

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
BRADENTON AREA CONVENTION CENTER, LONGBOAT KEY ROOM
One Haben Boulevard
Palmetto, Florida
January 7, 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 (entered during the meeting)
Reggie Bellamy, Third Vice-Chairman
James A. Satcher III
Misty Servia
Carol Whitmore


Also present were:

Rossina Leider, Planning Section Manager
Sarah Schenk, Assistant County Attorney
Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court


 Chairman Baugh called the meeting to order at 9:03 a.m.

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Pastor Benjamin Bruce, Harbor Life Baptist Church, followed by the Pledge of Allegiance.

AGENDA

22. **Agenda Update Memorandum** (dated 1/6/21)  BC20200107DOC001
Citizen Comments (Future Agenda Items) BC20200107DOC002
 3. Presented was an email from Carol Felts regarding various land use concerns
Time Certain
 2. Item 19, Coronavirus (COVID-19) Update – Removed from agenda due to Special Meeting on January 6, 2021 BC20200107DOC003
Consent Agenda
 - Item 5, Deeds and Easements/Public Utility Easement – Changes to Agenda Memorandum in strikethrough/underline format**Advertised Public Hearings** (Presentations Scheduled)
 - Item 9, Comprehensive Plan Map Amendment PA-20-03/Ordinance 21-02, Coastal Evacuation Area Overlay District and Coastal Planning Area – Public comment correspondence from Edward Vogler presented
 - Item 10, Land Development Code Map Amendment LDCT-20-07/Ordinance 21-03, Official Zoning Atlas and Coastal Overlay Districts (Coastal High Hazard Area, Coastal Evacuation Area and Coastal Planning Area) – Public comment correspondence from Edward Vogler presented
 - Item 12, Z-20-11, Shreya LWR Investments LLC – Revised zoning ordinance to correct typographical error presented in strikethrough/underline format and to be continued to February 4, 2020, at the request of the applicant
 - Item 13, PDMU-20-10(P), The Preserve at Gap Creek – Revised zoning ordinance to correct typographical error presented in strikethrough/underline format

- Items 17, PDR-14-09(P)(R), Meritage Homes of Florida, Inc./Savanna, **and** 18, Z-20-06, Savanna Commercial Rezone, Meritage Homes of Florida, Inc./CASTO Net Lease Properties LLC – Revised zoning maps for each item to change zoning on an adjacent property, which was approved by the Board on December 10, 2020, and a public comment letter attached

Regular Agenda

- Item 20, Land Development Code Map Amendment LDCT-20-07/Ordinance 21-03, Official Zoning Atlas and Coastal Overlay Districts (Coastal High Hazard Area, Coastal Evacuation Area and Coastal Planning Area) – Request to hold the second public hearing prior to 5:00 p.m. to be considered directly after Item 10, Land Development Code Map Amendment LDCT-20-07/Ordinance 21-03 because they are related items

COMMISSIONER REQUESTS

No items were pulled by Commissioners.

3. **CITIZEN COMMENTS** (Future Agenda Items)



Walter Wulczak sought to clarify his comments from December 10, 2021.

Sarah Schenk, Assistant County Attorney, pointed out Mr. Wulczak’s comments should pertain to future agenda items.

Mr. Wulczak remarked on how policies and procedures pertaining to land use matters are not being consistently followed as outlined in the email he sent to the County Commission (1/6/21). BC20200107DOC004

(Enter Commissioner Van Ostenbridge)

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

CONSENT AGENDA

4. **Citizen Comments** (Consent Agenda Items)

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

5. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**

- Accepted and authorized recording of Public Utilities Easement from Blue SW 26 Street LLC (included Consent and Joinder from JP Morgan Chase Bank N.A.); and
- Accepted and authorized recording of Affidavit of Ownership and Encumbrances from Blue SW 26 Street LLC BC20200107DOC005

6. **MOTION – CONSENT AGENDA**



A motion was made by Commissioner Servia, seconded by Commissioner Whitmore and carried 7-0, to approve the Consent Agenda.

ADVERTISED PUBLIC HEARINGS (Presentation Upon Request)

7. **ORDINANCE/CODE OF ORDINANCES**




A duly advertised public hearing was held to consider adoption of proposed Ordinance 21-10, Licensing of Local Contractors and Journeyman. Staff recommended adoption.

RECESS/RECONVENE: 9:19 a.m. – 9:29 a.m. All Commissioners were present.

Stephanie Raucci, Building Official, explained staff is (a) asking that the administrative fee be removed from the Code of Ordinances (Chapter 2-6) since they are not allowed to charge them per Florida Statute Section 553.80; and (b) for Section 2-6-76(g) to be stricken in order to allow inspectors and plan examiners, who hold Florida State certified or locally issued licenses, to maintain their licenses in active status.

