

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
JUNE 17, 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:

Dr. Scott L. Hopes, County Administrator
Rossina Leider, Planning Section Manager
Sarah Schenk, Deputy County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court


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

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE


1. The Invocation was delivered by Commissioner Bellamy, followed by the Pledge of Allegiance. A moment of silence was observed for Al Cox, a County employee who passed away.

AGENDA


- Agenda Update Memorandum  BC20210617DOC001
BC20210617DOC002
- Item 2 – LDA 20-21 Local Development Agreement for Lennar Homes LLC and IA Manatee LLC, Revised Local Development Agreement motion to read “Based on the evidence presented and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to approve and authorize execution of LDA 20-01 Local Development Agreement with Lennar Homes LLC and IA Manatee LLC
- Item 3 – LDCT-20-03/Ordinance 21-11 (fka Ordinance 20-15) County Initiated Land Development Code Text Amendment/Accessory Dwelling Units (ADUs), Additional public comments attached
- Item 5 – PA-18-05/Ordinance 21-15 Ellenton Cove – Large Scale Comprehensive Plan Map Amendment, Revised Ordinance to correct date of signature attached
- Item 6 – Z-20-12 SRP Developments LLC/Palmetto Industrial PRK – SRP Developments LLC, Updates to staff report attached
- Item 7 – PDC-20-22(P) Casto Ellenton/North River Village Restaurant – Casto North River II LLC, Update including Planning Commission action and revised recommended motion attached
- Item 8 – PMDU-19-16(Z)(G) Rye Ranch LLC/Ryan Ranch – Rye Ranch LLC, Update including Planning Commissioner action and revised alternative motions, revised General Development Plan, additional public comments, changes to Stipulations, a revised schedule of Permitted and Prohibited Uses (Exhibit B to Ordinance), revised Ordinance in strikethrough/underline format incorporating changes and letter from the Parrish Fire Department describing their public/private partnership with the applicant attached


PUBLIC COMMENT

BC20210617DOC003

 Divina Maruca spoke regarding the County process for surplus land.

 April Barnwell spoke against abortion.


 Keith Green supports Commissioner Satcher's proposal regarding abortion.

 Glen Gibellina spoke regarding changing the policy regarding surplus property lift stations, soccer fields on S.R. 675, and supports Commissioner Satcher's proposal regarding abortion.


Andra Griffin spoke regarding Karen Stewart's pay raise and questioned if it has gone back to her original salary after Dr. Hopes appointment as County Administrator, red light cameras, surplus property process, soccer fields on S.R. 675, and an anti-abortion rally.


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


Sarah Schenk, Assistant County Attorney, stated if a caller wishes to speak to a quasi-judicial item, they need to at the meeting in person, or submit comments in writing.

 Discussion ensued regarding the Ordinance for surplus property will need to be changed to allow for-profit organizations to obtain surplus property, the red light camera contract expires in 2022, but looking into terminating the contracts early, soccer fields are to support future development, being a proponent for women's rights, take a stand for babies, and every life is precious.

1. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**

 John Howard, Code Enforcement Field Supervisor, provided a review of the volunteer sign removal program, which is intended to reduce the amount of time staff spends removing illegal signs placed within County rights-of-way. A training and educational program has been developed and there are 12-13 volunteers at this time. They prefer volunteers act within the area they live. The next steps include advertising on the County website. There would be a cost savings to Code Enforcement.

 Discussion ensued regarding Keep Manatee Beautiful has had bad experiences with the owners of signs, and Code Enforcement should reach out to them, encourage volunteers to reach out to owners of signs and explain the process and restrictions, and there are several volunteer programs in the County.

 Sarah Schenk, Assistant County Attorney, clarified that a Request for Legal Services was submitted, and volunteers work at their own risk.


BC20210617DOC004

ADVERTISED PUBLIC HEARINGS (Presentations upon request)

2. **BUILDING AND DEVELOPMENT SERVICES/LOCAL DEVELOPMENT AGREEMENT**

A duly advertised public hearing was held to consider proposed Local Development Agreement LDA-20-01 for Lennar Homes LLC and IA Manatee, Inc.

There was no ex parte communication.

 Clarke Davis, Deputy Director Traffic Management, stated this is the second public hearing.

A motion was made by Commissioner Servia and seconded by Commissioner Kruse to

execute LDA-20-01 – Local Development Agreement for Lennar Homes LLC and IA Manatee LLC.

Glen Gibellina spoke in support of the item.

There being no further public comments, Chairman Baugh closed the public hearing.

