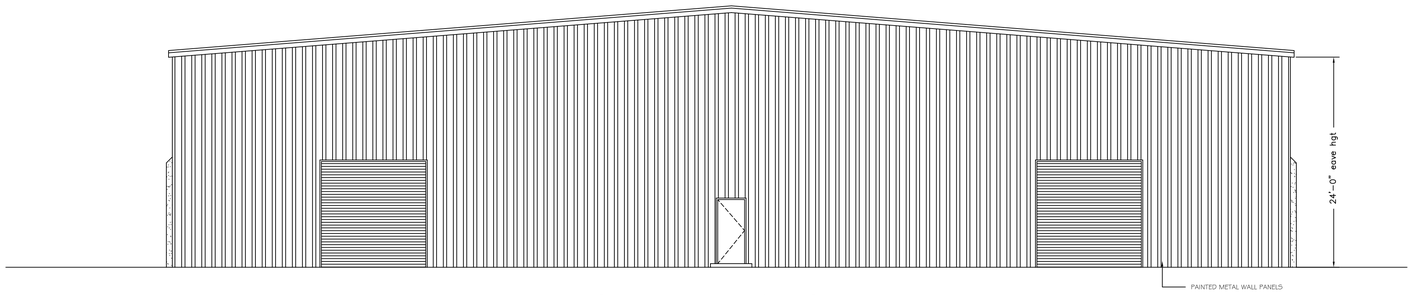
GENERAL PROPELLER EXPANSION
SITE PLAN
BRADENTON FLORIDA

I, CHRISTOPHER A. CHIN, HEREBY CERTIFY AS A LICENSED PROFESSIONAL ENGINEER, REGISTERED IN ACCORDANCE WITH FLORIDA STATUTE 471 (481) THAT THE ABOVE PROJECT'S SITE AND/OR CONSTRUCTION PLANS, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, WILL MEET APPLICABLE DESIGN CRITERIA SPECIFIED BY CITY MUNICIPAL ORDINANCE, STATE AND FEDERAL ESTABLISHED STANDARDS. I UNDERSTAND THAT IT IS MY RESPONSIBILITY AS THE PROJECT'S PROFESSIONAL ENGINEER TO PERFORM A QUALITY ASSURANCE REVIEW OF THESE SUBMITTED PLANS.

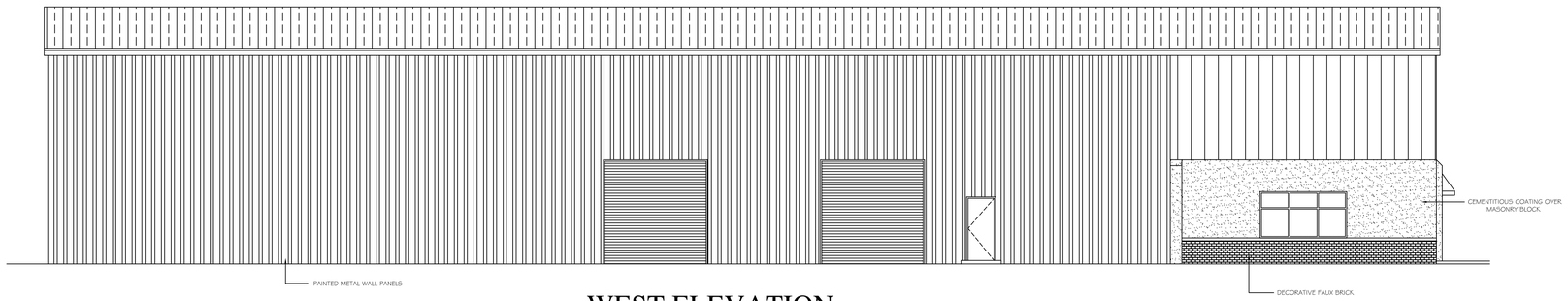
CHRISTOPHER A. CHIN, P.E. 84365

WORK ORDER NO. 2022-48
DATE: JANUARY 02, 2023
SCALE: 1" = 30'
SHEET NO. 3 OF 3

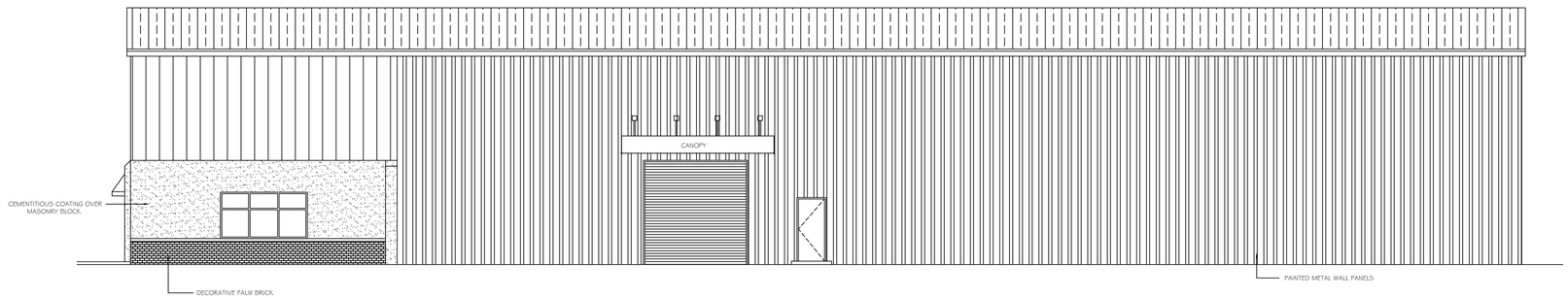
Aug 08, 2023 - 12:20pm \\CAD Projects_SER_X Drive\2023\2022-48 General Propeller Expansion 1410 8th Ave E & 1415 9th Ave E\Engineering\Civil\CONSTRUCTION PLANS\2022-48-GENERAL PROPELLER-SP.dwg



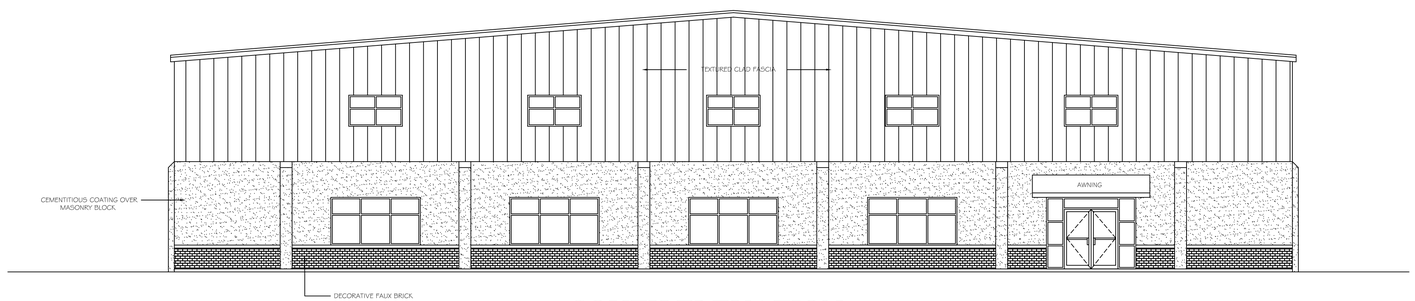

## NORTH ELEVATION
SCALE : 1/8 = 1'-0"




## WEST ELEVATION
SCALE : 1/8 = 1'-0"




## EAST ELEVATION
SCALE : 1/8 = 1'-0"




## SOUTH ELEVATION
SCALE : 1/8 = 1'-0"

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FILE :

REVISIONS

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John A. Ziemnicki, A.I.A.
FL 12518 SC 3558 IL 11783 TN 23111
www.WDIArchitects.com
ARCHITECTURE

NEW BUILDING FOR;

# GENERAL PROPELLER

1410 8th AVENUE EAST
BRADENTON, FLORIDA

STATE OF FLORIDA
ANDREW ZIEMNICKI
REGISTERED ARCHITECT
No. AR0012518

Job No. 23-09
Date 7-31-23
Sheet No.
A-2
of 2

City of Bradenton
Planning and Community Development Department
City Council Public Hearing
October 11, 2023

# Staff Report

**Case Number:** SU.23.3543 / Resolution 23.77
**Applicant:** Brian J. Aungst, Jr., Esq, agent for General Properties
**Address:** 1410 8th Avenue East and 1415 9th Avenue East
**Parcel ID:** 3247400059, 3247200003 and 3247000007
**Zoning:** T4-O (General Urban Open)
**FLUM:** UCC (Urban Commercial Corridor)
**Flood Zone:** X

**Surrounding Properties:**
Zoning:
- North: T4-R (General Urban Restricted)
- South: T4-O (General Urban Open)
- East: T4-O (General Urban Open)
- West: T4-O (General Urban Open)

Future Land Use:
- North: RESMED (Medium Density Residential)
- South: UCC (Urban Commercial Corridor)
- East: UCC (Urban Commercial Corridor)
- West: UCC (Urban Commercial Corridor)

**Summary of Request**
The applicant is seeking approval of a Special Use Permit to expand an existing "Light Industrial Facility" use on property located at 1410 8th Avenue East and 1415 9th Avenue East, also identified as Parcel Numbers 3247400059, 3247200003 and 3247000007. The property currently operates as General Propeller, who is a leader in the marine industry since 1945.

The subject property is zoned T4-O (General Urban Open), with a Future Land Use of UCC (Urban Commercial Corridor). The site is approximately 2.24 acres in size.

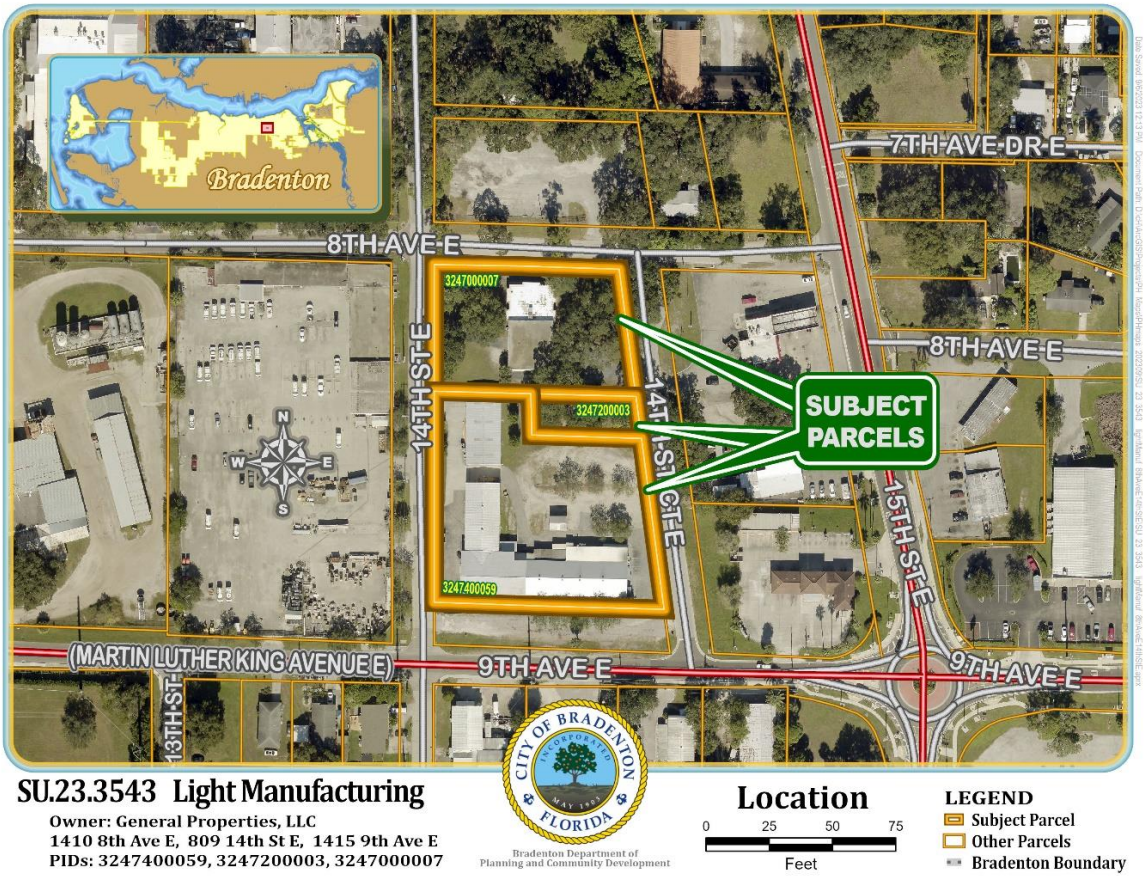
According to Table 4.7 of the Form Based Code, Light Industrial Facility uses are a Special Use in the T4-O zoning district.

*Figure 1: Form Based Code – Table 4.7*

| j. OTHER: INDUSTRIAL | T3 | T4-R | T4-O | T5 | T6 | SD |
|---|---|---|---|---|---|---|
| Heavy Industrial Facility | | | | | | P |
| Light Industrial Facility | | | SU | SU | | P |

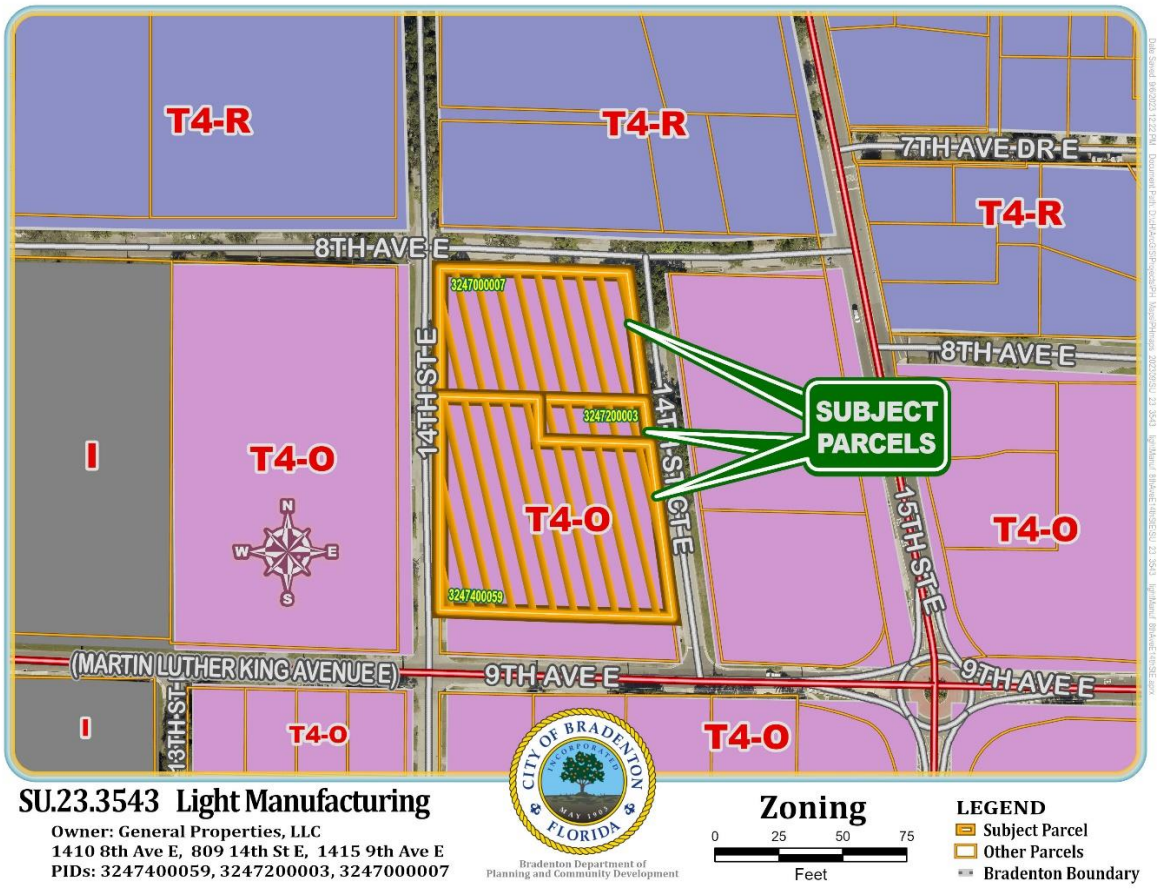
The subject property currently contains existing buildings and an asphalt area. The applicant is proposing to remove one of the buildings and construct a new 20,000 square foot, 2-story building and a 24-space off-street parking lot.

*Figure 2: Aerial Image*



The proposed project, if approved, will allow for the applicant to move forward with removing an aging building on the subject property and construct a new warehouse building to meet their expansion needs.

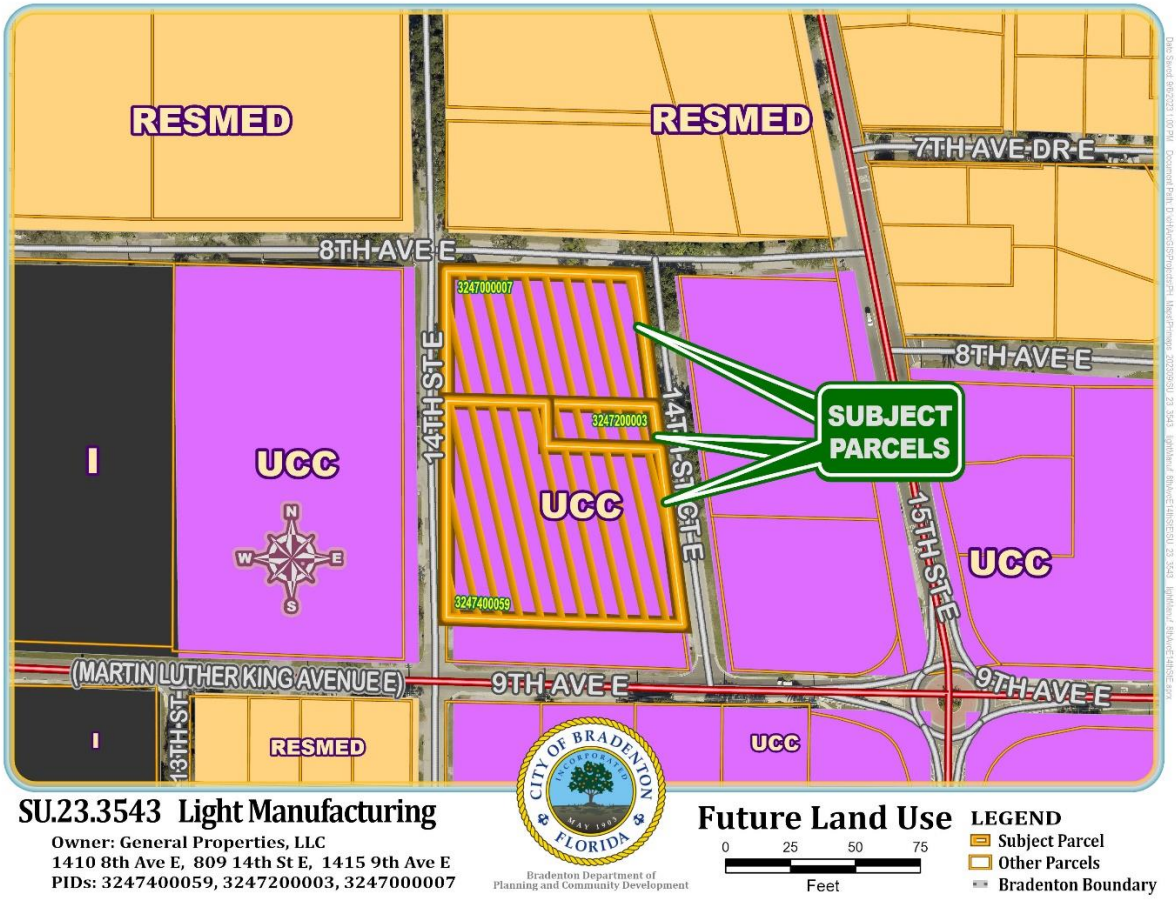
*Figure 3: Neighboring Zoning*




The subject properties have frontages along 8th Avenue East, 9th Avenue East, 14th Street East and 14th Street Court East. Use types surrounding the subject property can be classified as Commercial, Light Industrial, and Warehousing due to the nature of the service provided.

The underlying Future Land Use of the subject properties is UCC (Urban Commercial Corridor). This district permits most uses, including residential, government services, churches, and hospitals. Auto oriented uses such as auto sales, open storage, and gas stations are prohibited. The existing use type is not listed as a prohibited use type in the Future Land Use UCC classification.

*Figure 4: Neighboring Future Land Use*




## Compliance Overview with Land Use Regulations

Land uses requiring Special Use Permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special uses are permitted only if the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The Special Use Permit makes the stipulations of approval mandatory. The Special Use Permit is valid for the property on which it is issued for as long as the conditions are met, unless the approval stipulates otherwise.

The following is a list of required Land Use Regulations subject to review for Special Use Permits:

## GENERAL STANDARDS (LAND USE REGULATIONS)

3.3.1 *General standards.* All special uses shall comply at minimum with the following standards. Additional requirements may be made by city council to ensure compatibility of uses.

3.3.1.1 All special uses shall be subject to the general regulations of these LURs for single lot development, structures, lots, yards and vehicular use areas as well as the specific dimensional regulations for lots and structures for the zoning district in which the special use is proposed.

3.3.1.2 A landscaped separation strip of at least ten feet in width shall be provided along all property lines and along all streets serving the premises, except at approved access points.

*Staff Response: The proposed use/expansion meets the subject requirement.*

3.3.1.3 If the use is listed as a specific use in section 4.3, the standards of that section must be met.

## REVIEW CRITERIA (LAND USE REGULATIONS):

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 development.

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.

3.3.2.5 The following shall be considered and cited as reasons for approval or denial of the application:

a. 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.

   *Staff Response: The property will have multiple points of ingress/egress from 14th Street Court East that appear to accommodate the uses needs.*

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

   *Staff Response: It appears that the layout of the off-street parking and loading areas should not negatively impact neighboring properties. It appears the new layout provides better traffic control measures for vehicles entering and exiting the property.*

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

   *Staff Response: Any refuse facility including the dumpster location is required to comply with all City requirements and is subject to approval of Public Works through permitting. There may be adjustments in the dumpster location shown on the current site plan to accommodate these requirements.*

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

   *Staff Response: The proposed project will utilize existing utilities.*

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

   *Staff Response: The proposed use does not introduce any outstanding nuisances or hazards and appears to be generally*

*compatible with surrounding uses. The parking area will be required to be screened using a combination of fencing and landscaping, unless an administrative adjustment is approved by the Planning Director.*

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

*Staff Response: Any lighting or signage shall be in accordance with the City of Bradenton's requirements. Plan review during the building permit process will ensure compliance with applicable standards.*

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

*Staff Response: It appears that the proposed use will not adversely affect the economic value of surrounding properties. The new building will replace an aging structure.*

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

*Staff Response: The land is adequate to accommodate the proposed use and related improvements while meeting City standards for site design.*

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

*Staff Response: The proposed use is appropriate and represents an expansion of the existing use. There are no external components to the use that would create a new incompatibility with nearby properties.*

j. Environmental quality of the district in which the use is proposed and the effect the special use permit might have on such quality.

*Staff Response: It appears that there will be no negative impacts to the existing environmental quality of the district as a result of the proposed project since the use already exists on the property.*

k. Consistency with the city's comprehensive plan.

*Staff Response: The existing land use is not listed as a prohibited use in the Future Land Use designation of Urban Commercial Corridor.*

** Please see the application materials for the applicant's response to the Review Criteria.

**Staff Recommendation:**
Based on Staff's findings in response to the review criteria established for a Special Use permit, Staff recommends **Approval of Case SU.23.3543 with the following stipulations:**

1. The site plan shall be reviewed through the Site Improvement Permit (SIP) process and the standard building and zoning review process. Any deviations from the Form Based Code are subject to administrative adjustments or are subject to the variance procedure outlined in Section 1.10 of the Form Based Code.
2. Off-street parking must be screened per the Form Based Code, unless an administrative adjustment is granted.
3. Building must meet the design requirements of the Form Based Code, unless an administrative adjustment is granted.

**On September 20, 2023, Planning Commission recommended approval of Case SU23.3543 with the above listed stipulations (vote 6-0).**

Respectfully submitted,

Gregory J. DeLong
Assistant Director of PCD

**Exhibits:**

Exhibit 1: Location Map

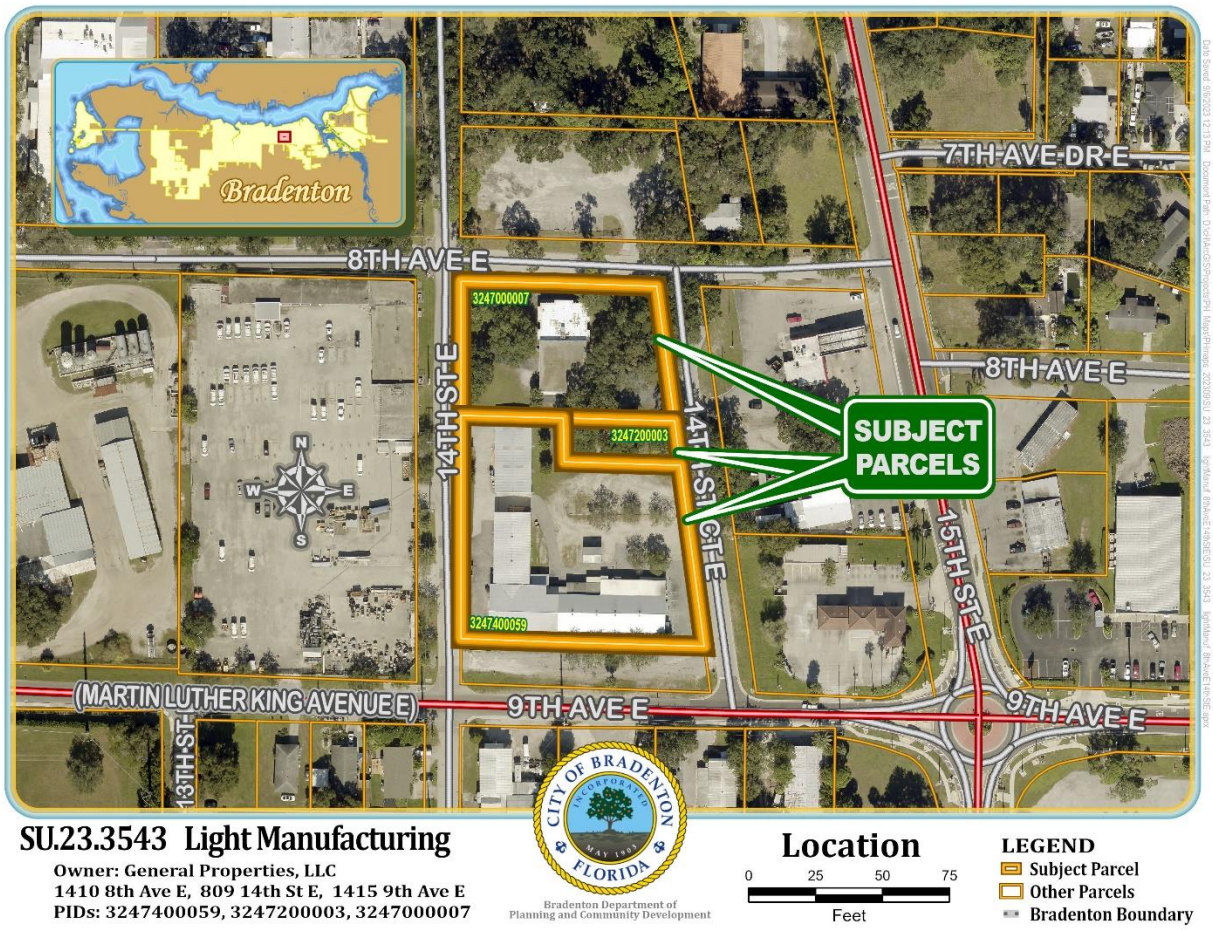
Exhibit 2: Future Land Use Map

Exhibit 3: Zoning Map

Exhibit 4: Special Use Site Plan

Exhibit 5: Special Use Elevations

## Exhibit 1: Location Map




**SU.23.3543 Light Manufacturing**

**Owner: General Properties, LLC**
**1410 8th Ave E, 809 14th St E, 1415 9th Ave E**
**PIDs: 3247400059, 3247200003, 3247000007**