 A motion was made by Commissioner Servia and seconded by Commissioner Kruse, to adopt Ordinance 21-10.


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

 The motion carried 7-0.

BC20200107DOC006


ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)


8. **BUILDING AND DEVELOPMENT SERVICES/RESOLUTION**


 A duly advertised public hearing was held to consider adoption of proposed Resolution R-21-001, Coastal Mapping Administrative Procedures Manual. Staff recommended adoption. and

9. **ORDINANCE/COMPREHENSIVE PLAN**

A duly advertised public hearing was held to consider transmittal of proposed Comprehensive Plan Map Amendment PA-20-03/Ordinance 21-02, Coastal Evacuation Area Overlay District and Coastal Planning Area. The Planning Commission recommended transmittal (12/17/20).

 Nicole Knapp, Impact Fee Administrator, utilized a slide presentation to review both amendments including the historical mapping, methodology – Coastal High Hazard Area (CHHA), methodology – Coastal Evacuation Area (CEA) and Coastal Planning Area (CPA), adoption of Coastal Mapping Administrative Procedures Manual, type of amendment, background, definitions, designation of CHHA, Sea, Lake and Overland Surges from Hurricanes (SLOSH), mapping timeline, consistency with data, 2017 CEA map and 2017 CPA map.

 Discussion took place on acute care facilities, storm surge in relation to Coastal Overlay Districts, whether mapping procedures are consistent with other counties, and holding a work session.

 Sarah Schenk, Assistant County Attorney, reported the County Attorney's office opined via email (12/16/21) that Parcel 35 of the Heritage Harbour DRI has entitlements, so it is not affected by the new CEA map. The definition in the Land Development Code (LDC) inappropriately combines intensive hospital uses with assisted living facilities (ALFs), which does not provide those type of uses. Staff is reviewing the matter for a potential LDC amendment.

Ms. Knapp reported the term acute care medical facilities has been in the Comprehensive Plan since 1997 as a prohibition of a use that could be allowed in the CEA, which was then discouraged in the CPA. With the adoption of the 2019 LDC Text Amendment (Ordinance 19-03), acute care medical facilities and ALF definitions were included. Upon question, she reported staff is in the process of reviewing all acute type uses and no matter what the building codes are mapping efforts would not change, because it is not about wind resistance.

Discussion proceeded on guest homes for the elderly, storm surge in relation to the CPA, CEA and CHHA, and whether Florida Statute requires the County to identify Category 1 Storm Surge (only for the CHHA).

Ms. Knapp explained that staff receives storm surge data in map form, which is color coordinated and each of the colors represent the different categories of storm surge. Data (i.e., a squiggly line) representing a particular category is then taken and pushed entirely to the edge of a property or building if it reaches the middle of the property or building to prevent confusion on who would be evacuating. Land Use Restrictions would be required if Category 1 Storm Surge runs through the middle of a parcel.

Discussion continued on whether there is a process to determine if a parcel is not in the CEA, Statewide Evacuation Study, density limitations, every LDC application since the spring of 2017 should have been reviewed under these maps (seeking to formally adopt them with these requests), and whether proposed actions would be consistent with what other counties are doing.

Ms. Schenk elucidated that the County is legally required to adopt the CEA into the Comprehensive Plan and the other new maps should not be applied until they are formally adopted into the Comprehensive Plan. If there is a request to defer this item (PA-20-03/Ordinance 21-02), a decision would have to be made on whether to keep them in the Comprehensive Plan or delete them. The County is not legally required to keep the CEA maps in the Comprehensive Plan, but if they remain, the County Commission must update them.


Commissioner Servia questioned if PA-20-03/Ordinance 21-02 is transmitted today, when would the adoption hearing take place.


Ms. Knapp reported the March land use meeting would be the soonest the Ordinance could be adopted.


Ms. Schenk directed attention to Edward Vogler's letter (1/5/21), which referred to a pending appeal regarding the CEA for 69th Street Mixed Use Development scheduled to be heard at the February land use meeting and whether these maps would apply to it. This process should not affect his appeal and staff is willing to place in the Ordinance language stating such. Staff has no objection to continuing consideration of proposed Resolution R-21-001, Coastal Mapping Administrative Procedures Manual, to the adoption hearing for Ordinance 21-02 since it makes more sense to keep them together.


Discussion proceeded after Commissioner Satcher's inquiry about the possibility of removing the CEA map.

Public Comment


 Frank Maloney, RFT Holdings LLC and Canal Road Investments LLC, pointed out his property has been grandfathered in under Resolution R-19-112 (9/9/19), and questioned the interpretation of how a property is impacted by the CHHA (as demonstrated by the SLOSH model), which he could not find in the Comprehensive Plan. He opposed the adoption of the Coastal Mapping Administrative Procedures Manual (Resolution R-21-001) due to errors of fact that presume that the Emergency Management Department has the authority to regulate a parcel and the CEA and CPA maps.


