

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
April 15, 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, Chief Assistant County Attorney
Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court

Chairman Baugh called the meeting to order at 1:32 p.m.

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Kelli O'Malley, Care Net Manasota, followed by the Pledge of Allegiance.

AGENDA

BC20210415DOC003

Agenda Update Memorandum: 


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- Item 6, Comprehensive Plan Large Scale Map and Text Amendment PA-20-02/Ordinance 21-08, Moore Property – Public comment email (4/12/21) from Sheila Coffey submitted
- Item 7, Comprehensive Plan Large Scale Map Amendment PA-18-05/Ordinance 21-15, Ellenton Cove – Public comment correspondence (4/7/21) from Glen Gibellina, revised transmittal letter correcting the date, and revised motion in strikethrough/underline format presented correcting transmittal language presented
- Item 8, Comprehensive Plan Text Amendment PA-20-16/Ordinance 21-12, LWR Communities LLC/NE Expansion – Public comment correspondence from William Heine, Pamela Gispert, and Mark Vanderee, and revised transmittal letter correcting the date presented
- Item 9, Z-20-16, Manatee Ranches, Inc. – Public comment correspondence from Pamela Gispert and Mark Vanderee presented

COMMISSIONER REQUESTS


There were no items pulled by Commissioners.


CITIZEN COMMENTS (Future Agenda Items)


 Kristina Skepton remarked that Commissioner Baugh should be removed as chairman and noted she made a public records request to see how citizens felt about Chairman Baugh's actions as well as actions by other Commissioners.

 Eugene Rose remarked on how Chairman Baugh's actions have marked the County

negatively. The remaining Commissioners are condoning her actions by not removing her as chairman.

 Garrett Ramy displayed a survey map to point out that the County previously split his property with Taylor Road, and expressed concern that he has to obtain a right-of-way permit for access (aerial displayed). He asked that the fee be waived.

 Glen Gibellina commented on Piney Point Phosphate Plant emergency discharge and how this is a perfect opportunity to address phosphate mining in the County. He suggested a moratorium on zoning, and pointed out a density bonus is a privilege.

 Carol Felts agreed with Glen Gibellina on the County Commission enacting a zoning moratorium.

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

BC20210415DOC005

CONSENT AGENDA

Citizen Comments (Consent Agenda Items)

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

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

- Accepted and authorized recording of a Temporary Utilities Easement and a Permanent Utilities Easement from McClure Properties, Ltd.; and
- Authorized recording of Affidavit of Ownership and Encumbrances from McClure Properties, Ltd., for property located at 10400 and 8670 Moccasin Wallow Road, Parrish

BC20210415DOC006

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

- Accepted two Permanent Utilities Easements from The Society for the Prevention of Cruelty of Animals of Manatee County, for property located at 5718 21st Avenue West, Bradenton

BC20210415DOC007

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

- Accepted and authorized recording of Permanent Utilities Easement from TH Harbour LLLP; and
- Authorized recording of Affidavit of Ownership and Encumbrances from TH Harbour LLLP, for property located at 7433 Grand Harbour Parkway, Bradenton

BC20210415DOC008

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

- Accepted and authorized recording of Permanent Utilities Easement from J.H. Williams Oil Company; and
- Authorized recording of Affidavit of Ownership and Encumbrances from J.H. Williams Oil Company, for property located at 575 66th Street Court East


BC20210415DOC009

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

- Accepted Temporary Access Easement from Taylor Morrison of Florida, Inc., for property located at 16341 44th Avenue East, Bradenton


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MOTION - CONSENT AGENDA

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


ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

6. **ORDINANCES/COMPREHENSIVE PLAN**


 A duly advertised public hearing was held to consider adoption of proposed Comprehensive Plan Large Scale Map and Text Amendment PA-20-02/Ordinance 21-08, Moore Property. This item was previously transmitted by the Planning Commission (1/13/21) and the County Commission (2/4/21).


 Pat Neal, Neal Communities of SW FL (Contract Owner), made opening remarks.


By Zoom, Katie LaBarr, Planner for Neal Communities of SW FL, made use of a slide presentation to review the general location map, existing and proposed future land use (FLU) maps, recent development approvals, project boundary maps for 2015 and 2021, application summary and request, and neighborhood outreach.