The motion carried 7-0.


BC20210617DOC005


ADVERTISED PUBLIC HEARINGS (Presentations upon request)


3. **BUILDING AND DEVELOPMENT SERVICES/ORDINANCE 21-11**


A duly advertised public hearing was held to consider adoption of proposed LDCT 20-01/Ordinance 21-11 (fka Ordinance 20-15), County Initiated Land Development Code (LDC) Text Amendment/Accessory Dwelling Units (ADUs). This is the first of two public hearings. The second public hearing is scheduled for August 19, 2021. The Planning Commission recommended approval.

Bill O’Shea, Principle Planner, utilized a PowerPoint to present the latest draft of the ADU ordinance to discuss the definition of guest houses which are currently allowed in Manatee County, the definition of an ACU, types and photos of ADUs, prior versions of the ADU Ordinance, prior meetings and outreach for ADUs, the second public hearing to adopt will be held in August, Board direction, do not sunset guest houses, no limit to the number of bedrooms, and impact fees should be addressed with an impact fee study or at a later time. He continued to review the draft ordinance including if an existing planned development wishes to have ADUs, they would need to come back to the Board for approval, restrictions in neighborhoods, Section 511.18, maximum square footage for certain zoning districts, mobile homes area allowed in the A (Agricultural) zoning district, and ADU’s would be prohibited in Trailer Estates.


 Discussion ensued to still follow building codes, not allowed to use a recreational vehicle (RV) as an ADU, there are other County codes regarding hooking up RVs to utilities, and ADUs can help with the affordable housing inventory in Manatee County.

 Sarah Schenk, Assistant County Attorney, stated a motion is required to hold the second public hearing prior to 5:00 p.m.

 Allen Goldsmith read a letter from the District 4 Coalition on Growth and provided recommendations regarding size, parking, design, and allowed zoning.

 Divina Maruca spoke regarding the difference between mobile homes and manufactured homes with anchors, and the need for ADUs. Modular homes can be placed in the back of property.

 Max Biranda, Realtor Association, supports ADUs, and stressed the need for more affordable housing inventory.

 Glen Gibellina, thanked staff for their efforts, and discussed modular and mobile homes and to not restrict property rights by not allowing RVs and tiny homes to be used.

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

 Mr. O'Shea stated a modular home has an inspection process and may be allowed in the residential zoning. RVs are regulated by the Department of Motor vehicles and park models are regulated by other State agencies. Mobile Homes are built to other standards as well.

Discussion ensued regarding the negotiation in creating the ordinance, everything has been discussed and the important thing is to adopt the ordinance which can be amended down the road, and if a person lives in their home for less than six months, they are not considered a resident.

BC20210617DOC006

4. **BUILDING AND DEVELOPMENT SERVICES/ORDINANCE 20-15**


A duly advertised public hearing was held to consider adoption of proposed LDCT 20-01/Ordinance 21-11 (fka Ordinance 20-15), County Initiated Land Development Code (LDC) Text Amendment/Accessory Dwelling Units (ADUs). This is the first of two public hearings. The second public hearing is scheduled for August 19, 2021.


Sarah Schenk, Assistant County Attorney, read the recommended motion.


A motion was made by Commissioner Whitmore, seconded by Commissioner Servia, and carried 7-0, to hold the second public hearing to adopt proposed Ordinance 21-11 (fka Ordinance 20-15) on August 19, 2021 at 1:00 p.m., or as soon thereafter as same may be heard (in lieu of after 5:00 p.m.) pursuant to Section 125.66(4)(b)1 Florida Statutes.

BC20210617DOC007


5. **BUILDING AND DEVELOPMENT SERVICES/ORDINANCE 21-15**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance 21-15, Ellenton Cove, large-scale Comprehensive Plan amendment. The Planning Commission recommended transmittal.

 Scott Rudacille, Attorney representing the applicant, stated this is a map amendment for 50 acres, from RES-3- Future Land Use Category (FLUC) to the RES-6 and RES-9 FLUC.


 Carol Clark, Planner for the applicant responded that this property is Mixed use and the applicant will look at more density and commercial when the site plan is presented. She responded that the applicant received no comment from the State. There were no objections or substantive comments.

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 Bellamy moved to adopt Plan Amendment PA-18-05/Ordinance 21-15, as recommended by the Planning Commission. The motion was seconded by Commissioner Servia.


 Glen Gibellina opposed the increased density, and suggested letting the developer pay for density.

There being no further public comments, Chairman Baugh closed the public hearing.