 Edward Vogler, Attorney for RFT Holdings, reiterated that he submitted a public comment letter for review, and remarked on the administrative determination process for his client, Frank Maloney. Mr. Vogler pointed out the adoption of the CEA map could possibly affect a property owner's land use rights, and preclude the appeal process. He proffered a solution of the CEA being classified as a coextensive with the CHHA, and the 2011 maps could be adopted with the lines remaining the same.


 Michael Neal, Neal Communities, explained that when a land owner/developer proceeds through the land use process, there are numerous references to the CEA in the LDC and Comprehensive Plan. Staff's process for interpreting data is not a precise, legalistic process. He suggested the County Commission adopt a map where the CEA is coextensive with the CHHA and supported by science and SLOSH Model. The CEA has a lot more to do than just evacuation and involves assumptions. More dialogue and input from experts and appeals rights to address errors.

 Carol Clarke, Medallion Homes, pointed out LDC Text Amendment Ordinance 19-03 included assisted living facilities in the definition for acute care medical facilities, which she did not agree with, and the prohibition added to exclude these facilities in the CPA. The CPA issue was addressed for Heritage Harbour DRI, Parcel 35, via an email (12/16/20) from Sarah Schenk, Assistant County Attorney. She suggested the maps be prepared in the same manner as the Coastal Mapping Administrative Procedures Manual and clarification be made on whether the prohibition and regulatory items would be completed in the same manner.


Pat Neal, Neal Communities, pointed out the problem with the 2016 maps revolved around them being non-specific to the new Federal Emergency Management Agency (FEMA) maps.

 Carlos Beruff, Medallion Homes, inquired why maps are being updated when the new FEMA maps are going to be available in February 2021.


 Scott Rudacille, Attorney for Medallion Homes, expressed concerned with how the CEA and CPA are being used in a regulatory fashion, and the ability to appeal.

 By telephone, Glen Gibellina stated he does not support adoption of Resolution R-21-001 and PA-20-03/Ordinance 21-02, and suggested a work session be held.

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

 Discussion proceeded on how the items are complex, possible infringement on property rights, and defining the term regulation in a future work session as well as issues of concern.

Motion – Work Session

 Commissioner Servia moved for Items 8 and 9 to be delayed to have a work session to understand this after the FEMA maps have been released. The motion was seconded by Commissioner Van Ostenbridge.


Motion – Item 8, Resolution R-21-001

Ms. Schenk read a proposed motion to continue: I move to continue the public hearing on Resolution R-21-001, regarding the Coastal Mapping Administrative Procedures Manual, to no date set and be re-advertised, and to direct staff to schedule a work session on same.

The motion as read by Ms. Schenk was moved by Commissioner Servia, seconded by Commissioner Van Ostenbridge, and carried 7-0.


BC20200107DOC007

Motion – Item 9, PA-20-03/Ordinance 21-02

 Ms. Schenk read a proposed motion to continue: I move to continue the public hearing on Comprehensive Plan Amendment PA-20-03/Ordinance 21-02, Coastal Evacuation Area Overlay District and Coastal Planning Area, to no date set certain and be re-advertised and direct staff to schedule a work session on same.

The motion as read by Ms. Schenk was moved by Commissioner Servia, seconded by Commissioner Van Ostenbridge, and carried 7-0.

BC20200107DOC008

 There was discussion on how the County has to rely on the SLOSH model, so the other maps could be deleted, and use of CEA and CPA maps in a regulatory manner, etc.

Ms. Schenk explained that the use of the CEA and CPA maps is from a land use (e.g. density bonuses and Urban Corridor incentives) and/or Public Safety perspective. It is a policy decision of the County Commission on how to continue using the maps, and the public comment speakers were referring to the Administrative Appeal process before the County Commission.

Ms. Knapp elaborated that the CEA map has been in the Comprehensive Plan since 1997, and the State does not mandate the use of the CEA and CPA maps. Staff is seeking to have maps approved that were not approved in 2016 and 2017, and the methodology used in those years was the same used in 2009 and 2010 to produce the 2011 maps. The FEMA Flood maps to be released in February 2021 are not the same data reflected in the CEA and CPA maps (SLOSH model data is used).

Commissioner Satcher expressed concern that the County land use process can hinder citizens from proceeding due to financial reasons, and how the County Commission could make decisions on the maps after the work session.

Motion – Died

Commissioner Satcher moved for the County to use the CHHA map just like Sarasota County does. The motion died for lack of second.

Discussion ensued on whether Commissioner Satcher’s motion affects the previous motion.


Commissioner Satcher clarified his motion as: Adopt one map, so normal people can go through the process. The motion died for lack of second.

Chairman Baugh suggested a recess in order to review Board Policy and Procedures.

