

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
BRADENTON AREA CONVENTION CENTER, LONGBOAT KEY ROOM  
One Haben Boulevard  
Bradenton, Florida  
February 4, 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  
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 9:02 a.m.


All witnesses and staff giving testimony were duly sworn.

**INVOCATION AND PLEDGE OF ALLEGIANCE**


1.  The Invocation was delivered by Pastor Andrew Mikhov, Christ Presbyterian Church, followed by the Pledge of Allegiance.

**AGENDA**

BC20210204DOC001

11. Agenda Update Memorandum:  BC20210204DOC002
  - Item 3, Resolution R-21-018, Denial of PDR-14-09(P)(R), Meritage Homes of Florida, Inc./Savanna – Public comment email from Daniel Lobeck (1/29/21) submitted
  - Item 4, Comprehensive Plan Large Scale Map and Text Amendment PA-20-02/Ordinance 21-08, Moore Property – Public comment email from Karen Ciemniecki (1/28/21) submitted
  - Item 8, Z-20-02, Norah and Aaron LLC – Public comment correspondence from Gregory Lantz (2/4/21) submitted
  - Item 9, PDR-17-16(P)(R), Coventry Park, Option B – To be heard prior to Item 8, Z-20-02, public comment correspondence (2/4/21) from Gregory Lantz and Leyanna Chesnut, previously approved Preliminary Site Plan (12/7/17) and accepted Traffic Impact Statement (5/26/17) and Letter (12/5/17) submitted
  - Item 10, Appeal of Administrative Determination AD-20-19 – Public comment correspondence (2/4/21) from Gregory Lantz, Stormwater Comments Report (8/6/20), Federal Emergency Management Agency (FEMA) 2014 Flood Insurance Rate Map (FIRM) and Preliminary FEMA FIRM


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


 Corie Holmes asked the County Attorney to review the Ethics Commission opinion as it pertains to Commissioner Whitmore and her son-in-law, Scott Rudacille, because it is outdated.

 Glen Gibellina commented on impact fees for affordable housing, interlocal agreement

with FPL, and the hiring of a new County Administrator.

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

 Commissioner Whitmore sought an opinion from the County Attorney's office regarding a conflict of interest.

 Sarah Schenk, Assistant County Attorney, stated the most recent Ethics Commission opinion 11-04 (4/11/17) deems Commissioner Whitmore as not having a conflict of interest.

Chairman Baugh suggested the County Attorney's office look at each year since it is brought up often.


BC20210204DOC003


**ADVERTISED PUBLIC HEARINGS** (Presentations Scheduled)


3. **RESOLUTION/PDR-14-09(P)(R), MERITAGE HOMES OF FLORIDA, INC./SAVANNA**

A duly advertised public hearing was held to consider adoption of proposed Resolution R-21-018, to deny Zoning Application PDR-14-09(P)(R), amending the Preliminary Site Plan proposed in the amended Zoning Ordinance.

(Note: The Zoning Application was heard and considered by the Planning Commission on 10/8/20, and the County Commission on 11/5/20, 12/10/20, and 1/7/21, in conjunction with Zoning Ordinance Z-20-06, Savanna Commercial Rezone - Meritage Homes of Florida, Inc./CASTO Net Lease Properties LLC)


 Sarah Schenk, Assistant County Attorney, made remarks regarding Section 125.022(3), Florida Statutes, which provides that a County's denial of a development permit must be reduced to writing and given to the applicant as written notice of denial.


 Discussion proceeded on CASTO is a great company, but the concept is not appropriate for this site, in the future developers should make their intent known on site plans, the applicant can apply for a rezone to Planned Development Commercial in the future, and hearing from the applicant could create procedural issues since the public hearing was closed at the previous hearing.


 Commissioner Kruse moved to adopt Resolution R-21-018, to deny application PDR-14-09(P)(R), to deny approval of an amended Preliminary Site Plan. The motion was seconded by Commissioner Whitmore and carried 7-0.