Rossina Leider, Planning Section Manager, stated this is an amendment to change the future land use category, not for density bonuses. The developer will need to come back to have the project approved.


 The motion carried 7-0.


BC20210617DOC008


 Sarah Schenk, Assistant County Attorney, stated the opinion was issued regarding commissioner Whitmore's ethics question, and she was cleared. Nothing has changed, and she is allowed to vote. She also stated there is a specific order for the hearings since they are quasi-judicial items.

6. **BUILDING AND DEVELOPMENT SERVICES/ZONING ORDINANCE Z-20-12**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-20-12, SRP Developments LLC/Palmetto Industrial Park, for a rezone of approximately 38.32 acres from A-1 Agricultural Suburban to the LM Light Manufacturing zoning district for property generally located north of 17th street East, Commonly known as Memphis Road, and south of 21st Street East, Approximately 1,200 feet east of U.S. Hwy 41, Palmetto. The Planning Commission recommended approval.

 There was no ex parte communication.

 John Cavoli, Cavoli Engineering, stated this is a straight rezone and displayed the zoning map depicting IL surrounding the property. The proposed project is an industrial park which is needed in the area. There is not demand from the project to put stress on the community. He addressed traffic impacts, stormwater, access to the property, and this is an infill project. Woodruff and Sons was the owner of the property.

 Marshall Robinson, Planner, used a slide presentation to discuss the location of property, an aerial map, FLUC (IL), the current A-1 zoning, the request to rezone to LM (Light Manufacturing), adjacent uses and zoning, and LM development standards including buffers.

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


 Mr. Cavoli stated the proposed entry is on the south side of the property.


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, Commissioner Bellamy moved to adopt Manatee County Zoning Ordinance No. Z-20-12, as recommended by the Planning Commission. The motion was seconded by Commissioner Servia and carried 7-0.

BC20210617DOC009


RECESS/RECONVENE: 10:32 a.m. – 10:42 a.m. All Commissioners present except Commissioner Bellamy.


7. **BUILDING AND DEVLEOPMENT SERVICES/ZONING ORDINANCE PDC-20-22(P)**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDC-20-22(P), Casto-Ellenton/North River Village Restaurant – Casto North River II LLC, a Preliminary Site Plan for a 2,325 square-foot restaurant with a drive-through along with associated parking and infrastructure on an approximately one-acre site generally located east of I-75 along U.S. 301 North in the North River Village Shopping center and is commonly known as 6020 U.S. 301 North, Ellenton. The Planning Commission recommended approval.

 There was no ex parte communication.


Katie LaBarr, Planner with Stantec representing the Applicant, used a slide presentation to review the request including an aerial of the site, history of the site, expired prior approvals, FLUC of ROR, zoning of PDC (Planned Development Commercial), landscape buffers meet or exceed the LDC, and specific approval for Section 900.5.c.6 regarding the location of the dumpster from 20 feet to 10 feet, to push it as far from U.S. 301 and reducing the visibility. The request meets the requirements of the LDC and the Comprehensive Plan.

 Jamie Elbert, Planner II, agreed with the applicant's presentation, and acknowledged the plan meets the requirements of the LDC and Comprehensive Plan.

 Clarke Davis, Deputy Director, Public Works, stated staff is still working on a project for 60th Avenue East, which is under design. There are no issues with this project since it is part of the original shopping plaza.


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


Based on 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 Land Development Code as conditioned herein, Commissioner Servia moved to approve Manatee County Zoning Ordinance PDC-20-22(P). The motion was seconded by Commissioner Kruse and carried 7-0.


 Discussion ensued regarding the need for Chick-fil-a and Chipotle north of the river.


BC20210617DOC010

8. **BUILDING AND DEVELOPMENT SERVICES/ZONING ORDINANCE PDMU-19-16(G)**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-19-16(G) Rye Ranch LLC/Rye Ranch, for a rezone of approximately 1,368.539 acres from A/NCO (General Agriculture/North Central Overlay District) to the PDMU/NCO (Planned Development Mixed Use) zoning district, retaining the North Central Overlay District. The Planning Commissioner recommended approval.

 There was no ex parte communication.