RECESS/RECONVENE: 10:37 a.m. – 10:42 a.m. All Commissioners were present.

Chairman Baugh explained the previous motion was voted on, so Commissioner Satcher could amend the previous motion.

Amended Motion

 Ms. Schenk read proposed motion language: I move to amend the prior motion to direct staff to bring back at the future work session, specific language to amend the Comprehensive

Plan and Land Development Code to delete the CEA maps and regulatory language from the Comprehensive Plan and LDC as land use regulatory tools.

Commissioner Satcher moved the motion as read by Ms. Schenk. The motion was seconded by Commissioner Kruse for discussion. Commissioner Kruse pointed out the amended motion referenced the CEA and not CPA, and he would like it to refer to both.


Ms. Schenk stated it is unclear which map since three maps are referenced and staff would investigate.

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

Discussion proceeded on staff being knowledgeable, and wanting to understand the language in order to take a vote.

Upon question, Ms. Schenk clarified the amended motion pertaining to Item 9, PA-20-03/Ordinance 21-02.


 Discussion proceeded.


 Ms. Schenk restated the motion on the floor: I move to amend the prior motion for PA-20-03/Ordinance 21-02, CEA map, to direct staff to bring back to the Board at a work session, language to amend the Comprehensive Plan and LDC to delete the CEA map and text language from the Comprehensive Plan and LDC as land use regulatory tools.

The motion failed 2-5, with Commissioners Bellamy, Kruse, Servia, Van Ostenbridge and Whitmore voting nay.


Ms. Schenk reported per Thomas Gerstenberger, Stormwater Engineering Division Manager, the County is scheduled to receive the Letter of Final Determination on the FEMA maps on February 20, 2021, and the maps would become effective six months later.
(Note: This matter was discussed at a work session on 3/16/21)

10. **ORDINANCE/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was held to consider adoption of proposed Land Development Code Map and Text Amendment LDCT-20-07/Ordinance 21-03 (County-Initiated), Official Zoning Atlas and Coastal Overlay Districts (Coastal High Hazard Area, Coastal Evacuation Area and Coastal Planning Area). The Planning Commission recommended adoption (12/17/20).

 William O'Shea, Principal Planner, stated this item is a County-Initiated Map and Text Amendment to remove the mapping for the CHHA, CEA and the CPA from the LDC, but maintain them within the Comprehensive Plan. If adopted, the maps would only be referenced in the LDC. The amendment would reduce the inconsistencies between the overlays within the two documents and requiring updating one document in the future. No changes are proposed to the regulations or requirements.

Any actions pertaining to the Coastal Mapping Administrative Procedures Manual (Item 8) and Coastal Evacuation Area Overlay District and Coastal Planning Area (Item 9) in terms of the CEA and CPA would have to be followed up with the LDC at a later time. Staff does not have any objection if the County Commission decided to continue this item.

 Sarah Schenk, Assistant County Attorney, pointed out no action was necessary; this was the first of two required public hearings. The second public hearing is scheduled March 4, 2021.


Commissioner Servia moved the recommended motion, which died for lack of a second.


Discussion took place on continuing the matter until after the work session.

The Clerk clarified this item required no action, so there is not a recommended motion.

(Depart Commissioner Van Ostenbridge)

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

 Commissioner Whitmore moved to continue this matter to a future agenda following the work session.


 Ms. Schenk read a proposed motion: I move to continue the public hearing on LDCT-20-07/Ordinance 21-03, LDC Map and Text Amendment, CCHA, CEA, and CPA, to no date certain and to be re-advertised, and include this item in the future work session on this topic.


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


(Enter Commissioner Van Ostenbridge)

BC20200107DOC009

11. **ORDINANCES/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was held to consider adoption of proposed Land Development Code Text Amendment LDCT-20-05/Ordinance 21-14 (fka 20-33), Conservation Easements. The Planning Commission recommended adoption (8/13/20), and the first of two required public hearings was held September 3, 2020. This item was continued from December 10, 2020.

 William Clague, Chief Deputy County Attorney, explained this is the second public hearing for this item. He reviewed the changes.

 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 in accordance with Section 341 of the Land Development Code, Commissioner Kruse moved to adopt Ordinance 21-14 (LDCT-20-05), amending the Manatee LDC, as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore.

Commissioner Whitmore asked about the rational nexus.

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

The motion carried 7-0.

BC20200107DOC010


(Note: Advertised Public Hearings (Presentations Scheduled continued later in meeting)

REGULAR

20. **ORDINANCE/LAND DEVELOPMENT CODE**

A duly advertised public hearing was held to consider the request to hold a second public hearing prior to 5:00 p.m., for Land Development Code Text Amendment LDCT-20-

07/Ordinance 21-03, Official Zoning Atlas and Coastal Overlay Districts (Coastal High Hazard Area, Coastal Evacuation Area and Coastal Planning Area).