CITY OF BRADENTON INCORPORATED MAY 1903 FLORIDA

Bradenton Department of Planning and Community Development

**Location**

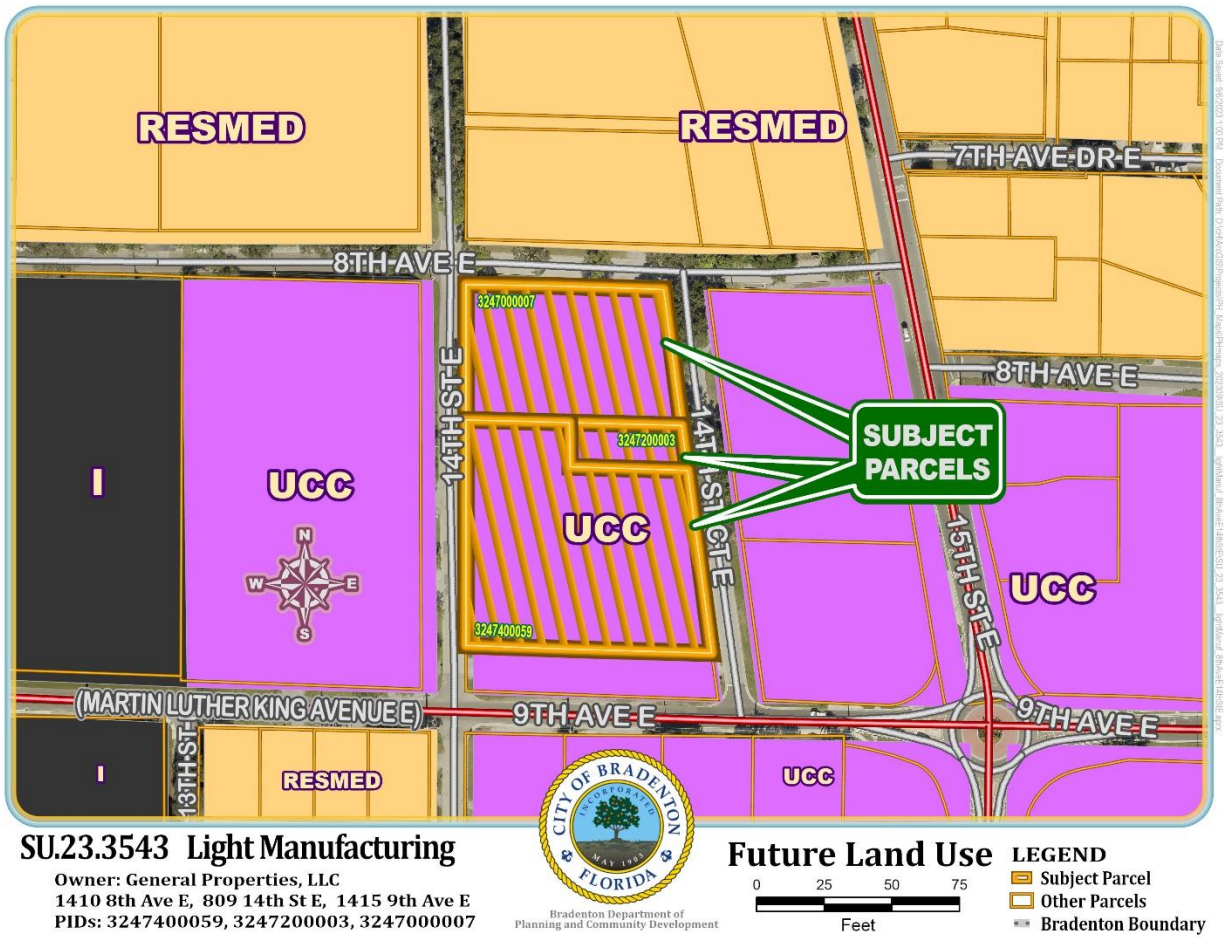
0 25 50 75

Feet

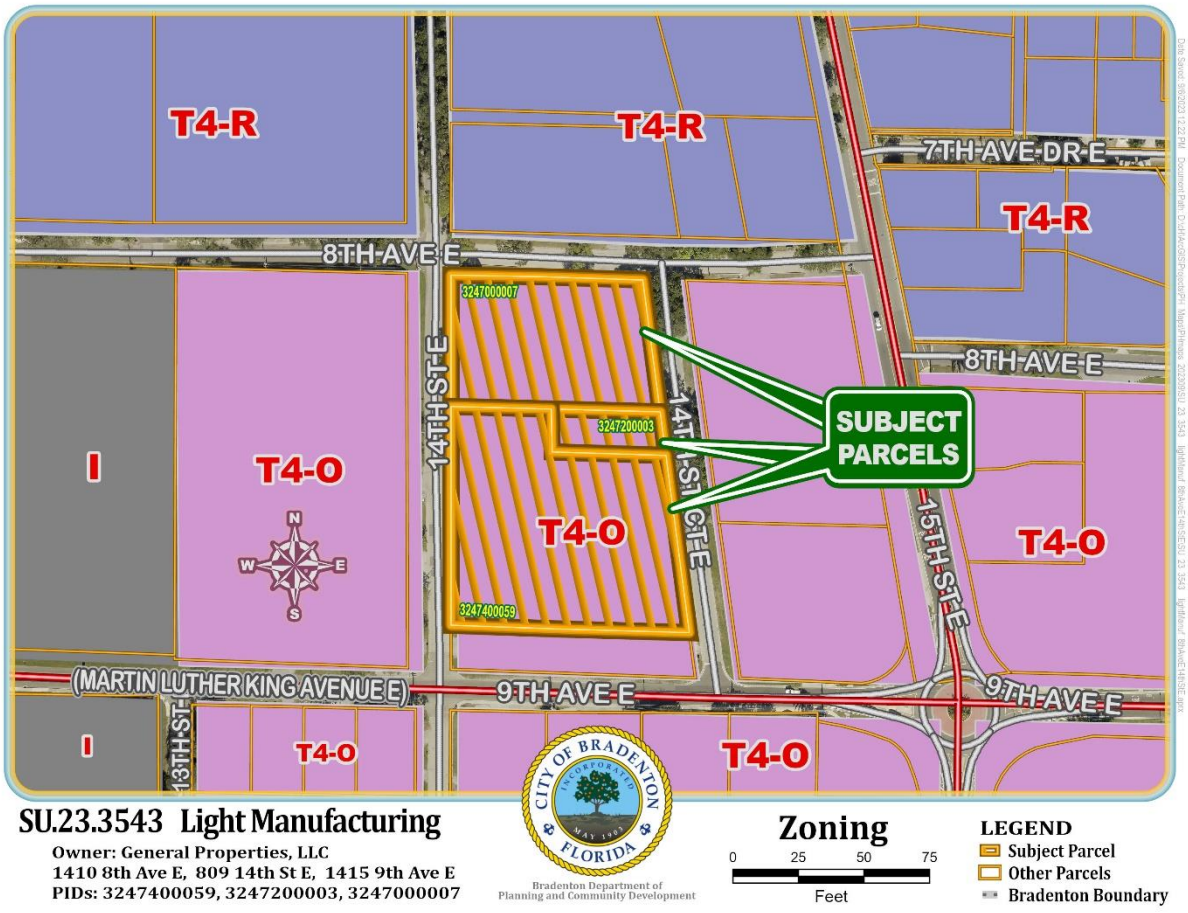
**LEGEND**

- Subject Parcel
- Other Parcels
- Bradenton Boundary

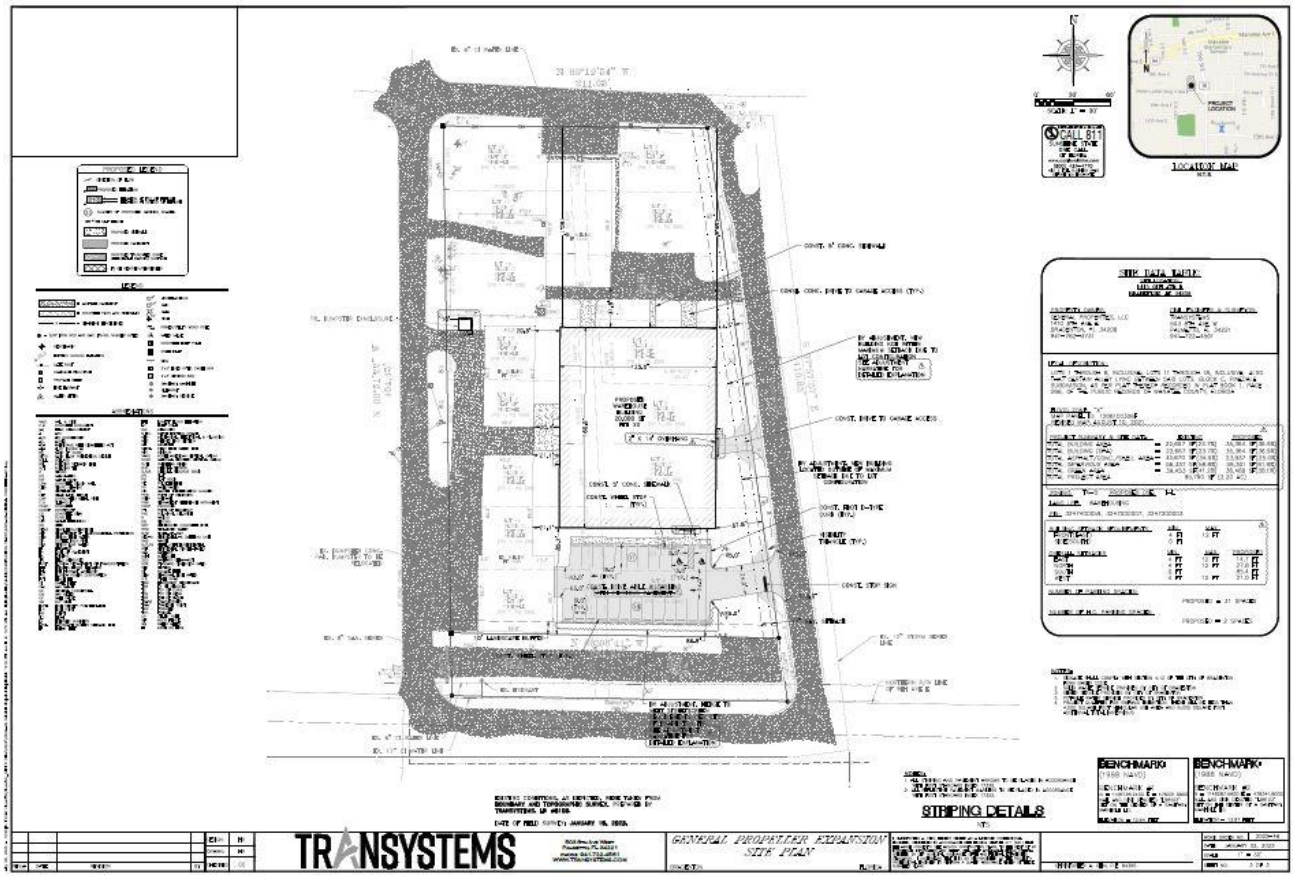
## Exhibit 2: Future Land Use Map



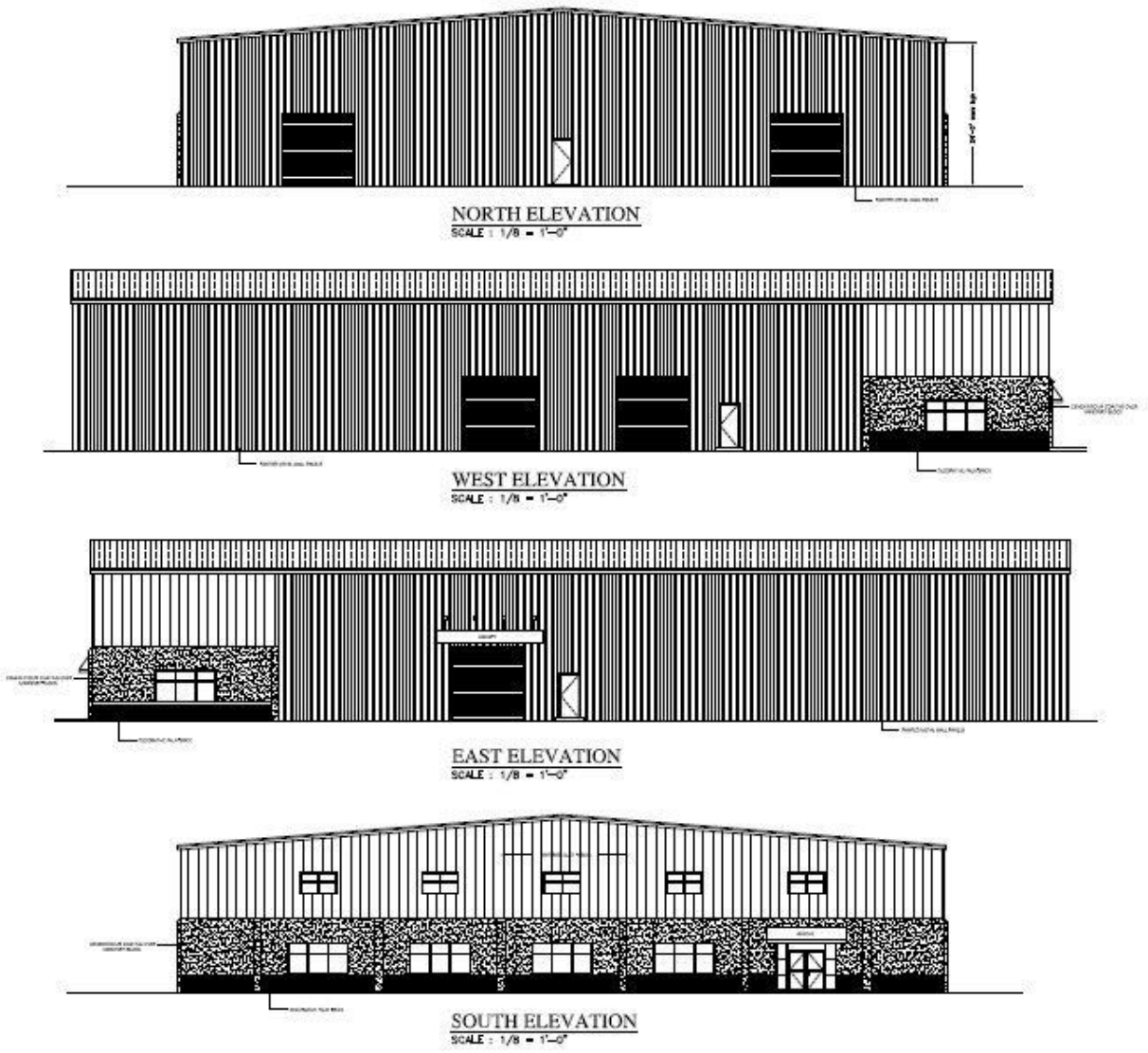
## Exhibit 3: Zoning Map



# Exhibit 4: Special Use Site Plan



# Exhibit 5: Special Use Elevations



# CITY COUNCIL
# October 11, 2023

## Case: SU.23.3543
## Resolution: 23.77

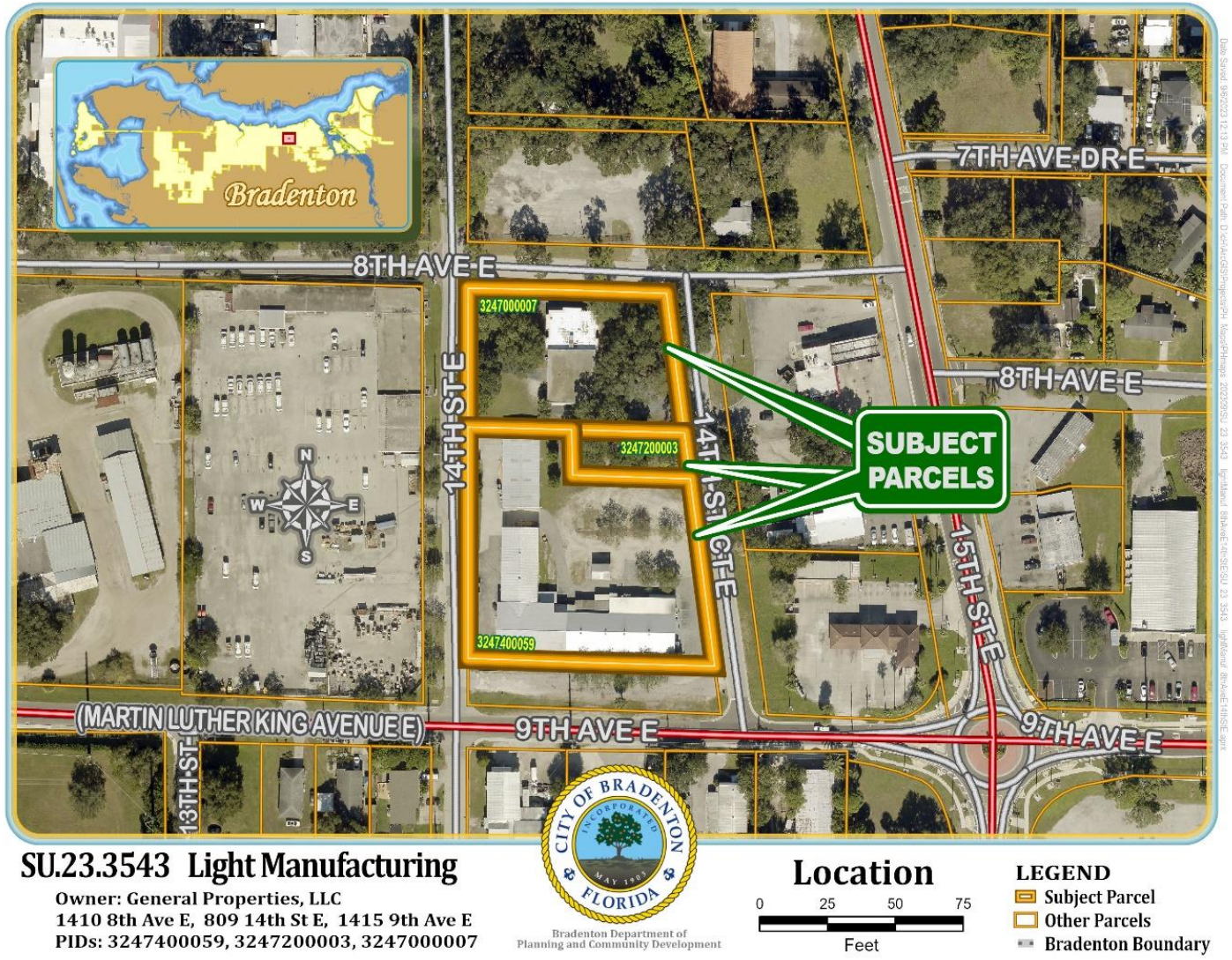
Request for the expansion of a light manufacturing facility located at 1410 8th Avenue East and 1415 9th Avenue East.

Staff Contact: Greg DeLong; Asst. PCD Director

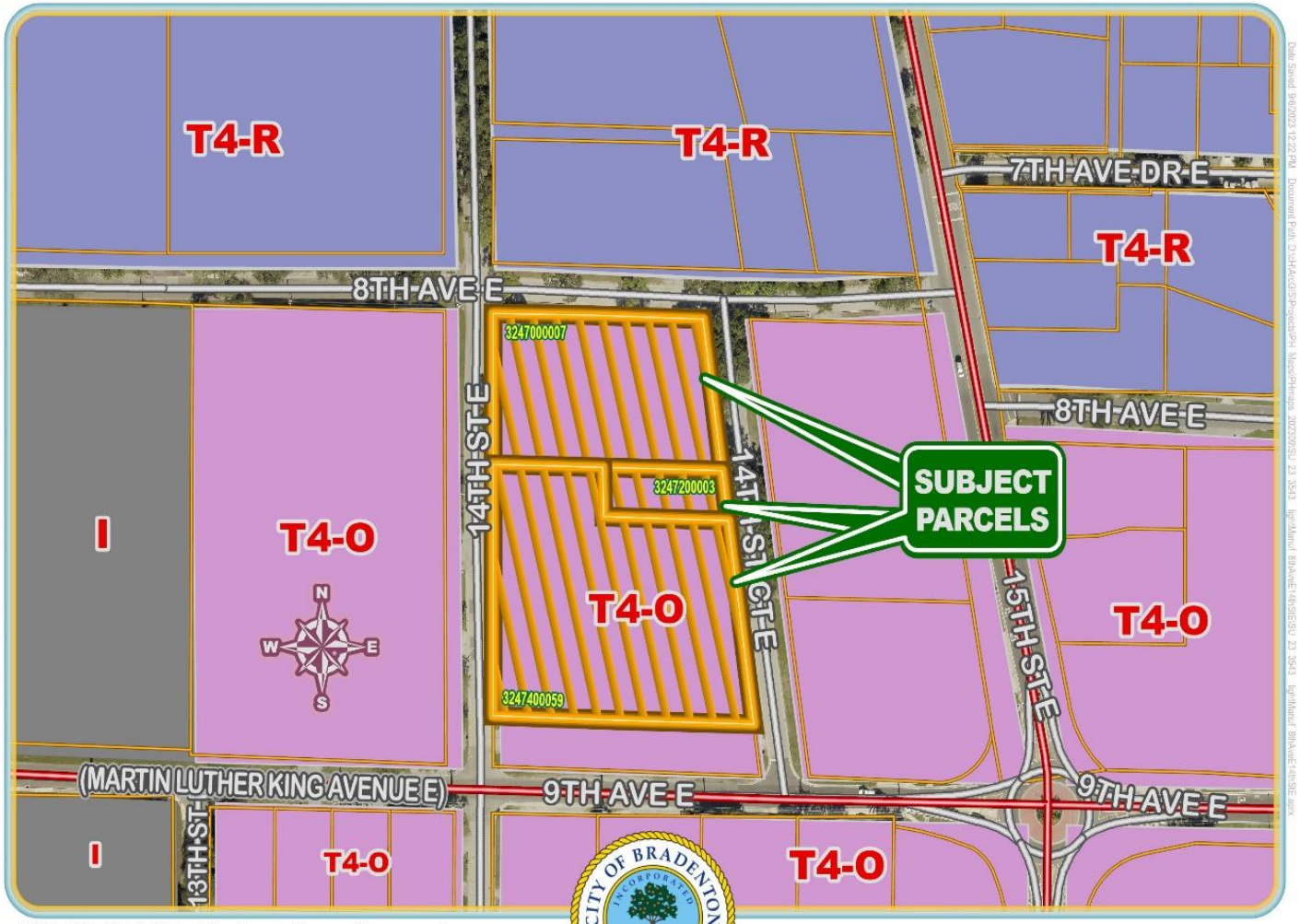
# Case Information

- Applicant: Brian J. Aungst Jr., Esq., agent
- Addresses: 1410 8th Avenue East & 1415 9th Avenue East
- Parcel ID Nos: 3247400059, 3247200003, and 3247000007
- Acreage: 2.24 acres
- Current Zoning: T4-O (General Urban Open)
- FLUM Zoning: UCC (Urban Commercial Corridor)
- Existing Use: Light Manufacturing Facility
- Purpose: Construct a new 20,000 sq. ft. light manufacturing facility with off-street parking

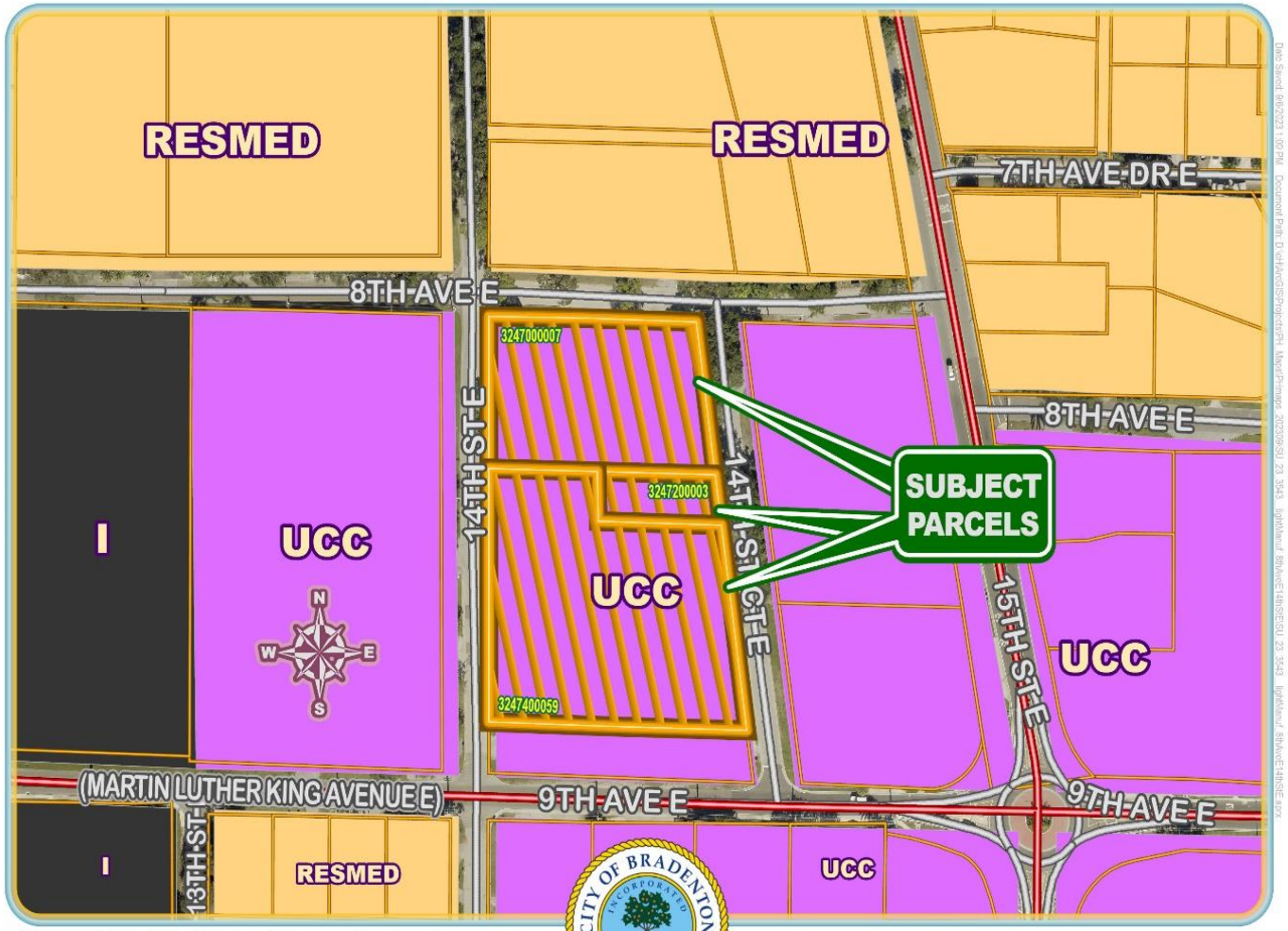
# Location Map



# Zoning Map


T4-R
T4-R
T4-R
7TH AVE DR E
8TH AVE E
8TH AVE E
3247000007
3247200003
3247400059
SUBJECT PARCELS
I
T4-O
T4-O
T4-O
14TH ST E
15TH ST E
(MARTIN LUTHER KING AVENUE E)
9TH AVE E
9TH AVE E
13TH ST
I
T4-O
T4-O
N
W
E
S
SU.23.3543 Light Manufacturing
Owner: General Properties, LLC
1410 8th Ave E, 809 14th St E, 1415 9th Ave E
PIDs: 3247400059, 3247200003, 3247000007
CITY OF BRADENTON INCORPORATED MAY 1903 FLORIDA
Bradenton Department of Planning and Community Development
Zoning
0 25 50 75
Feet
LEGEND
Subject Parcel
Other Parcels
Bradenton Boundary

# Future Land Use Map




**SU.23.3543 Light Manufacturing**

Owner: General Properties, LLC
1410 8th Ave E, 809 14th St E, 1415 9th Ave E
PIDs: 3247400059, 3247200003, 3247000007

# Proposed Request

- Applicant is requesting to construct:
  - New 20,000 square foot building
  - 24-space off-street parking lot

- Subject property is located within the city's Form Based Code Area:
  - Light Manufacturing Facility is listed as a Special Use
  - Special Uses require City Council approval

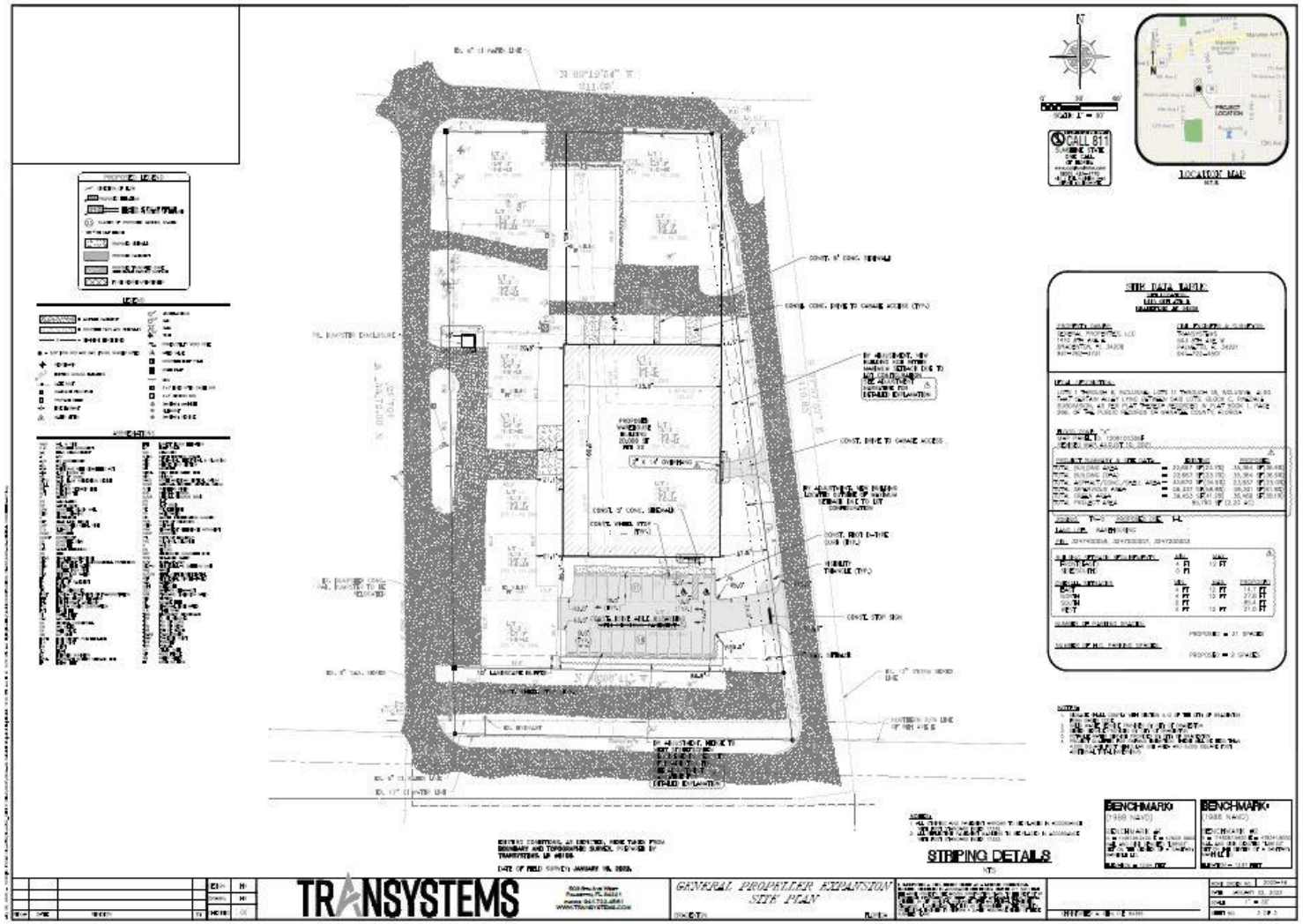
- Subject property is home to General Propeller, who has been in business since 1945.

- Future Land Use (UCC) does not prohibit the subject use type.

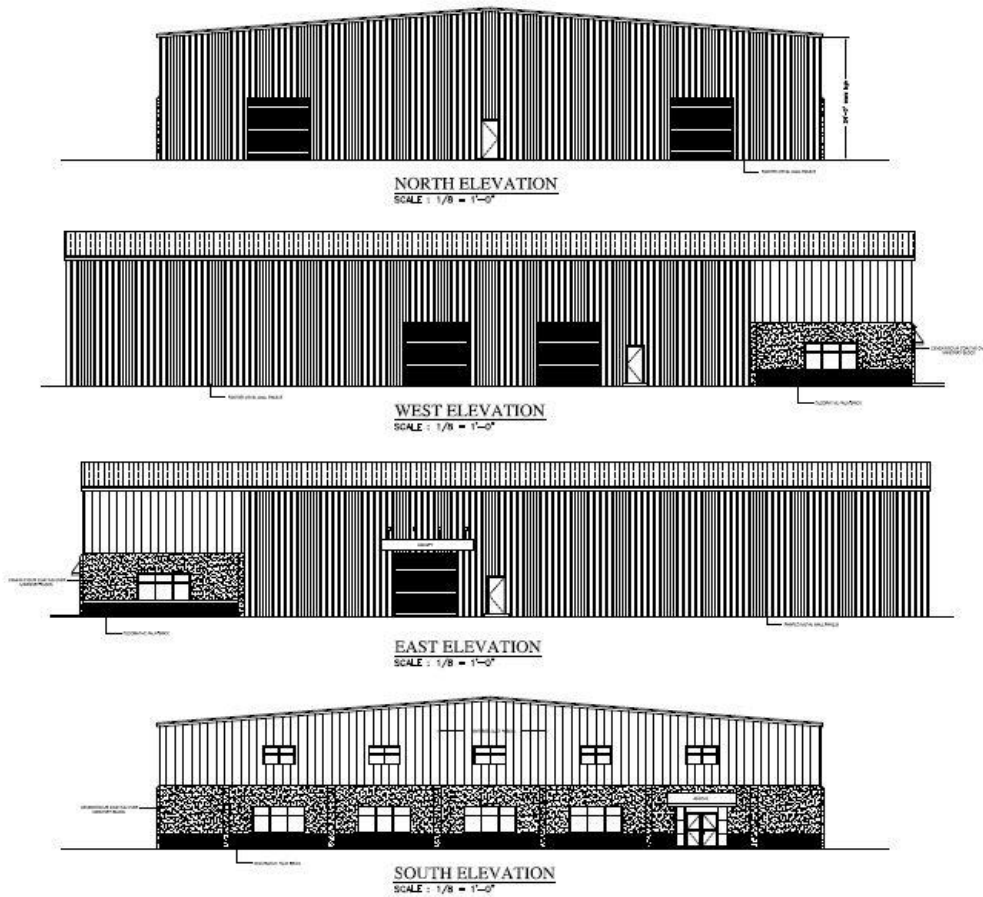
Form Based Code Use Table

| j. OTHER: INDUSTRIAL | T3 | T4-R | T4-O | T5 | T6 | SD |
|---|---|---|---|---|---|---|
| Heavy Industrial Facility | | | | | | P |
| Light Industrial Facility | | | SU | SU | | P |

# Proposed Request




Proposed Site Plan




Proposed Elevations

# Current Conditions



Looking west from 14th Street Court East

# Current Conditions



Looking southwest from 8th Avenue East

# Current Conditions



Looking south from 8th Avenue East

# General Special Use Standards

3.3.1 *General standards.* All special uses shall comply at minimum with the following standards. Additional requirements may be made by city council to ensure compatibility of uses.

3.3.1.1 All special uses shall be subject to the general regulations of these LURs for single lot development, structures, lots, yards and vehicular use areas as well as the specific dimensional regulations for lots and structures for the zoning district in which the special use is proposed.

3.3.1.2 A landscaped separation strip of at least ten feet in width shall be provided along all property lines and along all streets serving the premises, except at approved access points.

*Staff Response: The proposed use/expansion meets the subject requirement.*

3.3.1.3 If the use is listed as a specific use in section 4.3, the standards of that section must be met.

# Required Criteria

3.3.2.5 The following shall be considered and cited as reasons for approval or denial of the application:

A. 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.
B. Location and design of off-street parking and loading areas in regard to the items in "a." above and the smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties.
C. Location and design of refuse and service areas in regard to availability, adequacy and effect upon surrounding properties.
D. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties.
E. Screening, buffering or separation of any nuisance or hazardous feature of the use.
F. Proposed signs and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.
G. Effect upon the value of surrounding properties; the use shall not hinder the development of nearby vacant properties or adversely affect their economic value.
H. Adequacy of land and/or building which are to be used.
I. General compatibility or appropriateness with adjacent properties and other property in the district with special consideration given to the proposed hours of operation.
J. Environmental quality of the district in which the use is proposed and the effect the special use permit might have on such quality.
K. Consistency with the city's comprehensive plan.

# Staff Recommendation

Based on Staff's findings in response to the review criteria established for a Special Use permit, Staff recommends **Approval of Case SU.23.3543 with the following stipulations**:

1. The site plan shall be reviewed through the Site Improvement Permit (SIP) process and the standard building and zoning review processes. Any deviations from the Form Based Code are subject to administrative adjustments as outlined in Section 1.10 of the Form Based Code.
2. Off-street parking must be screened per the Form Based Code, unless an administrative adjustment is granted.
3. Building must meet the design requirements of the Form Based Code, unless an administrative adjustment is granted.

**On September 20, 2023, Planning Commission recommended approval with the above listed stipulations (vote 6-0).**

# ABBREVIATED MINUTES
# PLANNING COMMISSION MEETING
## September 20, 2023

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida at 2:00 p.m.

**PRESENT**

**Planning Commission Members:** Ben Bakker-Chair, Michael Jones, Michael Neal, Kurt Landefeld, Richard Whetstone, Keith Green-Alternate.
**City Staff:** Scott Rudacille-City Attorney, Robin Singer-Planning and Community Development Director, Greg DeLong-Asst. Director, Planning and Community Development, Jamie Schindewolf-Senior Planner, Lori Brunner-Planning and Community Development Administrative Assistant, Timothy Hochuli-Plans Examiner.

**REGULAR MEETING**

1. Meeting was called to order by the Planning Commission Chair, Ben Bakker at 2:01 p.m.
2. Pledge of Allegiance.
3. Roll Call
4. Motion to approve the July 19, 2023 Meeting Minutes by Commissioner Whetstone and seconded by Commissioner Landefeld.

**PUBLIC COMMENT**
No speakers came forward to speak on non-agenda items.

**AGENDA ITEMS:**

1. Adjustment Request: Case Number AD.23.2988: Resolution granting a Form Based Code adjustment for an additional wall sign to be located on the north façade, and for a sign band to be located on the second level of the parking garage on the south and west facades, of a building located at 1001 3rd Avenue West (Parcel ID 3291400004) in the T6 (Urban Core) zoning district. Application filed by 3rd Avenue Associates.

**Staff Recommendation:** Jamie Schindewolf spoke on behalf of the City. Staff recommends approval.

**Applicant:** Kaley Grimes, 3rd Avenue Associates representative. Asking for variance to allow signage for this newer project.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

Chair Bakker recused himself as he is employed by the NDC Company.

DRAFT

**Motion:** Commissioner Green motioned to approve. Commissioner Neal seconded the motion. Motion passed 5 to 1, with recusal of Chair Bakker.

2. Variance Application: Case Number VA.23.2946: Request to increase the square footage of an existing accessory structure, located in the front yard of the property at 2712 2nd Avenue West (Parcel ID 3456400109) in the R-1 (Low Density Single Family) zoning district. Application filed by property owner Jeremy Hammond.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends denial of the variance based on the criteria.

**Applicant:** Jeremy Hammond, 2712 2nd Avenue West, asking to enclose porch area. The building looks well for the area, which was built in 1917. This will be to increase square footage of the building.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

**Motion:** Commissioner Landefeld motioned to approve. Commissioner Green seconded. Motion passed unanimously.

3. Variance Application: Case Number VA.23.3571: Request to reduce the minimum driveway distance for two separate driveways from the intersection of 31st Street N.W. and Riverview Boulevard and to increase the driveway width at the property line along 31st Street N.W. for property located at 3102 Riverview Boulevard (Parcel ID 3491000059) in the R-1 (Low Density Single Family) zoning district. Application filed by property owner Sloan Properties Group, LLC, Daniel Sloan, Manager.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends denial of the variance based on the criteria.

**Applicant:** Daniel Sloan, Sloan and Sloan Architects, 3102 Riverview Boulevard, and Sloan Properties Group. Mr. Sloan gave a presentation with handouts as well as his background of his education and experience. He stated that their goal is to minimize the destruction of trees and also increase the driveway area. They are also asking that the City change the requirements to 30 feet so that applicants in the future would not have to go through this process.

Chair Bakker asked Mr. DeLong about widening the apron for access. Mr. DeLong, stated that it is a possibility, but it is up to the applicant.

**Public Comment:** Chair Bakker opened the Public Hearing.

DRAFT

Carl Callahan, 114 25th Street West, Bradenton, is for approval of this variance with the circular driveway.

**Motion:** Commissioner Jones motioned to approve with stipulations. Commissioner Neal seconded. Motion passed unanimously.

4. Special Use Permit: Resolution 23-76, Case Number SU.23.3297: Request for a Special Use Permit for a Drive-Thru Restaurant facility to be located at 109, 116 and 118 10th Avenue East (Parcel ID Numbers 4620200008, 4622000000 and 4621900002) in the T4-O (General Urban Open) zoning district. Application filed by Robert Schmitt, agent for 101 Partners, LLC.

**Staff Recommendation:** Jamie Schindewolf spoke on behalf of the City. Staff recommends approval with stipulations.

The Commissioners briefly discussed the parking access.

**Applicant:** Robert Schmitt, P. O. Box 20115, Bradenton, agent for 101 Partners, LLC. Mr. Schmitt went over the plans for the parking areas and also stated that the project is consistent with the area.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

**Motion:** Commissioner Green motioned to approve with stipulations as submitted. Commissioner Neal seconded. Motion passed unanimously.

5. Special Use Permit: Resolution 23.77, Case Number SU.23.3543: Request filed for a Special Use Permit for the expansion of a light manufacturing use located at 1410 8th Avenue East and 1415 9th Avenue East (Parcel ID Numbers 3247400059, 3247200003, and 3247000007) in the T4-O (General Urban Open) zoning district. Application filed by Brian J. Aungst, Jr., Esq, agent for General Properties.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends approval with stipulations.

**Applicant:** Clay Gillman, on behalf of General Properties, 65 Court Street, Florida. This request is to remove the existing building and rebuild a new facility. They are working through the stipulations, and feel that this project is a big improvement for the site.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

**Motion:** Commissioner Landefeld motioned to approve. Commissioner Green seconded with current stipulations. Motion passed unanimously.

DRAFT

6. Special Use Permit: Resolution 23.78, Case Number SU.23.3623: Request filed for a Special Use Permit to construct a new 250-foot communications tower and shelter for property located at 1801 5th Street West (Parcel ID 4493800159) in the R-2 (Medium Density, 1 & 2 Family) zoning district. Application filed by John Hamel, agent and Manatee County Radio Division Manager for Manatee County Government.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends approval with specifications.

**Applicant:** Marshall Robinson, Staff Planner, Manatee County. Was there to help with any zoning questions on relocating the tower.
John Hamel, 1801 5th Street West, Manatee County Radio Division Manager. Answered Commissioner Green's question about which wireless carrier the existing tower has and will the new tower also have the same. Mr. Hamel stated that this is part of a 10-tower system located throughout the County that will provide public safety communications for the City of Bradenton, Police, Fire, Manatee County Government, Palmetto, West Bradenton, EMS, MSO, etc. The tower needs to be moved due to the construction project at the County parking garage. The location of the new tower is based on specific criteria.

Commissioner Landefeld asked if the new tower will be a Cat 5. Mr. Hamel stated that, yes, it will be, as are all of the 10 towers. They are part of the Public Safety infrastructure.

**Public Comment:** Chair Bakker opened the Public Hearing.

Bruce Cotellis, 1908 39th Street. Mr. Cotellis also owns other properties within the County. He opposes the building of the tower.

**Applicant:** Mr. Hamel addressed the concerns of Mr. Cotellis including the special requirements by design that will be met, such as lights on the tower and self-collapsing features during an emergency.

Commissioner Neal asked again about self-collapsing. Mr. Hamel discussed it further.

Police Chief Bevan added that the tower needs to be somewhere for Public Safety for communication. She said the tower would not affect law enforcement and she has no concerns with policing.

**Motion:** Commissioner Green motioned to approve. Commissioner Whetstone seconded. Motion passed unanimously

7. Amendment to the Form Based Code: Ordinance 4017, Case LU.23.3494: Request by the City of Bradenton creating Article 1, Section 1.12, Building Height Incentives, of the Bradenton Form Based Code, to provide a time limited height incentive in the T5 and T6 zoning districts.

DRAFT

Robin Singer presented the Form Based Code amendment and discussed the purpose of the amendment.

The Commission discussed the specifics of the amendment.

**Public Comment:** Chair Bakker opened the Public Hearing.

Carl Callahan, 114 25th Street West, Bradenton. He has spoken to staff quite a bit over the years about this subject. He is glad this is being looked at.

**Motion:** Commissioner Landefeld motioned to approve as submitted, with suggestions for staff. Commissioner Green seconded. Motion passed unanimously.

8. Amendment to the Land Use Regulations and Form Based Code: Ordinance 4018, Case LU.23.3495: Request by the City of Bradenton amending Chapter 2.0, Section 2.2.4.1, types of Special Uses, of the Land Use Regulations to clarify the approval requirements for the expansion of Special uses; amending Article 4, Table 4.7, specific function and use, of the Form Based Code, to add use categories including Secondhand Store and Pawnshop, and changing the status of Medical Clinics in certain districts; and amending Article 12, of the Form Based Code, definition of terms, to define Pawn, Pawnbroker, Secondhand Store and Pawnshop.

Ms. Singer discussed the amendment to the Form Based Code and the area uses, as well as the changes. She spoke about the process of the special use projects.

The Commission discussed which uses are being specifically reviewed.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

**Motion:** Commissioner Whetstone motioned to approve. Commissioner Green seconded. Motion passed unanimously.

**Director's Report:**
Mr. DeLong stated that they are getting ready to launch the Citywide Visioning Project. He said that the Planning Commission meeting date for November needs to be moved back to the original date of November 15th; it had been moved to November 8th. There will also be a meeting in October, with a couple of items to discuss.

**Adjournment:** The meeting adjourned at 3:59 p.m.

DRAFT

Ben Bakker, Chair

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

DRAFT

**AGENDA ITEM NO. 7.c**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Greg DeLong, Planning & Community Development

**ITEM TYPE:** Resolution

**AGENDA SECTION:** BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

**SUBJECT:**

**Quasi-Judicial:** Resolution 23-78 - PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON GRANTING SPECIAL USE PERMIT NO. SU.23.3623 FOR A PUBLIC FACILITY USE, TO INCLUDE A NEW TELECOMMUNICATION TOWER AND SHELTER AT PROPERTY LOCATED AT 421 17th AVENUE WEST, PARCEL ID 4493800159, BRADENTON, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**SUGGESTED ACTION:** Approval of Resolution 23-78 as submitted.

Planning Commission recommended approval of Resolution 23-78 as submitted (vote 6-0).

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
Yes

**EXPLANATION:**

The applicant is requesting approval of a Special Use Permit to install a new 250-foot tall Public Safety Radio Tower at 421 17$^{th}$ Ave. West, which also contains 1801 5$^{th}$ Street West. The subject parcel is approximately 5.287 acres in size.

If approved, the proposed tower will replace an existing tower located adjacent to the County Administration Complex Parking Garage in downtown Bradenton. According to the submitted application materials, with the County's parking garage Capital Improvement Project moving forward and the parking garage being removed and rebuilt, the existing tower will be compromised during construction, therefore replacement is required, and such replacement needs to be completed prior to decommissioning of the existing tower, so tower services are not negatively impacted.

**FINANCIAL IMPACT:**
N/A

**ATTORNEY REVIEW/RECOMMENDATION:**
Reviewed by City Attorney Scott Rudacille.

**SUGGESTED MOTION:**
Motion to approve Resolution 23-78 as submitted.

**ATTACHMENTS:**
Resolution 23-78
SU.23.3623 Application
SU.23.3623 Engineering Certification
SU.23.3623 Staff Report
SU.23.3623 Presentation
9-20-2023 Planning Commission Draft Minutes

# RESOLUTION 23-78

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON GRANTING SPECIAL USE PERMIT NO. SU.23.3623 FOR A PUBLIC FACILITY USE, TO INCLUDE A NEW TELECOMMUNICATION TOWER AND SHELTER AT PROPERTY LOCATED AT 421 17th AVENUE WEST, PARCEL ID 4493800159, BRADENTON, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, Manatee County Government (the "Property Owner" or "Applicant"), owns the property located at 421 17th Avenue West, also containing 1801 5th Street West, Parcel ID 4493800159, Bradenton, FL, more particularly described in Exhibit "A" (the "Property"), and

**WHEREAS**, the City of Bradenton Comprehensive Plan's Future Land Use Map designates the Property as Medium Density Residential (RESMED); and

**WHEREAS**, the City of Bradenton Official Zoning Map classifies the Property under the Medium Density, 1 & 2 Family (R-2) zoning district; and

**WHEREAS**, the City of Bradenton Land Use Regulations, Schedule 3.2.1.1, identifies uses in the R-2 zoning district; and

**WHEREAS, the** City of Bradenton Land Use Regulations, Schedule 3.2.1.1, identifies Public Facility, Park as a Special Use in the R-2 zoning district; and

**WHEREAS,** the Property Owner submitted an application for a Special Use Permit to construct a new telecommunication tower and shelter; and

**WHEREAS**, City Planning staff has determined that the proposed project meets the definition of "Public Facility" as defined in the City of Bradenton Land Use Regulations; and

**WHEREAS**, the Planning Commission held a noticed public hearing on September 20, 2023 at which the Board received testimony and evidence from the applicant and City Planning staff; and

**WHEREAS,** the City Council held a noticed public hearing on October 11, 2023, at which the Council received testimony and evidence from City Planning staff and members of the public in attendance.

**NOW, THEREFORE**, the City Council makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact and Conclusions of Law. After considering the evidence on the record and that presented at public hearing, including the staff report and the recommendation of the Planning Commission, the City Council hereby makes the following Findings of Fact and Conclusions of Law:

a. The Whereas clauses contained herein are hereby adopted as Findings of Fact.
b. The Property Owner is requesting approval of a Special Use Permit for a Public Facility Use to include a new telecommunications tower and shelter, as shown on the Site Plan attached hereto as Exhibit "B".
c. The City's professional staff determined that the project as proposed is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
d. The City's professional staff recommended approval with stipulations.
e. The Planning Commission, which is designated as the local planning agency, determined that the project as proposed is consistent with the Comprehensive Plan and meets the criteria for approval under the Land Use Regulations.
f. The Planning Commission recommended approval as submitted.

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.

a. The tract of land is suitable for the type of use proposed by virtue of its location, topography, shape and the nature of surrounding development.
b. Access point are provided on two frontages and located so as to best suit the use and property.
c. All buildings are located an adequate distance from property lines and streets.
d. Any nuisance or hazardous feature of the use is adequately screened, buffered or separated.
e. Adequate ingress and egress to property and proposed structures, with particular regard for automobiles and pedestrian safety and convenience, and emergency access, are provided.
f. Off-street parking and loading areas are appropriately located and designed There will be no smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties.
g. Refuse and service areas are appropriately located and designed to address availability, adequacy and effect upon surrounding properties.

h. Utilities are available and adequate to serve the property in a similar manner to surrounding properties.
i. Sufficient screening is provided to protect surrounding properties from view of the premises; and internal noises from the use.
j. Proposed signage and exterior lighting adequately address glare, traffic safety and compatibility and harmony with surrounding properties.
k. The proposed use does not hinder the development of nearby vacant properties or adversely affect their economic value.
l. The land and/or building which are to be used are adequate.
m. The use is generally compatible with adjacent properties and other property in the district, including proposed hours of operation.
n. The proposed use will not adversely affect the environmental quality of the district.
o. The proposed use is consistent with the City's Comprehensive Plan.

Section 2. Order. Based upon the foregoing, a Special Use Permit is hereby approved and issued for a Public Facility Use on the Property, to include the construction of a new telecommunication tower and shelter as generally shown on the Site Plan attached hereto as Exhibit "B":

Section 3. State and Federal Permits. Issuance of this development permit by the City does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. The applicant must obtain all applicable state and federal permits before commencing development or use.

Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Special Use Permit which shall remain in full force and effect.

Section 5. Effective Date. This Order shall be effective upon adoption.