BC20210204DOC004


4. **ORDINANCE/COMPREHENSIVE PLAN**


 A duly advertised public hearing was held to consider transmittal of proposed Large Scale Comprehensive Plan Map and Text Amendment PA-20-02/Ordinance 21-08, Moore Property (Privately-Initiated).


 Katie LaBarr, Planner for Neal Communities of SW FL, made use of a slide presentation to review the general location map, regional context-existing and proposed Future Land Use Category (FLUC), recent development approvals, Comprehensive Plan consistency, proposed FLU and process, neighborhood outreach, and application summary and request.

 Discussion took place on the number of units allowed under RES-6 FLUC, S.R. 64 is classified as an arterial and thoroughfare, Uhlein Road is classified as a collector and thoroughfare, access on S.R. 64 has been discussed with FDOT, incentives are not being used

properly, in favor of the product type (paired villas), density, workforce housing is needed, and this is not the appropriate time to discuss policy changes (maybe at a work session).


 Edward Vogler, Attorney for the applicant, explained that it is not the developers being held to the fire but land owners. With affordable housing, there is some form of subsidy.

 William O’Shea, Principal Planner, utilized a slide presentation to review the aerial map, existing and proposed FLU, request, history, zoning map, public facilities, positive and negative aspects, and mitigating factors.


 Walter Wulzcak commented on how the request does not fit into the area, and traffic on S.R. 64 would affect the access.

 Corie Holmes agreed with comments regarding incentives and affordable housing.


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

 There was discussion on whether MU-C was considered, a decision has to be made on what is being presented to the County Commission, affordable housing involves a lot of aspects and could be discussed at a future work session, UF-3 is not the best FLUC for the site, and would like the County Attorney’s office to meet with Commissioners to discuss this matter.

Mr. O’Shea did not have closing comments.


 Mr. Vogler made closing remarks. Upon question, he pointed out that he has plans to ask that the future service area boundary be expanded.

Commissioner Bellamy reminded everyone that there is a difference between affordable and workforce housing.


 Based upon the staff report, evidence presented, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the applicable portions of Chapter 163, Part II, Florida Statutes, Commissioner Servia moved to transmit Comprehensive Plan Amendment PA-20-02/Ordinance 21-08, as recommended by the Planning Commission. The motion was seconded by Commissioner Satcher and carried 6-1, with Commissioner Kruse voting nay.

BC20210204DOC005


5. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-20-15, 3015 Enterprise LLC. The Planning Commission recommended adoption (1/13/21).


**RECESS/RECONVENE:** 10:25 a.m. – 10:36 a.m. All Commissioners were present.

 Marla Hough, Engineer for the applicant, displayed photographs to discuss the request.


No ex-parte communications were disclosed.

 Discussion took place on the side-yard setback for the eastern boundary (10 feet).


 Kevin Oatman, Planner I, made use of a slide presentation to review the site location, request, FLU map, zoning map, photographs, site designs, positive and negative aspects and mitigating measures.

 Stephen Rees, Attorney for Mowers Inc. (Contract Purchaser), requested approval of the request.

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


 Discussion took place on the lack of concerns or comments from the public, and side yard setbacks could go as low as five feet.

There were no staff or applicant closing comments.


 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, Commissioner Bellamy moved to adopt Manatee County Zoning Ordinance Z-20-15, as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore and carried 7-0.

BC20210204DOC006


6. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-20-13, TRD Land 43 LLC. The Planning Commission recommended adoption (1/13/21).


No ex-parte communications were disclosed.

 Robert Schmitt, Planner for the applicant, stated the rezone is going from PDR to A-1. An aerial map from the staff report was displayed to put out the site location outlined in yellow. The zoning and FLU maps were displayed from the staff report to discuss surrounding uses and the plan to develop five-acre lots. He concurred with the staff report and its findings.

 There was discussion on the request being a classic down zoning.

 Kevin Oatman, Planner I, utilized a slide presentation to review the site location, history, FLU map, zoning map, surrounding development uses, site design details for A-1 zoning, positive and negative aspects, and mitigating measures.