 Sarah Schenk, Assistant County Attorney, expounded that a vote on this item is not necessary due to Item 10, LDCT-20-07/Ordinance 21-03, Official Zoning Atlas and Coastal Overlay Districts (Coastal High Hazard Area, Coastal Evacuation Area and Coastal Planning Area), being continued to no date set and be re-advertised.


BC20200107DOC011

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled continued)

12. **ORDINANCE/ZONING**

 A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance Z-20-11, Shreya LWR Investments LLC. The Planning Commission recommended adoption.


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

 Commissioner Servia moved to continue the public hearing for Zoning Ordinance Z-20-11, to February 4, 2021, at 9:00 a.m., or as soon thereafter as same may be heard at the Bradenton Area Convention Center, One Haben Boulevard, Palmetto. The motion was seconded by Commissioner Kruse and carried 7-0.


BC20200107DOC012

RECESS/RECONVENE: 11:17 a.m. -1:33 p.m. All Commissioners were present.


13. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of Zoning Ordinance PDMU-20-10(P), The Preserve at Gap Creek. The Planning Commission recommended adoption with stipulations (12/17/20).


No ex-parte communications were disclosed.


 Rachel Layton, Planner for BMG Park 30 Land Trust (applicant), used a slide presentation to review the aerial map, development trend map, future land use category (FLUC) map, zoning map, previous and proposed Preliminary Site Plan, and 2014 elevation. Stipulation A.7 - south of the walking trail should be removed.

Sarah Schenk, Assistant County Attorney, confirmed the language to be removed from Stipulation A.7.


 Discussion took place on how the project is an improvement from the previous approval, location of the two-story buildings and maintenance shed, the request is compatible with the surrounding area, because it is a permitted use and adequate buffering would be provided, a neighborhood meeting was not held, but the applicant has spoken to concerned residents, proposed roadway improvements, and mitigating area flooding.

 Michael Yates, Traffic Engineer for the applicant, explained that a northbound, left-turn lane and a southbound, right-turn lane, would join the existing, two-way left-turn lane, and intersections would operate at acceptable level of service except at 63rd to the south, which is scheduled to be signalized.


 Dan Vickstrom, Civil Engineer for the applicant, explained the stormwater ponds would be designed to meet County requirements.

 Stephanie Moreland, Principal Planner, utilized a slide presentation to review the request, history, FLUC map, zoning map, site characteristics, previous and proposed Preliminary Site Plan, setbacks, specific approval request, positive and negative aspects, mitigating factors, and citizen comments.

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

 There was discussion on the request being an infill project, public comment email (12/13/20) from Gary Patmor expressing concern with more housing units being built, and if staff had any stormwater concerns.

Thomas Gerstenberger, Stormwater Engineering Division Manager, concurred with comments by Mr. Vickstrom.


 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 Servia moved to approve Preliminary Site Plan PDMU-20-10(P) with Stipulations A.1-A.7 (as revised at the hearing), B.1-B.4, and C.1-C.6; Adopt the Findings for Specific Approval; and Grant Specific Approval for an alternative to LDC Sections 701.4.B.3.iii (chain link fence) and 1001.1.C.3.1 (second means of access), as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge.

There were no staff or applicant closing comments.

The motion carried 7-0.

BC20200107DOC013


14. **ORDINANCE/DRI**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance 21-05, Sarasota-Bradenton International Airport DRI 15. The Planning Commission recommended adoption (12/17/20).
and


15. **ORDINANCE/ZONING**


A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-99-07(G)(R7), Sarasota-Bradenton International Airport DRI 15. The Planning Commission recommended adoption with stipulations (12/17/20).


No ex-parte communications were disclosed.


 Charles "Dan" Bailey, Attorney for Sarasota-Bradenton International Airport, reviewed the request for Team Success to build a second campus with an aviation theme. An aerial photograph was displayed to point out the site location. Map H-2 would be revised to include the school use.

 Frederick Piccolo, President and CEO for Sarasota-Bradenton International Airport, reviewed details of the school use.

 Discussion took place on when the school would open (August 2021), site is within the AI Overlay, and the site would open with grades K-6.

 Stephen Rees, Jr., Attorney for Team Success, made use of a slide presentation to review the summary of the requested action, existing conditions, proposed use, and consistency with the LDC and Comprehensive Plan.


 Dorothy Rainey, Senior Planner, utilized a slide presentation to review the requests, zoning map, site characteristics, conceptual site plan and information, aerials of the site, positive and negative aspects, and mitigating measures.

 Discussion took place on the Comprehensive Plan interpretation for the school uses.

Sarah Schenk, Assistant County Attorney, spoke to the interpretation.


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

Motion - Ordinance 21-05

 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, in compliance with the standards in the LDC, and DRI 15; in accordance with Section 380.06, Florida Statutes; subject to the conditions of approval established in the Development Order; Commissioner Servia moved to approve Ordinance 21-05, as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore and carried 7-0.