**ORDERED ON BEHALF OF THE CITY OF BRADENTON THIS 11th DAY OF OCTOBER, 2023.**

**THE CITY OF BRADENTON, BY AND THROUGH THE CITY COUNCIL OF THE CITY OF BRADENTON**

ATTEST:

_____ _____

Tamara Melton
CITY CLERK

Gene Brown
MAYOR

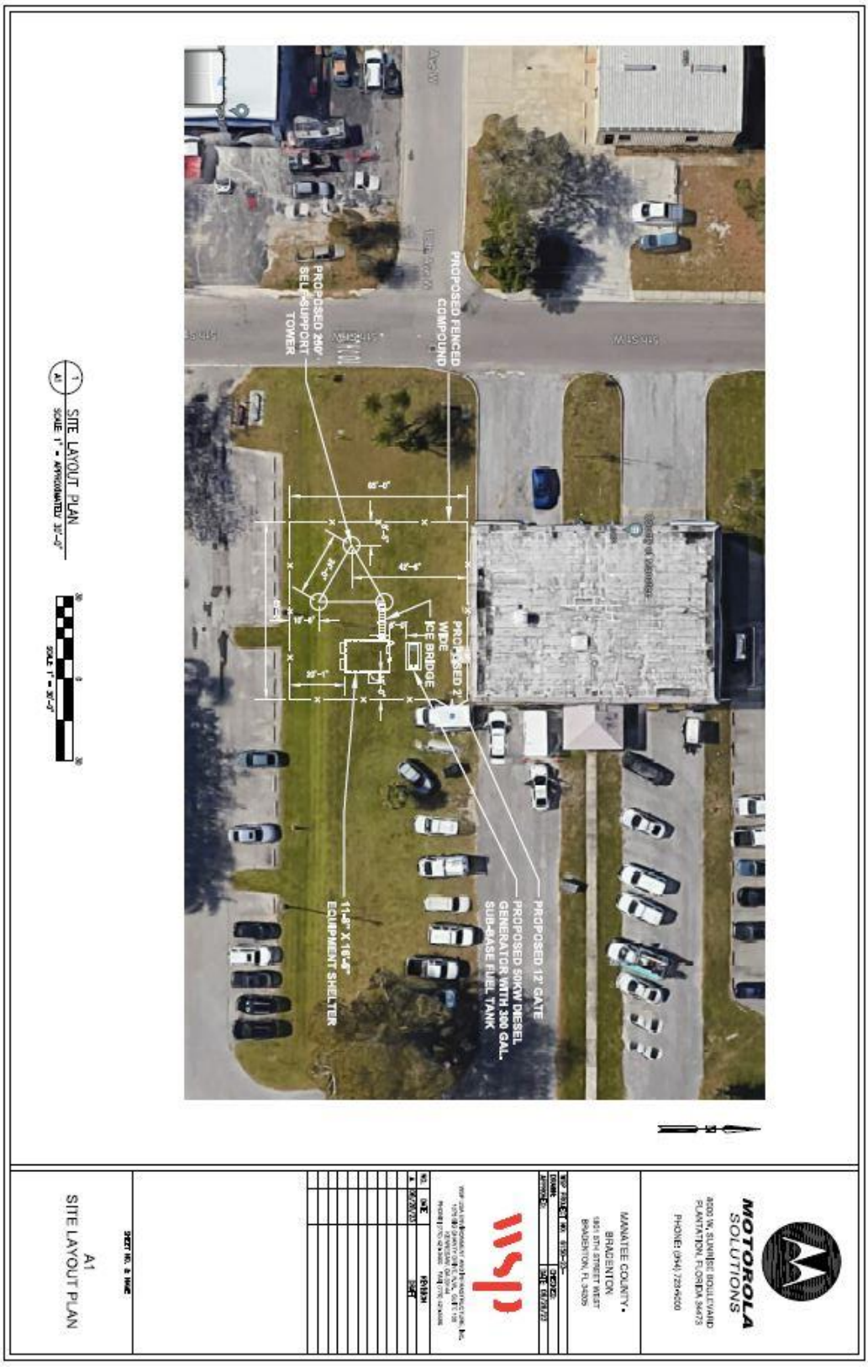
APPROVED AS TO FORM:

_____
Scott Rudacille
CITY ATTORNEY

## EXHIBIT A

N1/2 OF W1/2 OF NE1/4 OF SE1/4 (OR 145/461); LESS E 100 FT AS DESC IN OR 1018 P 2358;[INSERT: "LESS MAINTAINED R/W"] ALSO LESS O.R. 1788/5878 DESC AS FOLL: COM AT THE SE COR OF THE NW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SEC 35-24S-17E; TH N ALG THE ABOVE DESC 1/4 LN, 664.51 FT TO A PT ON THE S R/W LN OF 17TH AVE W; TH S 86 DEG 08 MIN 20 SEC W ALG SD S R/W LN, 100.19 FT TO A POB; TH S 00 DEG 23 MIN 17 SEC W, 350 FT; TH N 89 DEG 36 MIN 43 SEC W, 200 FT; TH N 00 DEG 23 MIN 17 SEC E, 332.10 FT TO A PT ON THE AFOREMENTIONED S R/W LN OF 17TH AVE E; TH N 86 DEG 08 MIN 20 SEC E, ALG SD S R/W LN, 200.55 FT TO THE POB; ALSO LESS OR 2374/7253 DESC AS FOLLOWS: COM AT THE SW COR OF THE NW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SEC 35, TWN 34, RNG 17, TH S 89 DEG 28 MIN E, A DIST OF 25.00 FT TO THE E R/W LN OF 5TH ST W FOR A POB; TH CONT S 89 DEG 28 MIN E, A DIST OF 200.00 FT; TH N 00 DEG W, A DIST OF 234.00 FT; TH N 89 DEG 28 MIN W, A DIST OF 200 FT TO THE E R/W LN OF 5TH ST W; TH S 00 DEG E ALG SD R/W LN A DIST OF 234.00 FT TO THE ABOVE MENTIONED POB; TOG WITH EASMNT REC IN OR 2374/7255 DESC AS: THE E SIX FT (6 FT) OF THE FOLLOWING DESC PARCEL: COM AT THE SW COR OF THE NW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SEC 35, TWN 34, RNG 17, TH S 89 DEG 28 MIN E, A DIST OF 25.00 FT TO THE E R/W LN OF 5TH ST W FOR A POB; TH CONT S 89 DEG 28 MIN E, A DIST OF 200.00 FT; TH N 00 DEG W, A DIST OF 234.00 FT; TH N 89 DEG 28 MIN W, A DIST OF 200 FT TO THE E R/W LN OF 5TH ST W; TH S 00 DEG E ALG SD R/W LN A DIST OF 234.00 FT TO THE ABOVE MENTIONED POB, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

# EXHIBIT B


MOTOROLA SOLUTIONS
8000 W. SUNRISE BOULEVARD
PLANTATION, FLORIDA 33473
PHONE: (954) 723-5000
MANATEE COUNTY -
BRADENTON
1951 57TH STREET WEST
BRADENTON, FL 34209
DRAWN
CHECKED
APPROVED
DATE 08/28/23
REV
DATE
DESCRIPTION
A 08/28/23
ISSUED FOR REVIEW
SHEET NO. & NAME
A1
SITE LAYOUT PLAN
PROPOSED FENCED COMPOUND
PROPOSED 260' SELF-SUPPORT TOWER
PROPOSED 2' WIDE ICE BRIDGE
PROPOSED 12' GATE
PROPOSED 50KW DIESEL GENERATOR WITH 300 GAL. SUB-BASE FUEL TANK
11'-8" X 16'-4" EQUIPMENT SHELTER
SITE LAYOUT PLAN
SCALE: 1" = APPROXIMATELY 30'-0"
SCALE: 1" = 30'-0"

**RECEIVED**
By Isabell Salazar at 8:17 am, Sep 05, 2023

bradenton
*The Friendly City*

# Special Use Application

**Department of Planning & Community Development**
**101 Old Main Street, Bradenton, FL 34205**
**Ph: (941) 932-9400**
**www.cityofbradenton.com**

**CONTACT INFORMATION** (REQUIRED)

Name of Property Owner: Manatee County Government

Owner Address: 1112 Manatee Ave West Telephone: 941-748-4501

Name of Agent: John Hamel

Agent Address: 1801 5th Street West Telephone: 941-748-4501 Ext 5503

Owner/Agent Email: john.hamel@mymanatee.org

**PROPERTY INFORMATION** (REQUIRED)

Property Address: 1801 5th Street West Bradenton, FL 34205

Parcel ID: 4493800159 Acreage: 5.2870

Zoning District: R-2 *click to view Zoning map

Future Land Use: RESMED *click to view FLU map

Ward #: *click to view Ward map

Neighborhood #: *click to view Neighborhoods map

**DESCRIPTION** (REQUIRED)

Indicate Type of Special Use Request:
Special Use ☑ Special Use-Amendment ☐

Provide a brief description of the propose land use activity: Radio Division seeks to install a P25 radio Site that includes a sheltor and 250' Tower

**MATERIALS FOR REVIEW** (REQUIRED)

- **Special Use**
  - Special Use Application Fee: **$1,820**
  - Notarized Agent Authorization Form, if applicable
  - Letter of Request
  - Review Criteria (see page 2 for Special Use Review Criteria)
- Site Plan
  - Property Survey signed & sealed within the last 3 years
  - One (1) electronic copy in pdf format of Application and all required support materials
- **Special Use Permit - Amendment**
  - Special Use Amendment Application Fee: **$1,820**
  - Notarized Agent Authorization Form, if applicable
  - Letter of Request
  - Property Survey signed & sealed within the last 3 years
  - One (1) electronic copy in pdf format of Application and all required support materials including site plan

**CITY STAFF ONLY**

Application Fees:
Fee Required: **$1,820** (Special Use)
**$1,820** (Special Use-Amendment)

FEE COLLECTED: $_____

RECEIPT #: _____

Application Sufficiency:
Sufficient: X
Incomplete: ☐ _____

**APPLICATION #:** 233623

**REVIEW DATES – TO BE COMPLETED BY CITY STAFF**

CITY COUNCIL: _____

PLANNING COMMISSION: _____

DRC: _____

bradenton
*The Friendly City*

# Special Use Application

**Department of Planning & Community Development**
**101 Old Main Street, Bradenton, FL 34205**
**Ph: (941) 932-9400**
**www.cityofbradenton.com**

REVIEW CRITERIA

**SPECIAL USE and SPECIAL USE-AMENDMENT REVIEW CRITERIA:**

Special Use and Special Use-Amendments shall comply with and be reviewed using the Special Use criteria found in Section 3.3 of the Land Use Regulations to determine whether to allow the use at the proposed location and to determine appropriate conditions to the use.

**Prepare detailed written responses, using factual statements (called Findings of Fact) to explain how the requested Special Use complies with each of the following 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.*

SITE PLAN REQUIRMENTS

**SPECIAL USE and SPECIAL USE AMENDMENT SITE PLAN REQUIRMENTS:**

Please prepare an accurate, legible, scaled site plan containing the following information:

REQUIRED

A. *The dimensions of the lot, all existing and proposed buildings, setbacks, easements, driveways, landscaping and trees, and fences.*
B. *Parking design and availability*
C. *Traffic impacts*
D. *Location and design of trash collection areas*
E. *Utilities on the site*
F. *Signs and exterior lighting*

# Agent Authorization Form

**Department of Planning & Community Development**
**101 Old Main Street, Bradenton, FL 34205**
**Ph: (941) 932-9400**
**www.cityofbradenton.com**

bradenton
*The Friendly City*

**PLANNING & ZONING AGENT AUTHORIZATION FORM**

Property Address: 1801 5th Street West Bradenton, FL 34203

I, Carmine DeMilio, the registered property owner(s) of the above noted property, do hereby authorize

John Hamel — Print Name of Agent

Manatee County Radio Division Manager — Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

AGENT AUTHORIZATION — REQUIRED

Carmine DeMilio — Digitally signed by Carmine DeMilio Date: 2023.08.28 13:37:32 -04'00'

Signature of Owner(s)

1112 Manatee Avenue West Bradenton, Florida 34205 — Owner(s) Address (if different than property above)

Signature of Agent

Agent Address and Phone

**STATE OF FLORIDA, MANATEE COUNTY**

The Foregoing instrument was acknowledged before me by means of ✓ physical presence or ___ online notarization, this 28th day of August, 2023, produced _____ _____ respectively, as identification and who did (did not) take an oath:

NOTARY — REQUIRED

Signature

Vida Gordon, Notary Public
Print Name

NOTARY PUBLIC STATE OF FLORIDA
VIDA GORDON
MY COMMISSION # HH 384092
EXPIRES: August 6, 2027

State of Florida
My Commission Expires: 08/06/2027

Manatee County Development Services
1112 Manatee Avenue West
Bradenton, FL 34205
Phone: (941) 7458-4501 ext. 3830
marshall.robinson@www.mymanatee.org

September 1, 2023

# Manatee County P25 Radio Tower

## Narrative

On September 30, 2020, Manatee County's new Motorola P25 Public Safety Radio System was commissioned. This P25 Radio System supports over 5,000 Public Safety subscriber radios spanning across 51 agencies with the majority of those users being emergency workforces. The system is comprised of 10 radio tower sites strategically located across the County to provide optimum radio coverage to our end users. These sites consist of 200' to 250' free standing Cat 5 rated towers for our site antennas and microwave dishes. Cat 5 rated shelters to house the radio equipment along with a back-up generator at each site. The sites were designed for maximum uptime and/or accessibility. If a site would go down, we would lose Public Safety communications in that given area. The possible impact on our citizens could be life threating.

The downtown County parking garage Capital Improvement Project has brought some attention to the existing tower since it will be compromised during the construction. The radio tower is located very close in proximity to the downtown parking garage and needs to be replaced. The downtown “Main” tower site provides critical lifesaving communications for the City of Bradenton, the City of Palmetto, EMS, MSO, etc. in our downtown Bradenton area. This critical resource cannot be disrupted.

The downtown tower site must be replaced and commissioned before the decommissioning of the current site, so construction can begin on the existing parking garage.

The proposed and most ideal location for the new downtown tower site will be at our Radio Division Headquarters located at 1801 5th Street West in the City of Bradenton. Engineering has determined that there will be no degradation in signal strength to our end users for this site as compared to the current site.

The primary focus for this project is for continued and uninterrupted communications in the downtown area for those who rely on efficient communications when the public is in need. It postulates the safety and crucial communications required for day-to-day operations. It also provides critical communication needed during a declared event. Without this new tower site, the impact could be life threating for our valued citizens of Manatee County who reside and work in the downtown Bradenton area.

Please accept this Special Use Permit application for the aforementioned facility to be located within the City Limits of Bradenton, FL.

Attachments:

1. Special Use Permit Application and Special Use Criteria
2. Affidavit of Ownership/Agent Authorization Form
3. Site Plan
4. Code Section 4.3.10 thru 4.3.10.3.(c) to be submitted prior to advertising, no later than September 15, 2023.

Building and Development Services Department
1112 Manatee Ave West, Suite 408
Bradenton, FL 34205
Phone: (941) 749-3012
ReviewerOnCall@mymanatee.org
www.mymanatee.org

# Form D1 - Affidavit of Ownership/Agent Authorization Form

**Property Owner (Company or Individual):** Carmine DeMilio

**Mailing Address:** 1112 Manatee Avenue West Bradenton, Florida 34205

**Officer's Name and Title:** Acting Director, Property Management

Being first duly sworn, depose(s) and say(s):

1. That I am (we are) the owner's and record title holder(s) of the following described property legal description, to wit: _Click or tap here to enter text.
2. That this property constitutes the property for which a request for (*Type of Application Approval Requested*): Click or tap here to enter text. is being applied for to Manatee County, Florida;
3. That the undersigned has (have) appointed and does (do) appoint Click or tap here to enter text. as agent(s) to execute any petitions or other documents necessary to affect such petition, including development review time extension requests; and request that you accept my agent(s) signature as representing my agreement of all terms and conditions of the approval process;
4. That this affidavit has been executed to induce Manatee County, Florida to consider and act on the foregoing request;
5. That I, (we) the undersigned authority, hereby certify that the foregoing is true and correct (Click on the plus (+) sign to add more owner names).

Carmine DeMilio / Acting Director, Property Management
*Owner's Signature/Print Title*

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28 day of AUGUST (month), 2023 (year), by Carmine DeMilio (name of person acknowledging) who is personally known to me or who has produced _____ (type of identification) as identification.

VIDA GORDON
MY COMMISSION # HH 384092
EXPIRES: August 6, 2027

Signature of Notary Public – State of Florida
(Print, Type or Stamp Commissioned Name
Of Notary Public to the Left of Signature)

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.

   **RESPONSE**: This site is owned by Manatee County and located (Parcel ID: 4493800159). There are no new access points proposed. Currently, the site has the Manatee County Radio Division (1801) building located on the 5th Street West side of the parcel where the building is service by 2 access points along 5th Street West. Access to the proposed telecommunication facility will be for maintenance purposes only.

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.

   **RESPONSE**: There are no proposed loading areas or off-street parking shown on the plan for the Special Use Permit request.

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

   **RESPONSE**: The existing building's refuse and services will not change.

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

   **RESPONSE**: There are no changes to the existing site's utilities. The tower will utilize the existing public utilities.

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

   **RESPONSE**: Screening and buffering will be forthcoming with additional information to be subsequently provided prior to advertising of this public hearing request. It should be noted the existing radio building stands at 20 feet in height and will serve as an opaque barrier to screen the proposed site from areas to the north.

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

   **RESPONSE**: No signage is proposed with this Special Use Permit application.

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.

   **RESPONSE**: The proposed Special Use Permit will not hinder the development of any nearby property.

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

   **RESPONSE**: The proposed site plan shows there to be approximately 250 square foot equipment shelter to accommodate the tower. The total project area for the Special Use Permit is 65 feet by 65 feet as shown on the proposed site layout.

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

   **RESPONSE**: The proposed site currently exists with Manatee County's RESMED Future Land Use Category having R-2 zoning. The design of the proposed use is a lattice, self-support tower. There is no reasonable way to modify the look of the tower, which is proposed to be 250 ft in height.

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

    **RESPONSE**: There are no foreseeable impacts to the quality of environmental aspects for the proposed site. There are no known significant resources such as wetlands, archaeological, historical, or cultural resources to be affected.

11. Consistency with the City of Bradenton Comprehensive Plan.

    **RESPONSE**: The proposed project is a public use facility and is consistent with the Comprehensive Plan. The proposed facility is located within the RESMED Future Land Use Category having R-2 zoning. The proposed use is a continuation of the existing public use facility by expanding the uses to include the permitted use of a radio telecommunications tower.




N

1 / A1 SITE LAYOUT PLAN
SCALE: 1" = APPROXIMATELY 30'-0"

30 0 30
SCALE: 1" = 30'-0"

MOTOROLA SOLUTIONS
8000 W. SUNRISE BOULEVARD
PLANTATION, FLORIDA 34473
PHONE: (954) 723-5000

MANATEE COUNTY - BRADENTON
1801 5TH STREET WEST
BRADENTON, FL 34205

| | |
|---|---|
| WSP PROJECT NO: 6150-23- | |
| DRAWN: | CHECKED: |
| APPROVED: | DATE: 08/28/23 |

WSP USA ENVIRONMENT AND INFRASTRUCTURE, INC.
1075 BIG SHANTY DRIVE, N.W., SUITE 100
KENNESAW, GA 30144
PHONE: (770) 421-3400 FAX: (770) 421-3486

| NO. | DATE | REVISION |
|---|---|---|
| A | 08/28/23 | DRAFT |

SHEET NO. & NAME

A1
SITE LAYOUT PLAN

4.3.10 *Communications towers and antennas.* Communications towers may be installed in certain non-residential districts after special use permit approval. Antennas installed on existing structures do not require special use permit approval provided no antenna extends more than 15 feet above the highest point of the structure. Speculation tower are prohibited. In addition to any information required by the PCD director, all applications for a new or expanded communications tower (tower, for the purposes of this subsection) shall include the following information:

4.3.10.1 *Community impact report (CIR).* The CIR includes the following components:

a. *Visual impact analysis.* This analysis explains how the design characteristics of the tower effectively reduce its visual obtrusiveness, and includes a site plan which indicates the maximum amount of vegetative screening of the tower and provides 100 percent screening of any accessory buildings/structures. A computer simulation of the proposed tower and accessory buildings/structures as they would appear on the site from various vantage points after construction shall be part of the visual impact analysis.
b. Consideration of whether the proposed tower will have substantial adverse aesthetic impacts on neighboring residential lands based on the physical components of the proposed tower, as well as, the amount of the antenna(s) and tower that can be viewed from surrounding residential zones.
c. The nature of other principal uses on and off site with preference given to the use of sites which are already developed with non-residential uses and which are currently visually impacted by tall structures, utility facilities, light poles, or other similar improvements.
d. The nature of uses on adjacent and nearby properties and the proximity to all adjacent land uses, with preference being given to sites adjacent to non-residential uses or non-dwelling aspects of residential properties, such as open space, parks, retention ponds, wetlands, etc.
e. Any other pertinent information that supports the beneficial use and effects of the proposed tower.
f. Co-location study: This study demonstrates a lack of co-location availability within two miles of the proposed tower site. New or altered communications towers shall be structurally designed to accommodate the co-location of antennas.
g. Propagation study: This study must include areas within five miles of the proposed tower site.

PENDING SUBMITTAL (9-8-2023, NLT 9-15-2023)

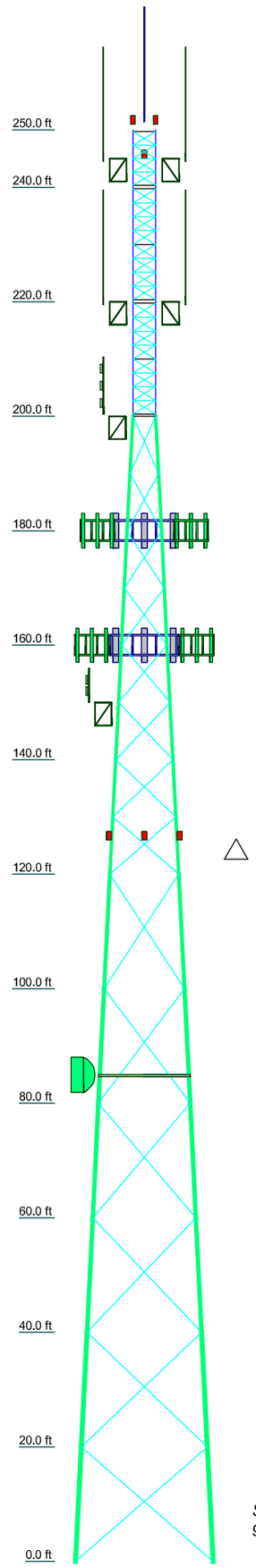
4.3.10.2 *Engineer's certification.* This certification must ensure the structural integrity of the new or altered tower, and its ability to accommodate additional antennae. Antennas(s) taller than 20 feet and proposed as part of a co-location without need for a new tower shall also comply with this requirement.

4.3.10.3 *Specific standards.* The following specific standards shall be reflected in the application submittal package:

a. The city requires that the applicant or owner of a tower to remove the tower upon its abandonment. A tower shall be considered abandoned after 60 days of non-use.
b. Alternative towers such as flagpoles, artwork, and trees shall be limited to a maximum of 100 feet in height and require approval of the proposed design by the PCD director before proceeding through the required special use permit process.
c. Lighting shall comply with all Federal Aviation Administration requirements and shall be red both day and night. General illumination is prohibited, except for honorary lighting of a U.S. flag.

PENDING SUBMITTAL
(9-8-2023, NLT 9-15-2023)

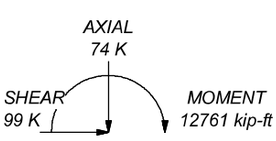
| Section | T13 | T12 | T11 | T10 | T9 | T8 | T7 | T6 | T5 | T4 | T3 | T2 | T1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Legs | J | I | H | G | F | E | D | C | B | A | SR 2 1/4 | SR 1 3/4 | SR 1 1/4 |
| Leg Grade | A572-58 | | | | | | | | | | | | |
| Diagonals | 2L3 1/2x3 1/2x1/4 | | 2L3x3x5/16 | | 2L3x3x3/16 | | L2 1/2x2 1/2x5/16 | | L2 1/2x2 1/2x1/4 | L3 1/2x3 1/2x5/16 | SR 7/8 | SR 3/4 | |
| Diagonal Grade | A572-50 | | | | | | | | | | | | |
| Top Girts | N.A. | | | | | | | | | L3x3x3/16 | SR 1 | SR 7/8 | |
| Mid Girts | N.A. | | | | | | | | | | SR 1 | SR 7/8 | N.A. |
| Bottom Girts | N.A. | | | | | | | | | | SR 1 | SR 7/8 | |
| Horizontals | N.A. | | | | | | | | | | SR 3/4 | | |
| Face Width (ft) | 24 | 22 | 20 | 18 | 16 | 14 | 12 | 10 | 8 | 6 | 4 | | |
| # Panels @ (ft) | 47.5 | 6.7 | 6.9 | 6.1 | 5.3 | 4.6 | 4.0 | 3.2 | 3.1 | 2.4 | 2.4 | 1.5 | 1.0 | 0.4 |
| | | | | 6 @ 20 | | | | | 8 @ 10 | | 16 @ 2.42708 | 4 @ 2.35417 | |




*ALL REACTIONS ARE FACTORED*

*MAX. CORNER REACTIONS AT BASE:*
*DOWN: 639 K*
*SHEAR: 64 K*

*UPLIFT: -583 K*
*SHEAR: 59 K*




*TORQUE 74 kip-ft*
*REACTIONS - 156 mph WIND*

## DESIGNED APPURTENANCE LOADING

| TYPE | ELEVATION | TYPE | ELEVATION |
|---|---|---|---|
| 21' LRE with 7'-6" lightning rod (arm=11.5') | 250 | 30,000 sq.in. (208.3 sq.ft. EPA) | 180 |
| | | 30,000 sq.in. (208.3 sq.ft. EPA) | 160 |
| Beacon | 250 | DSAT | 150 |
| Beacon | 250 | SP1 HS6-K | 148 |
| DS8M12P36U-D | 245 | OB light | 125 |
| DS8M12P36U-D | 245 | OB light | 125 |
| TTA (24"x12"x8") | 245 | OB light | 125 |
| SP1 BOG6-HD | 243 | SP1 R5 (Includes 4.5"x72" Pipe) | 85 |
| SP1 BOG6-HD | 243 | 2-1/2" x 15' Sch. 40 FACE TIE BACK PIPE | 85 |
| DS8M12P36U-D | 220 | | |
| DS8M12P36U-D | 220 | 2-1/2" x 15' Sch. 40 FACE TIE BACK PIPE | 85 |
| SP1 BOG6-HD | 218 | | |
| SP1 BOG6-HD | 218 | VHLP6-6W | 85 |
| DB222-A | 200 | GPS (6" dia. x 3" tall) | 0 |
| SP1 HS6-K | 198 | | |

## SYMBOL LIST

| MARK | SIZE | MARK | SIZE |
|---|---|---|---|
| A | #12ZG-58 - 1.25" - 1.00" conn. (Pirod 194434) | F | #12ZG-58 -2.25" - 0.875" conn. (Pirod 195960) |
| B | #12ZG-58 - 1.50" - 1.00" conn. (Pirod 194651) | G | #12ZG-58 - 2.50" - 0.875" conn.-TR4-(Pirod 195962) |
| C | #12ZG-58 - 1.75" - 1.00" conn.-TR1-(Pirod 195213) | H | #12ZG-58 - 2.50" - 0.875" conn. (Pirod 195964) |
| D | #12ZG-58 - 1.75" - 1.00" conn. (Pirod 195217) | I | #12ZG-58 - 2.75" - 0.875" conn. (Pirod 196299) |
| E | #12ZG-58 -2.00" - 0.875" conn.-TR3-(Pirod 195637) | J | #12ZG-58 BASE - 2.75" - 0.875" conn.(Pirod 281147) |

## MATERIAL STRENGTH

| GRADE | Fy | Fu | GRADE | Fy | Fu |
|---|---|---|---|---|---|
| A572-58 | 58 ksi | 75 ksi | A572-50 | 50 ksi | 65 ksi |

## TOWER DESIGN NOTES

1. Tower is located in Manatee County, Florida.
2. Tower designed for Exposure C to the TIA-222-H Standard.
3. Tower designed for a 156 mph basic wind in accordance with the TIA-222-H Standard.
4. Deflections are based upon a 60 mph wind.
5. Tower Risk Category III.
6. Topographic Category 1 with Crest Height of 0.00 ft
7. Tower design does not include Safety Climb Ladder. Break-down legs are designed to act as climbing facility.
8. Considered two (2) T-Line Brackets to the top.
9. Tower was designed with a theoretical 50ft fall zone radius.
10. TOWER RATING: 92.8%


valmont STRUCTURES
Valmont Industries, Inc. - Specialty Structures Group
1545 Pidco Dr.
Plymouth, IN
Phone: (574) 936-4221
FAX: (574) 936-6458


| | | | |
|---|---|---|---|
| Job: *Quotation 588718-02* | | | |
| Project: *U-24' x 250' - Bradenton Downtown, FL* | | | |
| Client: Motorola | Drawn by: ES | App'd: | |
| Code: TIA-222-H | Date: 08/31/23 | Scale: NTS | |
| Path: Z:\Documents\588\588718 Motorola Bradenton Downtown, FL 250' SST\00 Quote Information\588718-02.eri | | Dwg No. E-1 | |

valmont
STRUCTURES

PRELIMINARY SELF SUPPORTING TOWER DESIGN- GENERAL NOTES

1. The TIA standard used in the Preliminary design is per Valmont's investigation on the state code adoption per https://codeadoptions.iccsafe.org/, during the time of this design.
2. Please confirm the loading, and Risk category shown on the Preliminary Tower Design sheet.
3. Valmont manufactures the antenna mounts used in the design.
4. Unless otherwise noted, the wind speed used is the ASCE 7-16 ultimate wind speed, based on the ASCE 7 hazards report at the provided tower coordinates.
5. If not provided, all dishes are assumed to have zero azimuth, installed on legs, A, B and C, with leg A apex facing true north.
6. If not provided, dishes are assumed to have maximum frequency of 6 ghz with 10db degradation
7. Wherever possible, all feedlines are assumed to be stacked on (2) rows on T-line brackets to minimize wind effect
8. Unless otherwise requested no additional climbing ladder considered in loading, if the tower already has built in climbing facility, to minimize wind effect. However, safety line considered in the loading.
9. **Should any changes be required on above items, please contact Valmont for reevaluation, prior to ordering the PE stamped Permit Drawings/ Construction Drawings/ Tower Materials.**
10. If not provided, a geotechnical investigation is required for all Risk category III and Risk category IV structures, for review prior to the installation of foundations. Design changes and/or recommendations may be required based on the site investigation.
11. **Assumed antenna DSATCGC1V4OD7 loading. Notify Valmont for a redesign if the criteria changes.**
12. **Considered two (2) T-line bracket to the top in tower design.**
13. **The tower was designed with a theoretical 50 feet fall zone radius.**

Valmont
1545 Pidco Dr, Plymouth, IN 46563
1-574-936-4221 www.valmont.com

**PRELIMINARY DESIGN. NOT FOR CONSTRUCTION.**

# SELF-SUPPORT TOWER FOUNDATION DESIGN SUMMARY

**Motorola**
**Downtown Brandenton, FL**

**U- 24 250**
**A- 588718-02**

V 2.8

## Pier Dimensions

| | | |
|---|---|---|
| Pier diameter, $d_i$: | 6.50 | ft |
| Depth, D: | 75.0 | ft |
| Ext. above grade, E: | 0.50 | ft |
| Bell diameter, $b_d$: | none | ft |
| Volume, $V_o$: | 92.79 | cy / leg |

## Reinforcement Design

| | | | |
|---|---|---|---|
| Rebar | $m_c$: | 40 | verticals |
| | size, $s_c$: | 7 | equally spaced in 6' cage |
| Ties | size, $s_t$: | 5 | default hook |
| | $m_t$: | 78 | tie qty |
| Horizontal Rebar in top 6in of pier for temp. & shrinkage?: | | YES | per TIA-222-H 9.6 |

* Rebar quantites shown above are per pier

## Anchor Bolts

| | | |
|---|---|---|
| P/N: | 125134 | 80" long, 2" diameter |

## Soil Information Per:

Assumed as Sand Per TIA-222-H Annex F.

## Site Parameters

| | | |
|---|---|---|
| Ultimate Bearing, $B_c$: | 9.000 | ksf |
| Ultimate Pp: | 0.330 | kcf |
| Ult. Skin Friction, SF: | 0.467 | ksf |
| Seismic Design Cat.: | A | |
| Depth neglected, N: | 5.00 | ft |
| Neglect bottom, $N_b$: | none | ft |

***Additional Notes:***

* No foundation modifications listed.
* See attached "Foundation Notes" for further information.

## Material Properties

| | | |
|---|---|---|
| Steel tensile str, $F_y$: | 60000 | psi |
| Conc. Comp. str, $F'_c$: | 4500 | psi |
| Conc. Density, δ: | 150.0 | pcf |
| Clear cover, cc: | 3.00 | in |

**Tower design conforms to the following:**

** International Building Code (IBC)*

** ANSI TIA-222-H*

** Building Code Requirements for Reinforced Concrete (ACI 318-14)*

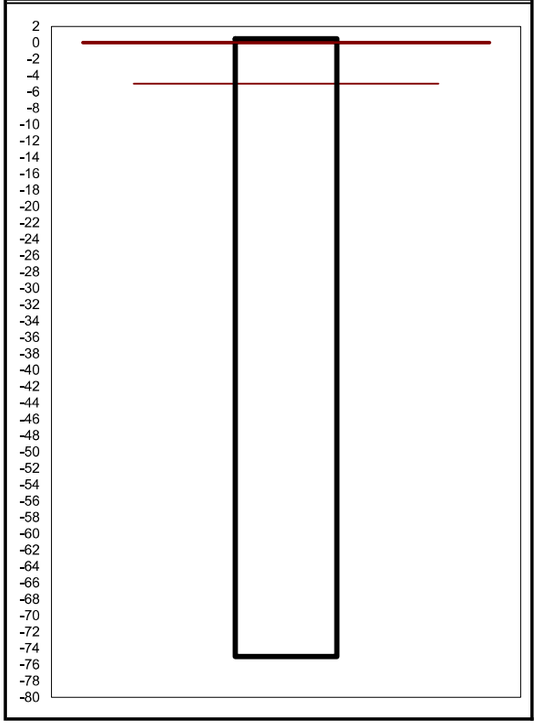
## Foundation Loading

**Max Corner Reactions** stress ratio: 99.9% mark up: 0.1%

| | | | | |
|---|---|---|---|---|
| Shear/Leg, S: | 64.00 kips | x 1.001 = | 64.06 kips |
| Moment/Leg, M: | 0.00 ft-kips | x 1.001 = | 0.00 ft-kips |
| Compression/Leg, C: | 639.00 kips | x 1.001 = | 639.64 kips |
| Uplift/Leg, U: | 583.00 kips | x 1.001 = | 583.58 kips |

## View of Foundation

(not to scale)



## FOUNDATION NOTES

1 THIS DESIGN ASSUMES A MEDIUM DENSE SAND SOIL EXHIBITING A COHESION OF 0 PSF, A SOIL UNIT WEIGHT OF 110 PCF, AN ANGLE OF INTERNAL FRICTION OF 30 DEGREES AND NO GROUNDWATER ENCOUNTERED.

**4.3.10.1 Community impact report (CIR). The CIR includes the following components:**

a. Visual impact analysis. This analysis explains how the design characteristics of the tower effectively reduce its visual obtrusiveness, and includes a site plan which indicates the maximum amount of vegetative screening of the tower and provides 100 percent screening of any accessory buildings/structures. A computer simulation of the proposed tower and accessory buildings/structures as they would appear on the site from various vantage points after construction shall be part of the visual impact analysis.

RESPONSE: The proposed tower is of a lattice type design. The tower is not visually obstructive by design. The tower site will be constructed on the Radio Divisions grounds. Pictures of both the tower and of the site plan have been included.






b. Consideration of whether the proposed tower will have substantial adverse aesthetic impacts on neighboring residential lands based on the physical components of the proposed tower, as well as, the amount of the antenna(s) and tower that can be viewed from surrounding residential zones.

RESPONSE: The proposed tower and all its physical components and antenna(s) will not have an adverse aesthetics impact on the neighboring lands. The provided picture above demonstrates the visual amount of antennas to be placed on the tower.

c. The nature of other principal uses on and off site with preference given to the use of sites which are already developed with non-residential uses and which are currently visually impacted by tall structures, utility facilities, light poles, or other similar improvements.

RESPONSE: The Motorola engineering team, evaluated and considered other developed sites and the technicalities of the new tower site. Developed sites with tall structures would cause issues in coverage and reflectivity issues which would make them unacceptable in maintaining the ideal coverage and specifications. Other towers in the area (I.E. cell towers) could not support or provide our needs for coverage or space on their towers for our equipment. The proposed and most ideal location for the new downtown tower site will be at our Radio Division Headquarters located at 1801 5th Street West in the City of Bradenton.

d. The nature of uses on adjacent and nearby properties and the proximity to all adjacent land uses, with preference being given to sites adjacent to non-residential uses or non-dwelling aspects of residential properties, such as open space, parks, retention ponds, wetlands, etc.

RESPONSE: This proposed location is not adjacent to any residential properties. The proposed location is adjacent to commercial properties including but not limited to a Regional Detention Center for Manatee

County, Juvenile Booking Facility, City of Bradenton Water Treatment Plant, Auto Repair Center, and other commercial properties.

e. Any other pertinent information that supports the beneficial use and effects of the proposed tower.

RESPONSE: The parking garage Capital Improvement Project has brought some attention to the existing tower since it will be compromised during the construction. The radio tower is located very close in proximity to the downtown parking garage and needs to be replaced. The downtown "Main" tower site provides critical lifesaving communications for the City of Bradenton, the City of Palmetto, EMS, MSO, etc. in our downtown Bradenton area. This critical resource cannot be disrupted.

The downtown tower site must be replaced and commissioned before the decommissioning of the current site so construction can begin on the existing parking garage.

After much research by the Radio Division and evaluation by the Motorola engineering team, consideration of the site and the technicalities of the new tower have been established. The proposed and most ideal location for the new downtown tower site will be at our Radio Division Headquarters located at 1801 5th Street West in the City of Bradenton.

f. Co-location study: This study demonstrates a lack of co-location availability within two miles of the proposed tower site. New or altered communications towers shall be structurally designed to accommodate the co-location of antennas.

RESPONSE: This new proposed site will be less than one mile from the current site and will provide comparable coverage to public safety personnel who rely on emergency communications. Motorola Engineering has determined that there will be no degradation in signal strength to our end users for this site as compared to the current site. The proposed and most ideal location for the new downtown tower site will be at our Radio Division Headquarters located at 1801 5th Street West in the City of Bradenton.

g. Propagation study: This study must include areas within five miles of the proposed tower site.

RESPONSE: The proposed coverage maps depict portable radio coverage within Manatee County. The coverage maps are showing the coverage prediction of relocating the Main site to the new location.

MOTOROLA SOLUTIONS

# Manatee County Portable on Street

For Information Only

10-Site ASTRO 25 800 MHz FDMA Simulcast System




Printed: 6/16/2023
System version: 3.0.6.0

Portable Configuration APX 6000, 3W, 1/2 Wave Flex Antenna Tx/Rx at Hip with RSM

Solution: Manatee County Main Tower Relocation
Project: Manatee County 6dB Existing
Design: Design 7 D6 MC 6dB BR Site
CKH051

MOTOROLA SOLUTIONS

# Manatee County Portable in Building (15dB)

For Information Only

10 Site ASTRO 25 800 MHz FDMA Simulcast System




Printed: 9/16/2023
System version: 3.0.6.0

Portable Configuration APX 6000, 3W, 1/2 Wave Flex Antenna Tx/Rx at Hip with RSM

Solution: Manatee County Main Tower Relocation
Project: Manatee County 15dB Existing
Design: Design 5 D4 updated site parameters
CKH081

# Manatee County Portable in Building (30dB)

For Information Only

MOTOROLA SOLUTIONS

10-Site ASTRO 25 800 MHz FDMA Simulcast System




Printed: 6/16/2023
System version: 3.0.6.0

Portable Configuration APX 6000, 3W, 1/2 Wave Flex Antenna Tx/Rx at Hip with RSM

Solution: Manatee County Main Tower Relocation
Project: Manatee County 30dB Existing
Design: Design 5 D4 updated site parameters

Date: 9/10/2023

Motorola Solutions, Inc.
National Site Design Team

Attn: Thomas Bradley

SUBJECT: Project Number: 588718-02
Site Name: Bradenton Downtown, FL
Structure: U-24' x 250' Self-Supported Tower
Designed within a Theoretical Fall Radius of 50-ft

Communication structures designed by Valmont are sized in accordance with the latest governing revision of the ANSI/TIA 222 standard unless otherwise requested by our customer or the governing jurisdiction. This standard has been approved by ANSI/ASCE, which has dealt with the design of antenna support structures since the late 1950s. The TIA standard, based on provisions of this nationally known specification, has a long history of reliability. Its core philosophy is first and foremost to safeguard and maintain the health and welfare of the public.

Valmont's communication structures have proven to be very reliable products. We use the latest standards, wind speed information, and sophisticated analytical tools to ensure that we continue providing high quality structures.