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


 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, Commissioner Servia moved to adopt Manatee County Zoning Ordinance Z-20-13, as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge and carried 7-0.


BC20210204DOC007


7. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-20-11, Shreya LWR Investments LLC. The Planning Commission recommended adoption (12/17/20), and this item was continued from January 7, 2021.


No ex-parte communications were disclosed.

 Scott Rudacille, Attorney for the applicant, made opening remarks.

 Robert Schmitt, Planner for the applicant, noted the request is straight rezone and made use of a slide presentation to review aerial maps, FLU map, zoning map and recent area approvals. He discussed access for adjacent property owners to the south (easement).

 Discussion occurred regarding the pet resort being adjacent to the site, if there has been dialogue with the owner of the single-family residence and the nursery, the item was continued because the applicant could not attend, and commercial locational criteria.

 Achaia Brown, Planner II, utilized a slide presentation to review the aerial map, history, request, FLU map, zoning map, site characteristics, positive and negative aspects, mitigating measures, and regulations met.


 Corie Holmes pointed out that this is a great project and Commissioner Whitmore should abstain from voting since Mr. Rudacille is representing the applicant.

Sarah Schenk, Assistant County Attorney, pointed out the Ethics Commission has ruled that Commissioner Whitmore does not have a conflict of interest (5/1/11 reaffirmed on 4/13/17).

Discussion took place on permitted uses in the UF-3 including neighborhood serving uses.


There being no 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, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, Commissioner Satcher moved to adopt Manatee County Zoning Ordinance Z-20-11, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 7-0.

BC20210204DOC008


9. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-17-16(G)(R), Coventry Park, Option B. The Planning Commission recommended adoption with stipulations (1/13/21).


No ex-parte communications were disclosed.

Commissioner Bellamy received phone calls, but he did not discuss the matter.


Commissioner Satcher received a phone call from a resident, who asked that the project not be approved.


 Rachel Layton, Planner for the applicant, used a slide presentation to review the aerial map, previous approval chart, FLU map, zoning map, development trend map, school map, apartment map, Capital Improvement Plan (CIP) projects for Erie Road, trips, Option A – Approved General Development Plan, and Option B – Proposed General Development Plan.


 Edward Vogler, Attorney for the applicant, remarked on the need for workforce housing and the Comprehensive Plan encourages all types of housing throughout the County.


 Discussion proceeded on the proposed height of the building in relation to wetlands, previous approval included 170 units, proposed increase in traffic on Erie Road, the proposed use is inappropriate for the area, roads are being built which are included with the Parrish Lakes DRI, sidewalks, the County Commission cannot hold the applicant accountable for the condition of Erie Road, building height is proposed for no more than 40 feet and screened by the three-story building, funded improvements for Erie Road, stormwater, and the condition of the site (former golf course).


Mr. Vogler stated the conservation easement precludes impact.

 Jeb Mulock, Stormwater Engineer for the applicant, spoke on stormwater.


 Stephanie Moreland, Principal Planner, concurred with the applicant's presentation.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, displayed plans for Options A and B and discussed stormwater reduction. He inspected Cedar Drain since the January 13, 2021, Planning Commission meeting.


 Christina Rebella, Woodlawn Lakes resident, supported Option A, because Option B is not conducive for the area and construction has not started to improve the north-south portion of Erie Road. She commented on area flooding.

 Bob Spencer stated there is a need for apartments throughout the community near schools. He complimented the applicant on the design of the project.


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

 Clarke Davis, Deputy Director of Traffic Management, reported three entities (Benderson Development, County, and FDOT), are responsible for improving Erie Road north and south.

There were no staff closing comments.

 Mr. Vogler remarked that sidewalks are planned and out to bid. They are in discussion with staff regarding floodplain management if there is clustering on site.

Deliberation ensued on Option B as a quality project making great use of the land, multi- and single-family can be compatible, need variety of housing types, amending CIP improvements for Erie Road, Commissioner Satcher is looking out for constituents and Pope Road.