BC20200107DOC014

Motion - PDMU-99-07(G)(R7)


 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 Servia moved to approve Manatee County Zoning Ordinance PDMU-99-07(G)(R7); and Approve the General Development Plan with stipulations; as recommended by the Planning Commission. The motion was seconded by Commissioner Satcher and carried 7-0.


BC20200107DOC015

16. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-20-11(Z)(G), Sarasota Equity Trust LLC/Willis Road Residential. The Planning Commission recommended denial (12/17/20).


Commissioner Satcher stated he spoke to area residents, but did not discuss the matter. Commissioner Van Ostenbridge stated he is familiar with the area and its flooding issues.

 Scott Rudacille, Attorney for the applicant, made opening remarks including the request is for a rezone from A-1 (Agriculture Suburban) to PDR (Planned Development Residential) for 77 single-family lots.


 Carol Clarke, Planner for the applicant, made use of a slide presentation to review the project location and subject property (aerial maps), FLUC map, RES-6, public facilities, surrounding use map, Comprehensive Plan consistency, project details, no wetland impact -


variable width buffer, specific approval request, alternative standard for greenbelt, and pre-development rate.


 Richard Claybrook, representing the applicant, spoke on how the project would improve stormwater conditions in the area. There is an existing ditch on Willis Road (77th Street East), which would be reworked to enhance drainage in the area. The property contains some floodplain and has FEMA designations.

 Discussion proceeded on how the Planning Commission recommended denial and the applicant made changes based on their concerns, 50 percent reduction in the rate of runoff, compliance with the variable width buffer, one access point without the need for an emergency access (77 lots proposed), improvements to Willis Road, a neighborhood meeting was held via Zoom, the site was cleared for cattle grading, 50 feet of right-of-way for Willis Road, front-loaded or side-loaded garages, on-site gopher tortoise burrows to be relocated, western buffer and setbacks, and the preservation of mature oak trees.


 Marshall Robinson, Senior Planner, utilized a slide presentation to review the aerial map, zoning map, request (specific approvals), site design details, positive and negative aspects, and mitigating measures.

 Cynthia Ackerman, area resident, used a slide presentation to review her objection to the request including tree removal. The applicant's survey was conducted after the site was cleared.


 Dr. Shaun O'Neal, area resident, used a slide presentation to review his concerns.


 Jeannette Traylor, area resident, pointed out the only improvement the applicant would make on Willis Road is from the site to Buffalo Road, and the ditch is not the entire length of the road. She showed photographs of her property flooded and other portions of Willis Road and discussed a Southwest Florida Water Management District (SWFWMD) report on the area.

 Shirley Alley, area resident, spoke to data regarding impacts of construction activities in wetlands, expressed concern with how the wetlands would be impacted with the request and the width of Willis Road.


 Emily Hartlett, area resident, expressed concern with runoff from site, wetland impacts, and how a portion of her driveway is being used to improve Willis Road. She concurred with previous comments.


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


 Discussion ensued if the clearing of the land is a civil matter, SWFWMD issues an Environmental Resource Permit (ERP) from the State, gopher tortoises are protected under agricultural uses, use of potable water for irrigation (Stipulation B.5), focal point for the project (note on GDP), buffering/setbacks (Stipulation A.5), and runoff from the site affecting area homes.

 Mr. Rudacille reported the clearing of the land was done under an agriculture exemption, is considered lawful, and does not pertain to the request. The State encourages agricultural


uses, and the land was not cleared in anticipation of development, but after the exemption was applied for and denied.


 Mr. Claybrook spoke about the status of the on-site, gopher tortoise burrows.


 Gary Race, Environmental Planning, spoke about buffering/setbacks.

 Thomas Gerstenberger, displayed the FEMA 2014 FIRM to note the floodplain delineation depicted in red.

Mr. Robinson had no staff closing comments.

 Mr. Rudacille stated the site has been planned and is appropriate for development.

 Deliberations ensued on how land clearing takes place across the County, the applicant is only responsible for the runoff from the site and for improvement for a portion of Willis Road, the removal of the trees and status of the gopher tortoises are concerns, and the benefits of agricultural exemptions.


 Based upon the staff report, evidence presented, comments made at the public hearing, the action of 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 Manatee County Zoning Ordinance PDR-20-11(Z)(G); Approve a General Development Plan with Stipulations A.1-A.6, B.1-B.5, C.1-C.5, and D.1; Adopt the Findings for Specific Approval; and Grant Specific Approval for an alternative to LDC Sections: (1) 402.7.D.7 (reduce the required front-yard building setback from 25 feet to 20 feet for lots one through five having front- and side-loaded garages as shown on the General Development Plan; and (2) 402.7.D.5 and 701.4.B.4 (the 15-foot greenbelt requirement along the northern property boundary for residential planned development based upon the submission of an alternative standard by 20 feet of open space/stormwater along the northern property boundary); as recommended by staff. The motion was seconded by Commissioner Bellamy and carried 7-0.

