

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
May 6, 2021**

Meeting video link: <https://www.youtube.com/channel/UCUlgjuGhS-qV966RU2Z7AtA>

Present were:

Vanessa Baugh, Chairman
George Kruse, First Vice-Chairman
Kevin Van Ostenbridge, Second Vice-Chairman
Reggie Bellamy, Third Vice-Chairman (entered during meeting)
Misty Servia
Carol Whitmore

Absent was:

James A. Satcher III

Also present were:

Dr. Scott L. Hopes, Acting County Administrator
Rossina Leider, Planning Section Manager
Sarah Schenk, Chief Assistant County Attorney
Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court

Chairman Baugh called the meeting to order at 9:01 a.m.

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE

1. The Invocation was delivered by Pastor Paul McLaughlin, Bible Baptist Church of Bradenton, followed by the Pledge of Allegiance.

PROCEDURAL MATTERS

Sarah Schenk, Chief Assistant County Attorney, relayed that Commissioner Bellamy would be in attendance at 10:00 a.m., and Commissioner Satcher would not be in attendance. Any applicant can seek a continuance for a full board since only six Commissioners would be in attendance.

AGENDA

Agenda Update Memorandum: 

BC20210506DOC001

BC20210506DOC002

Consent Agenda

- Item 1, Resolution R-21-069, Florida Building Code, 7th Edition (2020) – Deferred to May 11, 2021 BC20210506DOC003
- Item 2, Deeds and Easements/The Oasis at Manatee River – Deferred to May 11, 2021 BC20210506DOC004
- Item 3, Deeds and Easements/3010 53rd Avenue East – Deferred to May 11, 2021 BC20210506DOC005

Advertised Public Hearings (Presentations Scheduled)

- Item 6, PDR-20-15(Z)(P), The Cottages at Avignon Village/William Gale – Updates to the staff report presented
- Item 8, PDR-20-09(Z)(P), Moore Property – Public comment email from Sheila Coffey and revised zoning ordinance in strikethrough/underline format presented
- Item 9, PDR-04-39(G)(R3), The Concession – Public comment correspondence, revised General Development Plan, changes to the staff report, revised zoning ordinance to

incorporate changes to Stipulations 18 and 19, request from Dan Lobeck, Attorney representing citizens, for additional public comment time and request from the Applicant for additional presentation time attached

Time Certain:

- Item 9, PDR-04-39(G)(R3), The Concession – 1:30 p.m.


CITIZEN COMMENTS (Future Agenda Items)


 Andra Griffin congratulated Commissioner Satcher and his wife on the birth of their child.


There being no further citizen comment, Chairman Baugh closed citizen comments.

ADVERTISED PUBLIC HEARING (Presentation Upon Request)


4. **ORDINANCES/CODE OF ORDINANCES**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance 21-21, Florida Building Code by Reference.

 Stephanie Raucci, Building Official, stated currently, the Building and Building Regulations Ordinance Chapter 2-6, Article I, Code of Ordinances, references an obsolete building code. This would update the Building and Building Regulations Ordinance to reference the current building code for Manatee County, which is The Florida Building Code as required per Florida Statutes 553, Part IV, Florida Building Code.

 Upon question regarding changes, Ms. Raucci stated the 1997 Building Code was still referenced.


There being no public hearing, Chairman Baugh closed public comment.

 A motion was made by Commissioner Servia, seconded by Commissioner Kruse and carried 5-0, with Commissioners Bellamy and Satcher absent, to adopt Ordinance 21-21.


BC20210506DOC006


ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

5. **ORDINANCES/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-98-04(Z)(P)(R9), Moccasin Wallow Holdings LLC/Woods of Moccasin Wallow. The Planning Commission recommended adoption with stipulations (4/8/21).


No ex-parte communications were disclosed.

 Caleb Grimes, Attorney representing Primerica Group One, Inc. (developer), displayed aerial and zoning maps from the staff report to discuss the location, proposed request and history of the site. He displayed the site plan to review concerns about roads.


 Discussion ensued on the parking reduction from 2 to 1.8 spaces, and whether guest parking would be made available, if this is the trend would the LDC be amended to reflect this, where would guests park, breakdown of units, noise mitigation techniques due to I-75 and Moccasin Wallow Road, master signage plan, purpose of adding the retention pond (mitigate area flooding), and Phase IV would be adjacent to I-75 and designed for multiple uses.


Mr. Grimes displayed photographs of an existing complex to discuss the amount of parking that would be available including garages. He noted percentages of units and once the noise

study is conducted, mitigation techniques would be implemented (stipulated) based on the study.