 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 Land Development Code, as stipulated herein, Commissioner Kruse moved to adopt Manatee County Zoning Ordinance PDR-17-16(G)(R); Approve the Revised General Development Plan to include Option B - Multi-family with Stipulations A.1-A.7, B.1-B.6 and C.1 -C.3; as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore.


Upon question, Mr. Davis explained the future roundabout may evolve to a traffic signal.

The motion carried 6-1, with Commissioner Satcher voting nay.


BC20210204DOC009


RECESS/RECONVENE: 12:29 p.m. – 1:31 p.m. All Commissioners were present.


8. ORDINANCE/ZONING

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-20-02, Norah and Aaron LLC. The Planning Commission recommended adoption (8/13/20), and this item was continued to no date set and to be re-advertised on September 3, 2020.


No ex-parte communications were disclosed.

 Scott Rudacille, Attorney for Hal Perdew and Brett Decklever (Contract Purchasers), used an aerial map to point out the location and surrounding uses. The site is zoned RSMH-6 and is an infill project. The project would provide workforce housing.


 Robert Schmitt, Planner for the applicant, continued the slide presentation to review Comprehensive Plan Policy 4.3.1.6, FLU map, zoning map, use chart, and proposed concept plan.

 John Cavoli, Engineer for the applicant, reviewed floodplain (no FEMA floodplain), any environmental issues would be on the north portion of the site (wetland would be preserved), pre-development discharge rate is required due to known flooding, traffic study would point out needed offsite improvements, and water/sewer connections are available.


Mr. Rudacille noted the project would improve drainage conditions.


 There was discussion that primary access would be from 49th Street East (Experimental Farm Road) with secondary access on Canal Road (proposed at 50 feet), and extension of sewer.

Mr. Cavoli reported there are two opportunities to tie in to lines to the west.

 Robert Wenzel, Planning Section Manager, pointed out an error regarding 30 percent open space is required. He utilized a slide presentation to review the request, history, FLUC, existing zoning RSMH-6, Coastal Planning Area map, surrounding land uses, positive and negative aspects, mitigating measures and conclusion.


 Corie Holmes reiterated previous comments pertaining to Commissioner Whitmore.

 Discussion took place on whether the access point on Canal Road would line up with the County’s design for Canal Road, drainage, whether there are structures within 25- and 100-year floodplain, only mobile homes can be built with the zoning category, and workforce housing is considered because of the location.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, displayed the 25-year floodplain delineation map, County Maintained Drainage Systems map, and Regional Sewer Infrastructure to discuss drainage, sewer and the Tampa Gap Drain.


Sarah Schenk, Assistant County Attorney, confirmed Commissioner Whitmore was allowed to vote on the matter.

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


 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, Commissioner Bellamy moved to adopt Manatee County Zoning Ordinance Z-20-02, as recommended by the Planning Commission. The motion was seconded by Commissioner Servia and carried 7-0.

BC20210204DOC010

10. **RESOLUTION/ADMINISTRATIVE DETERMINATION/COASTAL EVACUATION AREA**


 A duly advertised public hearing was held to consider an appeal of Administrative Determination AD-20-19, which denied the request by Tampa Acquisitions, Inc., and JBS Commercial LLC, to have certain real property (2845 69th Street East and 6900 U.S. 41 North, Palmetto) removed from the boundaries of the Coastal Evacuation Area – Level A of the Comprehensive Plan.

BC20210204DOC011


 Edward Vogler, Attorney representing Tampa Acquisitions, Inc., and JBS Commercial LLC, used a slide presentation to review 2-CEA (Coastal Evacuation Area) Overlay District aerial map, 3-CEA Overlay FLUC map, 2012 and 2017 Coastal Evacuation Area maps, objection letter from Mr. Vogler (1/5/21), presentation summary, Notice of Appeal Letter (9/1/20), and Resolution R-19-112 (9/5/19).