This structure is designed to the following criteria:

- Exposure Category C
- Topographical Category 1
- Risk Category III
- Site Elevation 21.14 feet
- 156 MPH Ultimate Wind Speed (no ice) per ASCE 7-16
- 30 MPH with 0.0 inches ice per ANSI/TIA-222-H

The theoretical failure point is at the structure midpoint or above by purposely over designing the structural components below this point. The predicted mode of wind induced failure would be local buckling of the tower legs at or above the midpoint with the upper tower legs folding over onto the intact lower tower legs.

I hope these comments address any questions or concerns relative to the anticipated performance of this structure; please reach out directly should you have any questions or comments.

Sincerely,

**Tomas Flores** | Engineering Supervisor
**Valmont Industries, Inc.**
+52.81.8178.8732
Tomas.Flores@valmont.com

NATHAN ANDREW ROSS LICENSE No. 89777 STATE OF FLORIDA PROFESSIONAL ENGINEER

Nathan A Ross Date: 2023.09.11 10:54:46 -07'00'

**Valmont Telecommunications, Inc**
Plymouth, IN; Salem, OR; Valley, NE
www.valmonttelecom.com

City of Bradenton
Planning and Community Development Department
City Council Public Hearing
October 11, 2023

# Staff Report

**Case Number:** SU.23.3623 / Resolution 23.78
**Applicant:** John Hamel, agent and Manatee County Radio Division Manager for Manatee County Government
**Address:** 421 17th Avenue West also containing 1801 5th Street West
**Parcel ID:** 4493800159
**Zoning:** R-2 (Medium Density, 1 & 2 Family)
**FLUM:** RESMED (Medium Density Residential)
**Flood Zone:** X

**Surrounding Property:**

Zoning:

| | |
|---|---|
| North: | T4-O (General Urban Open) |
| South: | R-2 (Medium Density, 1 & 2 Family) & UCC (Urban Commercial Corridor) |
| East: | UCC (Urban Commercial Corridor) |
| West: | T4-O (General Urban Open) & UCC (Urban Commercial Corridor) |

Future Land Use:

| | |
|---|---|
| North: | RESMED (Medium Density Residential) & UCC (Urban Commercial Corridor) |
| South: | RESMED (Medium Density Residential) & UCC (Urban Commercial Corridor) |
| East: | UCC (Urban Commercial Corridor) |
| West: | UCC (Urban Commercial Corridor) & UV (Urban Village) |

## Summary of Request

The applicant is seeking approval of a Special Use Permit to install a new 250-foot high Public Safety Radio Tower at 421 17th Ave. West, also containing 1801 5th Street West, identified as Parcel Number 4493800159. The subject property is currently zoned R-2 (Medium Density, 1 & 2 Family), with a Future Land Use of RESMED (Medium Density Residential). The subject parcel is approximately 5.287 acres in size.

In review of the subject application, it was determined that the proposed tower meets the definition of "Public Facility" per Chapter 10, which is the definition section of the Land Use Regulations:

*"Public facility" Any plant or structure owned or proposed by a public agency, government body or public utility, but not including offices.*

Furthermore, according to Schedule 3.2.1.1 of the Land Use Regulations, a Public Facility is listed as a Special Use in the R-2 zoning district.

*Figure 1: Land Use Regulations – Schedule 3.2.1.1*

| SCHEDULE 3.2.1.1 RESIDENTIAL DISTRICTS / PERMITTED USES AND SPECIAL USES | | | | | | |
|---|---|---|---|---|---|---|
| USE | SINGLE-FAMILY R-1 | | | TWO FAMILY R-2 | | |
| | P | SU | SCC | P | SU | SCC |
| Religious Facilities<br>Mortuary/Crematory | | | | | | |
| Public Facility, Park [1] | | X | | | X | |

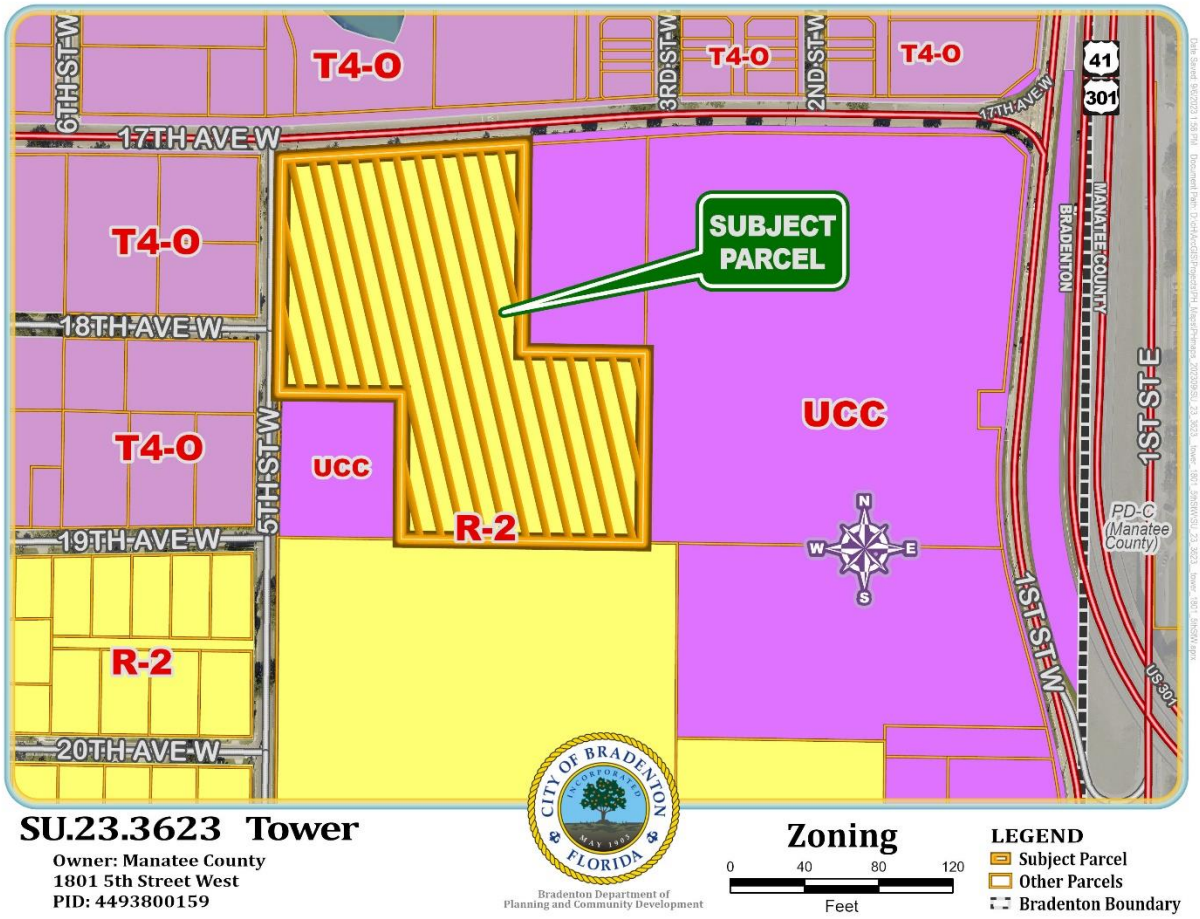
The subject property currently houses multiple Manatee County agencies including but not limited to; Public Safety Radio Division, Juvenile Booking Facility and the Manatee Regional Detention Center.

*Figure 2: Aerial Image*



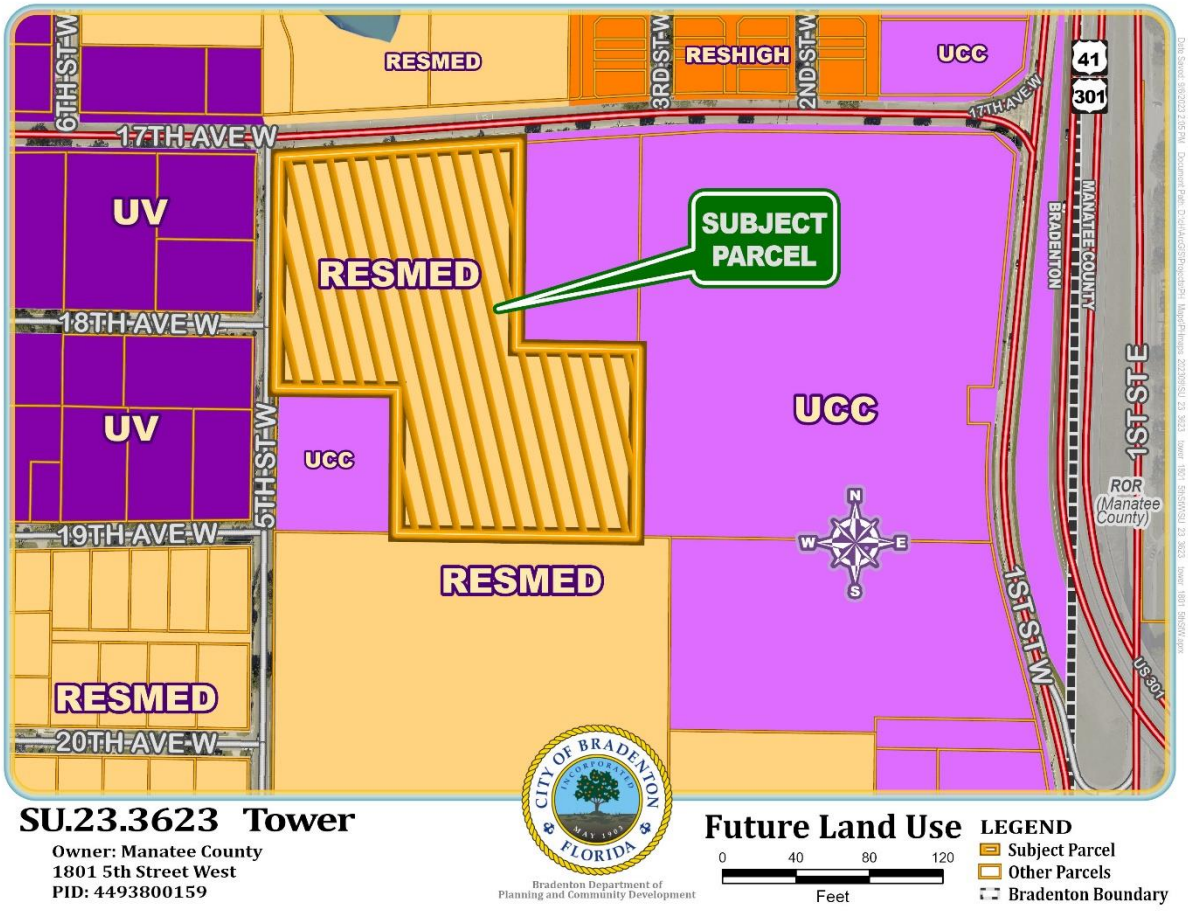
If approved, the proposed tower will replace an existing tower located adjacent to the County Administration Complex Parking Garage in downtown Bradenton. According to the submitted application materials, with the County's parking garage Capital Improvement Project moving forward and the parking garage being removed and rebuilt, the existing tower will be compromised during construction, therefore replacement is required and such replacement needs to be completed prior to decommissioning of the existing tower, so tower services are not negatively impacted.

*Figure 3: Neighboring zoning*




The subject property has frontages along 17th Avenue West and 5th Street West. Use types surrounding the subject property vary greatly and can be classified as Automotive, Commercial, Light Manufacturing, Public Facilities, Residential, and Social Services due to the nature of the services provided.

*Figure 4: Neighboring future land use*




The underlying Future Land Use for the subject properties is RESMED (Medium Density Residential). This district permits many uses including; commercial, retail, personal services, and offices. Auto oriented uses such as auto sales, car washes, gas stations, and vehicle storage are prohibited.

**Compliance Overview with Land Use Regulations**

Land uses requiring Special Use Permits are those which have the potential of disturbing other land uses in the zoning district. Because they are not necessarily compatible with land uses in the zone in which they are allowed, they require discretionary review. Special uses are permitted only if the use will be compatible with surrounding uses or can be made compatible through limitations of their operation or enhancements of the site development design. The Special Use Permit makes the stipulations of approval mandatory. The Special Use Permit is valid for the property on which it is issued for as long as the conditions are met, unless the approval stipulates otherwise.

The following is a list of required Land Use Regulations subject to review for Special Use Permits:

## GENERAL STANDARDS (LAND USE REGULATIONS)

3.3.1 *General standards.* All special uses shall comply at minimum with the following standards. Additional requirements may be made by city council to ensure compatibility of uses.

3.3.1.1 All special uses shall be subject to the general regulations of these LURs for single lot development, structures, lots, yards and vehicular use areas as well as the specific dimensional regulations for lots and structures for the zoning district in which the special use is proposed.

3.3.1.2 A landscaped separation strip of at least ten feet in width shall be provided along all property lines and along all streets serving the premises, except at approved access points.

*Staff Response: The subject project appears to meet the applicable requirement.*

3.3.1.3 If the use is listed as a specific use in section 4.3, the standards of that section must be met.

*Staff Response: The applicant submitted all required documentation.*

## REVIEW CRITERIA (LAND USE REGULATIONS)

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 development.

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.

3.3.2.5 The following shall be considered and cited as reasons for approval or denial of the application:

a. 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.

   *Staff Response: The subject property has existing points of ingress/egress from 17th Avenue West and 5th Street West, that should accommodate the uses needs as the use will not generate traffic.*

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

   *Staff Response: The subject property has existing off-street parking and the proposed use will not general much if any additional traffic that will require additional parking and/or loading areas.*

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

   *Staff Response: The proposed use will not generate any additional refuse, therefore no changes to the existing refuse service are expected.*

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

   *Staff Response: The proposed project will utilize existing utilities.*

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

*Staff Response: The proposed use does not introduce any outstanding nuisances or hazards and appears to be generally compatible with surrounding uses.*

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

*Staff Response: Any lighting or signage shall be in accordance with all State, Federal or City of Bradenton regulations, whichever has authority over required signage for the proposed use.*

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

*Staff Response: It appears that the proposed use will not adversely affect the economic value of surrounding properties.*

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

*Staff Response: It appears that the land is adequate to accommodate the proposed use and accessory structures.*

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

*Staff Response: The proposed use appears to be appropriate for the subject property due its proposed location on the property.*

j. Environmental quality of the district in which the use is proposed and the effect the special use permit might have on such quality.

*Staff Response: It appears that there will be no negative impacts to the existing environmental quality of the district as a result of the proposed project.*

k. Consistency with the city's comprehensive plan.

*Staff Response: While the proposed use falls under the term public facility, it appears that the overall use of the property is not*

*consistent with the Future Land Use designation in the Comprehensive Plan. Staff has recommended to the County that they should consider doing an amendment to the Plan and Land Use classification of the property to better suit their future needs*

** Please see the application materials for the applicant's response to the Review Criteria.

In addition to meeting the Special Use Review Requirements found in Section 3.3.2 of the Land Use Regulations, applicants requesting to construct Communication Towers and Antennas are also required to submit information specific to Section 4.3.10 of the Land Use Regulations, which includes but is not limited to visual impact and engineering reports.

4.3.10 *Communications towers and antennas.* Communications towers may be installed in certain non-residential districts after special use permit approval. Antennas installed on existing structures do not require special use permit approval provided no antenna extends more than 15 feet above the highest point of the structure. Speculation towers are prohibited. In addition to any information required by the PCD director, all applications for a new or expanded communications tower (tower, for the purposes of this subsection) shall include the following information:

4.3.10.1 *Community impact report (CIR).* The CIR includes the following components:

a. *Visual impact analysis.* This analysis explains how the design characteristics of the tower effectively reduce its visual obtrusiveness, and includes a site plan which indicates the maximum amount of vegetative screening of the tower and provides 100 percent screening of any accessory buildings/structures. A computer simulation of the proposed tower and accessory buildings/structures as they would appear on the site from various vantage points after construction shall be part of the visual impact analysis.

b. Consideration of whether the proposed tower will have substantial adverse aesthetic impacts on neighboring residential lands based on the physical components of the proposed tower, as well as, the amount of the antenna(s) and tower that can be viewed from surrounding residential zones.

c. The nature of other principal uses on and off site with preference given to the use of sites which are already developed with non-

residential uses and which are currently visually impacted by tall structures, utility facilities, light poles, or other similar improvements.

d. The nature of uses on adjacent and nearby properties and the proximity to all adjacent land uses, with preference being given to sites adjacent to non-residential uses or non-dwelling aspects of residential properties, such as open space, parks, retention ponds, wetlands, etc.

e. Any other pertinent information that supports the beneficial use and effects of the proposed tower.

f. Co-location study: This study demonstrates a lack of co-location availability within two miles of the proposed tower site. New or altered communications towers shall be structurally designed to accommodate the co-location of antennas.

g. Propagation study: This study must include areas within five miles of the proposed tower site.

4.3.10.2 *Engineer's certification.* This certification must ensure the structural integrity of the new or altered tower, and its ability to accommodate additional antennae. Antenna(s) taller than 20 feet and proposed as part of a co-location without need for a new tower shall also comply with this requirement.

4.3.10.3 *Specific standards.* The following specific standards shall be reflected in the application submittal package:

a. The city requires that the applicant or owner of a tower to remove the tower upon its abandonment. A tower shall be considered abandoned after 60 days of non-use.

b. Alternative towers such as flagpoles, artwork, and trees shall be limited to a maximum of 100 feet in height and require approval of the proposed design by the PCD director before proceeding through the required special use permit process.

c. Lighting shall comply with all Federal Aviation Administration requirements and shall be red both day and night. General illumination is prohibited, except for honorary lighting of a U.S. flag.

Based on the submitted application materials, it appears that all of the information required under Section 4.3.10 of the Land Use Regulations has been included with the application and that it meets the minimum code requirements.

**Staff Recommendation:**
Based on Staff's findings in response to the review criteria established for a Special Use permit, Staff recommends **Approval of Case SU.23.3623**.

**On September 20, 2023, Planning Commission recommended approval of Case SU.23.3623 as submitted (vote 6-0).**

Respectfully submitted,



Gregory J. DeLong
Assistant Director of PCD

**Exhibits**

Exhibit 1: Location Map

Exhibit 2: Future Land Use Map

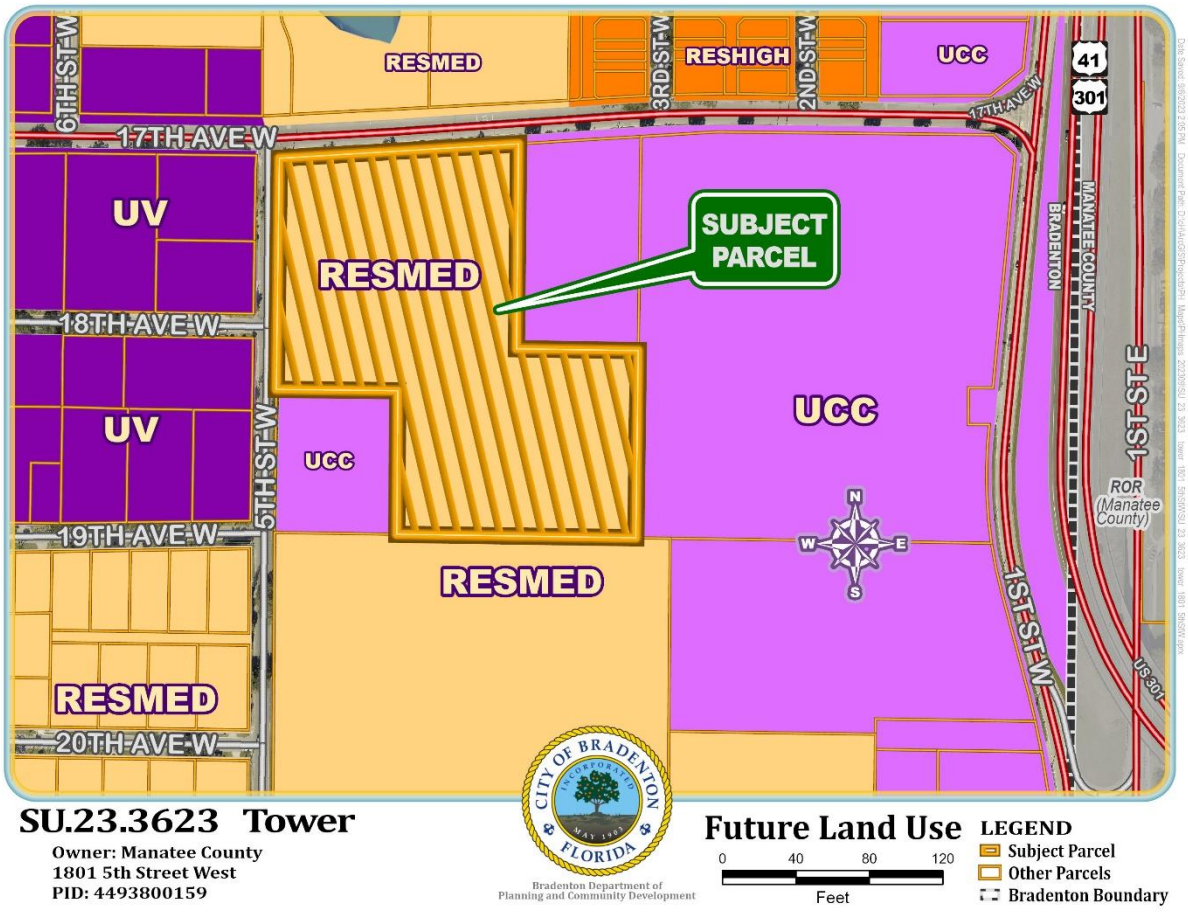
Exhibit 3: Zoning Map

Exhibit 4: Special Use Site Plan

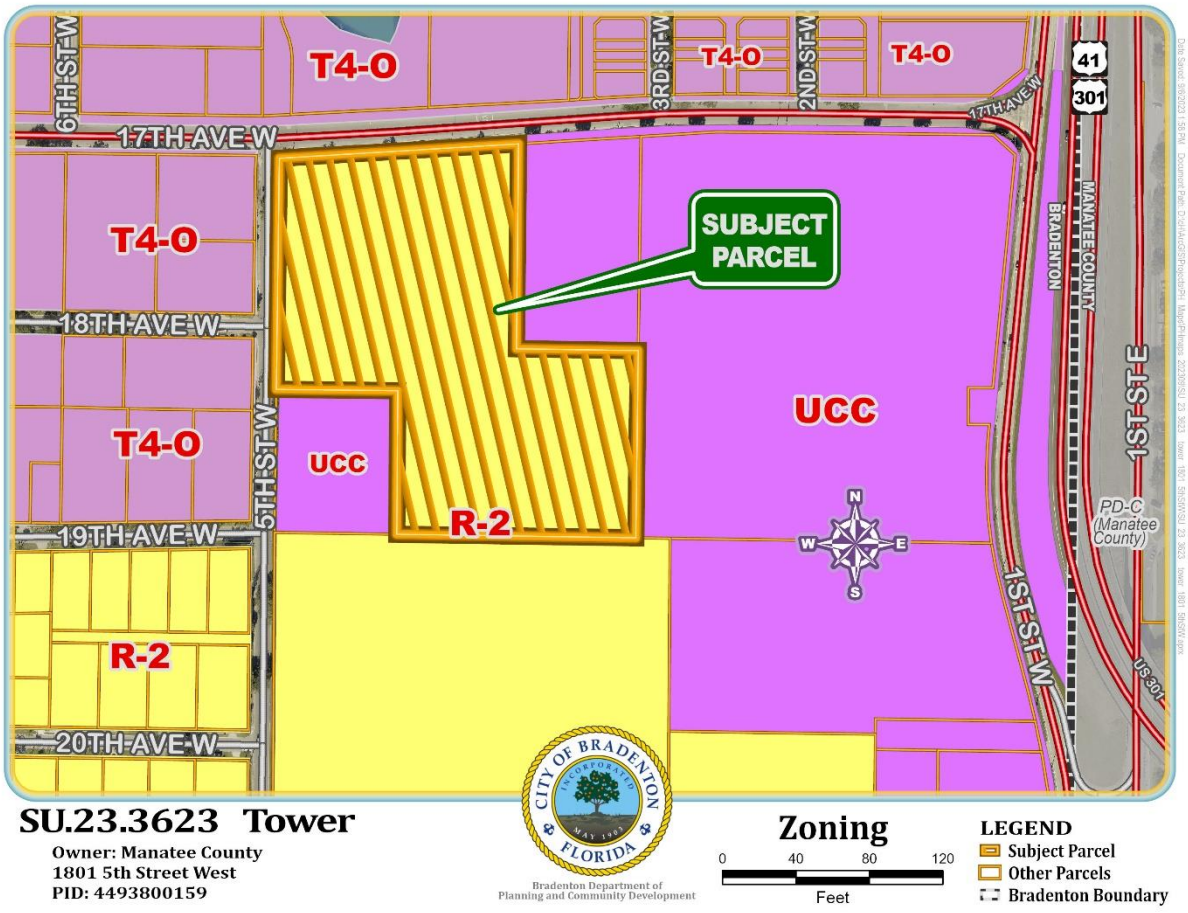
# Exhibit 1: Location Map



## Exhibit 2: Future Land Use Map



## Exhibit 3: Zoning Map



# Exhibit 4: Special Use Site Plan




1 / A1 SITE LAYOUT PLAN
SCALE: 1" = APPROXIMATELY 30'-0"

SCALE: 1" = 30'-0"

# CITY COUNCIL
# October 11, 2023

## Case: SU.23.3623
## Resolution: 23.78

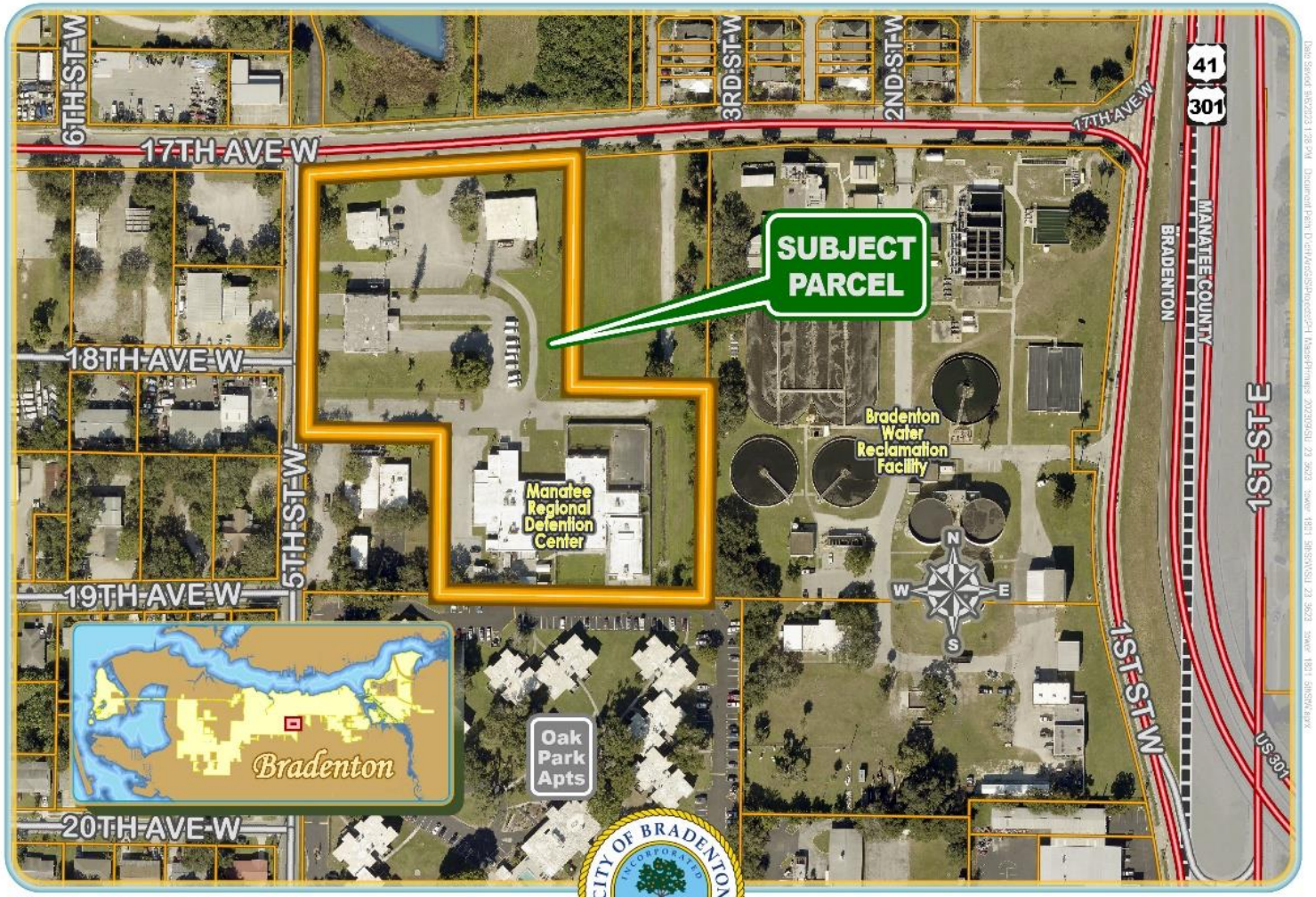
Request to install a new communications tower and associated equipment on property located at 421 17th Avenue West, also containing 1801 5th Street West

Staff Contact: Greg DeLong; Asst. PCD Director

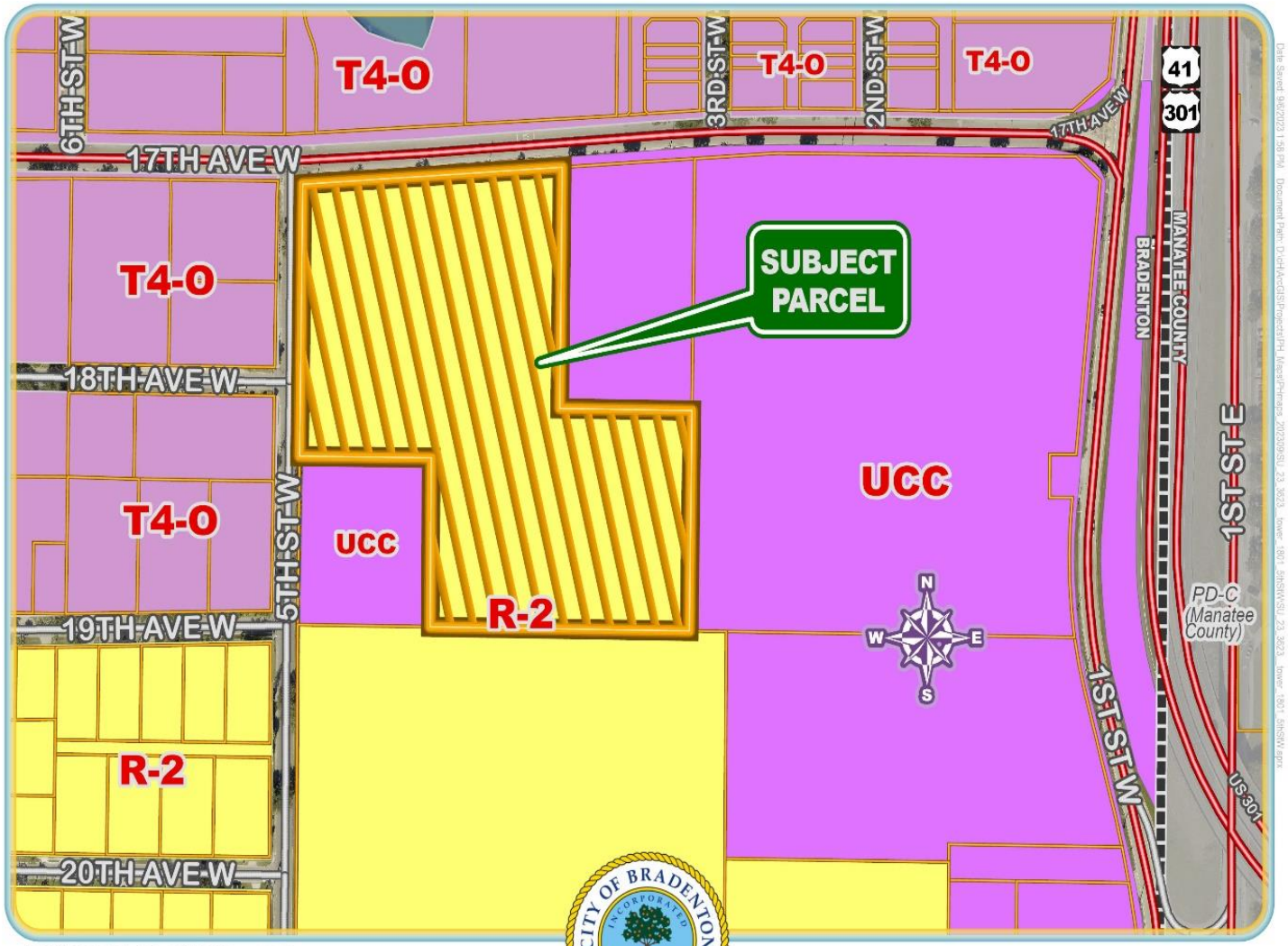
# Case Information

- Applicant: John Hamel, agent and Manatee County Radio Division Manager
- Address: 421 17th Avenue West, also containing 1801 5th Street West
- Parcel ID No: 4493800159
- Acreage: 5.287 acres
- Current Zoning: R-2 (Medium Density, 1 & 2 Family)
- FLUM Zoning: RESMED (Medium Density Residential)
- Existing Use: Various Manatee County agencies
- Purpose: Install a new 250’ communications tower and accessory equipment

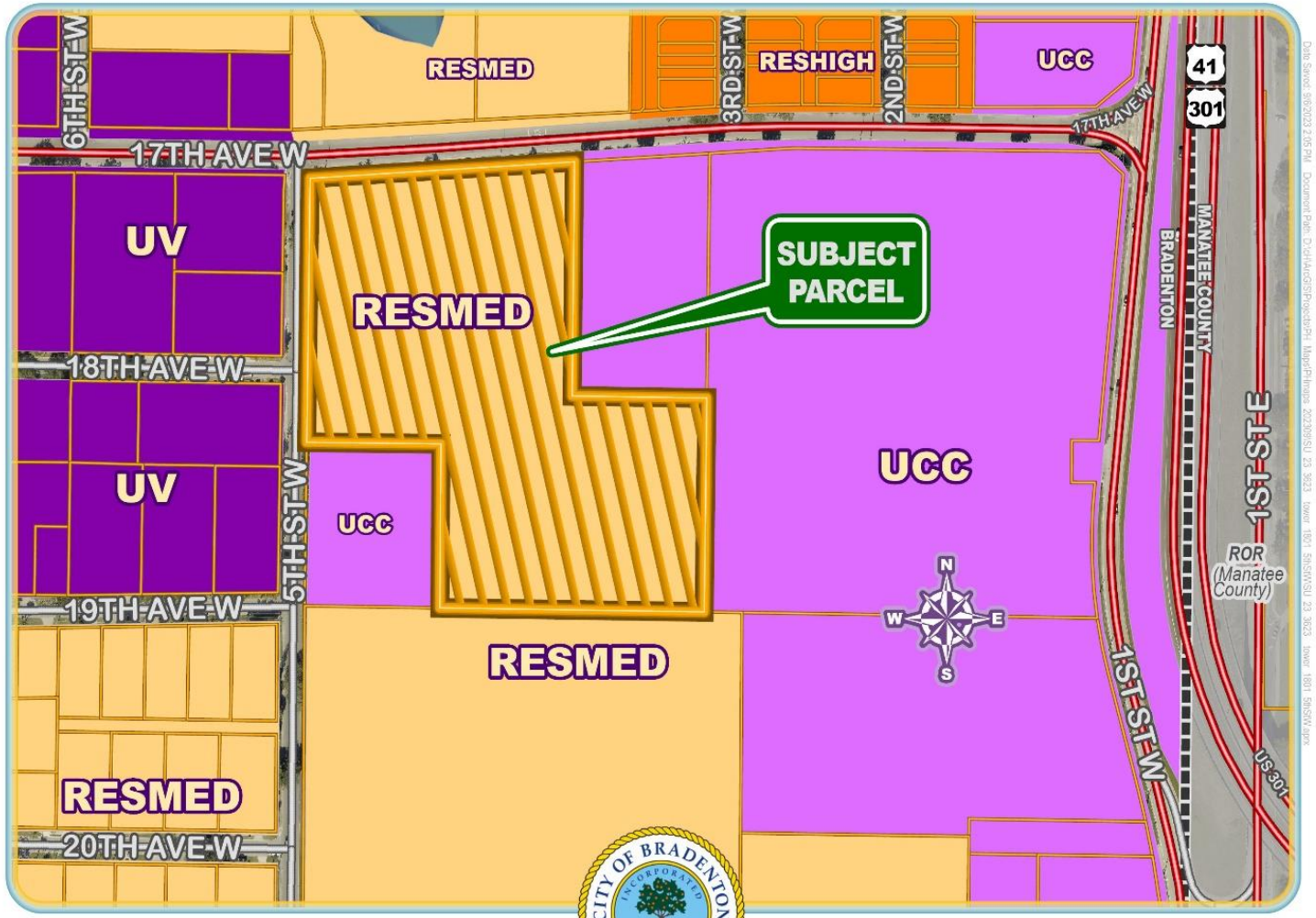
# Location Map



# Zoning Map


T4-O
T4-O
T4-O
T4-O
T4-O
UCC
UCC
R-2
R-2
SUBJECT PARCEL
6TH ST W
17TH AVE W
3RD ST W
2ND ST W
17TH AVE W
18TH AVE W
19TH AVE W
20TH AVE W
5TH ST W
1ST ST E
1ST ST W
MANATEE COUNTY
BRADENTON
PD-C (Manatee County)
US 301
41
301
N
W
E
S
SU.23.3623 Tower
Owner: Manatee County
1801 5th Street West
PID: 4493800159
CITY OF BRADENTON
INCORPORATED MAY 1903
FLORIDA
Bradenton Department of Planning and Community Development
Zoning
0 40 80 120
Feet
LEGEND
Subject Parcel
Other Parcels
Bradenton Boundary

# Future Land Use Map



# Proposed Request

- Applicant is requesting to install:
  - 250’ tall communications tower
  - Associated equipment

- Proposed use is being classified as a “Public Facility”:
  - *“Public facility” Any plant or structure owned or proposed by a public agency, government body or public utility, but not including offices*

- Proposed tower is to replace an existing tower located adjacent to the County Admin. Complex Parking Garage in downtown.