 Stephanie Moreland, Principal Planner, utilized a slide presentation to review the aerial map, history, request, Future Land Use (FLU) map, zoning map, site characteristics, proposed Preliminary Site Plan, setbacks, positive and negative aspects, mitigating factors, citizen comments, and recommendation.


Commissioner Servia expressed concern with the possibility of a parking shortage, and whether buildings over three stories require architectural renderings (see staff report).


 Rossina Leider, Planning Section Manager, stated a parking analysis was conducted, which is based on existing apartment complexes. The Land Development Code (LDC) requires one parking space for every unit with additional spaces required for every ten units.

 Blake Kleppe, business owner in the Woods of Moccasin Wallow, stated this request would positively impact business owners.

There being no additional public comment, Chairman Baugh closed public comment.


There were no staff closing comments.

 Mr. Grimes committed to the rendering of stick built buildings as included with the staff report, but explained that cement would be used due to the increasing cost of lumber.


 Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, as conditioned herein, Commissioner Kruse moved to adopt the rezoning the 16.4 acre site to PDMU and Preliminary Site Plan PDMU-98-04(Z)(P)(R9) with Stipulations A.1-A.13, B.1-B.14, C.1-C.5, D.1, E.1-E.5, F.1-F.10, G.1, and H.1- H.20; Adopt the Findings for Specific Approval; and Grant Specific Approval for an alternative to Land Development Code Sections 1005.4 (Parking Ratio Reduction), as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge and carried 5-0, with Commissioners Bellamy and Satcher absent.


BC20210506DOC007

6. ORDINANCES/ZONING


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-20-15(Z)(P), The Cottages at Avignon Village/William Gale. The Planning Commission recommended adoption with stipulations (4/8/21).


No ex-parte communications were disclosed.


 Robert Medred, Planner for Rinehart Homes LLC (developer), used a slide presentation to review the Rinehart Homes, proposed project details, project location, photographs of the site and surrounding uses, and north and west buffer cross sections.

 John Osborne, Agent for the applicant, continued the slide presentation to review the County Plans to accommodate growth, Capital Improvement Plan (CIP), criteria for affordable housing, what does affordable mean, and Washington Park Neighborhood Action Plan. (Enter Commissioner Bellamy during the presentation)

Sarah Schenk, Chief Assistant County Attorney, advised that Commissioner Bellamy has entered the meeting and inquired if he had read the staff report and felt comfortable voting on the request.


 Mr. Medred continued the slide presentation to review the criteria for Preliminary Site Plan in PDR and conclusion. He stated comments received at the work shops were incorporated into the design of the proposed project.


 There was discussion on liking the location and design of the proposed project, stub-outs were vetted through fire district, would have liked to see access on 33rd Street East, and the value of neighborhood workshops.


 Achaia Brown, Planner II, made use of a slide presentation to review the aerial map, history, FLU map, requested rezone, zoning map, site plan details, public facilities, site photographs, positive and negative aspects, mitigating factors, and recommendation.

There being no further public comment, Chairman Baugh closed public comment.

 Discussion took place on previously supported the request, but wanted to make sure area residents were aware of the project, and clarification on the number of units in relation to the second means of access.


 Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, as stipulated herein, Commissioner Bellamy moved to adopt Manatee County Zoning Ordinance PDR-20-15(Z)(P); and Approval of the Preliminary Site Plan with Stipulations A.1-A.5, B.1, C.1-C.3, and D.1-D.5, as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore.

 Deliberations ensued on how revising the project has cost the County ten affordable housing units, and the applicant has made numerous concessions, the County is prohibiting developers from building affordable housing projects, the applicant could amend this request, and there has to be a balance between proposed developments and existing residents.

 The motion carried 6-0, with Commissioner Satcher absent.

BC20210506DOC008


7. **ORDINANCES/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-20-17, Eye Center Property Group LLC. The Planning Commission recommended adoption with stipulations (4/8/21).


No ex-parte communications were disclosed.
(Note: This item continued to later in the meeting)

RECESS/RECONVENE: 10:34 a.m. – 10:46 a.m. All Commissioners were present except Commissioner Satcher.

9. **ZONING ORDINANCE PDR-04-39(G)(R3), THE CONCESSION**

 Chairman Baugh stated this item would be continued.


 Sarah Schenk, Chief Assistant County Attorney, noted...

 Edward Vogler, Attorney for the applicant, reported that he emailed the attorneys representing residents and he has discussed dates with staff.