BC20210204DOC012

 Joe Tyszko, JBS Commercial LLC, sought approval of the appeal.

 Nicole Knapp, Impact Fee Administrator, reviewed the request, site plan, CEA maps, Coastal Element, coastal areas and overlay maps defined, designation of CHHA, history of coastal mapping, Comprehensive plan policies, methodology – CEA and CPA necessary to implement policies, standard operating procedures, determining evacuation levels, Comprehensive Emergency Management Plan, Local Mitigation Strategy, 2018 Statewide Emergency Shelter Plan, local authority, purpose of CEA, conclusion, and recommended motion (adoption of Resolution R-21-006).

BC20210204DOC013

 Thomas Gerstenberger, Stormwater Engineering Division Manager, displayed the (a) FEMA 2014 FIRM to point out the project area is outside of the floodplain, (b) Preliminary FEMA FIRM to note the site is within the 100-year floodplain coverage, and (c) stream gauge summary report and charts to discuss rainfall data associated with Tropical Storm Aida.


BC20210204DOC014

 Louis B. Goff, Rubonia Community Association, expressed concern with drainage and




flooding in Rubonia, but liked the proposed request [69th Street Mixed Use Development, PDMU-19-21(Z)(P), has not been scheduled for hearing to date] BC20210204DOC015

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


 There was discussion on setting precedent, 14 percent is within the CEA, can the County Commission consider this since the maps were not adopted, mapping error, capturing water, and how is the map binding since it has not been adopted.


Sarah Schenk, Assistant County Attorney, made remarks and cautioned the Board that including making policy decisions by appeal is dangerous.

Mr. Gerstenberger stated the applicant is seeking a rezone (application has been submitted).

 Mike Costello, Agent for the applicant, stated floodplain and stormwater calculations were provided and noted with the rezone application.

 During rebuttal, Mr. Vogler addressed the 2017 maps not being adopted.

 Deliberations ensued that the property should not be in the CEA since it is near a major intersection for evacuation, the maps are too subjective, best available data, FEMA maps, number of people evacuating in a vulnerable area, and making sure the work session on Coastal Overlay Districts is scheduled sooner than later.

 Based upon the Staff Report, evidence presented, comments made at the Public Hearing, Commissioner Kruse moved to adopt Resolution R-21-007, to grant the appeal of Administrative Determination AD-20-19, and modify Administrative Determination AD-20-19, subject to conditions as specified in the Resolution R-21-007. The motion was seconded by Commissioner Van Ostenbridge and carried 7-0. BC20210204DOC016  
(Note: Changes status of the Property in relation to the CEA of the Comprehensive Plan)


## PINEY POINT

 Commissioner Servia requested a work session or an item on a future agenda to discuss deep well injections and cost estimates.

Chairman Baugh reported Representative Will Robinson is not in support of deep well injection.

Commissioner Servia suggested Representative Robinson attend the upcoming work session/meeting and confirmed that she read the letter from him.

Discussion took place on cleaning the water and closing the gypsum stacks.

 A motion was made by Commissioner Servia, to have a future agenda item, work session or written explanation discussing the final costs and the risks/benefits for both scenarios (cleaning the water and releasing into Bishop Harbor and deep well injection). The motion was seconded by Commissioner Van Ostenbridge.

Discussion proceeded that FDEP feels that is another option for cleaning the water, obligation

to the public, the County does not own the property, and commitment of \$6 million.



Corie Holmes thanked the County Commission for having this conversation since this is an important issue.



The motion carried 6-1, with Chairman Baugh voting nay.

Discussion took place on whether each Commissioner should contact Representative Robinson.

BC20210204DOC017

**COMMISSIONER COMMENTS**

Commissioner Satcher

- Suggested Commissioners inform the agenda coordinator of an issue to be discussed at meetings, so that it is not a surprise to other Commissioners and the public

**ADJOURN**

There being no further business, Chairman Baugh adjourned the meeting at 3:54 p.m.

Minutes Approved: November 29, 2022