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


William O'Shea, Principal Planner, utilized a slide presentation to highlight the aerial map, request details, FLU map, zoning map, public facilities, positive and negative aspects, and mitigating factors. The request was forwarded to several agencies for review and no objections or comments were relayed. He reported that he received telephone calls which would be addressed with the future zoning application.


 Discussion took place on roadway classification of S.R. 64 (arterial) and Uihlein Road (collector).

 Carol Felts stated East County is being bombarded with development and how today's actions would affect residents in the future.


 Mark Vanderee remarked on how development is destroying East County (removal of trees, uprooting wildlife, and damaging the watersheds). He noted additional commercial establishments are not needed and inquired if quid pro quo would be appropriate.


 Glen Gibellina commented on entitlements for the site, and if Mr. Neal wants more density, he should compensate the County.

 By telephone, Andra Griffin expressed concern with the FDAB (her comments were for Item 8, PA-20-16/Ordinance 21-12).


 Sarah Schenk, Chief Assistant County Attorney, reported the Planning Commission recommended adoption of the item with a vote of 6-0.


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


 Commissioner Servia inquired about known flooding in the area.

 Mr. Vogler stated the site is not in the watershed and there are no on-site wetlands. The site would be engineered to stormwater conditions including reducing offsite flow.

Mr. Neal confirmed that the site is elevated and does not have wetlands.

 Mr. O'Shea stated the density would be one and half times...

 Discussion proceeded on mandatory inclusionary housing, the County cannot require developers to offer affordable housing, and Babcock Ranch is a unique project because it was formerly conservation land.

 Mr. Vogler rebutted on the Comprehensive Plan process in relation to growth.


Deliberations ensued on how RES-6 is appropriate for this site, the area is no longer agricultural, importance of property rights, and S.R. 64 is a major arterial.


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 Van Ostenbridge moved to adopt Comprehensive Plan Amendment PA-20-02/Ordinance 21-08, as recommended by the Planning Commission. The motion was seconded by Commissioner Servia and carried 7-0.

Chairman Baugh confirmed the Lakewood Ranch community has changed dramatically in the last five years, and villas would accommodate residents that cannot afford more expensive homes. She noted this site is not in the FDAB.

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7. **ORDINANCE/COMPREHENSIVE PLAN**


 A duly advertised public hearing was held to consider transmittal of proposed Comprehensive Plan Large Scale Map Amendment PA-18-05/Ordinance 21-15, Ellenton Cove (Privately-Initiated). The Planning Commission recommended transmittal (3/11/21).


 Sarah Schenk, Chief Assistant County Attorney, reported Commissioner Whitmore has been advised by the County Attorney's Office to abstain from voting on this matter due to a potential voting conflict and the pending ethics complaint (21-008) regarding her son-in-law.

Commissioner Whitmore stated she would be abstaining from voting on Item 7, PA-18-05/Ordinance 21-15, due to a potential conflict, and the results would be made known by the Commission on Ethics on June 4, 2021.


 Scott Rudacille, Attorney representing Medallion Homes Gulf Coast, Inc., made opening remarks about the Comprehensive Plan, site location and designations (proposed future thoroughfares map displayed).


 Christie Barreiro, Planner for the applicant, utilized a slide presentation to address the request, local vicinity, FLU, proposed FLU, surrounding development and zoning, the Future Traffic Circulation Functional Classification Map, proposed Future Thoroughfare Map, proposed zoning, concept plan, consistency with the Comprehensive Plan, public outreach, and an aerial map.


 Discussion ensued on the request is a piece of property owned by the applicant.

 Charles Andrews, Senior Planner, made use of a slide presentation to highlight Comprehensive Plan sections, the aerial maps, google aerial of the site, FLU map, maximum


residential density, history of the site, existing zoning map, photographs of site, surrounding uses, positive and negative aspects, and mitigating factors.

 Tracy Suddaby requested a 15-foot wall to mitigate construction and traffic noise due to the site's proximity to Tidewall Hospice (map displayed). She further discussed possible lighting pollution and safety of on-site wildlife (possible eagle's nest).


 Carol Felts expressed concern with the County Commission approving more development.