(Note: Item further discussed later in the meeting)

BC20210506DOC009

7. **ZONING ORDINANCE Z-20-17, EYE CENTER PROPERTY GROUP LLC** (Continued)


 Robert Schmitt, Planner for the applicant, displayed a zoning map to note the request is an expansion of the eye center campus to allow an ophthalmologist, which is allowed under NC-S (Neighborhood Commercial Services).

Upon question, Mr. Schmitt stated he did not receive any concerns from residents.

 Kevin Oatman, Planner I, was available to address questions.


There being no additional public comment, Chairman Baugh closed public comment.

There were no staff or applicant closing comments.

 Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, Commissioner Servia moved to recommend adoption of Manatee County Zoning Ordinance Z-20-17. The motion was seconded by Commissioner Van Ostenbridge and carried 6-0, with Commissioner Satcher absent.

BC20210506DOC010


8. **ORDINANCES/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-20-09(Z)(P), Moore Property. The Planning Commission recommended adoption with stipulations (4/11/21).

No ex-parte communications were disclosed.


Sarah Schenk, Chief Assistant County Attorney, read recommended motions, removing the word “recommend” from the recommended motions in the staff report.


Pat Neal, Neal Communities of SW FL, stated his staff has met neighbors to address their concerns.


 Katie LaBarr, Planner for the applicant, used a slide presentation to review the general location map, regional context –proposed FLU map, zoning map, Preliminary Site Plan, access point on the east side of the site (alternative Preliminary Site Plan displayed), and neighborhood outreach.


 She read proposed Stipulation D.5 language: Prior to the Certificate of Occupancy of the


101 unit, secondary access should either be as shown on the PSP or shall be provided as a gated interneighborhood tie to the parcel to the east.

 Edward Vogler, Attorney for the applicant, made closing remarks.

 William O'Shea, Principal Planner, made use of a slide presentation to review the request, site location, photographs of the site, surrounding development, pending FLU, pending Comprehensive Plan text amendment (PA-20-02/Ordinance 21-08), zoning map, specific approval request, positive and negative aspects, mitigating factors, Stipulation A.1, and recommendation.

 Mark VanDeRee suggested the County Commission continue the request due to questions regarding transportation (ingress/egress), and additional traffic being generated from future development on the north side of S.R. 64.

 Discussion took place on whether staff is comfortable with proposed Stipulation D.5, and how an in-depth traffic review would be required during Final Site Plan stage.

 Clarke Davis, Deputy Director of Traffic Management, supported the proposed stipulation and noted the second access point would be for emergency purposes only. State review would also take place

There being no additional public comment, Chairman Baugh closed public comment.

There were no staff closing comments.

Ms. Schenk asked if proposed Stipulation D.5 reflects emergency access only.


Ms. LaBarr reread Stipulation D.5: Prior to the Certificate of Occupancy of the 101 lot, secondary access should either be as shown on the PSP or shall be provided as a gated emergency only interneighborhood tie to the parcel to the east.

Commissioner Servia asked if the applicant has considered options if the parcel to the east is not developed, and any changes would have to be considered by the Board.

Rossina Leider, Planning Section Manager, stated a boulevard entrance was not analyzed.

Chairman Baugh stated a connection to Uihlein Road is desirable.

Ms. LaBarr clarified proposed Stipulation D.5: Prior to the Certificate of Occupancy of the 101 lot, secondary access should either be as shown on the PSP or shall be provided as an emergency only gated interneighborhood tie to the parcel to the east.


 Ms. Schenk read the proposed motion for adoption: Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, as stipulated herein, I move to adopt Manatee County Zoning Ordinance PDR-20-09(Z)(P); Approval of the Preliminary Site Plan with Stipulations A.1 (as approved by Planning Commission and as modified by staff) A.2-A.6, B.1-B.3, C.1-C.4, and D.1-D.5, as recommended by Planning Commission; Adoption of Findings for Specific Approval; and Granting Specific Approval for an alternative to LDC Section 402.7.D.7 to allow a reduction to


the front-yard setback from 25-feet to 23-feet; subject to Comprehensive Plan Amendment PA-20-02/Ordinance 21-08 being effective.

The motion was read by Ms. Schenk was made by Commissioner Van Ostenbridge, seconded by Commissioner Whitmore, and carried 6-0, with Commissioner Satcher absent.