 Scott Rudacille, Attorney for the applicant, introduced the team, and used a slide presentation to review the item, which is a large mixed-use master plan community, investments in the property, planned infrastructure, improvements planned for Rye Road, benefits of master plans, large areas of open space, over 100 acres of wetlands, and open space through preservation to allow for meaningful open space and parks throughout the project. There will also be unified design themes and landscaping


 Rachel Layton, Planner for the applicant, used a slide presentation to review the location of the project, the FLUM and FLUC, Comprehensive Plan requirements, Future land use requirements, the Future Land use, the updated use table (included in the update), compatibility, surrounding development, the planned development, mixed-use district, purpose, the North Central Overlay (NCO) District, nearby subdivisions, 3,500 residential units, Parrish Fire Station District 2 is planned to be in the development, activity nodes in the area, several roads that will be built that are on the thoroughfare plan, nearby residential dwelling types, Rutland Road, 84-foot right-of-way dedications connecting roads within the plan, utility and school capacity, amenity centers, wetland impacts have been reduced to just over 1.5 acres of wetland, proposed wetland buffers and mitigation, specific approval of 23


feet for the front yard setback, maximum building height of four stories as in the Comprehensive Plan comparisons of the NCO and the LDC, specific approvals, and plant material required by the NCO, except for buffer to replace the three evergreens, an alternative for Stipulation A.3, specific requests as in Rye Crossing, the Final Site plan, and the developer agrees with proposed stipulations.


 Ms. Layton responded that the commercial is maxed out with 300,000 square feet.


 Scott Rudacille stated the minimum commercial is just over 100,000 square feet.


 Ms. Layton stated the application was originally approved in 2019 and they are requesting that the NCO be removed from the process, in order to have control over the master plan project. The timing is good for this development. They felt it was best to ask for the specific approvals, because there were challenges,.

 Mr. Rudacille stated the developer will build the internal roads. The portion of Mulholland west of the project will not be constructed by the developer. The timing and milestones are still being worked out, but there are major improvements for Rye Road.


 Ms. Layton explained activity nodes are a new concept. They are looking at the 300 acres and that they could have up to nine dwelling units per acre in the activity node, but that would come out of the total dwelling units allowed in the development.


 Marshall Robinson, Planner II, clarified that density is calculated with the activity nodes. He addressed the list of scheduled uses included in the update, and roadway buffers. This project is consistent with the Comprehensive Plan and the LDC except for the specific approvals. The specific approval requests meet the requirements of the LDC. The character of the NCO has changed, and staff checked the requests with other applications that have been approved in the past. The specific requests are common with other developments. The NCO is not as feasible to meet all requirements today.

 Rossina Leider, Planning Section Manager, stated when there are projects in the NCO, they try to apply all the regulations, and it is almost impossible to meet all the requirements. The buffers for commercial are usually removed, because commercial should be seen from the road to be successful.


 Richard Zigler, Rye Road resident, purchased his home in the area to have a country feel, and asked that there be no commercial adjacent to his property.


Mike Bryant, adjacent property owner, presented a signed petition objecting to certain aspects of the project. He requested there be no commercial adjacent to existing homes, relocate Activity Node 3, and that there be no tall buildings adjacent as well.


 Denise Greer stressed she has not been involved in this project. She is favor of the project, but not all the specific approvals. She noted there are 30, five-acre tracts nearby. She opposes specific approvals, 3, 5, 6 and 7. She displayed photographs of various landscape buffers, and requested the 50 foot land scape buffer remain in place adjacent to residential, and encouraged using the Gamble Creek watershed plan.


 Glen Gibellina, displayed policy, opposed density bonuses, and stressed the need for

affordable housing.

 Thomas Gerstenberger, Engineering Division Managerk noted this project will have to comply with the Gamble Creek watershed plan, and meet all requirements.

 Ms. Leider stated there is no mandatory requirement for affordable housing in projects such as these. The applicant is not asking for a density bonus, and they can have RES-9 in the activity nodes. Commercial entitlements are only allowed in the activity nodes. The other nodes will be in place when the roads are constructed.


 Mr. Robinson stated with the specific approvals, the project still meets or exceeds the requirements of the LDC, except for three trees that are being replaced with other landscaping.

 Discussion ensued regarding the need for Rye Road to be four-lanes.

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

There was no applicant rebuttal.

Discussion ensued regarding staff should require neighborhood meetings for rezone projects, strong communities, and this is an appropriate time for this project.