 Glen Gibellina pointed out there was public comment correspondence regarding this item and traffic would be an issue since Mendoza Road is currently a two-lane road and the area schools are at capacity.

RECESS/RECONVENE: 3:21 pm. – 3:31 p.m. All Commissioners were present.

 Discussion proceeded on how comments from the citizens must be addressed at the zoning hearing phase, and the developer is not responsible for road.


Mr. Andrews commented on schools, etc.


 Mr. Rudacille spoke on the proposed plan.


 Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission and finding the request to be consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, Commissioner Van Ostenbridge moved to approve transmittal of Comprehensive Plan Amendment PA-18-05 /Ordinance 21-15, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and the motion carried 6-0, with Commissioner Whitmore abstaining.

BC20210415DOC012


8. **ORDINANCE/COMPREHENSIVE PLAN**


 A duly advertised public hearing was held to consider transmittal of proposed Comprehensive Plan Text Amendment PA-20-16/Ordinance 21-12, LWR Communities LLC/NE Expansion (Privately-Initiated). The Planning Commission recommended transmittal (3/11/21).


 Caleb Grimes, Attorney representing the applicant, displayed two Maps to point out area infrastructure and that build out is imminent, and the FDAB map to note the request seeks to permit development east of the FDAB.

 Discussion took place as to why the applicant did not propose to move the FDAB line, SMR would be the developer and roads and sewer would fall under the Lakewood Ranch Stewardship District, previous use of the land (borrow pit and pasture), the text amendment would benefit SMR, would this text amendment prohibit SMR from purchasing the Hunsader property, the applicant could pay for the utility lines, but would connect to County lines, community outreach would take place with the zoning application, work session on the FDAB, and the location of Taylor Property.


 Jay Taylor, Taylor Property, relayed his partnership history with SMR.


 Discussion continued regarding tabling this item, because it benefits one entity, a lot of projects are years in the making, does this amendment cause a burden to the local government, benefit the County, and compliant with best planning practices, whether the amendment is consistent with the Comprehensive Plan, did the applicant consider public interest, does it help to realize the Comprehensive Plan, legal ramifications, and continuing with the process.


 Sarah Schenk, Chief Assistant County Attorney, addressed the County Commission hosting work sessions and how the County Attorney's Office does not consider policy, but only if an item is legally defensible.


 Lisa Wenzel, Planning Section Manager, submitted additional public comment correspondence with a petition. She utilized a slide presentation to review the request, FDAB map and definition, FLU map, Map N, potable water/wastewater service areas map, proposed policy language requirement, positive and negative aspects, mitigating factors and summary.


Public Comment


 Lee Thompson did not support the amendment due to traffic, unnecessary development and watershed concerns.


 Pamela Gispert opposed the amendment due to concern with urban sprawl, loss of open space and movement of the FDAB. She suggested building up and not out.


 William Heine expressed concern with urban sprawl and movement of the FDAB

 Kenneth Cunningham explained living in the city was not conducive to raising a non-verbal child and movement of the FDAB would increase development in this area and disrupt their quality of life and safety.


 Cathleen Strong, Butterfly Farmer, stated it would be premature for the County Commission to vote on this matter. She pointed out agricultural uses are still occurring in the Myakka City area.


 Elizabeth Arnold displayed photographs depicting lands being cleared for development by Neal Communities and of the wildlife and habitat. She remarked on how development affects the quality of life for East County residents and agriculture is necessary.


 Carol Felts pointed out that the original plan for Lakewood Ranch included a horseback riding trail along Lakewood Ranch Boulevard. She asked that the public be included in plans for Myakka City.


 Garrett Ramy agreed that a work session would be the right forum for the citizens to discuss their concerns including the farming lifestyle, FDAB, and the vision for the County.


 Charles Cole opposed the request due to previously stated concerns.


 Linda Nash, horse farmer, stated this amendment represents uncontrolled urban sprawl and residents like her are being pushed out of rural areas. She commented on the lack of public notice.

 Mark Vanderee, Waterline Road Conservation Group, displayed a slide presentation to discuss overdevelopment and urban sprawl affecting the land and wildlife. He suggested tabling the amendment.