Land Use Regulations

| SCHEDULE 3.2.1.1 RESIDENTIAL DISTRICTS / PERMITTED USES AND SPECIAL USES | | | | | | |
|---|---|---|---|---|---|---|
| USE | SINGLE-FAMILY R-1 | | | TWO FAMILY R-2 | | |
| | P | SU | SCC | P | SU | SCC |
| Religious Facilities<br>Mortuary/Crematory | | | | | | |
| Public Facility, Park [1] | | X | | | X | |

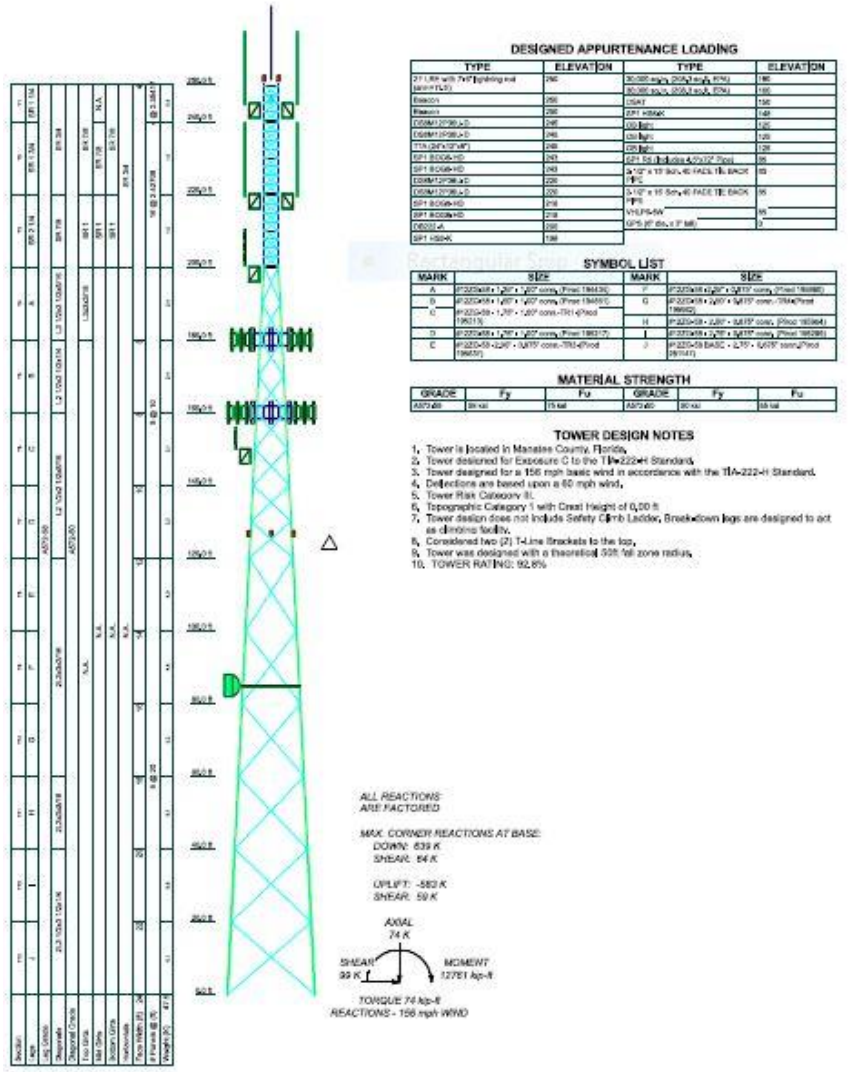
# Proposed Request




1 A1 SITE LAYOUT PLAN
SCALE: 1" = APPROXIMATELY 30'-0"

30 0 30
SCALE: 1" = 30'-0"

Proposed Site Plan



DESIGNED APPURTENANCE LOADING

| TYPE | ELEVATION | TYPE | ELEVATION |
|---|---|---|---|
| 21' LRR with 7x19 lighting rod (MARK FLD) | 260 | (6) 30.585 sq.in. (DOU) at sq.ft. (FLAT) | 180 |
| Beacon | 250 | (6) 30.585 sq.in. (DOU) at sq.ft. (FLAT) | 160 |
| Beacon | 250 | DSAT | 150 |
| DSBM12F96-xD | 240 | ERT 4000C | 140 |
| DSBM12F96-xD | 240 | (2) Ellipt | 130 |
| DSBM12F96-xD | 230 | (2) Ellipt | 120 |
| TTA (24'x12'x8') | 220 | (2) Ellipt | 110 |
| SPT 8C06-HD | 210 | SPT 8C06-HD | 100 |
| SPT 8C06-HD | 200 | 3-1/2" x 15' Sch. 40 FACE TIE BACK PIPE | 90 |
| DSBM12F96-xD | 190 | PIPE | 80 |
| DSBM12F96-xD | 180 | 3-1/2" x 15' Sch. 40 FACE TIE BACK PIPE | 70 |
| SPT 8C06-HD | 170 | PIPE | 60 |
| SPT 8C06-HD | 160 | VHLP8-5W | 50 |
| SPT 8C06-HD | 150 | GPS (6" dia. x 3" tall) | 0 |
| DB202-A | 140 | | |
| SPT HSHK | 130 | | |

SYMBOL LIST

| MARK | SIZE | MARK | SIZE |
|---|---|---|---|
| A | P127.5x58 • 1.250" • 1.250" conn. (Proud 194436) | F | P127.5x58 • 2.250" • 0.875" conn. (Proud 193988) |
| B | P127.5x58 • 1.875" • 1.250" conn. (Proud 194501) | G | P127.5x58 • 2.250" • 0.875" conn. (Proud 194002) |
| C | P127.5x58 • 1.750" • 1.250" conn. (Proud 195213) | H | P127.5x58 • 2.250" • 0.875" conn. (Proud 193964) |
| D | P127.5x58 • 1.750" • 1.250" conn. (Proud 195217) | I | P127.5x58 • 2.750" • 0.875" conn. (Proud 193289) |
| E | P127.5x58 • 1.250" • 0.875" conn. (Proud 194537) | J | P127.5x58 BASC • 2.750" • 0.875" conn. (Proud 194147) |

MATERIAL STRENGTH

| GRADE | Fy | Fu | GRADE | Fy | Fu |
|---|---|---|---|---|---|
| A572-65 | 65 ksi | 75 ksi | A572-60 | 60 ksi | 65 ksi |

TOWER DESIGN NOTES

1. Tower is located in Manatee County, Florida.
2. Tower designed for Exposure C to the TIA-222-H Standard.
3. Tower designed for a 156 mph basic wind in accordance with the TIA-222-H Standard.
4. Deflections are based upon a 60 mph wind.
5. Tower Risk Category II.
6. Topographic Category 1 with Crest Height of 0.00 ft
7. Tower design does not include Safety Climb Ladder. Breakdown legs are designed to act as climbing facility.
8. Considered two (2) T-Line Brackets to the top.
9. Tower was designed with a theoretical 525' tilt zone radius.
10. TOWER RATING: 92.8%

ALL REACTIONS ARE FACTORED

MAX. CORNER REACTIONS AT BASE:
DOWN: 639 K
SHEAR: 64 K

UPLIFT: -583 K
SHEAR: 59 K

AXIAL 74 K
SHEAR 99 K
MOMENT 12761 kip-ft

TORQUE 74 kip-ft
REACTIONS - 156 mph WIND

Proposed Elevation

# Current Conditions




Looking south from 5th Street West

# Current Conditions




Looking north from 5th Street West

# Current Conditions



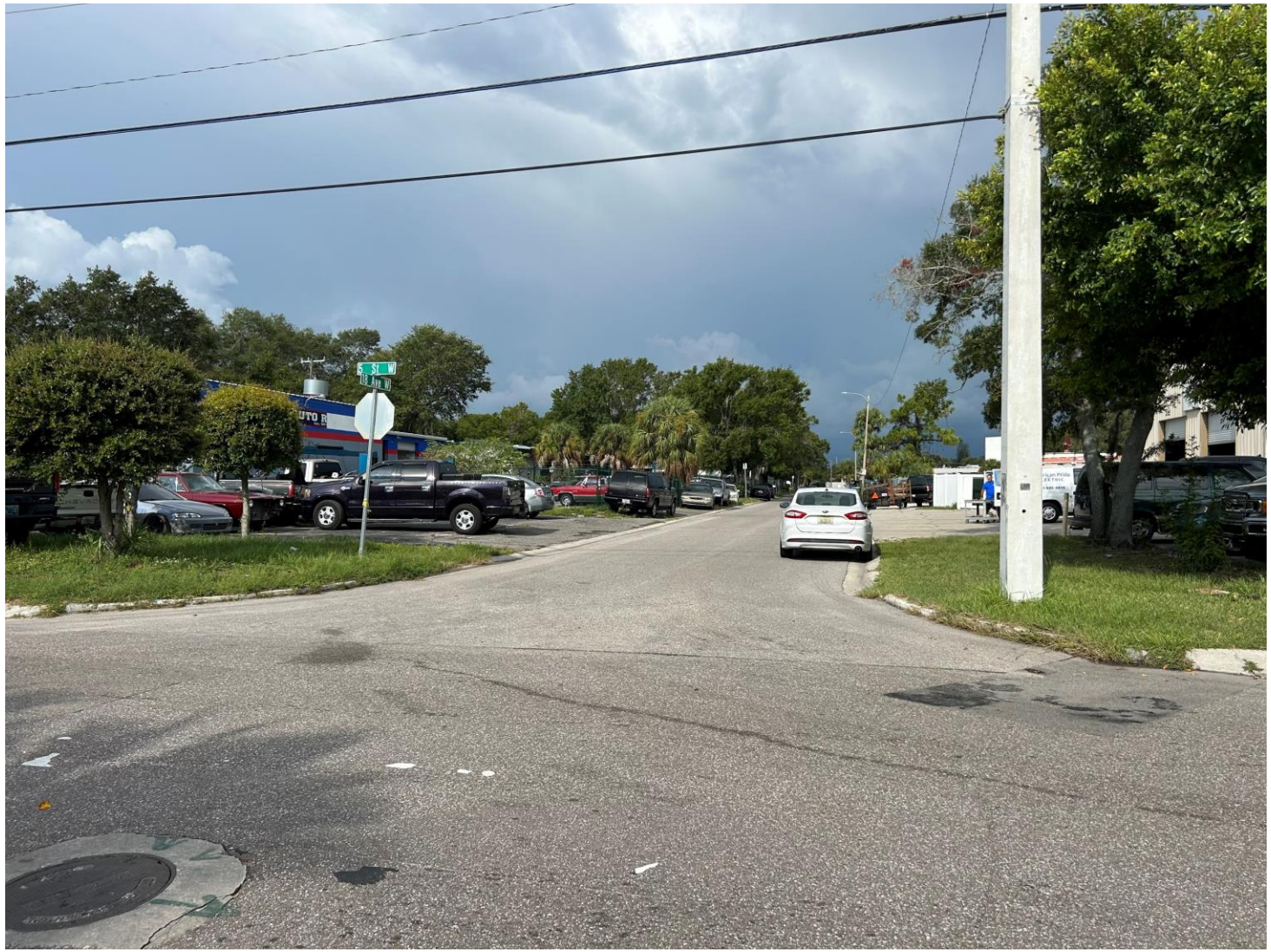
Looking east from 5th Street West (Tower to be located behind the palm trees)

# Current Conditions




Looking east from 5th Street West

# Current Conditions



Looking west from 5th Avenue East

# General Special Use Standards

3.3.1 *General standards.* All special uses shall comply at minimum with the following standards. Additional requirements may be made by city council to ensure compatibility of uses.

3.3.1.1 All special uses shall be subject to the general regulations of these LURs for single lot development, structures, lots, yards and vehicular use areas as well as the specific dimensional regulations for lots and structures for the zoning district in which the special use is proposed.

3.3.1.2 A landscaped separation strip of at least ten feet in width shall be provided along all property lines and along all streets serving the premises, except at approved access points.
*Staff Response: The proposed use/expansion meets the subject requirement.*

3.3.1.3 If the use is listed as a specific use in section 4.3, the standards of that section must be met.
*Staff Response: The applicant submitted all required documentation.*

# Required Criteria

3.3.2.5 The following shall be considered and cited as reasons for approval or denial of the application:

A. 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.
B. Location and design of off-street parking and loading areas in regard to the items in "a." above and the smoke, noise, glare, dust, vibrations, fumes, pollution and other effects of the use on adjoining properties.
C. Location and design of refuse and service areas in regard to availability, adequacy and effect upon surrounding properties.
D. Utilities, in regard to location, availability, adequacy and compatibility with surrounding properties.
E. Screening, buffering or separation of any nuisance or hazardous feature of the use.
F. Proposed signs and exterior lighting with reference to glare, traffic safety and compatibility and harmony with surrounding properties.
G. Effect upon the value of surrounding properties; the use shall not hinder the development of nearby vacant properties or adversely affect their economic value.
H. Adequacy of land and/or building which are to be used.
I. General compatibility or appropriateness with adjacent properties and other property in the district with special consideration given to the proposed hours of operation.
J. Environmental quality of the district in which the use is proposed and the effect the special use permit might have on such quality.
K. Consistency with the city's comprehensive plan.

# Telecommunication Tower Criteria

In addition to meeting the Special Use Review Requirements found in Section 3.3.2 of the Land Use Regulations, applicants requesting to construct Communication Towers and Antennas are also required to submit information specific to Section 4.3.10 of the Land Use Regulations, which includes but is not limited to visual impact and engineering reports.

4.3.10 *Communications towers and antennas.* Communications towers may be installed in certain non-residential districts after special use permit approval. Antennas installed on existing structures do not require special use permit approval provided no antenna extends more than 15 feet above the highest point of the structure. Speculation towers are prohibited. In addition to any information required by the PCD director, all applications for a new or expanded communications tower (tower, for the purposes of this subsection) shall include the following information:

4.3.10.1 *Community impact report (CIR).* The CIR includes the following components:

*a.* *Visual impact analysis.* This analysis explains how the design characteristics of the tower effectively reduce its visual obtrusiveness, and includes a site plan which indicates the maximum amount of vegetative screening of the tower and provides 100 percent screening of any accessory buildings/structures. A computer simulation of the proposed tower and accessory buildings/structures as they would appear on the site from various vantage points after construction shall be part of the visual impact analysis.

b. Consideration of whether the proposed tower will have substantial adverse aesthetic impacts on neighboring residential lands based on the physical components of the proposed tower, as well as, the amount of the antenna(s) and tower that can be viewed from surrounding residential zones.

# Telecommunication Tower Criteria

c. The nature of other principal uses on and off site with preference given to the use of sites which are already developed with non-residential uses and which are currently visually impacted by tall structures, utility facilities, light poles, or other similar improvements.

d. The nature of uses on adjacent and nearby properties and the proximity to all adjacent land uses, with preference being given to sites adjacent to non-residential uses or non-dwelling aspects of residential properties, such as open space, parks, retention ponds, wetlands, etc.

d. Any other pertinent information that supports the beneficial use and effects of the proposed tower.

f. Co-location study: This study demonstrates a lack of co-location availability within two miles of the proposed tower site. New or altered communications towers shall be structurally designed to accommodate the co-location of antennas.

g. Propagation study: This study must include areas within five miles of the proposed tower site.

4.3.10.2 *Engineer's certification.* This certification must ensure the structural integrity of the new or altered tower, and its ability to accommodate additional antennae. Antenna(s) taller than 20 feet and proposed as part of a co-location without need for a new tower shall also comply with this requirement.

# Telecommunication Tower Criteria

4.3.10.3 *Specific standards.* The following specific standards shall be reflected in the application submittal package:

a. The city requires that the applicant or owner of a tower to remove the tower upon its abandonment. A tower shall be considered abandoned after 60 days of non-use.
b. Alternative towers such as flagpoles, artwork, and trees shall be limited to a maximum of 100 feet in height and require approval of the proposed design by the PCD director before proceeding through the required special use permit process.
c. Lighting shall comply with all Federal Aviation Administration requirements and shall be red both day and night. General illumination is prohibited, except for honorary lighting of a U.S. flag.

# Staff Recommendation

Based on Staff's findings in response to the review criteria established for a Special Use permit, Staff recommends Approval of Case SU.23.3623.

On September 20, 2023, Planning Commission recommended approval of Case SU.23.3623 as submitted (vote 6-0).

# ABBREVIATED MINUTES
# PLANNING COMMISSION MEETING
## September 20, 2023

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida at 2:00 p.m.

**PRESENT**

**Planning Commission Members:** Ben Bakker-Chair, Michael Jones, Michael Neal, Kurt Landefeld, Richard Whetstone, Keith Green-Alternate.
**City Staff:** Scott Rudacille-City Attorney, Robin Singer-Planning and Community Development Director, Greg DeLong-Asst. Director, Planning and Community Development, Jamie Schindewolf-Senior Planner, Lori Brunner-Planning and Community Development Administrative Assistant, Timothy Hochuli-Plans Examiner.

**REGULAR MEETING**

1. Meeting was called to order by the Planning Commission Chair, Ben Bakker at 2:01 p.m.
2. Pledge of Allegiance.
3. Roll Call
4. Motion to approve the July 19, 2023 Meeting Minutes by Commissioner Whetstone and seconded by Commissioner Landefeld.

**PUBLIC COMMENT**
No speakers came forward to speak on non-agenda items.

**AGENDA ITEMS:**

1. Adjustment Request: Case Number AD.23.2988: Resolution granting a Form Based Code adjustment for an additional wall sign to be located on the north façade, and for a sign band to be located on the second level of the parking garage on the south and west facades, of a building located at 1001 3rd Avenue West (Parcel ID 3291400004) in the T6 (Urban Core) zoning district. Application filed by 3rd Avenue Associates.

**Staff Recommendation:** Jamie Schindewolf spoke on behalf of the City. Staff recommends approval.

**Applicant:** Kaley Grimes, 3rd Avenue Associates representative. Asking for variance to allow signage for this newer project.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

Chair Bakker recused himself as he is employed by the NDC Company.

DRAFT

**Motion:** Commissioner Green motioned to approve. Commissioner Neal seconded the motion. Motion passed 5 to 1, with recusal of Chair Bakker.

2. Variance Application: Case Number VA.23.2946: Request to increase the square footage of an existing accessory structure, located in the front yard of the property at 2712 2nd Avenue West (Parcel ID 3456400109) in the R-1 (Low Density Single Family) zoning district. Application filed by property owner Jeremy Hammond.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends denial of the variance based on the criteria.

**Applicant:** Jeremy Hammond, 2712 2nd Avenue West, asking to enclose porch area. The building looks well for the area, which was built in 1917. This will be to increase square footage of the building.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

**Motion:** Commissioner Landefeld motioned to approve. Commissioner Green seconded. Motion passed unanimously.

3. Variance Application: Case Number VA.23.3571: Request to reduce the minimum driveway distance for two separate driveways from the intersection of 31st Street N.W. and Riverview Boulevard and to increase the driveway width at the property line along 31st Street N.W. for property located at 3102 Riverview Boulevard (Parcel ID 3491000059) in the R-1 (Low Density Single Family) zoning district. Application filed by property owner Sloan Properties Group, LLC, Daniel Sloan, Manager.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends denial of the variance based on the criteria.

**Applicant:** Daniel Sloan, Sloan and Sloan Architects, 3102 Riverview Boulevard, and Sloan Properties Group. Mr. Sloan gave a presentation with handouts as well as his background of his education and experience. He stated that their goal is to minimize the destruction of trees and also increase the driveway area. They are also asking that the City change the requirements to 30 feet so that applicants in the future would not have to go through this process.

Chair Bakker asked Mr. DeLong about widening the apron for access. Mr. DeLong, stated that it is a possibility, but it is up to the applicant.

**Public Comment:** Chair Bakker opened the Public Hearing.

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Carl Callahan, 114 25th Street West, Bradenton, is for approval of this variance with the circular driveway.

**Motion:** Commissioner Jones motioned to approve with stipulations. Commissioner Neal seconded. Motion passed unanimously.

4. Special Use Permit: Resolution 23-76, Case Number SU.23.3297: Request for a Special Use Permit for a Drive-Thru Restaurant facility to be located at 109, 116 and 118 10th Avenue East (Parcel ID Numbers 4620200008, 4622000000 and 4621900002) in the T4-O (General Urban Open) zoning district. Application filed by Robert Schmitt, agent for 101 Partners, LLC.

**Staff Recommendation:** Jamie Schindewolf spoke on behalf of the City. Staff recommends approval with stipulations.

The Commissioners briefly discussed the parking access.

**Applicant:** Robert Schmitt, P. O. Box 20115, Bradenton, agent for 101 Partners, LLC. Mr. Schmitt went over the plans for the parking areas and also stated that the project is consistent with the area.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

**Motion:** Commissioner Green motioned to approve with stipulations as submitted. Commissioner Neal seconded. Motion passed unanimously.

5. Special Use Permit: Resolution 23.77, Case Number SU.23.3543: Request filed for a Special Use Permit for the expansion of a light manufacturing use located at 1410 8th Avenue East and 1415 9th Avenue East (Parcel ID Numbers 3247400059, 3247200003, and 3247000007) in the T4-O (General Urban Open) zoning district. Application filed by Brian J. Aungst, Jr., Esq, agent for General Properties.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends approval with stipulations.

**Applicant:** Clay Gillman, on behalf of General Properties, 65 Court Street, Florida. This request is to remove the existing building and rebuild a new facility. They are working through the stipulations, and feel that this project is a big improvement for the site.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

**Motion:** Commissioner Landefeld motioned to approve. Commissioner Green seconded with current stipulations. Motion passed unanimously.

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6. Special Use Permit: Resolution 23.78, Case Number SU.23.3623: Request filed for a Special Use Permit to construct a new 250-foot communications tower and shelter for property located at 1801 5th Street West (Parcel ID 4493800159) in the R-2 (Medium Density, 1 & 2 Family) zoning district. Application filed by John Hamel, agent and Manatee County Radio Division Manager for Manatee County Government.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends approval with specifications.

**Applicant:** Marshall Robinson, Staff Planner, Manatee County. Was there to help with any zoning questions on relocating the tower.
John Hamel, 1801 5th Street West, Manatee County Radio Division Manager. Answered Commissioner Green's question about which wireless carrier the existing tower has and will the new tower also have the same. Mr. Hamel stated that this is part of a 10-tower system located throughout the County that will provide public safety communications for the City of Bradenton, Police, Fire, Manatee County Government, Palmetto, West Bradenton, EMS, MSO, etc. The tower needs to be moved due to the construction project at the County parking garage. The location of the new tower is based on specific criteria.

Commissioner Landefeld asked if the new tower will be a Cat 5. Mr. Hamel stated that, yes, it will be, as are all of the 10 towers. They are part of the Public Safety infrastructure.

**Public Comment:** Chair Bakker opened the Public Hearing.

Bruce Cotellis, 1908 39th Street. Mr. Cotellis also owns other properties within the County. He opposes the building of the tower.

**Applicant:** Mr. Hamel addressed the concerns of Mr. Cotellis including the special requirements by design that will be met, such as lights on the tower and self-collapsing features during an emergency.

Commissioner Neal asked again about self-collapsing. Mr. Hamel discussed it further.

Police Chief Bevan added that the tower needs to be somewhere for Public Safety for communication. She said the tower would not affect law enforcement and she has no concerns with policing.

**Motion:** Commissioner Green motioned to approve. Commissioner Whetstone seconded. Motion passed unanimously

7. Amendment to the Form Based Code: Ordinance 4017, Case LU.23.3494: Request by the City of Bradenton creating Article 1, Section 1.12, Building Height Incentives, of the Bradenton Form Based Code, to provide a time limited height incentive in the T5 and T6 zoning districts.

Robin Singer presented the Form Based Code amendment and discussed the purpose of the amendment.

The Commission discussed the specifics of the amendment.

**Public Comment:** Chair Bakker opened the Public Hearing.

Carl Callahan, 114 25th Street West, Bradenton. He has spoken to staff quite a bit over the years about this subject. He is glad this is being looked at.

**Motion:** Commissioner Landefeld motioned to approve as submitted, with suggestions for staff. Commissioner Green seconded. Motion passed unanimously.

8. Amendment to the Land Use Regulations and Form Based Code: Ordinance 4018, Case LU.23.3495: Request by the City of Bradenton amending Chapter 2.0, Section 2.2.4.1, types of Special Uses, of the Land Use Regulations to clarify the approval requirements for the expansion of Special uses; amending Article 4, Table 4.7, specific function and use, of the Form Based Code, to add use categories including Secondhand Store and Pawnshop, and changing the status of Medical Clinics in certain districts; and amending Article 12, of the Form Based Code, definition of terms, to define Pawn, Pawnbroker, Secondhand Store and Pawnshop.

Ms. Singer discussed the amendment to the Form Based Code and the area uses, as well as the changes. She spoke about the process of the special use projects.

The Commission discussed which uses are being specifically reviewed.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

**Motion:** Commissioner Whetstone motioned to approve. Commissioner Green seconded. Motion passed unanimously.

**Director's Report:**
Mr. DeLong stated that they are getting ready to launch the Citywide Visioning Project. He said that the Planning Commission meeting date for November needs to be moved back to the original date of November 15th; it had been moved to November 8th. There will also be a meeting in October, with a couple of items to discuss.

**Adjournment:** The meeting adjourned at 3:59 p.m.

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Ben Bakker, Chair

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

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**AGENDA ITEM NO. 7.d**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Gianna Smith, Fire

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

**SUBJECT:** Ordinance 4022 - SECOND READING AND PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 42, ARTICLE I, II, AND III RELATING TO FIRE PREVENTION AND PROTECTION; REVISING CHAPTER 42, ARTICLE I, II, AND III, TO REMOVE DUPLICATIVE LANGUAGE FROM THE FLORIDA FIRE PREVENTION CODE AND TO CLEAN UP LANGUAGE AND CODE NUMBERS TO ALLOW EASIER READING AND UNDERSTANDING OF CHAPTER 42; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**SUGGESTED ACTION:** Approval

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
Yes

**EXPLANATION:**
Revision to the City's Fire Code to bring current.

**FINANCIAL IMPACT:**
N/A

**ATTORNEY REVIEW/RECOMMENDATION:**
Attorney Rudacille reviewed ordinance.

**SUGGESTED MOTION:**
Motion to approve Ordinance 4022.

**ATTACHMENTS:**
Ordinance 4022
Business Impact Estimate for Ordinance 4022

**ORDINANCE NO. 4022**

**AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 42, ARTICLE I, II, AND III RELATING TO FIRE PREVENTION AND PROTECTION; REVISING CHAPTER 42, ARTICLE I, II, AND III, TO REMOVE DUPLICATIVE LANGUAGE FROM THE FLORIDA FIRE PREVENTION CODE AND TO CLEAN UP LANGUAGE AND CODE NUMBERS TO ALLOW EASIER READING AND UNDERSTANDING OF CHAPTER 42; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 42 of the City's Code of Ordinances governs fire prevention and protection for the City; and

**WHEREAS**, Chapter 633, Part II, Florida Statutes governs fire safety and prevention for the State of Florida;

**WHEREAS**, Chapter 633, Part II, Florida Statutes, provides uniform statewide standards for fire safety and prevention;

**WHEREAS**, the City has adopted the Florida Fire Prevention Code as provided for in Section 633.202, Florida Statutes;

**WHEREAS**, Chapter 42 of the City's Code of Ordinances contains certain information that is duplicative of the Florida Fire Prevention Code;

**WHEREAS**, the City finds it is in the City's best interest to remove duplicative language and otherwise clean up certain language and code numbers to allow easier reading and understanding of Chapter 42.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA:**

**Section 1**. Findings of Fact. The foregoing whereas clauses are hereby adopted as findings of fact.

**Section 2**. Amended Code Language.

A. Chapter 42, Fire Prevention and Protection, Article I, shall be revised as follows:

ARTICLE I. - IN GENERAL

*DIVISION 1. - PREAMBLE*

**Sec. 42-1. - Introduction.**

The purpose of this chapter is to provide the Bradenton Fire Department with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use, and maintenance of fire safety equipment; regulating the use of structures, premises, and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

**Sec. 42-2. – Bureau of fire prevention, inspection, and investigation established.**

The bureau of fire prevention, inspection, and investigation is hereby established, to be under the control of the fire chief, to assist in the performance of the responsibilities and duties placed upon the fire marshal of the Bradenton Fire Department. The fire chief shall designate a fire official as fire marshal. The fire marshal of the Bradenton Fire Department shall be responsible for the enforcement of the fire prevention code of the Bradenton Fire Department.

The bureau of fire prevention, inspection, and investigation (hereinafter referred to as the bureau) within the Bradenton Fire Department shall operate under the supervision of the fire marshal of the Bradenton Fire Department. The fire marshal shall be responsible for the direct administration and enforcement of the Bradenton Fire Department fire prevention code. The fire marshal may designate such number of fire inspectors as shall, from time to time, be authorized by the fire chief of the Bradenton Fire Department.

**Sec. 42-3. - Duties and responsibilities.**

It shall be the duty of the fire marshal and their designees to enforce all rules and regulations of the Bradenton Fire Department.

(a) These duties shall consist of, but not be limited to, the following:

1. The prevention of fires;

2. The storage and use of explosives and flammables;

3. The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;

4. The maintenance and regulation of fire escapes;

5. The means and adequacy of exits, in case of fire, from buildings and all other places in which numbers of persons work, live, or congregate from time to time for any purpose;

6. The investigation of the cause, origin, and circumstances of fires;

7. The maintenance of fire cause and loss records.

(b) It shall be the duty of the fire marshal of the Bradenton Fire Department to investigate and recommend to the fire chief, such additional rules and regulations or amendments to existing rules and regulations as they may deem necessary for safeguarding life and property against fire.

(c) The fire marshal shall prepare instructions for their assistants and forms for their use in the reports required by these rules and regulations.

(d) The fire marshal shall inspect, or cause to be inspected, all premises on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and rules and regulations governing the same and for safeguarding of life and property from fire.

(e) The fire marshal and their designees shall have such other powers and perform such other duties as are set forth in other sections of this code, and as may be conferred and imposed from time to time by law.

**Secs. 42-4—42-9. - Reserved.**

B. Chapter 42, Fire Prevention and Protection, Article II, shall be revised as follows:

*DIVISION 2. - GENERAL PROVISIONS*

**Sec. 42-10. - Title.**

The title of this code shall be the fire prevention code of the Bradenton Fire Department, hereinafter referred to as the "code." One or more copies shall be on file in the administrative office of the Bradenton Fire Department, located at 1010 9th Avenue West, Bradenton, Florida 34205, and shall be kept available for public use, inspection, and examination.

**Sec. 42-11. - Definitions.**

For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The below listed definitions are in addition to the definitions found in ~~chapter 2, section 2-1 of NFPA No. 1:~~ the current edition of the Florida Fire Prevention Code (FFPC):

*Authority having jurisdiction (A.H.J.).* The Bradenton Fire Department through the fire chief or ~~his~~ designated state certified inspector.For the purpose of this code, the terms “fire marshal” and “authority having jurisdiction” are interchangeable.

*Building code.* The Florida Building Code as identified in F.S. Ch. 553.73.

*NFPA* or *NFIPA.* The National Fire Protection Association as referenced in the Standard Building Code. NFPA or NFIPA Standard No. (_____) or Code No. (_____) shall mean the referenced code or standard as compiled and published by the National Fire Protection Association.

*National Fire Code.* The compilation of the National Fire Protection Association codes, standards, recommended practices, and manuals, published by the National Fire Protection Association and as adopted by the Bradenton Fire Department.

*Path of egress.* As delineated by the life safety plan and/or as determined by the A.H.J.

*Story.* That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A parking area beneath a building is considered a story.

*Substantially altered.* A structural alteration increasing the square footage of an existing building by 50 percent or more, or increasing the square footage of an existing building such that the square footage of the entire building exceeds the table limits of ~~table 2001~~ Table 1 shall be considered a substantial alteration. ~~Any substantial structural alteration in, or addition to, the supporting or structural members of a building, such as bearing walls, bearing columns, bearing beams, or bearing girders, or elimination, moving, or construction of new partitions within 50 percent or more of the square footage of an existing building, may be considered a substantial alteration. Substantial alterations shall not include inter alia, repairs to roofs or walls, interior or exterior painting or redecoration, air conditioning or heating systems repairs or replacement, modernization of kitchens or bathrooms, gas, water, sewer, and electrical systems.~~

~~*Unfriendly fire.* Any fire that is determined to be unauthorized burning of any nature, or a fire that is out of control or poses a potential threat to life or property.~~

~~*Unit.* A room or group of rooms, within a multifamily structure, designed for occupation by one family only.~~

**Sec. 42-12. - Recognition of Florida Fire Prevention Code.**

This code recognizes the Florida Fire Prevention Code as adopted by the state pursuant to F.S. § ~~633.0215~~ 633.202. The same are hereby adopted and incorporated, as fully as if set out at length, herein. Not less than one copy of the adopted issue of NFPA 1, Fire Prevention Code of the National Fire Protection Association, and the adopted standards and codes of the National

Fire Codes shall be filed in the office of the Bradenton Fire Department and the provisions thereof shall be controlling within the limits of that department. Whenever the Florida Fire Prevention Code as referenced herein and this fire prevention code address an identical issue, the more stringent fire protection provision shall apply.

**Sec. 42-13. - Recognition of building code.**

This code recognizes and incorporates, as fully as if set out herein, the Florida Building Code as identified in section 42-11. Whenever the Florida Building Code is referenced herein, and this fire prevention code addresses an identical issue, the more stringent fire protection provision shall apply.

**Sec. 42-14. - Application.**

(a) The provisions of this code shall apply to all buildings, structures, vehicles, marine vessels, premises, and conditions within this jurisdiction. The provisions of this code shall apply equally to existing as well as new buildings (unless specifically noted in this code). Structures, vehicles, marine vessels, premises, and conditions not in strict compliance with this code may be permitted to continue unless, in the opinion of the fire marshal, they constitute a distinct fire hazard to life or property.

(b) The provisions of this code do not apply to one- or two-family dwellings in the normal use or maintenance thereof, except that this code shall apply whenever the activity or use of such dwelling creates a distinct fire hazard to life or property, or is referenced by the uniform standards as referenced in F.S. Ch. 633.

(c) The provisions of this code do not apply to those buildings or structures specifically under the uniform standards of the state, as set forth in F.S. Ch. 633, except as provided therein.

(d) The provisions of this code shall be complied with whenever a building is built, or a building or occupancy is considered to be substantially altered. Compliance with this code may be required when a new owner, renter, or lesser assumes control of a building, unit, or business, or if there is a change in the occupancy classification. Only those requirements whose application would be clearly impractical in the judgment of the authority having jurisdiction shall be modified.

(e) Existing buildings that are occupied at the time of adoption of the code may be continued in use provided:

(1) The occupancy remains the same and,

(2) No serious life safety hazard exists that would constitute an imminent threat and,

(3) The building was not previously under review for code compliance.

(f) The provisions of this code, as far as they are substantially the same as existing provisions of law relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactment.

(g) The adoption of this code or the repeal of any other existing provision of law, including regulations or orders, shall not be construed to alter any time limit which may have been imposed by any existing law, regulation, or order of the fire marshal or other authority relating to compliance with such limits.

(h) If any provision of this code is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remaining provisions of this code.

**Secs. 42-15—42-24. - Reserved.**

C. Chapter 42, Fire Prevention and Protection, Article III, shall be revised as follows:

ARTICLE III. - FIRE PREVENTION REGULATIONS

**Sec. 42-40. ~~Hazardous conditions.~~ - Reserved.**

~~(a) Any person, upon discovering evidence of spontaneous heating or other abnormal heating of any merchandise, commodity, cargo, shipment, or other material of any kind in any building, marine vessel, appliance, apparatus, tank, or open stack or pile, or any person, upon discovering or being appraised of any uncontrolled hazardous leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the fire department via 911.~~

~~(b) No person shall knowingly maintain a fire hazard.~~

~~Cross reference – Penalty, § 42-57.~~

**Sec. 42-41. ~~Smoking.~~ - Reserved.**

~~Where conditions exist which make smoking a fire hazard on any premises, "no smoking" signs shall be posted as directed by the fire marshal or their designee. "No smoking" signs shall be of a color, size, lettering, and location approved by the bureau. No person shall remove "no smoking" signs or lights, or ignite or otherwise set a fire to or smoke any cigar, cigarette, pipe, tobacco, or other form of smoldering substance, nor hold, possess, throw, or deposit any lighted or smoldering substance in any place where occasion or action would constitute a fire or life hazard. The manager or person in charge of the premises shall be responsible for enforcing this regulation once ordered by the authority having jurisdiction.~~

~~Cross reference – Penalty, § 42-57.~~

**Sec. 42-42. - Unnecessary/false alarms; service fees.**

The purpose of this section shall be to regulate and control the malfunctioning, negligence, or unintentional act resulting in the unnecessary response of emergency vehicles. In the case of unnecessary/false alarms, the authority having jurisdiction shall cause an investigation to be made and keep a record of the number of unnecessary/false alarms on file.

For the purpose of this article, the definition of "12-month period" shall mean the 12 months of the fiscal year (October 1 through September 30).

(a) Persons owning, managing, or otherwise being in charge of the premises shall be responsible for regulating and controlling the use and maintenance of an automatic fire alarm system for those premises. The transmission of an excessive number of unnecessary/false alarms, as defined herein as the result of malfunctions, negligence, or unintentional acts resulting in the unnecessary response of emergency vehicles, shall constitute a violation of this chapter. The owner, manager, or person in charge shall, after the performance of an investigation by the authority having jurisdiction as to the causes for each such unnecessary/false alarm, be responsible for such violation and may be assessed a service fee pursuant to paragraph (b) of this section. An excessive number of unnecessary/false alarms for any premises within the department is defined as four or more such unnecessary/false alarms within any given 12-month period.

(b) For the first through third unnecessary/false alarm, inclusive, as set forth in this section, occurring in any given 12-month period, a warning shall be issued in writing; for the fourth and fifth unnecessary/false alarms in the same 12-month period, a fee ~~of $100.~~00 per Resolution 21-82 shall be assessed; and for the sixth and seventh unnecessary/false alarms in the same 12-month period, a fee ~~of $250.00~~ per Resolution 21-82 shall be assessed. All unnecessary/false alarms in excess of seven in one 12-month period shall be assessed a fee ~~of $500.00~~ per Resolution 21-82 for each alarm.

(c) In the event an unnecessary/false alarm is the result of a fire system service company, contractor, or fire alarm monitoring company failing to place a system in the test mode or otherwise ~~insure~~ ensure the prevention of the dispatch of all fire alarm signals during maintenance, testing, or for any other reason, the contractor, servicing or monitoring company may be assessed a fine of not less than $100.00 per occurrence.

(d) Failure of the owner, manager, or person in charge of the premises to respond to an unnecessary/false alarm within 60 minutes from the time of notification shall result in the assessment of a service fee as provided in the adopted fee schedule.

**Sec. 42-43. - Required access for fire apparatus.**

~~(a) *[Accessibility to fire apparatus.]* All premises, including existing premises, that the emergency services may be called upon to protect in case of fire and are not readily accessible from public roads, shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.~~

~~(1) Fire and emergency access shall be provided to at least two sides of all commercial, professional, industrial and multifamily occupancy buildings. This access shall comply with the following, unless otherwise approved by the A.H.J.:~~

~~a. Have an unobstructed width of 15 feet;~~

~~b. Have a minimum/maximum distance from the building to the closest curb line or edge, as follows:~~

~~One-, two-, and three-story buildings—Ten feet minimum, 15 feet maximum;~~

~~Four-story or more buildings—15 feet minimum, 25 feet maximum.~~

~~c. All fire and emergency access shall be constructed to meet the minimum city or county standards;~~

~~d. Emergency access shall be identified as to location with signage stating "Emergency Fire Access" or as required by the A.H.J.;~~

~~e. Emergency access shall be kept unobstructed at all times and from any future growth, and shall be dedicated on the approved final site plan for the life of the building or complex.~~

(~~b~~ a) *Traffic-calming devices.* New speed bumps, when installed, must comply with the following criteria:

(1) Approved speed bumps shall have minimum 24-inch-long base with sloping falls, cresting at four-inch maximum height;

(2) The location of such speed bumps shall be approved by the A.H.J.;

(3) Where the installation of speed bumps is determined by the authority having jurisdiction to impede or inhibit the response of emergency vehicles or the safety of emergency personnel or patients, such speed bumps shall be removed by the owner. Existing speed bumps may be modified to meet safety requirements as approved by the authority having jurisdiction.

~~(c) *[Turn-arounds.]* Dead end roads or accesses that exceed 300 feet shall have, at the end of such road or access, a 90-foot turn-around or other maneuvering abilities as approved by the authority having jurisdiction.~~

~~(d) *Automatic vehicle access control gates.* Plans for each automatic gate system shall be submitted to the bureau for review and approval prior to the initiation of any construction.~~

(b) [*Turn-arounds.*] Installed per Florida Fire Prevention Code and City of Bradenton Land Use Regulations.

(c) Automatic gates shall meet the requirements of Manatee County Ordinance 19-15 Emergency Access Gates and this Chapter.

(1) When in the fully opened position, gates shall allow not less than 15 feet horizontal clear space, including the roadway surface, as measured from inside curb to inside curb. A vertical clear space of not less than 13 feet six inches shall also be required.

(2) Each system shall have as a minimum for operation:

a. Remote access through the use of electronic openers. These openers shall be set to the current frequency and code for use by fire departments as well as the Manatee County Department of Public Safety. This frequency and code shall be separate from, and in addition to, any frequency and code intended for use by occupants. The remote-control unit shall cause the gate to begin opening operations when activated no less than ten feet from the outermost edge of the gate.

b. In the event of power outages, a battery backup system shall cause the gate(s) to be open on the entry side of the complex to allow for emergency access (see item 2 above). The gate(s) shall remain in the fully opened position until power is restored.

c. A Knox key control switch is recommended to be mounted on a pole at the far right (resident) lane to ensure fire department access is not hindered due to malfunction of the gate.

(3) If the gate is to be used for emergency access only, signage shall be installed on both the interior and exterior of the gate, indicating the gate is to be used for emergency access only and prohibiting parking.

(4) In the event the gate becomes nonoperational, the gate(s) shall be secured in the fully opened position, until such time as the minimum requirements as outlined above have been restored to a fully operational condition.

(5) ~~Upon initial acceptance of the automatic gate(s), fire department personnel shall mark the entry gate(s) with reflective tape markings. These markings shall be maintained by the property owner or management.~~ Where any vehicle access gate is installed which is expressly for emergency access, the gate shall be set back from the roadway a distance sufficient to allow emergency vehicles using the gate to be fully off the roadway while opening a manual gate or allowing the automatic gate to open.

(6) ~~Cross-arm bars used for entry control gates shall not be installed until such time as the operating features have been inspected, tested and approved.~~ No automatic gate or cross-arm bars used for entry control

shall be placed into service until such time as the operating features have been inspected, tested, and approved.

(7) Gate contractor shall provide two programmed gate remotes to the fire inspector at the time of final inspection.