BC20200107DOC016

RECESS/RECONVENE: 4:18 p.m. – 4:35 p.m. All Commissioners were present.


(Jennifer Sirois, Court Reporter, was present)

17. **ORDINANCES/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-14-09(P)(R), Meritage Homes of Florida, Inc./Savanna. The Planning Commission recommended adoption with stipulations (10/8/20), and this item was continued from December 10, 2020, to this date.
and

18. **ORDINANCES/ZONING**

A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance Z-20-06, Savanna Commercial Rezone/Meritage Homes of Florida, Inc./CASTO Net Lease Properties LLC. The Planning Commission recommended adoption with stipulations (10/8/20), and this item was continued from December 10, 2020, to this date.
(Note: CASTO Net Lease Properties LLC and CASTO Southeast Realty Services LLC are both associated with CASTO Development)



 Sarah Schenk, Assistant County Attorney, noted the applicant is eligible for 30 minutes for presentation, Attorney Lobeck requested 30 minutes for presentation, Michelle Rowe should get 10 minutes, citizens could speak for three minutes, and the applicant should be granted 15 minutes for rebuttal.

No ex-parte communications were disclosed.


 Katie LaBarr, Planner for CASTO Southeast Realty Services LLC, made use of a slide presentation to review the applications and process, aerial of the site, FLUC, existing and proposed zoning, staff evaluation, proposed zoning, commercial node, proposed zoning and compatibility, recent approvals, appropriate timing – access, access, and School District comments.

BC20200107DOC017


Continuing with the slide presentation were:

-  Frank Domingo, Transportation Engineer, reviewed site access and transportation
-  Rob Engel, Civil Engineering, discussed floodplain, and stormwater model – 2015 and 2020 imagery (Mill Creek Watershed depicted in blue)

 Michael Chadwick, Managing Director for CASTO Net Lease Properties LLC, made remarks.

 Edward Vogler, Attorney for applicant, elucidated on the original deed restriction, deed restriction release (Exhibits A and B), and plat. Prairie View Drive is a public right-of-way and dedicated to Lakewood Ranch Stewardship District.


Chairman Baugh stated Attorney Daniel Lobeck would be granted 35 minutes because the applicant exceeded their time.

 Discussion took place on the private restrictive agreement reflecting a commercial use or open space, and open space requirements would double with the acreage being removed.


Dorothy Rainey, Senior Planner, stated she would incorporate her presentation from the Planning Commission meeting. She submitted additional public comment correspondence.


BC20200107DOC018


Commissioner Van Ostenbridge stated when he takes breaks during the meeting, he is listening in the overflow room.


 Michelle Rowe, Savanna at Lakewood Ranch resident, expressed concern that the request would affect the quality of life for her family. She utilized a slide presentation to review her objections.


BC20200107DOC019

 Israel Arteaga, Savanna at Lakewood Ranch, spoke on behalf of his wife, Melissa Arteaga by expressing concern with how the proposed project would change the aesthetics of Savanna at Lakewood Ranch, decrease safety of residents due to possible traffic increase, and the HOA fees would increase to maintain Prairie View Road.


 Philip Gonnella, Savanna at Lakewood Ranch resident, opposed the commercial aspect of the request.


 Anna Gonnella, Savanna at Lakewood Ranch resident, opposed the request and noted she was told the site would remain open space.

 Daniel Lobeck, Attorney representing Savanna at Lakewood Ranch Homeowners Committee, displayed photographs, an excerpt of site plan, and a COVID-19 slide presentation to review his reasons for objecting to the request. He asked that his letter as submitted with the agenda update memorandum be part of his comments. BC20200107DOC020

 Walter Wulczak opposed the request due to concern with the commercial use and its effect on the Mill Creek Watershed (slide presentation utilized). BC20200107DOC021


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

 Discussion took place on the interested parties on the deed restriction, FDOT has not granted access to the proposed project, necessity of commercial with other commercial strip plazas being developed in Lakewood Ranch, commercial locational criteria, limitation on uses (Exhibit B of Deed Restriction and because in UF-3), bus stop, Prairie View Road dedication, whether there was a promise that the land would never be developed, not putting open space on General Development Plans in the future, private property rights, and cannot consider private matters such as the Declaration of Covenants within an HOA.


 Mr. Lobeck questioned the dedication of the wording on the Phase III final plat and if the stewardship facilities include Prairie View Road.

 Mr. Vogler addressed comments.


RECESS/RECONVENE: 6:43 p.m. – 6:50 p.m. All Commissioners were present.