 Meredith Barcomb opposed the request due to concern with development and its effect on their lifestyle.


 By telephone, Andra Griffin opposed the request, because it would benefit one developer.

 By telephone, Glen Gibellina remarked on the lack of skilled laborers, the transmittal letter hearing should not take place before public outreach.

 By telephone Shane Wedel stated the implications of the text amendment would affect residents and result in an increase in urban sprawl, strain on public facilities and increase traffic.


Public comment was not closed.

RECESS/RECONVENE: 5:58 p.m. – 6:08 p.m. All Commissioners were present.

 Discussion took place on the location of the Lake Manatee watershed, the site and Myakka City, the County Commission did not support the roundabouts on S.R. 64, Comprehensive Plan transmittal process, the necessity of a work session to ensure that all concerns are discussed prior to transmitting the letter, the FDAB would move approximately a half a mile if the ordinance was adopted, would someone have to own property on both sides of the line for it to be contiguous, and the number of homes that can still be developed in Lakewood Ranch.

There were no staff closing comments.

 During rebuttal, Mr. Grimes addressed comments regarding uncontrolled growth and urban sprawl, intent to not infringe on the Myakka City area, traffic concurrency, and a future work session. ‘

 Deliberations ensued on not transmitting the letter because the turnaround time is 60 days and the schedule is full, need to have a meaningful conversation in order to look at the global picture of the County, this amendment is not just about moving a line, because Myakka City is unique, protect Myakka City with an overlay or community plan, smart growth, there is no danger in transmitting the amendment for agency comments, agricultural uses, nd the plan does create runoff.

 Ms. Schenk advised of motion options:

- If the intent is to transmit the amendment, the motion is outlined on the agenda memorandum; or
- If the intent is to postpone transmittal and have a work session, the motion would be: I move to continue the public hearing to no date certain and to be re-advertised for PA-20-16/Ordinance 21-12, and instruct staff to schedule a work session.

Motion to Continue – Failed

Commissioner Satcher moved to continue the public hearing to no date certain and to be re-


advertised for PA-20-16/Ordinance 21-12 and to instruct staff to schedule a work session. The motion was seconded by Commissioner Kruse.

Following discussion on the motion, Commissioner Kruse withdrew his second to the motion, because he would like to deny transmittal of PA-20-16/Ordinance 21-12. Chairman Baugh seconded the motion.

Discussion ensued on the number of days the County Commission has to hold the adoption hearings once the amendment is transmitted, residents of Myakka City should get together, to make a decision on their destiny, how large are the overlay districts in Cortez and Parrish, and the North Central Overlay has the largest boundary.

The motion failed 3 to 4 with Commissioners Bellamy, Servia, Van Ostenbridge and Whitmore voting nay.

Motion to Transmit – Carried

 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 PA-20-16/Ordinance 21-12, as recommended by the Planning Commission. The motion was seconded by Commissioner Bellamy.

Commissioner Bellamy suggested the work session be held offsite and transmittal of the amendment does not mean the ordinance has to be adopted.

Commissioner Van Ostenbridge echoed Commissioner Bellamy’s comments.

Commissioner Kruse expressed concern that the residents wasted their time in attending the hearing because transmitting the item signifies intent to adopt the ordinance. In the future the County could consider transmitting every request and then hold public hearings.

Commissioner Servia stated the residents did not waste their time, because she has a better understanding of their concerns and the County could initiate the process for an overlay district or community plan. She asked that the text amendment language be explored in more detailed before the adoption hearings, and having a work session on the FDAB is a good idea.


The motion carried 4-3, with Commissioners Baugh, Kruse, and Satcher voting nay.

Discussion took place on the possible location of the work session.


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RECESS/RECONVENE: 7:11 p.m. – 7:19 p.m. All Commissioners were present,


9. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-20-16, Manatee Ranches, Inc. The Planning Commission recommended adoption (3/11/21).

No ex-parte communications were disclosed.


 William Merrill, Attorney for the applicant, made opening remarks that encompassed site location, and the previous request.


 Rachel Layton, Planner for the applicant, made use of a slide presentation to review the aerial map, request (Table 4-1, FLU map, and zoning map), NC-S required setbacks and buffers, schedule of permitted uses and special permit uses, and the surrounding area. The applicant continues to monitor FDOT improvements and several parties were not interested in purchasing the site.