BC20210506DOC011

PARRISH COMMUNITY PARK

 Commissioner Whitmore requested a report from the Acting County Administrator on the Florida Department of Transportation (FDOT) being considered for the future park in Parrish. (Note: This item was discussed at the work session on 3/30/21)

 Dr. Scott L. Hopes stated the motion would be: I authorize the Acting County Administrator to negotiate and terms with FDOT and bring back a report on the land trade for the Parrish Community Park.


The motion as read was moved by Commissioner Whitmore and seconded by Commissioner Servia.

There being no public comment, Chairman Baugh closed public comment.


The motion carried 6-0, with Commissioner Satcher absent.

COMMISSIONERS' COMMENTS

Commissioner Servia


 Thanked Dr. Scott Hopes for his help regarding traffic concerns from Fairway Acres residents.

Commissioner Bellamy

-  Requested the Commissioners find ways to initiate the Washington Park Lighting Project (23rd Street East to 29th Street including 2nd, 5th and 6th Avenues)
- Reported the resolution to rename Lincoln Park, Palmetto, after Coach Eddie Shannon is still being worked on by County Attorney's office


Commissioner Whitmore

-  Requested an update on boat ramps
(Note: This matter was discussed at the Council of Governments meeting on 5/4/21)

 Commissioner Van Ostenbridge stated he has asked Dr. Hopes to work on possible boat ramps near Peninsula Bay (private/public partnership would be needed), Manatee Memorial, the Skyway bridge and Terra Ceia.

Commissioner Bellamy asked that boat ramps for north of the river also be included.


Commissioner Van Ostenbridge stated adding capacity to existing boat ramps is possible as well as boat ramps at Peninsula Bay and Terra Ceia.

 Dr. Hopes pointed out none of the options are mutually exclusive, plans to expand ramps and parking are being considered, and there would be future discussion on water taxis.

Commissioner Whitmore stated there is a boat ramp in Holmes Beach and asked that one Commissioner take the lead on boat ramps to prevent confusion.

BC20210506DOC012

Chairman Baugh


-  Reported the proposed 50-acre, agriculturally -zoning parcel for the Sarasota Medieval Fair, Myakka City, has been in the news due to an investigation involving County staff. John Barnott, Building and Development Services Director, has submitted a Request for Legal Services to the County Attorney's office.

Sarah Schenk, Chief Assistant County Attorney, stated there might be a future quasi-judicial hearing on this matter, so a motion is not necessary.


(Note: Commissioners' Comments continued later in the meeting)

RECESS/RECONVENE: 11:55 a.m. - 1:30 p.m. All Commissioners were present except Commissioner Satcher.


9. **ORDINANCES/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-04-39(G)(R3), The Concession.

(Note: The Planning Commission heard PDR-04-39(G)(R2) on 5/14/20 and 6/11/20, and the County Commission heard PDR-04-39(G)(R2) on 6/4/20 and 6/23/20, which was denied with the adoption of Resolution R-20-103 on 7/22/20)

 Rachel Layton, Planner for the applicant, requested a continuance due to the lack of a full board, and the suggested continuance date would be August 5, 2021.

Motion to Continue

 Sarah Schenk, Chief Assistant County Attorney, read the proposed motion for continuance: I move to continue the public hearing for PDR-04-039(G)(R3), to August 5, 2021, at 9:00 a.m., or soon thereafter as same may be heard, first floor, Honorable Patricia M. Glass Chambers.

The motion as read was moved by Commissioner Servia and seconded by Commissioner Whitmore.

Ms. Schenk recommended that the item be re-advertised to deter due process challenges.

There being no public comment, Chairman Baugh closed public comment.

The motion carried 6-0, with Commissioner Satcher absent.

Motion

Commissioner Van Ostenbridge moved that the Acting County Administrator send a memorandum on how much the County has spent on legal notices for the last three years. The motion was seconded by Commissioner Kruse.

Commissioner Servia explained the applicant incurs the costs associated with legal notices.

John Barnott, Building and Development Services Director, stated the County only pays advertising costs for County-initiated projects, and staff is researching new ways of advertising.

The motion was withdrawn by Commissioner Van Ostenbridge.

Dr. Scott Hopes stated he would provide a memorandum on the matter.

BC20210506DOC013

ADMINISTRATOR COMMENTS

Dr. Scott L. Hopes, Acting County Administrator, congratulated Commissioner Satcher and his wife Monica on the birth of their daughter.

COMMISSIONERS' COMMENTS (Concluded)

Commissioner Bellamy

- Announced Bradenton humanitarian Edward Keenen Dick passed away.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 1:41 p.m.

Minutes Approved: December 6, 2022