 During rebuttal, Mr. Vogler stated a promise was not made to relinquish property and that the site is unplatted.


 Mr. Lobeck stated the plat for Phase III is not a contract.


 Deliberations ensued on how parents should be protecting their children, the commercial node is weak because White Eagle Boulevard is a new road, approving the request could set a precedent since SMR is running out of land, traffic for the proposed site using Savanna's entrance, staff did their job, open space is listed as passive recreation, green space is an amenity, and placing commercial businesses in front of every neighborhood is setting a precedent.


Recommended Motion – Item 17, PDR-14-09(P)(R)

 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 Van Ostenbridge moved to adopt Manatee County Zoning Ordinance PDR-14-09(P)(R); amending and restating PDR-14-09(Z)(P); and Approve the revised Preliminary Site Plan with previously approved Stipulations A.1-A.4; B.1-B.3; C.1-C.4; and D.1-D.8; and previously Granted Specific Approvals for Sections 402.7.D.5; 401.3.D.8; 700.3.I.7; and 701.3.D; as recommended by the Planning Commission. The motion died for lack of second.

Motion to Deny – Item 17, PDR-14-09(P)(R)

 Commissioner Kruse moved to decline the request and the motion was seconded by Commissioner Whitmore.

 Ms. Schenk read a proposed motion to continue for denial: I move to continue the deliberation portion of the public hearing on Zoning Ordinance PDR-14-09(P)(R) to the next available County Commission meeting of February 4, 2021, at 9:00 a.m., or as soon thereafter as same may be heard, and direct staff and the County Attorney’s office to prepare findings and written order for the denial of this application as not in compliance with the applicable portions of Comprehensive Plan and LDC.

 The motion as read by Ms. Schenk was moved by Commissioner Kruse and seconded by Commissioner Whitmore.

Commissioner Satcher asked if the applicant would have to submit a new application for consideration.

Ms. Schenk reported it is not necessary for the County Commission to vote on Item 18, Z-20-06, Savanna Commercial Rezone/Meritage Homes of Florida, Inc./CASTO Net Lease Properties LLC, because the five acres were not removed under PDR-14-09(P)(R), so a rezone is not necessary. The applicant could rezone to a different zoning classification under a new zoning application.

The motion carried 5-2, with Commissioners Servia and Van Ostenbridge voting nay.

BC20200107DOC022

Motion – Item 18, Z-20-06

A motion was not necessary for this item due to the motion to continue to deny on Item 17, PDR-14-09(P)(R), Heritage Homes of Florida, Inc./Savanna.

BC20200107DOC023

COMMISSIONER AGENDA

21. LETTER/CORONAVIRUS (COVID-19) PANDEMIC

 A motion was made by Commissioner Van Ostenbridge and seconded by Commissioner Kruse, for the Chairman to execute a Letter to Governor Ron DeSantis regarding the Board’s opposition to potential lockdowns related to Coronavirus.

Upon question, Chairman Baugh reported the phone lines for public comment were not functioning properly.

Commissioner Whitmore submitted an alternative letter for consideration that commended Governor DeSantis on his efforts during the pandemic.

Commissioners Kruse and Whitmore asked for both letters to be considered on Tuesday, January 12, 2021.

Commissioner Van Ostenbridge moved to Call the Question, which died for lack of second.

Discussion ensued on the intent of the original letter, Commissioner Van Ostenbridge is seeking a vote on the original letter not a debate on the philosophy of the previous County Commission, the need to review both letters, and whether there is a motion on the floor.

Chairman Baugh asked Commissioner Van Ostenbridge to make a new motion.

 Commissioner Van Ostenbridge moved to instruct the Chairman to sign the Letter that has already been read into the record, supporting the Governor's actions and opposing a lockdown. The motion was seconded by Chairman Baugh.

Following discussion, the motion carried 4-3, with Commissioners Bellamy, Servia and Whitmore voting nay.

There being no public comment, Chairman Baugh closed public comment. BC20200107DOC024


 Commissioner Whitmore moved for the Chairman to sign her proposed Letter to Governor DeSantis supporting all his efforts with the CARES Act Funding. The motion was seconded by Commissioner Kruse.

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

The motion carried 7-0. BC20200107DOC025

COMMISSIONER COMMENTS

Commissioner Satcher

-  Declined the position to represent the County Commission on the Public Safety Coordinating Council and asked for Commissioner Bellamy to remain as the representative. He agreed to be the alternate.

Commissioner Bellamy addressed his efforts on the Council. Upon question, he noted the Council meets quarterly and agreed to provide reports to the Board.

Commissioner Kruse stated it is beneficial for each Commissioner to provide informal reports or summaries about assignments. Commissioner Whitmore suggested a read file. Chairman Baugh stated the agendas for the MPO are online.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 7:29 p.m.

Minutes Approved: November 29, 2022