 Discussion took place on FDOT not being interested in the site, FDOT's budget has been cut and the project has been pushed back, what size building could be placed on the site, the County and School District did not express interest in the site (read emails from Joy Leggett-Murphy and Mike Pendley), quasi-judicial items cannot be discussed between the applicant and the Commissioners, so staff would be the appropriate source, and the County Commission was not given the opportunity to know about the property being available.

 Marshall Robinson, Senior Planner, utilized a slide presentation to review the aerial map, uses within a five-mile radius as he discussed location, and past history and staff efforts.


Public Comment


 Meredith Barcomb suggested the applicant not build on the parcel, and the residents do not see the need for a business on site.


 Pamela Gispert asked if the County Commission ever voted against a recommendation from staff or the Planning Commission, area traffic and speeding on S.R. 70, and the safety of wildlife. She suggested denying the request.

 Jeremy Carter, Preserve of Panther Ridge resident, opposed the request and noted it would not benefit area residents and expressed concern with area traffic and speeding on S.R. 70, and access to the site.


 Mark Vanderee echoed previous comments.


 Elizabeth Arnold pointed out the site has been for sale quite some time, commercial zoning would be incompatible, traffic safety and speeding on S.R. 70, which is an evacuation route, asked that the item be denied.


 Troy Zengel stated his home is within 500 feet of the site. He displayed a photograph of the area Dollar General to note another store is not needed in the area, and expressed concern with traffic and safety on S.R. 70


 Carol Felts remarked that the County Commission has not rejected any projects heard today and questioned the status of on-site wildlife and public notice requirements.


Public comment was not closed.


 There was discussion on public safety, and how designing the site would be logistically challenging.

 Jeb Mulock, Engineer for the applicant, pointed out the two way access on C.R. 675 which would remain once the roundabout is built (map from slide presentation).

 Thomas Gerstenberger, Stormwater Engineering Division Manager, displayed the soil group classification aerial map, drainage systems map and the Federal Emergency Management Agency 2014 Flood Insurance Rate Map to discuss water and soil for the site and area.


 Clarke Davis, Deputy Director of Traffic Management, confirmed the S.R. 70 off ramp would be removed.

 During rebuttal, Mr. Merrill stated the use would be commercial, and the request meets the requirements of the Comprehensive Plan 2.2.1.2 (page 23 of the staff report).


 Tony Veldkamp, Agent for the landowner, discussed potential uses including retail sales, restaurant, etc.

 Mr. Mulock addressed septic and stormwater systems.

Mr. Merrill stated the resolution denying the previous request gave them the roadmap for this request.

 Deliberations ensued that the site is 1.5 acres, the request meets the criteria, safety concerns may not be addressed once the roundabout is built, and it is not the County's job to find a solution for every parcel of land.


Motion to Continue

 Ms. Schenk read the proposed motion to continue for denial: Based upon the staff report, evidence presented, comments made at the public hearing, finding the request to be inconsistent with Comprehensive Plan and the Land Development Code, I move to continue the deliberation portion of the public hearing (for Z-20-16) to May 20, 2021, and direct the County Attorney's Office with staff to prepare written findings for denial in the form of a resolution to be presented at that time.

The motion as read by Ms. Schenk was moved by Commissioner Van Ostenbridge, seconded by Commissioner Kruse and carried 5 to 2, with Commissioners Satcher and Servia voting nay.

BC20210415DOC0014

LETTER OF SUPPORT/CORTEZ NET CAMP

 A motion was made by Commissioner Van Ostenbridge and seconded by Commissioner Whitmore to authorize the Chairman to execute a Letter of Support to the Florida Department of Environmental Protection regarding the preservation of the Cortez Net Camp. (Note: Previous Letter of Support was executed on 4/20/18)

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

The motion carried 7-0.

BC20210415DOC015

COMMISSIONER COMMENTS

Commissioner Servia

- Suggested fellow Commissioners attend the Tourist Development Council meeting on Monday, April 19, 2021

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 8:52 p.m.

Minutes Approved: December 6, 2022