

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
August 5, 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 (attended via Zoom)
Misty Servia
Carol Whitmore


Also present were:

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

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

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

AGENDA

BC20220805DOC001

Agenda Update Memorandum: 

BC20220805DOC002

- Item 2, PDR-04-39(G)(R3), The Concession – Letter (7/30/21) from Maggie Mooney, representing the Panther Ridge III (Forest) Homeowners’ Association (HOA) requesting additional public comment presentation time, summary letter (8/2/21) from Edward Vogler, on behalf of the Applicant, update to staff report LDC Section 402.7.D and public comment correspondence presented
- Item 3, PDR-10-11(Z)(P)(R2), Gamble Creek Ranch RBGJAG Holdings LLC Rezone/Canoe Creek Phase IV – Revised alternative motion, revised Stipulation E.3, revised specific approval language (Second Means of Access Required), and revised Preliminary Site Plan (to show proposed paved emergency/evacuation route) presented
- Item 5, Comprehensive Text and Map Amendment PA-20-03/Ordinance 21-22 – Coastal High Hazard Area Overlay District, Coastal Evacuation Area Overlay District, and Coastal Planning Area – Motion to continue the public hearing to September 2, 2021 presented

Time Certain:

- Item 2, PDR-04-039(G)(R3), The Concession – 1:30 p.m.

CITIZEN COMMENTS (Future Agenda Items)


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

ADVERTISED PUBLIC HEARING (Presentation Upon Request)


1. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-21-01, Roy-Franco Rezone/Roy Gerard J, Jr. The Planning Commission recommended adoption (7/8/21).

No ex-parte communications were disclosed.

 Kyle Grimes, Attorney representing the applicant, displayed the zoning map from the staff report to discuss how the request is a small rezone from A to G, surrounding uses including the Publix Shopping Plaza directly across S.R. 70, and Wendy's Fast Food Restaurant. The request is compatible with surrounding uses and the Comprehensive Plan.


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 Land Development Code (LDC), Commissioner Servia moved to adopt Manatee County Zoning Ordinance Z-21-01, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 7-0, with Commissioner Satcher via Zoom.


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
ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

3. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-10-11(Z)(P)(R2), Gamble Creek Ranch RBCJAG Holdings LLC Rezone/Canoe Creek, Phase IV. The Planning Commission recommended adoption (7/8/21).


Chairman Baugh disclosed that she spoke to Richard Bedford, but not on this item, and Commissioner Van Ostenbridge disclosed that he speaks to Michael Neal daily.

 Pat Neal, Neal Communities, LLC, made introductory remarks.

 Anna Ritenour, Planner for the applicant, utilized a slide presentation to review the aerial map, phase map, existing and proposed zoning maps, future land use (FLU) map, Specific Approval requests to LDC Section 403.12.D.6, 403.8.F.2, and 1001.1.C, and Public Works Manual Section 3.1.3.B.6, interim condition map, and ultimate condition map.


Mr. Neal spoke to emergency access.


 Discussion took place on Public Works, Emergency Management, and the Fire District being in support of the emergency access point, and whether Phase IV would be compatible with the previous phases.


 Rossina Leider, Planning Section Manager, made use of a slide presentation to review the aerial map, request, FLUC and zoning maps, site characteristics, Preliminary Site Plan, access, specific approvals (staff does not support the request for LDC Section 403.8.F.2), proposed roadway connection sketches, positive and negative aspects, and mitigating measures. The request appears to be consistent with the Comprehensive plan and LDC. The update memorandum includes a revised alternative motion and Stipulation E.3.


 Discussion took place on whether the applicant owns the property to the west, Gamble


Creek Road, and the emergency access would be paved and gated, and if a fire truck can access the road, EMS should be able to as well.

 Denise Greer, Public Works, stated this would be an evacuation route, and Phase IV would be reliant on the adjacent phase for evacuation.

 Jake Bibler, Emergency Management, stated staff does not support the emergency access due to concern with the evacuation of 100 units (Phase IV), and the proposed project to the west.


 Discussion continued regarding the timing of both projects, and if staff would still be concerned if they were further spaced for development, during an evacuation the proposed gate would be opened, placing a stipulation in the Notice to Buyers, and whether Phase IV would be elevated outside of the flood zone.


 Thomas Gerstenberger, Stormwater Engineering Division Manager, displayed the Proposed FEMA 2021 FIRM to point out the Gamble Creek Watershed Management Plan depicted in red.


 Upon question regarding water access, Mr. Neal stated there could be a possible canoe launch to Gamble Creek.

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

There were no staff closing comments.


 Mr. Neal noted the community is above the floodplain, much time is being spent on design for the second means of access, and there is adequate access to Golf Course Road.

 Edward Vogler, Attorney for the applicant, explained this is a master community and had the overall plan had been presented from the beginning, the emergency access issue would not be a topic.