~~(e) *Fire lanes.* Fire lanes, where required by the A.H.J., shall not be less than 20 feet unobstructed width, able to withstand live loads of fire apparatus and have a minimum of 13 feet six inches of vertical clearance (NFPA 3-5.2). Fire lanes shall be marked with freestanding signs, as described above, or marked curbs, sidewalks, or other traffic surfaces that have the words "FIRE LANE—NO PARKING" painted in contrasting colors at a size and spacing approved by the authority having jurisdiction (NFPA 3-5.4).~~

~~Where curb paint is required, the face and top of the curb shall be painted traffic yellow. When curb is not present, a four-inch strip will be used.~~

~~Fire hydrants and fire department connections shall be marked where required with a painted curb and/or approved signs designating "NO PARKING FIRE LANE PER ORDER OF THE FIRE DEPARTMENT". The face and top of the curb shall be painted traffic yellow. The markings for fire connection must maintain a minimum of five feet on each side of connection, for a total of ten feet. Markings for fire hydrants shall maintain 15 feet each side of hydrant, for a total of 30 feet.~~

Cross reference(s)—Penalty, § 42-57.

**Sec. 42-44. - Key box system.**

(a) When a structure is equipped with a fire alarm system, sprinkler, ~~or~~ standpipe system, or when required by an AHJ, an approved key box shall be required. The tumbler shall match the fire department key. The location of the key box shall be approved by the bureau. Keys shall be provided to gain access to fire alarm panels, electrical rooms, sprinkler rooms, and any other areas to which this department may require access. Where required, keys and locks shall be “mastered.” Applications for the key box may be obtained from the ~~bureau~~ manufacturer’s website.

(b) Installation height of the key box shall be a maximum of six feet above finished grade or as approved by the authority having jurisdiction.

Cross reference(s)—Penalty, § 42-57.

**Sec. 42-45. - ~~Storage on roofs, fire escapes, porches, breezeways, and balconies~~ Storage/Use of Propane, Heating, and Cooking Appliances.**

~~(a) No person shall place or maintain, on any roof or balcony used for egress purposes, any material or objects which may interfere with egress or fire department operations.~~

(~~b~~ a) No person shall place or maintain gas or propane cylinders on porches, breezeways, ~~or~~ balconies, or attached garages in multi-unit ~~of~~ or multi-story buildings.

(b) No person shall store or use any charcoal, gas, or wood-fired heaters, grills, barbecues, or smokers on porches, balconies, or breezeways of any multi-unit or multi-story buildings.

(c) No person shall store or use any heat-producing device or appliance which is determined by the AHJ to be unsafe due to its application or use.

Cross reference(s)—Penalty, § 42-57.

**Sec. 42-46. ~~Dumpster location -~~ Reserved.**

~~All dumpsters and any associated screening consisting of combustible fencing around the dumpster pad shall have a minimum separation from the nearest building or building overhang of ten feet. Large commercial/industrial dumpsters, such as 20- or 40-yard containers, may require a larger separation. This minimum separation may be reduced or waived if the dumpster is protected by one or more fire sprinkler heads of a fire sprinkler system designed in accordance with sound engineering practices. Compactor dumpsters, because of their unique design and construction requirements, shall be reviewed on an individual basis by the fire marshal.~~

~~Cross reference—Penalty, § 42-57.~~

**Sec. 42-47. ~~Festival seating~~ - Reserved.**

~~Festival seating as defined in the life safety code shall be prohibited in any building.~~

~~Cross reference—Penalty, § 42-57.~~

**Sec. 42-48. ~~Marking of occupancies for emergency use~~ - Reserved.**

~~All occupancies, including single-family residences, shall be numbered and marked in a manner and size as to be easily identified by responding emergency vehicles from the public roadway. In the case that a structure is not visible from the roadway, or the setbacks from the road are more than 100 feet, the number shall be placed on a sign or mailbox near the driveway entrance and shall be clearly visible from the roadway. The size of lettering and number will be determined by the occupancy.~~

~~(a) *Single-family dwelling.* Minimum of three-inch numbers.~~

~~(b) *Other residential and commercial.* Minimum of six-inch numbers.~~

(c) *Multifamily residential.* Three units or more shall have a minimum six-inch numbers to identify the building and three-inch number and/or letters to identify each unit.

(d) *[Format.]* All numbers and letters shall be non-script.

(e) *[Color.]* All numbers and letters shall be of a contrasting color to their background.

**Sec. 42-49. - Fire alarm system requirements.**

Approved fire alarm systems shall be installed in buildings as required by table Table 1 and as follows:

(1) Basements or cellars with ceilings less than 54 inches above grade or having floor areas exceeding 2,500 square feet or when used as lounges or nightclubs, regardless of size.

(2) All required fire alarm systems shall be annunciated and monitored.

(3 2) Fire alarm control panels, or a required remote annunciator, shall be installed within six feet of the primary entrance.

(4) Within residential and condominium occupancies, each unit shall have a minimum of one rate-of-rise heat detector. The rate-of-rise heat detector shall be tied into the building fire alarm system as required by table 1. Required smoke detectors shall not be tied into the building fire alarm system. Smoke detectors shall alert the individual unit.

(5) Required fire alarm systems shall have a sufficient number of sounding devices so they will be audible in any normally habitable area. The audibility shall be determined by the authority having jurisdiction.

(6 3) Horn/strobe lights shall be installed on the exterior of each building for which a fire alarm system is required, so as to be easily seen from the street, and its location approved by the fire marshal. The light shall be either red or white in color.

(4) Outside stem and yoke (OS&Y) valves on fire line backflow preventers shall be equipped with tamper switches and secured through the use of chain(s) and lock(s).

**Sec. 42-50. - Fire sprinkler systems requirements.**

(a) *[Installation.]* Approved fire sprinkler systems shall be installed in buildings as required by table Table 1 and as follows: Basements or cellars with ceilings less than 54 inches above grade or having floor areas exceeding 2,500 square feet or when used as lounges or nightclubs, regardless of size.

(b) *[Electric fire pumps.]* Electric fire pumps that are required to insure ensure adequate flow and pressure in the sprinkler system shall be connected to an emergency power system in accordance with NFPA 70.

~~(c) *[Backflow preventers.]* All sprinkler system installations shall be provided with an approved backflow preventer of the double check valve type. Such preventer shall be as approved by the fire marshal of the Bradenton Fire Department. All fire line backflow preventers shall be located at either the front property line of the development parcel, easily visible and not obscured by landscaping or other site improvements, or in the case of commercial shopping centers and similar types of developments, at or along the access way at the rear of the building complex. Other locations or provisions will not be permitted unless a specific exception is issued in writing by the fire marshal.~~

(~~d~~ c) *~~[Approval required.]~~* All sprinkler system installations shall be approved by the fire marshal of the ~~fire department~~ Bradenton Fire Department, and all sprinkler system connections to the public water distribution facilities shall be approved by the city public works department.

(~~e~~ d) *~~[Fire department connections.]~~* All fire department connections shall be located on the private property side of the fire line backflow preventer unless a specific exception is issued in writing by the fire marshal. Such connection should be attached directly to the backflow preventer~~, and the project representative shall verify with the fire marshal whether a typical two and one-half-inch Siamese connection with national standard threads or~~ and with a five-inch Storz connection ~~will be required~~.

~~(f) *Sprinkler systems for new construction and additions with 50 or more sprinkler heads.* All plans and drawings for the installation of sprinkler systems on new or existing buildings with 50 or more sprinkler heads shall be signed, dated, and stamped by a registered professional engineer duly licensed in the state. Any specialized mechanical, electrical, or plumbing document for any new or existing buildings, which include medical gas, oxygen, steam, vacuum, toxic air, filtration, Halon, or fire detection and alarm systems which costs more than $5,000.00, shall be signed, dated, and stamped by a registered professional engineer duly licensed in the state (F.S. Ch. 471).~~

(e) Hydrant location with respect to the fire department connection: A fire hydrant shall be located not more than 50 feet from the fire department connection as measured by normal route of travel or otherwise approved by the AHJ.

(f) The requirements of the current edition of NFPA 25 and Florida Administrative Code (FAC) shall apply to fire sprinkler impairments.

(g) The AHJ shall be notified by the building/property owner, occupant, the impairment coordinator, or the licensed contractor conducting the work that will cause the scheduled impairment, no less than three business days prior to the scheduled impairment. This will allow the building owner, agent, contractor, or other responsible parties to notify the AHJ of all arrangements to ensure life safety is upheld.

Table 1

| Occupancy Classification | Fire Alarm and Fire Sprinkler Systems Required under the Following Conditions: | Initiation of Fire Alarm Systems Required as Follows: | Annunciation and Monitoring of Fire Alarm Systems |
|---|---|---|---|
| Assembly | 5,000 square feet or more or two stories or more as outlined in the FFPC (currently adopted edition) | Manual pull stations at required exits and not to exceed 200-foot travel distance; flow switch and/or suppressions systems; ~~area type smoke detection in all paths of egress~~ | As outlined in NFPA 101 (~~2003~~ currently adopted edition) |
| Educational | Two stories or more ~~or one story if each classroom is not provided with an exit door to the exterior of the building~~ as outlined in the FFPC (currently adopted edition) | As outlined in NFPA 101 (~~2003~~ currently adopted edition) | As outlined in NFPA 101 (~~2003~~ currently adopted edition) |
| Residential | ~~12 residential units or more or three stories or more~~ As outlined in the FFPC (currently adopted edition) | Manual pull stations; ~~flow switch of fire suppression systems, rate of rise heat detector tied into building fire alarm system~~ at required exits; flow switch; or as required by AHJ, except where exempted in F.S. 633.202 | As outlined in NFPA 101 (~~2003~~ currently adopted edition) |
| Mercantile | 10,000 square feet or more or two stories or more or as outlined in the FFPC (currently adopted edition) | Manual pull stations at required exits; flow switch ~~of fire suppression systems~~; area type smoke detection in | As outlined in NFPA 101 (2003 edition) |

| | | | |
|---|---|---|---|
| | | all spaces where commodity may be stored over 12 feet above finish floor level, as determined by the AHJ~~, and all paths of egress~~ | |
| Business | 15,000 square feet or more or two stories and 10,000 square feet or more or as outlined in the FFPC (currently adopted edition) | Manual pull stations at required exits; flow switch ~~and or suppression systems; area type smoke detection in all paths of egress~~ | As outlined in NFPA 101 (~~2003~~ currently adopted edition) |
| Industrial | 10,000 square feet or more or two stories or more or as outlined in the FFPC (currently adopted edition) | Manual pull stations at required exits; flow switch ~~and or suppression systems; area type smoke detection in all areas of air conditioned controlled space, and all paths of egress~~ | As outlined in NFPA 101 (~~2003~~ currently adopted edition) |
| Storage | 10,000 square feet or more or two stories or more ~~(note: area modification as identified in the current edition of the building code may be applied for fire sprinkler requirements only)~~ or as outlined in the FFPC (currently adopted edition) | ~~Manual pull stations; flow switch and or suppression systems; area type smoke detection in all paths of egress of air conditioned controlled space; in buildings where area modification option is used and is not protected by a fire sprinkler system, heat detection shall be provided through-out all areas of non air conditioned space~~ Manual pull | As outlined in NFPA 101 (~~2003~~ currently adopted edition) |

| | | | |
|---|---|---|---|
| | | stations at required exits; flow switch | |
| High Hazard/Special | All buildings regardless of size | As required by the authority having jurisdiction | ~~a~~As required by the authority having jurisdiction |

Section 903 of the Florida Building Code may also apply.

**Sec. 42-51. ~~Standpipes required~~ - Alternate Fire Extinguisher Placement.**

~~(a) Buildings more than three stories in height or 50 feet or more in height, and any other structures that in the opinion of the authority having jurisdiction are inaccessible to firefighting equipment, shall be equipped with standpipes and two-and-one-half-inch-valved fire department hose connections at each floor level, of type III installation in accordance with NFPA 14.~~

~~(b) All two-and-one-half-inch-valved fire department hose connections with or without hoses, at the discretion of the authority having jurisdiction, shall be located in the exit access within ten feet of the exit door. Valves without hoses shall be installed not less than three feet or more than five feet above the finished floor, as directed by the A.H.J.~~

~~(c) Standpipes shall be provided as a supply with individual two and one-half inch or five-inch Storz fire department connections, as required by the A.H.J. These connections shall by pass any fire pump.~~

(a) This alternative to fire extinguisher placement shall apply to multi-story residential buildings only.

(b) Where, in the opinion of the AHJ, it is difficult or impractical to have fire extinguishers inside each residential unit inspected and tagged annually, as required by FFPC and then verified by the department, the AHJ may require that the fire extinguisher be installed on the exterior of the structure.

(c) All other requirements of NFPA 10 shall be maintained.

~~(d) The water supply for standpipes shall meet the requirements of the NFPA for minimum acceptable flow and residual pressure.~~

~~(e) All electrically driven fire pumps or starter pumps required to insure adequate flow and pressure in the standpipe shall be connected to an emergency power system as described in NFPA 70.~~

**Sec. 42-52. ~~Fire protection water supply~~ - Change of Use/Occupancy.**

(a) The department shall only conduct its inspection when there is a change of use/occupancy after the City of Bradenton Planning and Community Development has already inspected the premises to ensure the structure(s) is/are properly zoned and in compliance with the applicable building codes.

In all developments, the adequacy of fire protection services, water pressure, hydrant locations, fire lanes, and maneuvering areas shall be subject to the approval of the fire marshal with the requirements set forth herein determined as minimum provisions.

(a) *[Standards for installation.]* All fire hydrants shall be installed in accordance with the requirements of the city public works department.

(b) *[Installation in new developments.]* Fire hydrants shall be installed in all new developments which meet any of the following criteria:

1. All developments which require an extension of the water distribution system;

2. All developments which require the submission of a preliminary site plan as set forth in the City of Bradenton Land Development Code;

3. When, in the opinion of the authority having jurisdiction, access to or distance from public fire hydrants would hamper or impair firefighting operations.

(c) *[Location of hydrants.]* Except as specifically excepted, required fire hydrants shall be no more than 800 feet apart and within 400 feet of the main entrance of all principal buildings in the development, as measured from normal access routes. All hydrants shall be in addition to any internal sprinkler or standpipe system serving the development and shall not be located on the "fire line" water main service beyond the point of service or connection. Except for hydrants located within public street rights-of-way, all hydrants shall be located at least 40 feet from any building, except one-story single-family residential buildings.

(d) *Approved fire hydrant.* An approved fire hydrant shall mean a fire hydrant connected to a city water main of not less than six inches in diameter and shall meet the performance standards as established in the city comprehensive plan, and shall have one four-and-one-half-inch and two two-and-one-half-inch hose connections. All hydrant installations shall be approved by the city public works department, as pertains to availability of water pressure, volume, and reliability of water service.

(e) *Hydrant location with respect to the fire department connection.* Whenever a proposed development will be required to install one or more fire hydrants as a condition of approval, a fire hydrant shall be located not more than 50 feet from the fire department connection, as measured by normal access routes.

(f) *[Exceptions.]* Existing buildings that are occupied at the time of adoption of the code may be continued in use without additional fire protection water supply provided:

1. The occupancy classification remains the same; and

2. No serious life safety hazard exists that would constitute an imminent threat.

~~3. Only those requirements whose application would be clearly impractical in the judgment of the authority having jurisdiction shall be modified.~~

**Sec. 42-53. ~~-~~ Cease and desist order or stop work order.**

(a) Whenever the violation of any provision of this code presents an immediate danger to life, safety, or property, or when any new construction or existing building is occupied in whole or in part in violation of the provisions of this code, or when any fire, explosion, or other such disaster occurs and presents an immediate danger to life, or property, the authority having jurisdiction shall immediately post a cease and desist order or a stop work order on the premises, and shall suspend any and/or all use of the building, marine vessel, structure, or premises until such time that the danger to life or property has been removed or correction of the violation(s) has/have been made.

(b) If it is determined by the authority having jurisdiction that a violation specified in this subsection exists, the authority having jurisdiction or their designee, may issue and deliver to the person committing the violation, an order to cease and desist from such violation, to correct any hazardous condition, to preclude occupancy of the affected building or structure, or to vacate the premises of the affected building or structure. Such violations are:

(1) Except as set forth in paragraph (2), a violation of any provision of this section, of any rule adopted pursuant thereto, of any applicable uniform fire safety standard adopted pursuant to F.S. § ~~633.022~~ 633.206 which is not adequately addressed by an alternative requirement adopted on a local level.

(2) A substantial violation of an applicable minimum fire safety standard adopted pursuant to F.S. § ~~633.022~~ 633.206 which is not reasonably addressed by any alternative requirement imposed at the local level, or an unreasonable interpretation of an applicable minimum fire safety standard, and which violation or interpretation clearly constitutes a danger to life safety.

(3) A building or structure ~~which~~ that is in a dilapidated condition and, as a result thereof, creates a danger to life, safety, or property.

(4) A building or structure, ~~which~~ containsing explosive matter or flammable liquids or gases, constituting a danger to life, safety, or property.

(c) If, while conducting a fire safety inspection authorized by F.S. Chapter 633 ~~§§ 633.081 and 633.085~~, it is determined that a violation described in this section exists which poses an immediate danger to the public health, safety, or welfare, the authority having jurisdiction may issue an order to vacate the building in question, which order shall be immediately effective and shall be an immediate final order. With respect to a facility under the jurisdiction of a department school board or community college board of trustees, the order

to vacate shall be issued jointly by the department superintendent or college president and the authority having jurisdiction.

The authority having jurisdiction may seek an injunction in the Circuit Court of Manatee County to enforce an order issued pursuant to this subsection.

Cross-reference – Penalty, § 42-57,

**Sec. 42-54. - Board of appeals.**

Whenever any person, firm, or corporation is of the opinion they have been aggrieved, pursuant ~~to NFPA 1 section 1-7.6.1~~ Chapter 69A-60, Florida Fire Prevention, they may seek relief from such decision(s) as interpreted by the fire marshal to the city's construction code board of rules and appeals.

**Sec. 42-55. ~~Fuel-oil, kerosene or wood-burning heating or fuel-oil, kerosene or wood-burning cooking appliances prohibited.~~ - Mobile Food Dispensing Vehicles.**

~~It shall be unlawful for any person to use, or operate, within any building or structure located within the jurisdiction of Bradenton Fire Department:~~

~~(a) Any unvented fuel-oil- or kerosene-burning appliance, including those with a woven wick, designed for heating purposes; and~~

~~(b) Any fuel-oil- or kerosene-burning wick-type appliance designed for cooking purposes; provided however, that the portion of this section making it unlawful to possess such appliance shall not apply to the possession of such type of appliances by licensed retail dealers for display and sale to consumers residing outside the jurisdiction of the Bradenton Fire Department.~~

~~(c) Any charcoal-, gas-, or wood-fired heaters, grills, barbecues on balconies, porches, or breezeways of multiunit, multistory buildings.~~

~~(d) Any other heat-producing device or appliance which is determined by the authority having jurisdiction to be unsafe due to its application or use.~~

Mobile and/or temporary cooking operations shall be inspected prior to operation at each event/location with the City.

(a) Cooking equipment used in mobile and/or temporary cooking concessions, such as trucks, trailers, and/or buses shall comply with NFPA 10, NFP 96, FFPC, and FAC 61C.

(b) Each vendor shall be properly licensed by the Florida Department of Business and Professional Regulation (DBPR), Division of Hotels and Restaurants, and/or Florida Department of Agriculture, Division of Food Safety.

~~Cross reference – Penalty, § 42-57.~~

**Sec. 42-56. ~~Certificate of occupancy~~ - Reserved.**

~~No building shall be occupied in whole or in part without the approval of, and the issuance of a certificate of occupancy inspection report being completed and filed by, the authority having jurisdiction.~~

~~Cross reference – Penalty, § 42-57.~~

**Sec. 42-57. - Penalty.**

(a) Any person who shall violate any of the provisions of this code or the national fire codes as adopted by the Bradenton Fire Department, for which another penalty is not provided, or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statement, specifications, or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued there under, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the authority having jurisdiction or by a court of competent jurisdiction within the time fixed herein shall, severally for each and every violation and noncompliance, respectively, be punished by a fine as set by the city code enforcement board of not more than $250.00 a day with each day of the violation constituting a separate offense.

(b) The imposition of a penalty for any violation shall not excuse the violation, nor shall the violation be permitted to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time and, when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Sec. 42-58. - Previous rules, regulations, and codes repealed.**

All formal rules and regulations or parts thereof, conflicting or inconsistent with the provisions of these rules and regulations or of the code hereby adopted, are hereby repealed.

**Section 3**. Codification. The City Clerk shall ensure that this Ordinance shall be submitted for codification of the language in Section 2 herein upon taking effect.

**Section 4.** Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

**Section 5**. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 6**. Effective Date. This Ordinance shall take effect as provided by law.

| | |
|---|---|
| FIRST READING | September 27, 2023 |
| PUBLICATION DATE | September 29, 2023 |
| SECOND READING | October 11, 2023 |

PASSED AND DULY ADOPTED, BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, with a quorum present and voting, this ____, day of _____, 2023.

CITY OF BRADENTON, FLORIDA

_____
Gene Brown, Mayor

ATTEST:

By: _____
Tamara Melton, City Clerk

APPROVED AS TO FORM:

By: _____
Scott Rudacille, City Attorney

# Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Bradenton's website by the time notice of the proposed ordinance is published in the newspaper.

Proposed ordinance's title:

ORDINANCE 4022

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 42, ARTICLE I, II, AND III RELATING TO FIRE PREVENTION AND PROTECTION; REVISING CHAPTER 42, ARTICLE I, II, AND III, TO REMOVE DUPLICATIVE LANGUAGE FROM THE FLORIDA FIRE PREVENTION CODE AND TO CLEAN UP LANGUAGE AND CODE NUMBERS TO ALLOW EASIER READING AND UNDERSTANDING OF CHAPTER 42; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Bradenton is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of Bradenton is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

[1] See Section 166.041(4)(c), Florida Statutes.

☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;

☐ The proposed ordinance is an emergency ordinance;

☐ The ordinance relates to procurement; or

☒ The proposed ordinance is enacted to implement the following:

a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Bradenton hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The ordinance revises the Florida Fire Prevention Code, which directly effects the health and safety of the public. Because of this, a business impact estimate is not required by law to for the proposed ordinance.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Bradenton, if any:
N/A

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
N/A

4. Additional information the governing body deems useful (if any):
N/A

**AGENDA ITEM NO. 7.e**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Robin Singer, Planning & Community Development

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

**SUBJECT:**

Ordinance 4017 - FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE BRADENTON FORM BASED CODE TO CREATE ARTICLE 1, SECTION 1.12, BUILDING HEIGHT INCENTIVES, TO PROVIDE A TIME LIMITED HEIGHT INCENTIVE IN THE T5 AND T6 ZONING DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**SUGGESTED ACTION:** No action is required at first reading. The second reading and public hearing is scheduled for November 1, 2023.

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
This Ordinance is intended to provide time limited incentives to allow greater building height in the downtown in order to promote faster redevelopment. The concept of an incentive program was discussed at the August 9, 2023 City Council Workshop.

Ordinance 4017 will adopt an incentive program into the Form Based Code (FBC) to accomplish the following:

- The incentives will apply to T5 and T6 properties west of 1st Street East, with exceptions;
- The program will allow the workforce housing bonus or adjustments to height in the T6 district, without the provision of workforce housing or contribution into the fund;
- The height bonuses for T6 properties will be allowed for T5 properties;
- Garage levels above the first floor will not be counted as stories, with restrictions;
- To be eligible for these incentives, petitions will require City Council approval before December 31, 2028 and commence development before December 31, 2033;
- Petitions will be subject to the review criteria for adjustments in the FBC;
- City Council has the authority to modify, extend or terminate the program, subject to the preservation of vested rights;

The Planning Commission reviewed this Ordinance at their September 20, 2023 meeting and voted 6-0 to recommend approval.

The staff report provides a review of the Ordinance and a summary of comments from the Planning Commission.

**FINANCIAL IMPACT:**
No impact to City's budget

**ATTORNEY REVIEW/RECOMMENDATION:**
Reviewed by the City Attorney

**SUGGESTED MOTION:**
No action is required at first reading. The second reading and public hearing is scheduled for November 1, 2023.

**ATTACHMENTS:**
Ordinance 4017
Staff Report
9-20-2023 Planning Commission Draft Minutes

**ORDINANCE NO. 4017**

**AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE BRADENTON FORM BASED CODE TO CREATE ARTICLE 1, SECTION 1.12, BUILDING HEIGHT INCENTIVES, TO PROVIDE A TIME LIMITED HEIGHT INCENTIVE IN THE T5 AND T6 ZONING DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City wishes to amend the Bradenton Form Based Code to provide a temporary redevelopment incentive allowing greater height in the T5 and T6 districts; and

**WHEREAS,** the City finds it is in the City's best interest to make these revisions to its Form Based Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA:**

**Section 1.** Findings of Fact. The foregoing whereas clauses are hereby adopted as findings of fact.

**Section 2.** Article 1, Section 1.12 of the Bradenton Form Based Code is hereby created to read as follows.

1.12 TEMPORARY BUILDING HEIGHT INCENTIVES

1.12.1 The purpose of this program is to provide a time limited incentive to encourage redevelopment in the downtown, with City Council approval, in the following area:

a. Properties located in the T5 and T6 districts west of 1st Street East, excluding those properties south of 7th Avenue West and west of 15th Street West.

1.12.2 City Council may grant approval of the following under this program for properties in the above described area subject to the approval criteria under Section 1.10.6 of the form based code:

a. T5 and T6 properties in the described area may be granted the workforce housing height bonus in Table 4.4 without providing workforce housing or payment into the Workforce Housing Trust Fund.

b. T6 zoned properties in the described area may be granted additional height beyond the 20 story maximum without providing workforce housing or payment into the Workforce Housing Trust Fund as required under 1.10.2.b.ii.

c. T5 properties in the described area may be granted the same building height bonuses as allowed in the T6 zone under Table 4.4, subject to the same restrictions regarding public art and LEED or green building certification and the same building configuration requirements as shown in Table 4.5. As provided in Section 1.12.2.a, T5 properties may be granted the workforce housing height bonus without providing workforce housing or payment into the Workforce Housing Trust Fund.

d. In both the T5 and T6 zones in the described area, garage levels above the ground floor will not be counted as stories provided that not more than 25% of the floor area of those levels are dedicated to nonvehicular uses and that at least 60% of the ground floor area is dedicated to useable retail or office space.

1.12.3 This program will require both of the following:

a. City Council approval of the building height incentive petition on or before December 31, 2028. The final order shall detail the parameters of the project including the building heights proposed and include limitations and conditions required by City Council at the time of approval.
b. Commencement of development must occur prior to December 31, 2033. Commencement of development shall be defined as the pouring of concrete foundation of at least 60% of the ground floor area of the project.

1.12.4 Application and limitations:

a. Application for approval under this program shall be made to the PCD department on forms provided by the department subject to a fee stipulated by City Council.
b. Petitions for projects in the Urban Core future land use designation of the Comprehensive Plan that require approval of greater allowable density, above the base density of 60 dwelling units per acre, up to 200 units per acre, may run concurrent with the petition for building height incentives. Both petitions may be resolved under a single final order, development agreement or similar instrument.
c. City Council may modify, extend or terminate this program, subject to the preservation of vested rights for prior approvals.
d. Should a project not be able to commence development prior to the deadline, the project deadline may be extended by City Council for up to six months for good cause.
e. The project approval shall run with the land and not be transferable or extended to other properties unless approved by City Council prior to December 31, 2033.
f. Modifications to an approved project will require City Council approval except as otherwise provided herein. Minimal architectural and aesthetic changes, such as window location and proportion, balcony placement and paint color, may be authorized administratively unless otherwise stipulated in the final order.

**Section 3.** Codification. The City Clerk shall ensure that this Ordinance shall be submitted for codification of the language in Section 2 herein upon taking effect.

**Section 4.** Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all Ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

**Section 5.** Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 6.** Effective Date. This Ordinance shall take effect as provided by law.

| | |
|---|---|
| PUBLICATION DATE | |
| FIRST READING | October 11, 2023 |
| PUBLICATION DATE | |
| SECOND READING | November 1, 2023 |

PASSED AND DULY ADOPTED, BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, with a quorum present and voting, this 1st day of November, 2023.

CITY OF BRADENTON, FLORIDA

_____

Gene Brown, Mayor

ATTEST:

By: _____

Tamara Melton, City Clerk

APPROVED AS TO FORM:

3970846v1

By: _____

Scott Rudacille, City Attorney

City of Bradenton

Planning and Community Development Department

City Council

October 11, 2023

Staff Report

**AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE BRADENTON FORM BASED CODE TO CREATE ARTICLE 1, SECTION 1.12, BUILDING HEIGHT INCENTIVES, TO PROVIDE A TIME LIMITED HEIGHT INCENTIVE IN THE T5 AND T6 ZONING DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The City of Bradenton adopted its Form Based Code (FBC) in 2011. The FBC includes building height limits for each district, with incentives for additional height with the provision of public art, LEED certification and workforce housing. The two most intensive districts include the T5 Urban Center Zone and T6 Urban Core Zone. These districts are located primarily in the urban core of the FBC, north of 9th Avenue West and 9th Avenue East and west of 9th Street East. This area also has the highest densities provided in the Comprehensive Plan in the Urban Core and Urban Central Business District future land use designations.

A comparison of the development standards in the T5 and T6 zones is provided below as well as the building height table from the FBC.

| Standard | T5 | T6 |
|---|---|---|
| **Lot Coverage** | 80% | 90% |
| **Setbacks** | 3’ Rear | 0’ Rear |
| **Required Buildout** | 80% | 80% |
| **Uses** | Less intense | More intense and urban |
| **Signage** | Similar but Electronic Allowed | No Electronic |
| **Building Height** | **12 Stories Maximum** | **20 Stories Maximum** |

TABLE 4.4: Bonuses for Height.

| TRANSECT | MAXIMUM PRE-BONUS HEIGHT (STORIES) | APPLICABLE LEED PROGRAMS* | LEED CERTIFIED** | 25% of building square footage dedicated as WORKFORCE HOUSING UNITS*** | PUBLIC ART (.75% of Construc-tion Value) | MAX HEIGHT BASED ON BONUSES |
|---|---|---|---|---|---|---|
| T3 | 1 TO 2.5 stories | LEED Homes<br>LEED New Construction | 1 story | NA | NA | 3.5 stories |
| T4-R<br>T4-S | 1 TO 2.5 stories | LEED Homes<br>LEED New Construction | 1 story | NA | NA | 3.5 stories |
| T4-O | 1 TO 3 stories | LEED Homes<br>LEED New Construction | 1 story | 1 story | 1 story | 6 stories |
| T5 | 2 TO 5 stories | LEED Core & Shell *<br>LEED New Construction | 4 stories | 2 stories | 1 story | 12 stories |
| T6 | 2 TO 8 stories | LEED Core & Shell *<br>LEED New Construction | 8 stories | 3 stories | 1 story | 20 stories |

Redevelopment has been relatively slow in the downtown area. There are approximately seven affordable and workforce housing projects recently completed, under construction or completing the review process in the area south of downtown. The State recently passed legislation that would allow the highest density allowed in the City for projects that include 40% affordable housing located in commercial, industrial and mixed use zoning with the highest building heights allowed within one mile. The prospects for affordable housing appear to be promising.

In order for a development in the downtown to obtain the maximum height allowable in the FBC, it would need to include workforce housing equal to 25% of the floor area or pay into a fund. As the City is looking to promote redevelopment in the downtown and there appear to be several effective means to promote affordable and workforce housing, it is worth considering whether a time limited incentive for market rate housing is appropriate at this time.

Staff has been approached about the possibility of several incentive programs including: discounting parking levels from the story limit; relief from the requirement to provide workforce housing to obtain the height bonuses or to request and adjustment to height; and allowing T6 heights in the T5 zone.

At the July 26, 2023 City Council meeting, staff presented a proposal for building height incentives to include additional height in the T5 and T6 districts west of 1st Street East, excluding the area of single family homes south of 7th Avenue West and west of 15th Street West.

The incentives would include the following:

a. T5 and T6 properties may be granted the workforce housing height bonus without providing workforce housing or payment into the Workforce Housing Trust Fund.

b. T6 zoned properties may be granted additional height beyond the 20 story maximum without providing workforce housing or payment into the Workforce Housing Trust Fund as required under 1.10.2.b.ii.

c. T5 properties may be granted the same building height bonuses as allowed in the T6 zone subject to the same restrictions regarding public art and LEED or green building certification

d. In both the T5 and T6 zones garage levels above the ground floor will not be counted as stories provided that not more than 25% of the floor area of those levels are dedicated to nonvehicular uses and that at least 60% of the ground floor area is dedicated to useable retail or office space.

All projects would require the approval of City Council and that approval would have to be obtain in the next five years with commencement of construction within 10 years.

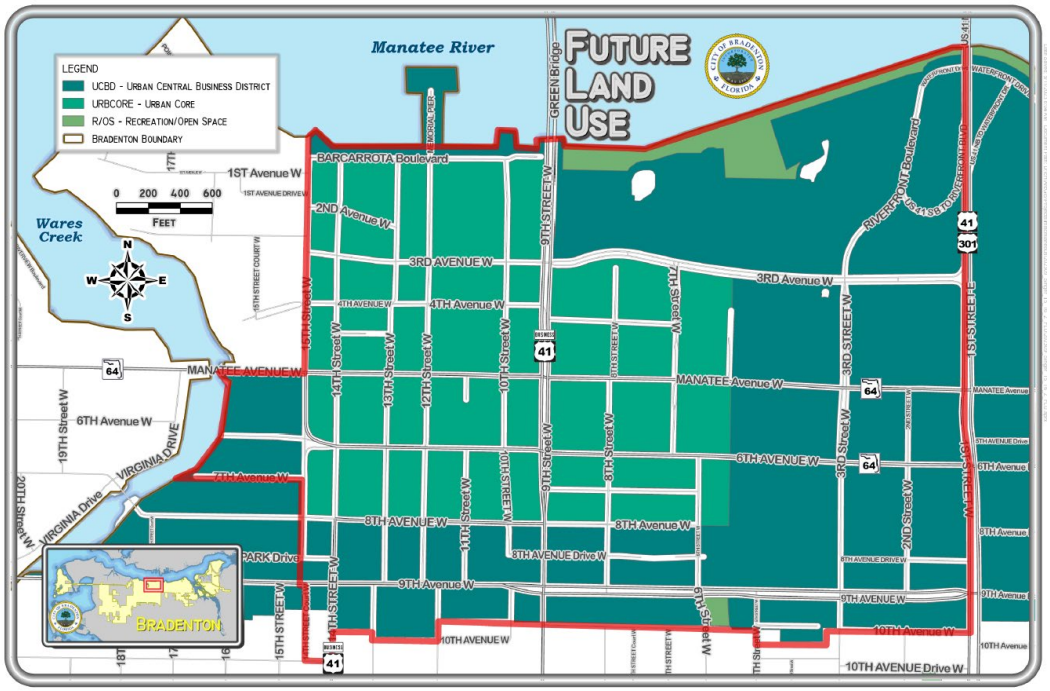
**Recommendation:**

The Planning Commission voted 6-0 to recommend approval of Ordinance 4017 with the following comments for consideration:

- Chairman Bakker recommended considering the area east of 1st Street East, along and south of Manatee River and Manatee Avenue for inclusion in the program to encourage investment in the area.
- Commissioner Neal questioned whether it is time to eliminate parking requirements and height limitations.
- Commissioner Landefeld inquired as to projections to address the need for affordable and market rate units. Ms. Singer indicated that growth projections will be done as part of the Comprehensive Plan update.

AREA SUBJECT TO ORDINANCE



# ABBREVIATED MINUTES
# PLANNING COMMISSION MEETING
## September 20, 2023

The Planning Commission met in the City of Bradenton Council Chambers, 101 Old Main Street, Bradenton, Florida at 2:00 p.m.

**PRESENT**

**Planning Commission Members:** Ben Bakker-Chair, Michael Jones, Michael Neal, Kurt Landefeld, Richard Whetstone, Keith Green-Alternate.
**City Staff:** Scott Rudacille-City Attorney, Robin Singer-Planning and Community Development Director, Greg DeLong-Asst. Director, Planning and Community Development, Jamie Schindewolf-Senior Planner, Lori Brunner-Planning and Community Development Administrative Assistant, Timothy Hochuli-Plans Examiner.

**REGULAR MEETING**

1. Meeting was called to order by the Planning Commission Chair, Ben Bakker at 2:01 p.m.
2. Pledge of Allegiance.
3. Roll Call
4. Motion to approve the July 19, 2023 Meeting Minutes by Commissioner Whetstone and seconded by Commissioner Landefeld.

**PUBLIC COMMENT**
No speakers came forward to speak on non-agenda items.

**AGENDA ITEMS:**
1. Adjustment Request: Case Number AD.23.2988: Resolution granting a Form Based Code adjustment for an additional wall sign to be located on the north façade, and for a sign band to be located on the second level of the parking garage on the south and west facades, of a building located at 1001 3rd Avenue West (Parcel ID 3291400004) in the T6 (Urban Core) zoning district. Application filed by 3rd Avenue Associates.

**Staff Recommendation:** Jamie Schindewolf spoke on behalf of the City. Staff recommends approval.

**Applicant:** Kaley Grimes, 3rd Avenue Associates representative. Asking for variance to allow signage for this newer project.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

Chair Bakker recused himself as he is employed by the NDC Company.

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**Motion:** Commissioner Green motioned to approve. Commissioner Neal seconded the motion. Motion passed 5 to 1, with recusal of Chair Bakker.

2. Variance Application: Case Number VA.23.2946: Request to increase the square footage of an existing accessory structure, located in the front yard of the property at 2712 2nd Avenue West (Parcel ID 3456400109) in the R-1 (Low Density Single Family) zoning district. Application filed by property owner Jeremy Hammond.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends denial of the variance based on the criteria.

**Applicant:** Jeremy Hammond, 2712 2nd Avenue West, asking to enclose porch area. The building looks well for the area, which was built in 1917. This will be to increase square footage of the building.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

**Motion:** Commissioner Landefeld motioned to approve. Commissioner Green seconded. Motion passed unanimously.

3. Variance Application: Case Number VA.23.3571: Request to reduce the minimum driveway distance for two separate driveways from the intersection of 31st Street N.W. and Riverview Boulevard and to increase the driveway width at the property line along 31st Street N.W. for property located at 3102 Riverview Boulevard (Parcel ID 3491000059) in the R-1 (Low Density Single Family) zoning district. Application filed by property owner Sloan Properties Group, LLC, Daniel Sloan, Manager.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends denial of the variance based on the criteria.

**Applicant:** Daniel Sloan, Sloan and Sloan Architects, 3102 Riverview Boulevard, and Sloan Properties Group. Mr. Sloan gave a presentation with handouts as well as his background of his education and experience. He stated that their goal is to minimize the destruction of trees and also increase the driveway area. They are also asking that the City change the requirements to 30 feet so that applicants in the future would not have to go through this process.

Chair Bakker asked Mr. DeLong about widening the apron for access. Mr. DeLong, stated that it is a possibility, but it is up to the applicant.

**Public Comment:** Chair Bakker opened the Public Hearing.

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Carl Callahan, 114 25th Street West, Bradenton, is for approval of this variance with the circular driveway.

**Motion:** Commissioner Jones motioned to approve with stipulations. Commissioner Neal seconded. Motion passed unanimously.

4. Special Use Permit: Resolution 23-76, Case Number SU.23.3297: Request for a Special Use Permit for a Drive-Thru Restaurant facility to be located at 109, 116 and 118 10th Avenue East (Parcel ID Numbers 4620200008, 4622000000 and 4621900002) in the T4-O (General Urban Open) zoning district. Application filed by Robert Schmitt, agent for 101 Partners, LLC.

**Staff Recommendation:** Jamie Schindewolf spoke on behalf of the City. Staff recommends approval with stipulations.

The Commissioners briefly discussed the parking access.

**Applicant:** Robert Schmitt, P. O. Box 20115, Bradenton, agent for 101 Partners, LLC. Mr. Schmitt went over the plans for the parking areas and also stated that the project is consistent with the area.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

Public Hearing was closed.

**Motion:** Commissioner Green motioned to approve with stipulations as submitted. Commissioner Neal seconded. Motion passed unanimously.

5. Special Use Permit: Resolution 23.77, Case Number SU.23.3543: Request filed for a Special Use Permit for the expansion of a light manufacturing use located at 1410 8th Avenue East and 1415 9th Avenue East (Parcel ID Numbers 3247400059, 3247200003, and 3247000007) in the T4-O (General Urban Open) zoning district. Application filed by Brian J. Aungst, Jr., Esq, agent for General Properties.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends approval with stipulations.

**Applicant:** Clay Gillman, on behalf of General Properties, 65 Court Street, Florida. This request is to remove the existing building and rebuild a new facility. They are working through the stipulations, and feel that this project is a big improvement for the site.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

**Motion:** Commissioner Landefeld motioned to approve. Commissioner Green seconded with current stipulations. Motion passed unanimously.