 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 conditioned herein, Commissioner Satcher moved to approve Manatee County Zoning Ordinance No. PDMU-19-16(Z)(G); approve a General Development Plan with Stipulations A.1-A.12, B.1-B.6, C.1-C.5, D.1; E.1-E.3 and F.1; adopt the Findings for Specific Approval; and GRANT Specific Approval for the following alternatives to Land Development Code Sections: 1) 402.7.D.7 – PDR Standards (Yards and Setbacks): Reduce the required front yard building setback from twenty-five (25) feet to twenty-three (23) feet; 2) 403.12.D.3.l – NCO Landscape Planting Design: eliminate NCO district maximum building height formula and provide alternative maximum building heights for residential and non-residential buildings adjacent to major thoroughfares; 3) 403.12.D.3.k –NCO Design Standards: Reduce the building setback requirement from fifteen (15) feet to five (5) feet for certain structures that would potentially conflict with buffer vegetation on lots adjacent to roadway and greenbelt buffers; 4) 403.12.D.4.a – NCO Commercial and Office Uses Roadway Buffer: reduction of roadway buffer width requirements in the NCO district for commercial parcels along Rye Road, Rutland Road (C.R. 675), Mulholland Road, Golf Course Road, Road LL with alternative landscape plantings and opacity requirements; 5) 403.12.D.5.a –NCO Roadway Buffers for Residential and Other Uses: reduction of the roadway buffer width in the NCO district for residential parcels along Rye Road, Rutland Road (C.R. 675), Mulholland Road, Golf Course Road, Road LL and the spine road; 6) 403.12.D.6.a – NCO Greenbelt Buffer: reduce the required greenbelt buffer width from twenty (20) feet to fifteen (15) feet; 7) 403.12.G.6.a – NCO Scale and Mass: allow a commercial building utilized by a single tenant in the North Central Overlay and within the UF-3 FLUC to exceed 75,000 square feet); 8) 403.12.G.6.b – NCO Scale and Mass: provide an alternative to the point system and point criteria (Tables 4-14 and 4-15) for Building Design; 9) 403.12.G.7.a, .b, and .d – NCO Architectural Style: provide an alternative to NCO district Design Manual; and 10) 403.12.G.8 –NCO Color: provide an alternative to NCO color requirements. The motion was seconded by

Commissioner Van Ostenbridge and carried 7-0.

BC20210617DOC011

COMMISSIONER COMMENTS

Commissioner Van Ostenbridge

-  Shadowed survey crew at a project on 59th Street West
- Toured bay area waters, and reported quite a bit of algae in the water

Commissioner Bellamy

- Noted Juneteenth is a national holiday ending slavery and celebrations will take place this weekend at Ward Temple AME Church

Commissioner Kruse

- Toured bay area waters with Rusty Chinnis, and would like to look into properties that have been trimming mangroves. He also saw algae, and encourage looking into ideas to help curtail algae blooms

Commissioner Satcher

- Addressed contributions to help fix Moccasin Wallow and increase safety
- Appreciates support for Erie Road


Discussion ensued regarding temporary lights at Moccasin Wallow and Ellenton Gillette Road.

Chairman Baugh

- Referenced an email from Jim Nixon who is trying to get bay area bridges lit with Rainbow colors. She spoke with the Florida Department of Transportation (FDOT) and would like Board approval to send a letter in support of the Rainbow colors

(Depart Commissioner Satcher)

A motion was made by Commissioner Van Ostenbridge and seconded by Commissioner Whitmore to approve the Chairman to send a letter to FDOT supporting lighting the bridges with Rainbow colors.


 William Clague, County Attorney, suggested the following wording for future motions to direct the County Attorney to prepare a resolution and being back to satisfy the request of the Florida Department of Transportation.

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

The motion carried 6-0 with Commissioner Satcher absent.

BC20210617DOC012

Commissioner Whitmore

-  Thanked Utilities for fixing a water main in her neighborhood
- Will attend a panel for Uno Dos Now to get kids interested in the Medical field
- Toured the Southwest District
- Announced the 4th of July parade on Anna Maria Island on July 3rd, and asked County staff to put a message board prior to the event on the island that all main thoroughfares will be closed. Need a mass media blitz warning residents about traffic from 10:00 a.m. to 12:30 p.m.
- Received a letter from Pam Freny, Shelter Manatee, withdrawing their \$350,000 donation to build a new animal shelter

Discussion ensued that mangroves can be trimmed around docks, but need a permit to trim, fertilizer ban during the rainy season, plantings to protect retention ponds from fertilizer runoff, and suggest no mow zones around all retention ponds.

COUNTY ADMINISTRATOR COMMENTS

Dr. Scott Hopes, County Administrator, advised directors if they have identified more than one qualified candidate for a position, and if they have new positions in budget tied to capital projects they should move forward to fill the positions, as it is difficult to get qualified candidates.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 12:20 p.m.

Minutes Approved: August 10, 2021