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6. Special Use Permit: Resolution 23.78, Case Number SU.23.3623: Request filed for a Special Use Permit to construct a new 250-foot communications tower and shelter for property located at 1801 5th Street West (Parcel ID 4493800159) in the R-2 (Medium Density, 1 & 2 Family) zoning district. Application filed by John Hamel, agent and Manatee County Radio Division Manager for Manatee County Government.

**Staff Recommendation:** Greg DeLong spoke on behalf of the City. Staff recommends approval with specifications.

**Applicant:** Marshall Robinson, Staff Planner, Manatee County. Was there to help with any zoning questions on relocating the tower.
John Hamel, 1801 5th Street West, Manatee County Radio Division Manager. Answered Commissioner Green's question about which wireless carrier the existing tower has and will the new tower also have the same. Mr. Hamel stated that this is part of a 10-tower system located throughout the County that will provide public safety communications for the City of Bradenton, Police, Fire, Manatee County Government, Palmetto, West Bradenton, EMS, MSO, etc. The tower needs to be moved due to the construction project at the County parking garage. The location of the new tower is based on specific criteria.

Commissioner Landefeld asked if the new tower will be a Cat 5. Mr. Hamel stated that, yes, it will be, as are all of the 10 towers. They are part of the Public Safety infrastructure.

**Public Comment:** Chair Bakker opened the Public Hearing.

Bruce Cotellis, 1908 39th Street. Mr. Cotellis also owns other properties within the County. He opposes the building of the tower.

**Applicant:** Mr. Hamel addressed the concerns of Mr. Cotellis including the special requirements by design that will be met, such as lights on the tower and self-collapsing features during an emergency.

Commissioner Neal asked again about self-collapsing. Mr. Hamel discussed it further.

Police Chief Bevan added that the tower needs to be somewhere for Public Safety for communication. She said the tower would not affect law enforcement and she has no concerns with policing.

**Motion:** Commissioner Green motioned to approve. Commissioner Whetstone seconded. Motion passed unanimously

7. Amendment to the Form Based Code: Ordinance 4017, Case LU.23.3494: Request by the City of Bradenton creating Article 1, Section 1.12, Building Height Incentives, of the Bradenton Form Based Code, to provide a time limited height incentive in the T5 and T6 zoning districts.

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Robin Singer presented the Form Based Code amendment and discussed the purpose of the amendment.

The Commission discussed the specifics of the amendment.

**Public Comment:** Chair Bakker opened the Public Hearing.

Carl Callahan, 114 25th Street West, Bradenton. He has spoken to staff quite a bit over the years about this subject. He is glad this is being looked at.

**Motion:** Commissioner Landefeld motioned to approve as submitted, with suggestions for staff. Commissioner Green seconded. Motion passed unanimously.

8. Amendment to the Land Use Regulations and Form Based Code: Ordinance 4018, Case LU.23.3495: Request by the City of Bradenton amending Chapter 2.0, Section 2.2.4.1, types of Special Uses, of the Land Use Regulations to clarify the approval requirements for the expansion of Special uses; amending Article 4, Table 4.7, specific function and use, of the Form Based Code, to add use categories including Secondhand Store and Pawnshop, and changing the status of Medical Clinics in certain districts; and amending Article 12, of the Form Based Code, definition of terms, to define Pawn, Pawnbroker, Secondhand Store and Pawnshop.

Ms. Singer discussed the amendment to the Form Based Code and the area uses, as well as the changes. She spoke about the process of the special use projects.

The Commission discussed which uses are being specifically reviewed.

**Public Comment:** Chair Bakker opened the Public Hearing.
No one came forward in favor or in opposition.

**Motion:** Commissioner Whetstone motioned to approve. Commissioner Green seconded. Motion passed unanimously.

**Director's Report:**
Mr. DeLong stated that they are getting ready to launch the Citywide Visioning Project. He said that the Planning Commission meeting date for November needs to be moved back to the original date of November 15th; it had been moved to November 8th. There will also be a meeting in October, with a couple of items to discuss.

**Adjournment:** The meeting adjourned at 3:59 p.m.

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Ben Bakker, Chair

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

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**AGENDA ITEM NO. 7.f**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Robin Singer, Planning & Community Development

**ITEM TYPE:** Resolution

**AGENDA SECTION:** BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

**SUBJECT:** Resolution 23-82

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, SETTING THE PUBLIC HEARINGS FOR ORDINANCE 4018 ADOPTING TEXT AMENDMENT PETITION LU.23.3495 TO BE HELD AS PART OF THE REGULAR CITY COUNCIL MEETINGS COMMENCING AT 8:30 A.M.; AND PROVIDING FOR AN EFFECTIVE DATE.

**SUGGESTED ACTION:** Approve Resolution 23-82.

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
Florida Statutes Section 166.041(3)(c)2.a. states that in cases in which an ordinance changes the actual list of permitted, conditional or prohibited uses within a zoning category, the governing body must hold one public hearing after 5:00 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. Proposed Ordinance 4018 would change the list of permitted, conditional or prohibited uses within certain districts in the Form Based Code. Passing this Resolution will allow both readings for this Ordinance to occur during the regularly scheduled City Council meeting.

**FINANCIAL IMPACT:**
No financial impact

**ATTORNEY REVIEW/RECOMMENDATION:**
The City Attorney has reviewed this Resolution.

**SUGGESTED MOTION:**
Motion to approve Resolution 23-82.

**ATTACHMENTS:**
Resolution 23-82

# CITY OF BRADENTON

## RESOLUTION NUMBER 23-82

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, SETTING THE PUBLIC HEARINGS FOR ORDINANCE 4018 ADOPTING TEXT AMENDMENT PETITION LU.23.3495 TO BE HELD AS PART OF THE REGULAR CITY COUNCIL MEETINGS COMMENCING AT 8:30 A.M.; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, F.S. Section 166.041 sets forth the procedures for the adoption of ordinances and resolutions; and

WHEREAS, F.S. Section 166.041(3)(c)2.a. states that in cases in which an ordinance changes the actual list of permitted, conditional or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel of land involving 10 contiguous acres or more, the governing body must hold one public hearing after 5:00 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day; and

WHEREAS, the City is processing a text amendment relating to the permitted, special and prohibited uses in the form-based code; and

WHEREAS, it is the desire of the City of Bradenton that the Public Hearings for Ordinance 4018 adopting Text Amendment Petition LU.23.3495, be held as part of Regular City Council meetings, commencing at 8:30 a.m.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, as follows:**

1. That the public hearings for Ordinance 4018, adopting text amendment petition LU.23.3495, titled:

   AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 2.0, SECTION 2.2.4.1, TYPES OF SPECIAL USES, OF THE LAND USE REGULATIONS OF THE CITY OF BRADENTON, TO CLARIFY THE APPROVAL REQUIREMENTS FOR THE EXPANSION OF SPECIAL USES; AMENDING ARTICLE 4, TABLE 4.7, SPECIFIC FUNCTION AND USE, OF THE BRADENTON FORM BASED CODE, TO ADD USE CATEGORIES INCLUDING SECONDHAND STORE AND PAWNSHOP, AND CHANGING THE STATUS OF MEDICAL CLINICS IN CERTAIN DISTRICTS; AND AMENDING ARTICLE 12, OF THE FORM BASED CODE, DEFINITION OF TERMS, TO DEFINE PAWN, PAWNBROKER, SECONDHAND STORE AND PAWNSHOP; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN

CONFLICT; PROVIDING FOR RETROACTIVE APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

will be held as part of the regular City Council meetings commencing at 8:30 a.m.

2. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED BY A MAJORITY PLUS ONE VOTE OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, WITH A QUORUM PRESENT AND VOTING ON THIS 11th DAY OF October, 2023.

ATTEST:

| | |
|---|---|
| TAMARA MELTON<br>CITY CLERK | Gene Brown<br>MAYOR |

APPROVED AS TO FORM:

Scott Rudacille
CITY ATTORNEY

**AGENDA ITEM NO. 7.g**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Robin Singer, Planning & Community Development

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

**SUBJECT:**

Ordinance 4018 - FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 2.0, SECTION 2.2.4.1, TYPES OF SPECIAL USES, OF THE LAND USE REGULATIONS OF THE CITY OF BRADENTON, TO CLARIFY THE APPROVAL REQUIREMENTS FOR THE EXPANSION OF SPECIAL USES; AMENDING ARTICLE 4, TABLE 4.7, SPECIFIC FUNCTION AND USE, OF THE BRADENTON FORM BASED CODE, TO ADD USE CATEGORIES INCLUDING SECONDHAND STORE AND PAWNSHOP, AND CHANGING THE STATUS OF MEDICAL CLINICS IN CERTAIN DISTRICTS; AND AMENDING ARTICLE 12, OF THE FORM BASED CODE, DEFINITION OF TERMS, TO DEFINE PAWN, PAWNBROKER, SECONDHAND STORE AND PAWNSHOP; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR RETROACTIVE APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**SUGGESTED ACTION:** No action is required at first reading. The second reading and public hearing is scheduled for November 1, 2023.

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**EXPLANATION:**
City Council authorized staff to propose amendments to the Form Based Code to better address certain uses that were not previously addressed. City Council adopted and extended a zoning in progress to allow time to process these amendments. The resulting Ordinance will:

- Amend the requirements for special uses in the Land Use Regulations to require a new special use approval for the expansion of uses that are not explicitly listed in the use charts of the Land Use Regulations or Form Based Code;
- Define secondhand stores and pawnshops in the Form Based Code and add these uses to the use chart of the Form Based Code to clarify where they are permitted, prohibited or allowed by special use permit;
- Change medical clinics in the Form Based Code from a permitted use to a special use in certain districts.

The Planning Commission voted 6-0 to recommend approval of the Ordinance at the September 20, 2023 meeting.

**FINANCIAL IMPACT:**
No fiscal impact is anticipated.

**ATTORNEY REVIEW/RECOMMENDATION:**
The City Attorney has reviewed the Ordinance.

**SUGGESTED MOTION:**
No action is required at first reading. The second reading and public hearing is scheduled for November 1, 2023.

**ATTACHMENTS:**
Ordinance 4018
Staff Report
Application

**ORDINANCE NO. 4018**

**AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 2.0, SECTION 2.2.4.1, TYPES OF SPECIAL USES, OF THE LAND USE REGULATIONS OF THE CITY OF BRADENTON, TO CLARIFY THE APPROVAL REQUIREMENTS FOR THE EXPANSION OF SPECIAL USES; AMENDING ARTICLE 4, TABLE 4.7, SPECIFIC FUNCTION AND USE, OF THE BRADENTON FORM BASED CODE, TO ADD USE CATEGORIES INCLUDING SECONDHAND STORE AND PAWNSHOP, AND CHANGING THE STATUS OF MEDICAL CLINICS IN CERTAIN DISTRICTS; AND AMENDING ARTICLE 12, OF THE FORM BASED CODE, DEFINITION OF TERMS, TO DEFINE PAWN, PAWNBROKER, SECONDHAND STORE AND PAWNSHOP; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR RETROACTIVE APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** on September 14, 2022, the City Council adopted Resolution 22-60 establishing a 180-day "zoning in progress" related to a number of use categories, including sale of secondhand merchandise, pawn shops, drug treatment facilities, homeless service facilities, residential facilities for homeless individuals, internet cafes, indoor amusement and massage parlors, and expressed the intent to apply any regulations arising during such "zoning in progress" to development applications received after August 10, 2022; and

**WHEREAS,** on March 8 ,2023 the City Council adopted Resolution 23-23 extending the "zoning in progress" for an additional 180 days; and

**WHEREAS,** the City wishes to amend the Bradenton Land Use Regulations and Form Based Code to clarify the approval requirements for the expansion of special uses and to define and address uses in the area of the Form Based Code, including: secondhand store and pawnshop and to revise the status of medical clinics; and

**WHEREAS,** the City finds it is in the City's best interest to make these revisions to its Land Use Regulation and Form Based Code to address these uses.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA:**

**Section 1.** Findings of Fact. The foregoing whereas clauses are hereby adopted as findings of fact.

**Section 2.** Chapter 2.0, Section 2.2.4.1 of the Land Use Regulations of the City of Bradenton is hereby amended to read as follows (additions are underlined and deletions are in ~~strikethrough~~).

2.2.4.1 *Types of special uses.*

a. *New permit.* A special use permit is required for certain land uses as pursuant to residential schedule 3.2.1.1, or nonresidential schedule 3.2.1.2.

b. *Expansion.* A special use expansion permit is required pursuant to the following thresholds:

i. The expansion is equal to 20 percent or more of the approved use, structure or land area; or

ii. The expansion exceeds the limits or conditions as set forth in the original special use permit approval; or

iii. The expansion is the addition of an accessory use~~.~~; or

iv. The expansion or intensification is of a use that is not listed as a special use in 3.2.1.1, 3.2.1.2 of the Land Use Regulations or Table 4.7 of the Form Based Code, regardless of whether the use was previously approved through the special use permit process or similar approval process.

**Section 3.** Article 4, Table 4.7 of the Bradenton Form Based Code is hereby amended to read as follows (additions are underlined and deletions are in ~~strikethrough~~).

TABLE 4.7 Specific Function & Use. This table delegates specific functions and uses within Transect Zones. See Article 12 for definitions and limitations of uses.

| a. RESIDENTIAL | T3 T4-S | T4-R | T4-O | T5 | T6 | SD |
|---|---|---|---|---|---|---|
| Multi-Family | | P | P | P | P | |
| Single Family Attached | | P | P | P | P | |
| Single Family Semi-Detached | | P | P | P | | |
| Single Family Detached | P | P | P | P | | |
| Accessory Unit | P | P | P | P | | |
| **b. LODGING** | | | | | | |
| Hotel (no room limit) | | | | P | P | SU |
| Inn (up to 10 rooms) | | SU | SU | P | P | |
| Bed and Breakfast (up to 6 rooms) | SU | P | P | P | | |
| Boarding House | | SU | SU | SU | SU | SU |
| School Dormitory | SU | P | P | P | P | P |
| | | | | | | |
| **c. OFFICE** | | | | | | |
| Office Building | | | P | P | P | SU |
| Live-Work Unit | | P | P | P | P | SU |
| **d. RETAIL AND SERVICE** | | | | | | |
| Special Events | | SU | SU | SU | SU | P |
| Retail Building | | | P | P | P | SU |
| Display Gallery | | | P | P | P | SU |
| Restaurant | | | P | P | P | SU |
| Kiosk | | | P | P | P | SU |
| Café/Sidewalk Café<20 seats (1) | | | P | P | P | P |
| Push Cart | | | | SU | SU | SU |
| Lounge | | | SU | SU | SU | SU |
| Secondhand Store | | | P | P | P | SU |
| Pawnshop | | | | | | SU |
| **e. CIVIC** | | | | | | |
| Convention Center | | | | SU | SU | P |
| Conference Center | | | | SU | P | P |
| Exhibition Center | | | SU | SU | SU | P |
| Fountain or Public Art | P | P | P | P | P | P |
| Library | | P | P | P | P | P |
| Live Theater | | | P | P | P | P |
| Movie Theater | | | P | P | P | P |
| Museum | | | SU | P | P | P |
| Indoor Amusement Center | | | SU | SU | SU | SU |
| Outdoor Amusement Center | | | SU | SU | SU | SU |
| Outdoor Auditorium | | | SU | P | P | P |
| Passenger Terminal | | | SU | SU | SU | P |
| Playground | P | P | P | P | P | P |
| Sports Stadium | | | SU | SU | SU | P |
| Surface Parking Lot | | P | P | P | P | P |
| Club | | SU | SU | | | SU |
| Religious Assembly (3) | SU | P | P | P | P | P |

| f. OTHER: URBAN FARMING | T3 T4-S | T4-R | T4-O | T5 | T6 | SD |
|---|---|---|---|---|---|---|
| Grain/Food Storage | | | | | | P |
| Greenhouse <200 SF | P | P | P | | | P |
| Veterinary Clinic | | P | P | | | P |
| **g. OTHER: AUTOMOTIVE** | | | | | | |
| Service Station/Repair | | | SU | SU | | SU |
| Car Wash | | | | | | P |
| Auto Sales/Rental | | | | SU | | P |
| Drive-Through Facility | | | SU | SU | SU | P |
| Parking Lot/Garage | | | P | P | P | SU |
| Automotive Specialty | | | SU | SU | | SU |
| Shopping Center | | | | | | SU |
| Shopping Mall | | | | | | SU |
| **h. OTHER: CIVIL SUPPORT** | | | | | | |
| Fire Station | SU | SU | P | P | P | P |
| Police Station | SU | SU | P | P | P | P |
| Cemetery | SU | SU | SU | SU | SU | P |
| Funeral Home | | | SU | P | P | P |
| Hospital | | | | SU | SU | P |
| Medical Clinic | | ~~P~~ SU | ~~P~~ SU | ~~P~~ SU | ~~P~~ SU | ~~P~~ SU |
| Marina | | SU | SU | SU | SU | SU |
| | | | | | | |
| | | | | | | |
| **i. OTHER: EDUCATION** | | | | | | |
| College | | | SU | SU | SU | P |
| Schools, Public & Private (3) | SU | SU | SU | SU | SU | P |
| Business Training Schools | | | P | P | P | P |
| Educational | SU | SU | SU | SU | SU | SU |
| Cultural | | | SU | SU | SU | SU |
| Other – Child Care Center (2)(3) | SU | SU | SU | SU | SU | SU |
| **j. OTHER: INDUSTRIAL** | | | | | | |
| Heavy Industrial Facility | | | | | | P |
| Light Industrial Facility | | | SU | SU | | P |
| Laboratory Facility | | | SU | SU | | P |
| Water Supply Facility | | | | | | P |
| Sewer Waste Facility | | | | | | P |
| Electric Substation | SU | SU | SU | SU | SU | P |
| Wireless Transmitter | | | SU | SU | SU | SU |
| Cremation Facility | | | | | | P |
| Warehouse | | | SU | SU | | P |
| Produce Storage | | | | | | P |
| Heating & Fuel Storage | | | | | | P |
| Ice Plant | | | | SU | | SU |
| Mini-Storage (4) | | | SU | | | P |

P = PERMITTED SU = SPECIAL USE BLANK = NOT ALLOWED

1. City Council approval may be required Refer to Section 2.2.20 and 4.3.1 for alcoholic beverage sales and approval requirements. Establishments with alcoholic beverage sales are exempt from distance separation requirements from Religious Assembly uses.

2. Adult and child day care center with six or fewer clients and "Family Day Care Home" as defined and licensed by HRS are exempt from zoning requirements.
3. Day care centers, schools, churches and other religious establishments cannot be located within 500 feet of any Adult Entertainment Establishment.
4. Mini storage facilities are permitted when located above ground floor retail, restaurant, or office uses. At least 50% of the ground floor office use must be for a use other than the office for the mini storage facility. Mini storage is not permitted as a stand along use. It must be vertically mixed.

**Section 4.** Article 12, Definition of Terms, of the Bradenton Form Based Code is hereby amended to read as follows (additions are underlined and deletions are in strikethrough).

**12.1 INTENT**

This Article provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Article, then the CRC shall determine the correct definition. Items in italics refer to Articles, Sections, or Tables in the Code.

* * *

**Path (PT)**: a pedestrian way traversing a Park or rural area, with landscape matching the contiguous Open Space, ideally connecting directly with the urban Sidewalk network.

**Pawn**: any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on the terms and conditions contained in this section.

**Pawnbroker**: any person who is engaged in the business of making pawns; who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. A pawnbroker may also engage in the business of purchasing goods which includes consignment and trade.

**Pedestrian Shed**: an area that is centered on a Common Destination. Its size is related to average walking distances for the applicable Community Unit type. Pedestrian Sheds are applied to structure Communities. See Standard, Long, Linear or Network Pedestrian Shed. (Syn: walkshed, walkable catchment.)

* * *

**Special Function & Use**

* * *

d. **Retail:** these uses involve the sale of goods to consumers or the sale of merchandise to end users.

* * *

viii. **Lounge**: an establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises. Uses such as billiard parlors, dance halls, and live music venues may be included in this category if alcohol sales exceed 49% of the gross

revenue. Although a lounge may have a package store component an independent Liquor Sales Establishment is defined as an establishment engaged in retail sale of alcoholic beverages for consumption off the premise.

ix. **Secondhand store***:* A retail establishment selling used goods. This category does not include auction houses or pawnshops.

x. **Pawnshop**: the location at which a pawnbroker conducts business.

**Section 5.** Codification. The City Clerk shall ensure that this Ordinance shall be submitted for codification of the language in Sections 2, 3 and 4 herein upon taking effect.

**Section 6.** Repeal of Ordinances in Conflict. This Ordinance hereby repeals all Ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

**Section 7.** Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 8.** Effective Date/Retroactive Application. This Ordinance shall take effect as provided by law, and the provisions contained herein shall be applicable to development applications received on or after August 10, 2022.

| | |
|---|---|
| PUBLICATION DATE | |
| FIRST READING | OCTOBER 11, 2023 |
| PUBLICATION DATE | |
| SECOND READING | NOVEMBER 1, 2023 |

PASSED AND DULY ADOPTED, BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, with a quorum present and voting, this 1st day of November, 2023.

CITY OF BRADENTON, FLORIDA

_____

Gene Brown, Mayor

ATTEST:

By: _____

Tamara Melton, City Clerk

APPROVED AS TO FORM:

By: _____

Scott Rudacille, City Attorney

3970863v1

City of Bradenton

Planning and Community Development Department

City Council

October 11, 2023

Staff Report

**AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 2.0, SECTION 2.2.4.1, TYPES OF SPECIAL USES, OF THE LAND USE REGULATIONS OF THE CITY OF BRADENTON, TO CLARIFY THE APPROVAL REQUIREMENTS FOR THE EXPANSION OF SPECIAL USES; AMENDING ARTICLE 4, TABLE 4.7, SPECIFIC FUNCTION AND USE, OF THE BRADENTON FORM BASED CODE, TO ADD USE CATEGORIES INCLUDING SECONDHAND STORE AND PAWNSHOP, AND CHANGING THE STATUS OF MEDICAL CLINICS IN CERTAIN DISTRICTS; AND AMENDING ARTICLE 12, OF THE FORM BASED CODE, DEFINITION OF TERMS, TO DEFINE PAWN, PAWNBROKER, SECONDHAND STORE AND PAWNSHOP; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR RETROACTIVE APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

At the August 10, 2022 City Council meeting, City Council authorized staff and the City Attorney to bring forward a Zoning in Progress process a notice of intent to suspend approval of certain uses in the Form Based Code in order to allow time for staff to process an Ordinance to amend the Code to define certain uses in the Form Based Code and determine if those uses should be permitted, permitted as special uses or prohibited in the various districts within the Form Based Code. Resolution 22-60 declaring a zoning in progress for six months was passed on September 14, 2022.

Staff made preliminary recommendations regarding the sale of secondhand merchandise, pawn shops, drug treatment facilities, drug treatment clinics, homeless services facilities and residential facilities for homeless individuals. City Council also requested that internet cafes and massage parlors be addressed.

The Planning Commission reviewed a proposed Ordinance on December 21, 2022 and recommended approval by a vote of 6-0, with some changes. City Council reviewed the Ordinance on First Reading at the January 18, 2023 regular meeting. Concerns expressed at the hearing caused staff to delay bringing forward the item for Second Reading to allow further discussion and research. The zoning in progress was extended for six months on March 8, 2023.

Staff has expanded the Ordinance to include changes to the Land Use Regulations regarding the processing of special use applications and to eliminate some of the changes previously proposed.

**Special Use Expansion**

Table 4.7 of the Form Based Code (FBC) lists uses that are permitted, allowed by special use or prohibited in certain districts. Section 4.7.3.e states: “Unlisted Uses. When a use cannot be clearly placed into a category, and it is not prohibited by the FBC, LUR, or Comprehensive Plan’ the PCD Director may allow an applicant to seek approval through a Special Use application.”

Section 2.2.4 of the Land Use Regulations provides the process when a special use, or expansion of a special use, is required. However, if a use is not listed but exists, it is not currently clear how to proceed with an expansion of a use that is not listed.

> The Ordinance provides that the expansion of a use that is not listed would require the approval of a special use permit, regardless of whether or not it had previously had a public hearing. This insures that uses that are not clearly listed as permitted or special use would have a public hearing to determine the expansion.

**Sale of Secondhand Merchandise and Pawnshops**

The scope of changes regarding these uses has not changed since the previously proposed language. The Form Based Code (FBC), which governs uses and development in the downtown area, does not define secondhand merchandise or pawnshops or list these uses in Table 4.7: Specific Function & Use, which lists uses as permitted, special use or prohibited. The FBC does define and list Retail uses but makes no mention of secondhand merchandise other than as part of a special event. The City's Land Use Regulations (LURs) define a Secondhand store as "A retail establishment selling used goods. This category does not include auction houses, but includes pawn shops and all establishments dealing in secondhand merchandise with the exception of clothing and books." There are retail sales of secondhand merchandise that are considered beneficial to the community and economy such as thrift shops and antique stores. Where generally thrift shops sell donated items and antique shops sell items curated by a dealer, pawnshops purchase and resell items from the public.

> The proposed Ordinance defines Secondhand Store, similar to the definition found in the Land Use Regulations, but modifies that definition to exclude and prohibit pawnshops. Pawn and Pawn Shops are defined as found in Florida Statutes. Pawnshops are also added to the use table but not list as permitted or special uses except in special districts. Pawnshops would continue to be allowed in other areas of the City.

**Medical Clinics**

Medical Clinics are currently listed as a permitted use in most commercial areas of the FBC. It is defined as "a facility engaged in the examination, diagnosis and treatment of medical chiropractic, ophthalmologic, dental, and pediatric or other health care patients: includes administrative and clerical operations of the practice; does not include overnight facilities for patients." The previous Ordinance proposed to create a separate category for drug treatment clinics. However, after further review and discussion with the City Attorney, it was determined that all medical clinics should be treated the same. However, City Council had indicated that greater scrutiny of all clinics would be beneficial to the community.

The proposed Ordinance changes medical clinics in the area of the FBC from permitted uses to special uses. This means that all new medical clinics will require special use approval

**Homeless Services Facilities**

The previous Ordinance would have defined homeless facilities and required special use approval.

The proposed Ordinance will not define or add this use to the use table. This will remain a use that is not listed.

**Massage Parlors**

Massage parlors are not included in either the Form Based Code or Land Use Regulations. The State provides clarification and licensing requirements for this use to insure that illegal activity is prohibited. Prohibiting massage or personal services in the Form Based Code in an effort to avoid illegal activity would also prohibit legal spa services.

Language has not been added to address this use in the proposed Ordinance.

**Internet Cafes**

Certain indoor amusements uses may have an element that could be considered gambling. As gambling is already prohibited in the City, adding it to the list of uses would not increase enforceability. Prohibiting all indoor amusement would potentially limit other uses that are legal and do not have any negative impacts.

Language has not been added to address this use in the proposed Ordinance.

**Recommendation:**

Recommend approval of Ordinance 4018 to require a special use permit for the expansion of uses that are not listed, define and list secondhand stores and pawnshops in the Form Based Code, and change medical clinics from a permitted use to a special use in the Form Based Code.

The Planning Commission reviewed Ordinance 4018 at their September 20, 2023 meeting and voted 6-0 to recommend approval.

# Zoning Text Amendment Application

**Department of Planning & Community Development**
**101 Old Main Street, Bradenton, FL 34205**
**Ph: (941) 932-9400**
**www.cityofbradenton.com**

**CONTACT INFORMATION** — REQUIRED

Name of Applicant: City of Bradenton

Applicant Address: 101 Old Main Street, Bradenton, FL 34205

Applicant Telephone: (941) 932-9408 (941) 932-9403

Applicant Email: robin.singer@bradentonfl.gov greg.delong@bradentonfl.gov

Indicate Zoning Ordinance Being Amended: **Land Use Regulations** Form-Based Code — REQUIRED

**MATERIALS FOR REVIEW** — REQUIRED

*Before submitting an application to the City of Bradenton, please check with the Planning & Community Development Department to verify all essential information for review is present. Incomplete applications will delay the review process.*

- ► Text Amendment Application
- ► Application Fee : $5,520 ($4,000 if advertised concurrently with a FLUM Amendment)
- ► Letter of Request
- ► Proposed Text Changes in Strikethrough and Underline Format (provide One (1) electronic copy of text changes in Word .doc format
- ► Include one (1) electronic copy (pdf) of Application and all support materials.

**SIGNATURE** — REQUIRED

*The applicant agrees to conform to all applicable laws of the City of Bradenton and to all applicable Federal, State, and County laws.*

Gregory J. DeLong for Robin Singer 01/30/2023

Signature of Applicant Date

**CITY STAFF ONLY** — CITY STAFF ONLY

Application Fees:
Fee Required: **$5,520**
Fee Required: **$4,000** if submitted with FLUM Amendment

FEE COLLECTED: $_____

RECEIPT #: _____

Application Sufficiency:
Sufficient: ☐
Incomplete: ☐ _____

**APPLICATION #:** 230293

**REVIEW DATES – TO BE COMPLETED BY CITY STAFF**

**2nd CC READ:** _____

**1st CC READ:** _____

**PC REVIEW:** _____

**DRC:** _____

**AGENDA ITEM NO. 7.h**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Corey Fortin, City Administration

**ITEM TYPE:** Miscellaneous

**AGENDA SECTION:** BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

**SUBJECT:** City of Bradenton Surplus Property Review - PUBLIC HEARING

**SUGGESTED ACTION:** Requested Action to be taken by City Council:

- Determine which parcels identified herein may be classified as surplus property because they are not needed for a municipal purpose by the City and that the possible sale or transfer is in the best interests of the City
- Determine which parcels identified herein may be suitable for affordable housing
- To authorize the City Administrator to use the Manatee County Property Appraiser’s Just Market Value to establish minimum bid requirements and to obtain an appraisal prior to the sale of any property unless deemed to be in the best interests of the City to donate, lease or sell the property for under market value which would come before Council for approval
- Authorize the City Administrator to advertise a Notice of Property for Disposition and Invitation to Offer Proposals on those properties identified as surplus at the appropriate time as required by the City's Disposition of City Owned Property Policy and F.S. 163.380

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
Yes

**EXPLANATION:**
Per Florida Statute 166.0451, each municipality must prepare an inventory list of real property within its jurisdiction to which the municipality or any dependent special district within its boundaries holds fee simple title which is appropriate for use as affordable housing. During a public hearing, Bradenton City Council must review the properties and make any revisions to the inventory list. Following the public hearing, a resolution must be adopted that includes an inventory list of such property and the inventory list must be made publicly available on its website to encourage potential development.

Per the Statute, the properties listed in the resolution may be:

- Used for affordable housing through a long term land lease requiring the development and maintenance of affordable housing
- Offered for sale and the proceeds used to purchase land for the development of affordable housing
- To increase the local government fund earmarked for affordable housing
- Sold with a restriction that requires the development of the property as permanent affordable housing
- Donated to a non-profit housing organization for the construction of permanent affordable housing

Alternatively, the municipality may otherwise make the property available for use for the production and preservation of permanent affordable housing. Florida Statute 420.0004 defines affordable housing as:

Affordable means that monthly rents or monthly mortgage payments including taxes, insurance and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in subsection (9), (11), (12) or subsection (17).

There are 20 properties that need review as to declaration as surplus and possible suitability for affordable housing. The property located at 1105 8th Street West was previously declared surplus and suitable for affordable housing in 2021. There was an illegal storage issue by an adjoining landowner that has since been resolved.

All properties shall be reviewed and a determination made by Council if they should be retained for possible future use or declared as surplus. Council shall also determine which properties deemed surplus are suitable for affordable housing, and which properties are not deemed suitable for affordable housing.

For all properties which are declared surplus, whether deemed suitable for affordable housing or not, City Council shall advise the City Administrator if they require an appraisal to be completed in order to determine acceptable sale price

or minimum bid, or if other available valuation information can be used such as current just market value estimated by the Manatee County Property Appraiser.

Pursuant to F.S. 166.0451(3)(b) and the terms of the City's Disposition of City Owned Property Policy, the inventory list will be added to the City's website. This will be in the Housing and Community Development Section and will include the required forms and procedures for those interested in obtaining a listed parcel.

**FINANCIAL IMPACT:**
Contingent on property sale/donation.

**ATTORNEY REVIEW/RECOMMENDATION:**
Approved

**SUGGESTED MOTION:**

Motion to:

- To direct the Policy, Planning, Procedures & Real Estate Administrator to prepare Resolutions containing the surplus property inventory lists, as revised at this meeting, for adoption by City Council at an upcoming meeting;
- To authorize the City Administrator to advertise a Notice of Property for Sale and Invitation to Offer Proposals on those properties identified as surplus at the appropriate time as required by the City’s Disposition of City Owned Property Policy and F.S. 163.380;
- To authorize the City Administrator to use the Manatee County Property Appraiser’s Just Market Value to establish minimum bid requirements and to obtain an appraisal prior to the sale of any property unless deemed to be in the best interests of the City to donate, lease or sell the property for under market value which would come before Council for approval.

**ATTACHMENTS:**
Surplus Property Information

# Potential Affordable Housing and other Surplus Properties

b r a d e n t o n

*The Friendly City*

(Disclaimer: The City reserves the right to withdraw from surplus any property it owns at any times without notice. The City reserves the right to reject any and all proposals, responses, offers and/or bids for its properties.)

Select Year: 2023 Go

# The 2023 Florida Statutes

Title XII MUNICIPALITIES | Chapter 166 MUNICIPALITIES | View Entire Chapter

[1]**166.0451 Disposition of municipal property for affordable housing.**—

(1) By October 1, 2023, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality or any dependent special district within its boundaries holds fee simple title which is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property. Each municipality shall make the inventory list publicly available on its website to encourage potential development.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be used for affordable housing through a long-term land lease requiring the development and maintenance of affordable housing, offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, sold with a restriction that requires the development of the property as permanent affordable housing, or donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality or special district may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

(3) Municipalities are encouraged to adopt best practices for surplus land programs, including, but not limited to:

(a) Establishing eligibility criteria for the receipt or purchase of surplus land by developers;

(b) Making the process for requesting surplus lands publicly available; and

(c) Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

**History.**—s. 4, ch. 2006-69; s. 7, ch. 2023-17.

[1]**Note.**—Section 43, ch. 2023-17, provides:

"(1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under s. 120.54(4), Florida Statutes, for the purpose of implementing provisions related to the Live Local Program created by this act. Notwithstanding any other law, emergency rules adopted under this section are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

"(2) This section expires July 1, 2026."

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Select Year: 2023 Go

# The 2023 Florida Statutes

Title XXX SOCIAL WELFARE | Chapter 420 HOUSING | View Entire Chapter

**420.0004 Definitions.**—As used in this part, unless the context otherwise indicates:

(1) "Adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (9), subsection (11), subsection (12), or subsection (17), based upon a formula as established by the United States Department of Housing and Urban Development.

(2) "Adjusted gross income" means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

(3) "Affordable" means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in subsection (9), subsection (11), subsection (12), or subsection (17).

(4) "Corporation" means the Florida Housing Finance Corporation.

(5) "Community-based organization" or "nonprofit organization" means a private corporation organized under chapter 617 to assist in the provision of housing and related services on a not-for-profit basis and which is acceptable to federal and state agencies and financial institutions as a sponsor of low-income housing.

(6) "Department" means the Department of Economic Opportunity.

(7) "Disabling condition" means a diagnosable substance abuse disorder, serious mental illness, developmental disability, or chronic physical illness or disability, or the co-occurrence of two or more of these conditions, and a determination that the condition is:

(a) Expected to be of long-continued and indefinite duration; and

(b) Not expected to impair the ability of the person with special needs to live independently with appropriate supports.

(8) "Elderly" describes persons 62 years of age or older.

(9) "Extremely-low-income persons" means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.

(10) "Local public body" means any county, municipality, or other political subdivision, or any housing authority as provided by chapter 421, which is eligible to sponsor or develop housing for farmworkers and very-low-income and low-income persons within its jurisdiction.

(11) "Low-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(12) "Moderate-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(13) "Person with special needs" means an adult person requiring independent living services in order to maintain housing or develop independent living skills and who has a disabling condition; a young adult formerly in foster care who is eligible for services under s. 409.1451(5); a survivor of domestic violence as defined in s. 741.28; or a person receiving benefits under the Social Security Disability Insurance (SSDI) program or the Supplemental Security Income (SSI) program or from veterans' disability benefits.

(14) "Student" means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the federal income tax code and who is enrolled on at least a half-time basis in a secondary school, career center, community college, college, or university.

(15) "Substandard" means:

(a) Any unit lacking complete plumbing or sanitary facilities for the exclusive use of the occupants;

(b) A unit which is in violation of one or more major sections of an applicable housing code and where such violation poses a serious threat to the health of the occupant; or

(c) A unit that has been declared unfit for human habitation but that could be rehabilitated for less than 50 percent of the property value.

(16) "Substantial rehabilitation" means repair or restoration of a dwelling unit where the value of such repair or restoration exceeds 40 percent of the value of the dwelling.

(17) "Very-low-income persons" means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

**History.**—s. 2, ch. 88-376; s. 1, ch. 89-121; s. 13, ch. 90-275; s. 72, ch. 2000-153; s. 36, ch. 2004-357; ss. 44, 53, ch. 2006-26; s. 14, ch. 2006-69; s. 323, ch. 2011-142; s. 7, ch. 2011-189.

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# City of Bradenton Potential Affordable Housing Surplus Properties

| | Parcel ID | Situs Address | Assessed Value | CRA |
|---|---|---|---|---|
| 14 | 1249301009 | 1701 Manatee Avenue East | $117,243 | No |

THOSE PORTIONS OF LOTS 6 & 7 N S JONES SUBD, BEING FURTHER DESC AS FOLLOWS: BEG AT THE NW COR OF SD LOT 6; TH ALG THE N LN OF SD LOTS 6 AND 7, N 87 DEG 31 MIN 21 SEC E A DIST OF 168.75 FT TO THE NE COR OF SD LOT 7; TH ALG THE E LN OF SD LOT 7, S 01 DEG 18 MIN 47 SEC W A DIST OF 67.42 FT TO THE NLY EXISTING R/W/L OF S.R. 64 (PER SECTION 13050-2701); TH ALG SD NLY EXISTING R/W/L S 88 DEG 26 MIN 23 SEC W A DIST OF 155.83 FT; TH CONT ALG SD NLY EXISTING R/W/L N 49 DEG 22 MIN 45 SEC W A DIST OF 13.40 FT TO THE W LN OF SD LOT 6; TH ALG SD W LN N 01 DEG 07 MIN 37 SEC W A DIST OF 55.63 FT TO THE POB (CONT 10989SF M/L) (1652/701)

| | | | | |
|---|---|---|---|---|
| 15 | 1249501009 | 1719 Manatee Avenue East | $79,212 | No |

THAT PORTION OF LOT 8 N S JONES ADD TO MANATEE BEING DESC AS FOLLOWS: BEG AT THE NE COR OF SD LOT 8; TH ALG THE E LN OF SD LOT 8 S 01 DEG 02 MIN 06 SEC W A DIST OF 68.76 FT TO THE NLY EXISTING R/W/L OF S.R. 64 (PER SECTION 13050-2701); TH ALG SD NLY EXISTING R/W/L S 88 DEG 26 MIN 23 SEC W A DIST OF 85.63 FT TO THE W LN OF SD LOT 8; TH ALG SD W LN N 01 DEG 18 MIN 47 SEC E A DIST OF 67.42 FT TO THE NW COR OF SD LOT 8; TH ALG THE N LN OF SD LOT 8 N 87 DEG 31 MIN 21 SEC E A DIST OF 85.37 FT TO THE POB. (CONT 5936 SF) (1652/704)

| | | | | |
|---|---|---|---|---|
| 16 | 1249701009 | 1723 Manatee Avenue East | $79,019 | No |

THAT PORTION OF LOT 9 N S JONES SUBD; BEING DESC AS FOLLOWS: BEG AT THE NE COR OF SD LOT 9; TH ALG THE E LN OF SD LOT 9 S 00 DEG 59 MIN 52 SEC W A DIST OF 70.12 FT TO THE NLY EXISTING R/W/L OF S.R. 64 (PER SECTION 13050-2701); TH ALG SD NLY EXISTING R/W/L S 88 DEG 26 MIN 23 SEC W A DIST OF 84.97 FT TO THE W LN OF SD LOT 9; TH ALG SD W LN N 01 DEG 02 MIN 06 SEC E A DIST OF 68.76 FT TO THE NW COR OF SD LOT 9; TH ALG THE N LN OF SD LOT 9 N 87 DEG 31 MIN 21 SEC E A DIST OF 85 FT TO THE POB (CONT 5,893SF) (1652/698)

| | | | | |
|---|---|---|---|---|
| 17 | 1289200006 | 520 19th Street East | $42,000 | Central CRA |

LOTS 2,3,4,10,11,12 VANDERIPE-IVES ADD

| | | | | |
|---|---|---|---|---|
| 18 | 128900003 | 519 18TH Street East | $28,000 | Central CRA |

LOTS 17,18,26,27 VANDERIPES-IVES ADD

**43 /44 Portions of Parcel ID #3227900069 & 3227700059 1125 8th Avenue East**

**Appraised Value - $110,000** **Bradenton CRA**

**Portions of the following two parcel descriptions totaling 0.564 acres more or less**

THAT PART OF 2 UNNUMBERED LOTS AS SHOWN ON P.B. 1 PG 187 PRMCF, LYING W OF AND ACROSS ALLEY FROM LOTS 6 & 7 BLK B GRAHAM SUB; (INSERT "TOGETHER WITH 15 FT VACATED ALLEY LYING W OF LOTS 6 & 7 VACATED BY RESOLUTION 90-29 AND DESC AS: COM AT THE NW COR OF LOT 1, BLK B, AS SHOWN ON PLAT OF JOHN A GRAHAM'S SUB (PB 1 P 187) FOR A POB; TH RUN S, ALG THE W LN OF LOTS 1 THRU 7, INCLUSIVE, (SD LN ALSO BEING THE E LN OF AN EXISTING ALLEY WHICH RUNS IN A NORTH/SOUTH DIR AS SHOWN ON SD PLAT), A DIST OF 315.0 FT, M/L TO THE SE COR OF SD LOT 7, SD PT LYING ON THE N R/W LN OF 8TH AVE E (MIDWAY); TH W, ALG SD N R/W LN, 15.0 FT M.L TO THE INTERSECTION WITH THE W LN OF SD EXISTING NORTH/SOUTH ALLEY; TH N, ALG THE W LN OF SD NORTH/SOUTH ALLEY, 315.0 FT, M/L TO THE INTERSECTION WITH THE S LN OF 7TH AVE E (GRAHAM AVE); TH E, ALG SD S R/W 15.0 FT, M/L, TO THE POB"), LESS THE E 7.5 FT OF ALLEY LYING W OF LOTS 6 & 7 GRAHAM'S SUB PI#32279.0006/9

LOTS 8,9 LESS THE N 135 FT, BLK B GRAHAM'S SUB, ALSO THE N 60 FT OF THE E 147.9 FT OF THAT PART OF TWO UNNUMBERED LOTS LYING W OF AND ACROSS THE PLATTED ALLEY FROM LOTS 4, 5, 6, AND 7 OF SD BLK B, GRAHAM SUB, ALSO PART OF VACATED ALLEY VACATED BY RESOLUTION 90-29 DESC IN OR 1297 PG 196 DESC AS FOLLOWS: PARCEL A: COM AT THE NW COR OF LOT 1, BLK B, AS SHOWN ON PLAT OF JOHN A GRAHAM'S SUB (PB 1 P 187), FOR A POB; TH RUN S, ALG THE W LN OF LOTS 1 THRU 7, INCLUSIVE (SD LN ALSO BEING THE E LN OF AN EXISTING ALLEY WHICH RUNS IN A NORTH/SOUTH DIRECTION SHOWN ON PLAT), A DIST OF 315 FT M/L, TO THE SE COR OF SD LOT 7, SD PT LYING ON THE N R/W LN OF 8TH AVE E (MIDWAY); TH W, ALG SD N R/W LN, 15 FT M/L, TO THE INTERSECTION WITH THE W LN OF SD ALLEY, 315 FT, M/L, TO THE INTERSECTION WITH THE S LN OF 7TH AVE E (GRAHAM AVE); TH E, ALG SD S R/W, 15 FT, M/L, TO THE POB, LESS THE E 7.5 FT LYING W OF & ADJ TO LOTS 4 & 5 BLK B GRAHAM'S SUB; ALSO LESS ALL OF ALLEY LYING W OF LOTS 6 & 7 BLK B GRAHAM'S SUB; ALSO LESS THE N 135 FT; PARCEL B: COM AT THE SE COR OF LOT 8, BLK B, AS SHOWN ON PLAT OF JOHN A GRAHAM'S SUB (PB 1 P 187) FOR A POB, SD PT ALSO BEING THE INTERSECTION OF THE N LN OF AN EXISTING ALLEY WHICH RUNS IN AN EAST/WEST DIRECTION WITH THE WEST LN OF AN EXISTING ALLEY WHICH RUNS IN A NORTH/SOUTH DIRECTION AS SHOWN ON SD PLAT; TH RUN W, ALG THE S LN OF LOTS 8 THRU 13, INCLUSIVE, (SD LN ALSO BEING THE N LN OF SD EXISTING EAST/WEST ALLEY), A DIST OF 294 FT M/L, TO THE SW COR OF SD LOT 13; TH RUN SELY ALG THE SLY EXTENSION OF THE W LN OF SD LOT 13, 15 FT, M/L, TO THE INTERSECTION WITH THE S LN OF SD EXISTING EAST/WEST ALLEY; TH E, ALG SD S LN, 294 FT, M/L, TO THE INTERSECTION WITH THE W LN OF SD EXISTING NORTH/SOUTH ALLEY; TH N, ALG SD W LN, 15 FT, M/L, TO THE POB, LESS THE N 7.5 FT LYING S OF LOTS 10-13 BLK B GRAHAM'S SUB PI#32277.0005/9

**98** **4342500759** **102 17th Avenue West** **$277,134** **Central CRA**

COM AT THE SE COR OF THE NE1/4 SEC 35 TWN 34S RNG 17E; TH N 00 DEG 10 MIN 26 SEC E, A DIST OF 66 FT; TH N 89 DEG 55 MIN 30 SEC W, A DIST OF 25 FT TO THE POB; TH N 89 DEG 55 MIN 30 SEC W A DIST OF 300 FT; TH N 00 DEG 10 MIN 26 SEC E A DIST OF 300 FT; TH S 89 DEG 55 MIN 30 SEC E A DIST OF 300 FT; TH S 00 DEG 10 MIN 26 SEC W TO THE ABOVE MENTIONED POB; LESS R/W FOR SR 55 (1ST ST W), TRACT LYING & BEING CONTIGUOUS TO THE R/W LN OF 17TH AVE W. LESS OR 2061/1333 DESC AS FOLLOWS: COM AT THE INT OF THE SLY R/W LN OF THE ATLANTIC COASTLINE RR & THE WLY R/W OF US 41 (US 301-SR 683 SEC 13120-2506); TH S 02 DEG 17 MIN 23 SEC W ALG SD WLY R/W LN, A DIST OF 26.79 FT TO A PC OF A CURVE TO THE RIGHT WHOSE RAD PT LIES N 87 DEG 42 MIN 87 SEC W, A DIST OF 5717.58 FT; TH SLY ALG THE ARC OF SD CURVE TO THE RIGHT ALG SD WLY R/W, A DIST OF 317.71 FT THROUGH A C/A OF 03 DEG 11 MIN 01 SEC ALG SD WLY R/W LN TO THE P.T.; TH S 05 DEG 28 MIN 24 SEC W CONT ALG SD WLY R/W LN A DIST OF 78.08 FT TO THE POB; TH CONT S 05 DEG 28 MIN 24 SEC W ALG SD WLY R/W LN A DIST OF 176.88 FT; TH N 90 DEG 00 MIN 00 SEC W, A DIST OF 242.07 FT; TH N 00 DEG 22 MIN 50 SEC E, A DIST OF 180.00 FT; TH S 89 DEG 07 MIN 42 SEC E, A DIST OF 257.77 FT TO THE POB. LYING & BEING IN SEC 35, TWN 34S, RNG 17E, CONTAINING 1.02 AC.

**101** **4375700004** **907 15th Street West** **$92,400** **14th Street CRA**

LOT 7, UNNUMBERED LOT N OF LOT 7 FURTHER DESC IN ORB 186 P 305 PUB REC MAN CO FLA J A BETTS SUB

**102** **4385500006** **1105 18th Street West** **$50,000** **14th Street CRA**

LOT 6 BLK 5 FAIRVIEW PARK

**149** **4071600003** **2104 12th Avenue West** **$343,409** **No**

LOTS 14,15 J R CURRY RESUB

**152** **4476100005** **2101 14th Street West** **$120,48** **14th Street CRA**

LOTS 55,56 EDGEWOOD 1ST ADD

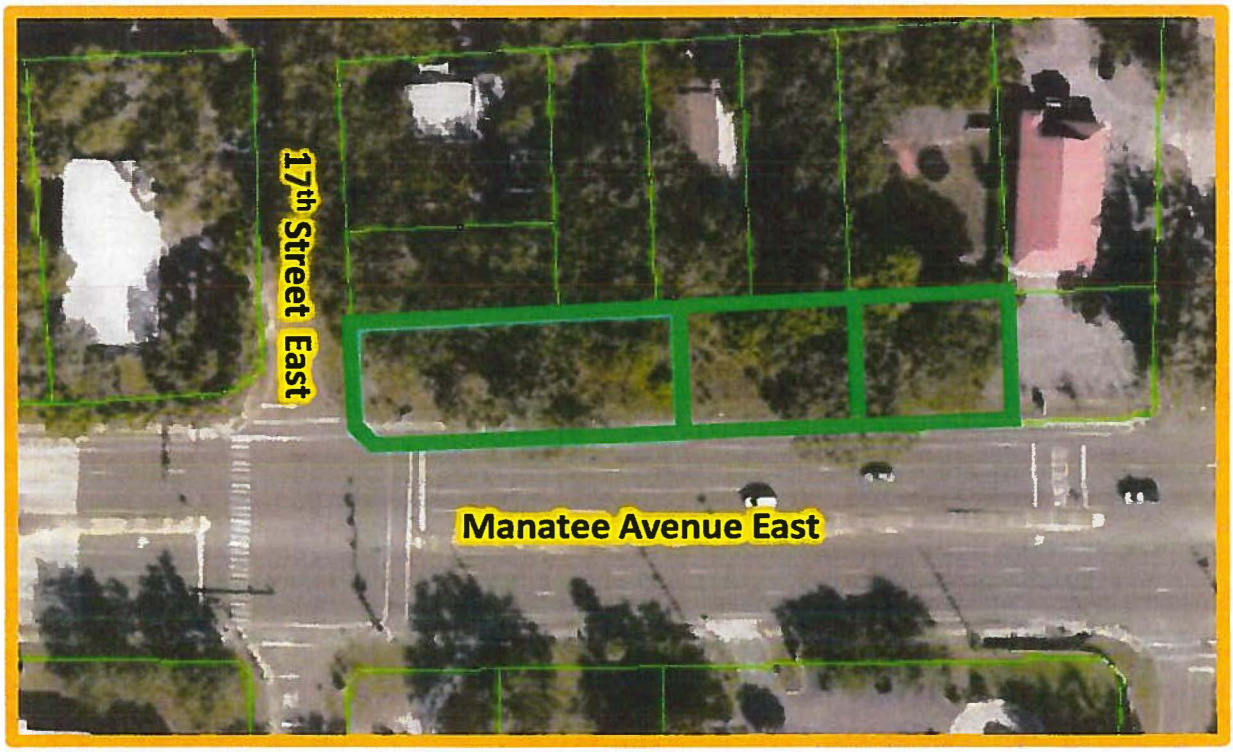
**160** **4298300007** **1108 2nd Street West** **$32,000** **Central CRA**

LOT 4 BLK F J K SINGELTARY SUB

# 1701, 1719, and 1723 Manatee Avenue East Bradenton, FL (Three Vacant Properties)

Parcel ID #s 1249301009, 1249501009, and 1249701009)
0.2523, 0.1363, and 0.1353 acres mol





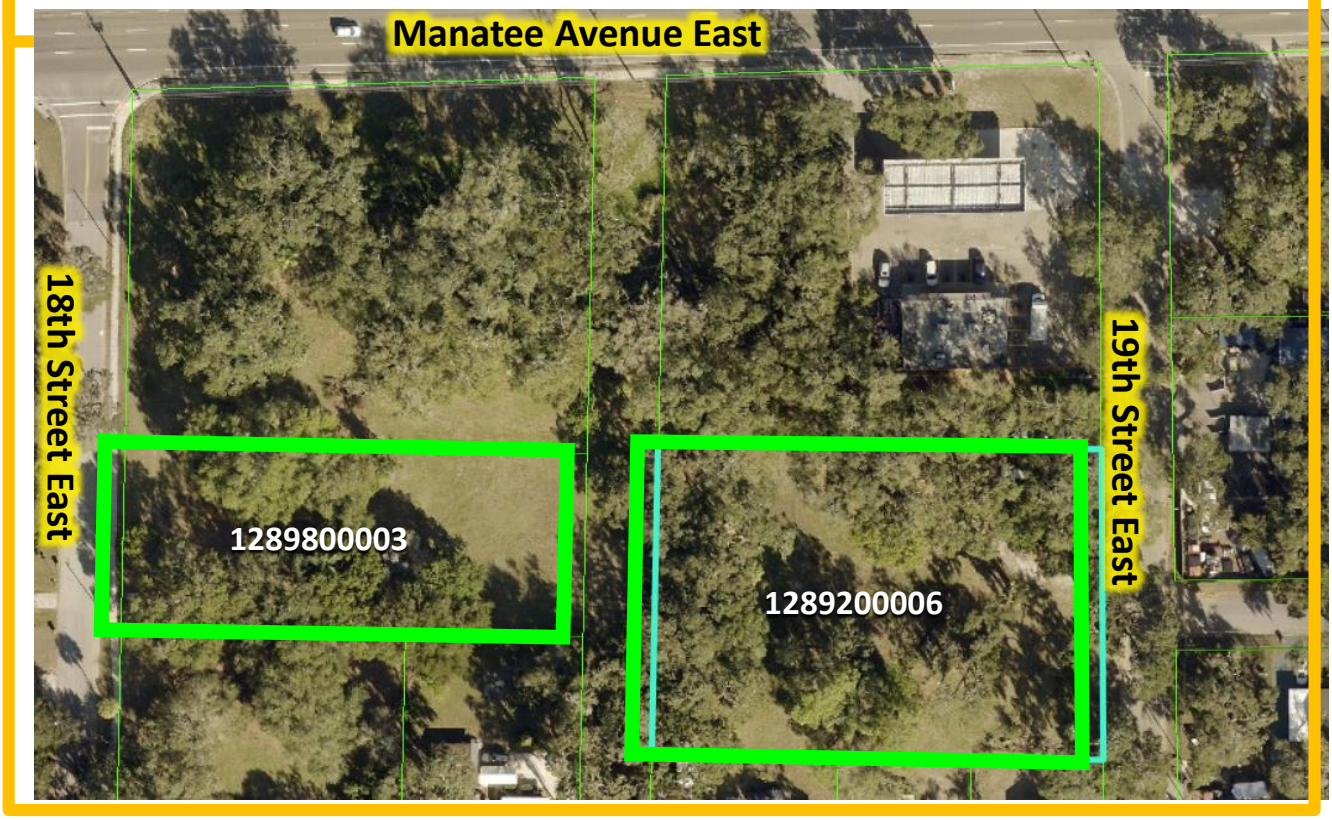

At the meeting on March 24, 2021 it was decided that the size and location of these lots cause them to not be suitable for affordable housing, but possibly of value to homeowners behind the lots as accessory dwelling units. It was decided that the lots may be more valuable at a later date if the lots behind them were purchased by a commercial developer. The lot behind 1701 is a vacant commercial lot purchased in March of 2023 by KB Property Group, LLC for $759,000 (.1263 acres). There is currently no curb cut onto Manatee Avenue. However, it is my understanding that FDOT cannot deny access. Ms. Singer has indicated that the curb cut access can be worked out in the development process. The three lots are all zoned T4-O.

# Vacant

## 520 19th Street East, 519 18th Street East, Bradenton, FL

Parcel ID#s 1289200006 and 1289800003; 1.0000 and 0.6267 acres mol




These two lots were originally contemplated as an additional phase of the Braden Cottages. The developer reached out in early 2022 with a revised proposal, but there is currently no Purchase & Sale Agreement in place. 519 18th Street E is zoned T4-R and the AV is $57,800. 520 19th Street E is zoned T4-R and the AV is $86,700.

# Vacant Lots used for Drainage and Church Parking

**#43 & 44**

## 1125 8th Avenue East
## Bradenton, FL

Portions of Parcel ID #3227900069 & 3227700059 totaling 0.564 acres mol



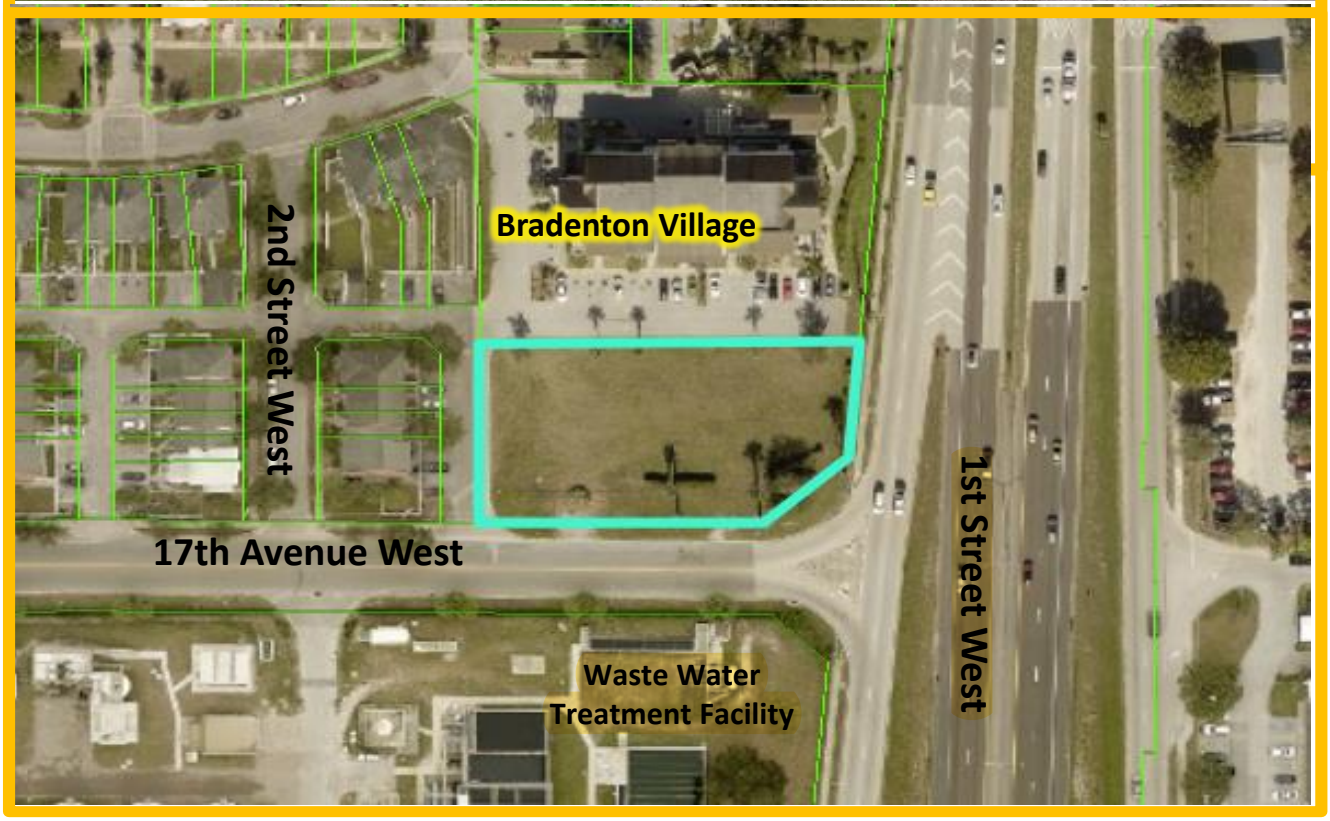



A portion of these parcels will be utilized for a pond which is part of the east side stormwater project. The portion of the parcels shown in red which total 0.564 acres can be declared as surplus. The parcels will need to be re-platted. An appraisal has been obtained for just that 0.564 acres which values the property at $110,000 with the highest and best use being residential. The re-platted parcels may be retained by the City for future use, sold to the Truth Bible Church, declared suitable for affordable housing or otherwise offered for sale. The Truth Bible Church currently has a lease on the property for parking. If the City intends to sell to someone other than the Church the City will need to give them 30 days' notice. As the property is in a CRA it will need to be advertised for solicitation of offers for 30 days prior to execution of any contract to sell, lease or otherwise transfer.

# Vacant – Across the street from Waste Water Treatment Facility
# 102 17th Avenue West, Bradenton, FL

PID# 4342500759; 1.0442 acres mol






On December 3, 2018 AM & FM Enterprise, Inc. presented a proposal to City Council requesting this property be donated to them for purpose of building a facility to provide high quality "adult care" services. At a special meeting on 4/3/19 Council approved the agreement with Stipulations that the entity: 1) show financial viability and 2) that a value of the property be assessed before assignment of the same. Either a lease, a reverter or the value of the property would go back to the City if the building did not function for its stated purpose. The former City Administrator was directed to obtain an appraisal. With the advent of COVID-19 nothing else ever happened. We have had no additional contact from AM & FM Enterprise, Inc. Zoned T4-O and AV - $389,430.

# 907 15th Street West
# Bradenton, FL
# Vacant Parking Lot

PID# 4375700004

0.4890 acres mol







At the 3/24/21 meeting it was discussed that this could be an affordable housing property or sold as commercial. However, it was not added to the surplus property list at that time. Zoned T4-O commercial. AV $99,170.

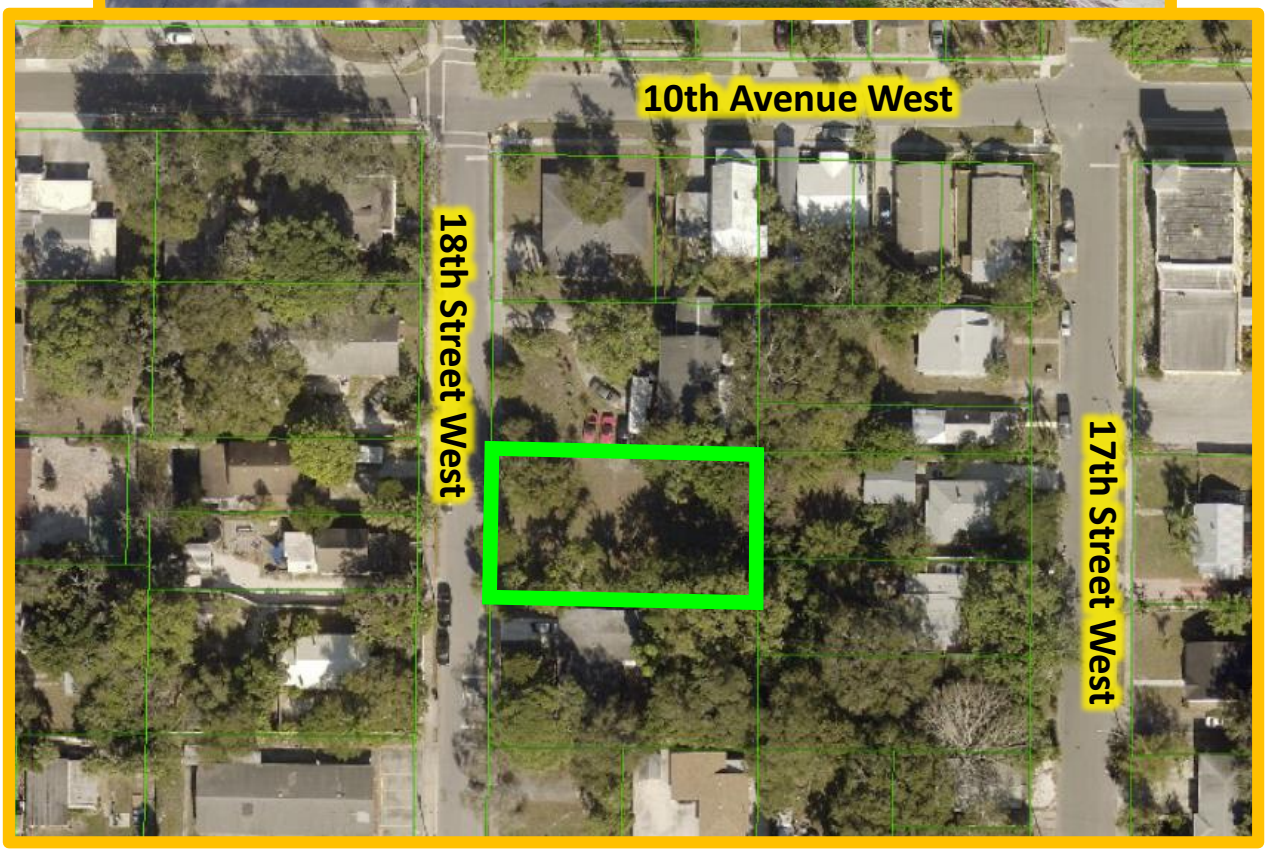
# Vacant Lot

#102

## 1105 18th Street West
## Bradenton, FL

PID# 4385500006; 0.2507 acres mol






**Resolution 21-37 dated 3/24/21 declared this property as surplus and suitable for affordable housing. Nothing was done at the time as the neighbor was illegally storing equipment on the lot. That situation has been remedied. Do we want to keep this property on the inventory list as suitable for affordable housing at this time? There have been several inquiries on this lot.**

# 2104 12th Avenue West
## Bradenton, FL (Burriss House)

PID# 4071600003
0.4890 acres mol






**Acquired by City in a settlement of inverse condemnation. There are no restrictions on this property and it is not located in a CRA. The total cost of settlement was $390,000. A current appraisal should be obtained. The City is completing a re-plat so that when the property is disposed of the City will retain a maintenance easement. Zoned R-1. AV $406,730.**

# Vacant Land

## 2101 14th Street West
## Bradenton, FL

Parcel ID# 4476100005
0.2755 acres mol




**This is the former Star Gas Station site. It has not been remediated and is not suitable for housing. There is a site assessment in the file that states that additional soil and groundwater assessment is necessary to determine the extent of the impacts prior to redevelopment. On August 22, 2023 Terwilliger Engineering, LLC filed an LSSI Application on our behalf with FDEP. Do we want to declare as surplus so once remediation is complete we can dispose of?**

#160

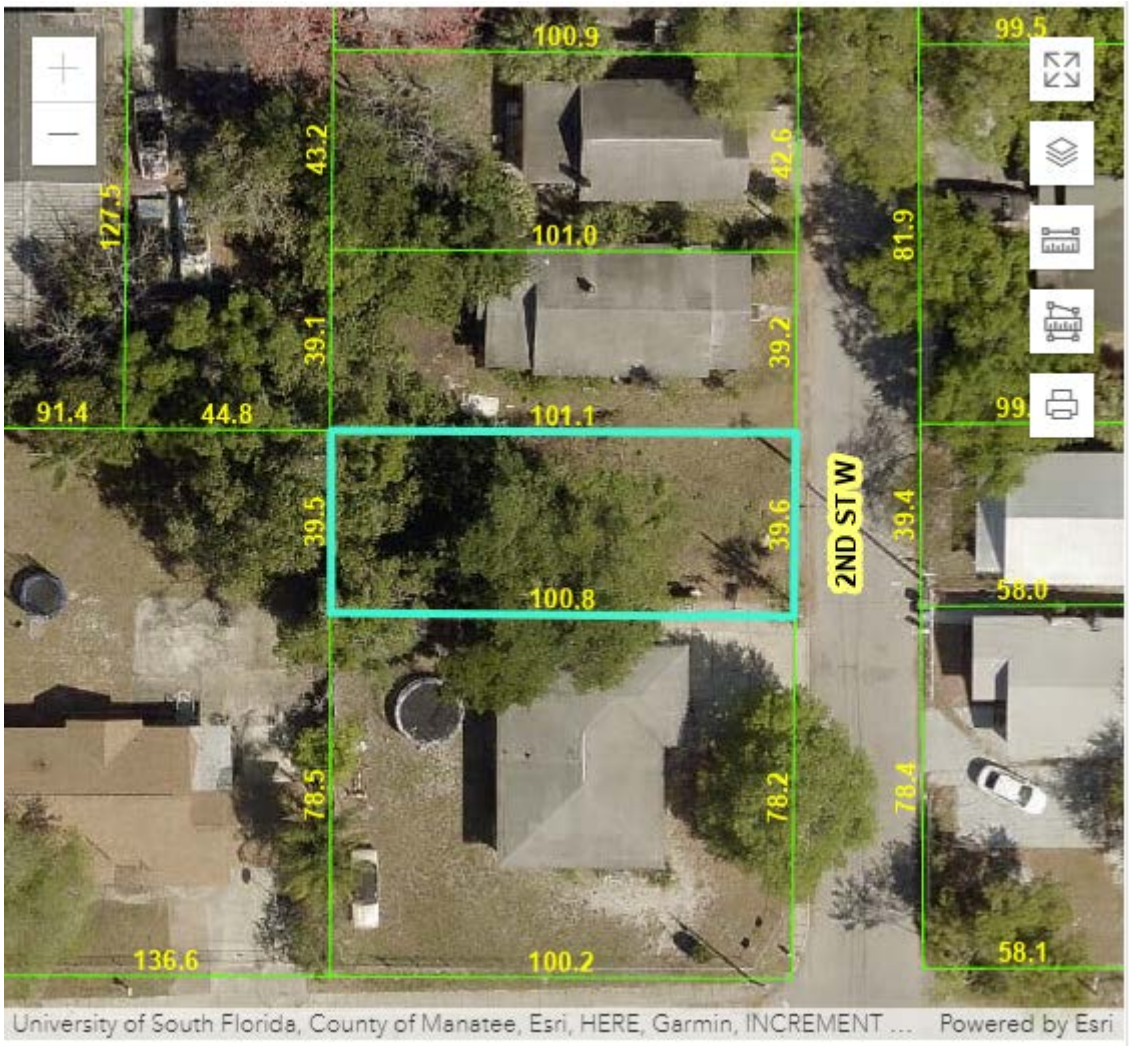
# Vacant Lot

**1108 2nd St W**

**Bradenton, FL**

PID #4298300007

0.0918 Acres mol




**This lot was acquired on 9/9/21 by voluntary quit claim deed. May be suitable for affordable housing.**

# Central Community Redevelopment Area Potential Affordable Housing Surplus Properties

**4596300759 1013 6th Street East $230,102 Central CRA**

PARCEL "A"- LOT 10, Q.T. SUBDIV ACCORDING TO THE MAP OR PLAT THEREOF REC IN PB 30 PG 130 & 131 PRMCF; LESS THE E 58.92 FT

**4589100109 603 10th Avenue East $40,800 Central CRA**

LOT 2 BLK L LINCOLN HEIGHTS

**4594500003 530 9th Avenue East $40,800 Central CRA**

BEG AT PT 360 FT W OF INTERSEC OF CENTER OF ROBINSON POND WITH N LINE OF NE1/4 OF NW1/4, W 50 FT, S 210 FT, E 50 FT N 210 FT LESS STRIP 10 FT E & W BY 100 FT N & S IN NW COR THERE OF & ADJOINING LOT 7 BLK L LINCOLN HTS AS DESC IN DB 273 P 297; LESS THAT PART TO CITY OF BRADENTON FOR 9TH AVE E R/W AS DESC IN OR 1009 P 1571 PRMCF P-59-N

**4589610007 528 9th Avenue East $40,800 Central CRA**

FROM NW COR OF SEC 36 RUN TH S 89 DEG 58 MIN 45 SEC E A DIST OF 1541.83 FT; TH S 01 DEG 25 MIN 11 SEC W A DIST OF 70.03 FT TO A POINT ON W LINE OF LOT 7 BLK L LINCOLN HEIGHTS (PB 1 PG 297) FOR A POB; TH S 89 DEG 58 MIN 45 SEC E 101.91 FT; TH S 10 DEG 34 MIN 06 SEC W 137.75 FT TO A POINT ON N LINE OF LOT 2 OF SD BLK L; TH N 89 DEG 47 MIN 26 SEC W 80 FT TO SW COR OF SD LOT 7; TH N 01 DEG 25 MIN 11 SEC E ALG W LN OF SD LOT 7, 135.19 FT TO THE POB; LESS THAT PART DESC IN DB 353 P 495 PRMCF, BEING A PART OF LOT 7 BLK L LINCOLN HEIGHTS & BEING FURTHER DESC IN OR 1067 P 2407 PRMCF PI#45896.1000/7

**4588700007 636 10th Avenue East $40,800 Central CRA**

E1/2 OF BLK I LINCOLN HEIGHTS

**4583610003 1223 8th Street East $40,800 Central CRA**

THE N 47.5 FT OF THE FOLLOWING DESC PROPERTY: BEG 30 FT N & 185 FT W OF SE COR OF NE1/4 OF NW1/4 SEC 36; TH N 105 FT; W 100 FT; S 105 FT; E 100 FT TO THE POB, (OR 1200 P 616)

**4613200320 918 3rd Street East $218,942 Central CRA**

THE S 58 FT OF LOT 5, JOHNSON BROTHERS SUB OF LOT 5 OF PLAT OF THE E1/2 OF NW1/4 OF NW1/4 OF SEC 36

**4613200221 916 3rd Street East $214,406 Central CRA**

LOT 5 LESS THE S 58 FT THEREOF & THE S 15 FT OF LOTS 3 & 4 JOHNSON BROTHERS SUB OF LOT 5 OF PLAT OF THE E1/2 OF NW1/4 OF NW1/4 OF SEC 36, TOGETHER WITH A CERTAIN ALLEY LOCATED S OF SD LOTS 3 & 4 AND THE N OF SD LOT 5

# Improved Lot

## (former Police substation)

## 1013 6th Street East

## Bradenton, FL

PID# 4596300759; 0.1092 acres mol






# Vacant Lot

## 603 10th Avenue East
## Bradenton, FL

PID# 4589100109; 0.1173 acres mol



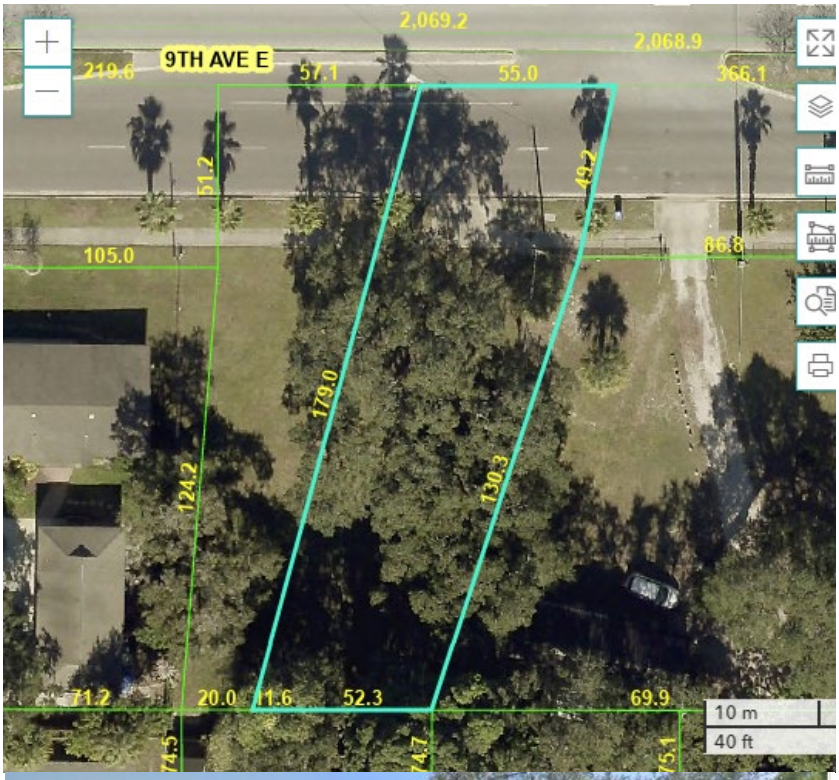


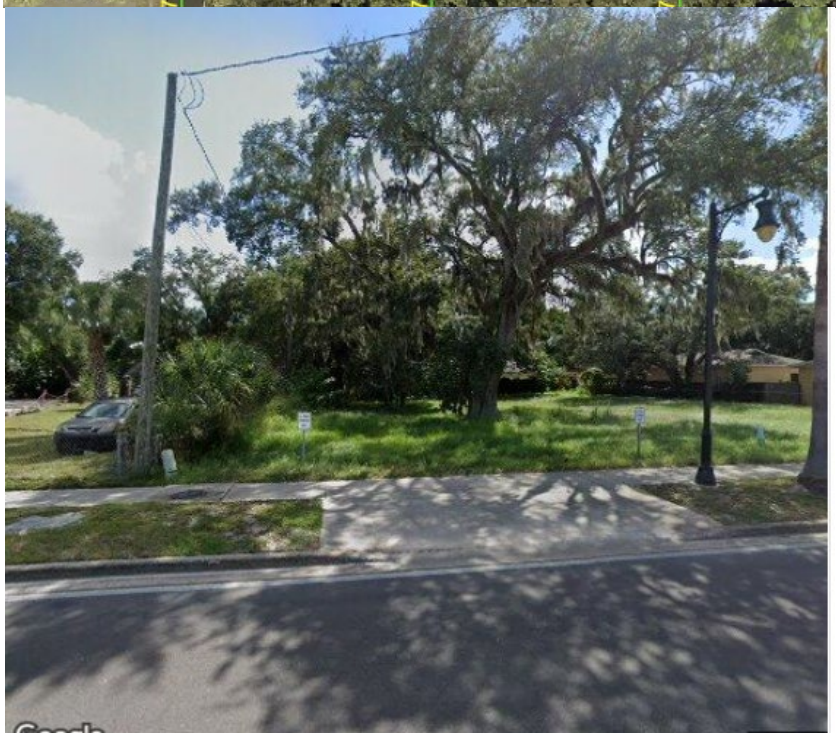

# Vacant Lot

## 530 9th Avenue East

## Bradenton, FL

PID# 4594500003; 0.1102 acres mol



Possible 2013 Parking MOU with St. Paul Missionary Baptist Church

# Vacant Lot

## 528 9th Avenue East

## Bradenton, FL

PID# 4589610007; 0.1102 acres mol






Possible 2013 Parking MOU with St. Paul Missionary Baptist Church

# Vacant Lot

## 636 10th Avenue East
## Bradenton, FL

PID# 4588700007; 0.1263 acres mol






# Vacant Lot

## 1223 8th Street East

## Bradenton, FL

PID# 4583610003; 0.1079 acres mol






# Improved Lot

## (Rental Home)

## 918 3rd Street East

## Bradenton, FL

PID# 4613200320; 0.1917 acres mol






# Improved Lot

## (Rental Home)

## 916 3rd Street East

## Bradenton, FL

PID# 4613200221; 0.1322 acres mol






**AGENDA ITEM NO. 8.a**

# Item Cover Page

**CITY COUNCIL AGENDA ITEM REPORT**

**DATE:** October 11, 2023

**SUBMITTED BY:** Rob Perry, City Administration

**ITEM TYPE:** Miscellaneous

**AGENDA SECTION:** NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

**SUBJECT:** Update on City Hall

**SUGGESTED ACTION:** TBD

**Is this item Quasijudicial?**
No

**Does this item require a public hearing?**
No

**ATTACHMENTS:**

Date: 9/10/2023

Motorola Solutions, Inc.
National Site Design Team

Attn: Thomas Bradley

SUBJECT: Project Number: 588718-02
Site Name: Bradenton Downtown, FL
Structure: U-24' x 250' Self-Supported Tower
Designed within a Theoretical Fall Radius of 50-ft

Communication structures designed by Valmont are sized in accordance with the latest governing revision of the ANSI/TIA 222 standard unless otherwise requested by our customer or the governing jurisdiction. This standard has been approved by ANSI/ASCE, which has dealt with the design of antenna support structures since the late 1950s. The TIA standard, based on provisions of this nationally known specification, has a long history of reliability. Its core philosophy is first and foremost to safeguard and maintain the health and welfare of the public.

Valmont's communication structures have proven to be very reliable products. We use the latest standards, wind speed information, and sophisticated analytical tools to ensure that we continue providing high quality structures.

This structure is designed to the following criteria:

- Exposure Category C
- Topographical Category 1
- Risk Category III
- Site Elevation 21.14 feet
- 156 MPH Ultimate Wind Speed (no ice) per ASCE 7-16
- 30 MPH with 0.0 inches ice per ANSI/TIA-222-H

The theoretical failure point is at the structure midpoint or above by purposely over designing the structural components below this point. The predicted mode of wind induced failure would be local buckling of the tower legs at or above the midpoint with the upper tower legs folding over onto the intact lower tower legs.

I hope these comments address any questions or concerns relative to the anticipated performance of this structure; please reach out directly should you have any questions or comments.

Sincerely,

**Tomas Flores** | Engineering Supervisor
**Valmont Industries, Inc.**
+52.81.8178.8732
Tomas.Flores@valmont.com

NATHAN ANDREW ROSS LICENSE No. 89777 STATE OF FLORIDA PROFESSIONAL ENGINEER

Nathan A Ross Date: 2023.09.11 10:54:46 -07'00'

**Valmont Telecommunications, Inc**
Plymouth, IN; Salem, OR; Valley, NE
www.valmonttelecom.com