 Christopher Hatton stated the emergency means of access exists with Gamble Creek Road (map displayed)

Deliberations ensued on the Notice to Buyers stipulation, and stipulation regarding irrigation (reclaimed water).


Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, as conditioned herein, Commissioner Kruse moved to adopt Manatee County Zoning Ordinance PDR-10- 11(Z)(P)(R2) and approve Revised Preliminary Site Plan with Stipulations A.1-A.7, B.1, C.1-C.10, D.1-D.2, E.1-E.3 and F.1-F.6: Adopt the Findings for Specific Approval; and Grant Specific Approval for an alternative to LDC Sections: (1) 403.12.D.6 (buffer planting elimination), (2) 403.8.F.2 (reduction of upland habitat preservation in the North Central Overlay District and Coastal Planning Area), (3) 1001.1.C (Second Means of Access Required), and (4) Public Works Manual Section 3.1.3.B.6 (reduction of right-of-way), as recommended by the Planning Commission. The motion was seconded by Commissioner Bellamy.


 Mr. Vogler read proposed Stipulation F.7: A Notice to Buyers must be provided at the time of Final Site Plan to include notification of location and purpose of emergency access to the west, consistent with County.

Commissioners Kruse and Bellamy agreed to amend the motion to include the proposed language for Stipulation F.7.


 The motion as amended carried 7-0, with Commissioner Satcher via Zoom. BC20220805DOC004


4. **ORDINANCE/COMPREHENSIVE PLAN**

 A duly advertised public hearing was held to consider transmittal of proposed Comprehensive Plan Map Amendment PA-21-03/Ordinance 21-27, Coastal High Hazard Overlay District. The Planning Commission recommended transmittal (7/8/21).

 Nicole Knapp, Impact Fee Administrator, utilized a slide presentation to review the type of amendment, background, designation of CHHA, SLOSH for Storm Surge Inundation Modeling, history, Florida Basins - 2020, CHHA Category 1 map, and remapping, and request (seeking transmittal)

 Discussion took place that the County Commission is required to adopt the coastal high hazard map.


 Sarah Schenk, Chief Assistant County Attorney, confirmed that this one has to be adopted for housing keeping measures (read language).

 Based upon the evidence presented and comments made at the public hearing, upon the technical support documents, and finding the request to be in compliance with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes, and consistent with the Manatee County Comprehensive Plan, Commissioner Servia moved to transmit Manatee County Comprehensive Plan Amendment PA-21-03/Ordinance 21-27, as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge.

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

 The motion carried 7-0, with Commissioner Satcher via Zoom. BC20220805DOC005

5. **ORDINANCE/COMPREHENSIVE PLAN**

 A duly advertised public hearing was opened to consider transmittal of proposed Comprehensive Plan Map and Text Amendment PA-20-03/Ordinance 21-22 (fka 21-02, County-Initiated), Coastal Overlay Districts (Coastal High Hazard Area Overlay District, Coastal Evacuation Area Overlay District and Coastal Planning Area). This item is to be continued to September 2, 2021

(Note: This item was previously heard as PA-20-03/Ordinance 21-02, Comprehensive Plan Map Amendment, Coastal Evacuation Area Overlay District and Coastal Planning Area. The Planning Commission recommended transmittal (12/17/20) and the County Commission continued the item to no date set and to be re-advertised on 1/7/21)

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

Commissioner Servia moved to continue the public hearing for PA-20-03/Ordinance 21-22 to September 2, 2021, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, first floor, Patricia M. Glass Chambers. The motion was seconded by Commissioner Kruse and carried 7-0, with Commissioner Satcher via Zoom. `

BC20220805DOC006

COMMISSIONERS' COMMENTS

 Commissioner Whitmore

- Received numerous emails regarding \$100,000 from 7/27 and requested the motion be reconsidered to change the funding source to General Fund

Sarah Schenk, Chief Assistant County Attorney, advised placing this on the next agenda.

Upon question, Dr. Hopes had the impression that it was up to staff to designate the funding source, but he would clarify.

Commissioner Bellamy stated it was his understanding that the \$100,000 would not come from the Children's Services Fund. He voted in favor of the item in order to help people to not tell others what to do with their bodies.

Discussion ensued regarding clarification at the next meeting, protect unborn babies, continue to receive emails about funding for plants and animals, and should the motion be reconsidered. .

Ms. Schenk stated Bboard procedures are being revamped and she recommended earlier that this matter be addressed at the next meeting.

Dr. Hopes reiterated that he would clarify the issue at the next hearing, and in the future he would present a budget amendment resolution since this funding is budget driven.

RECESS/RECONVENE: 10:29 a.m. – 10:40 a.m. All Commissioners were present with Commissioner Satcher attending via Zoom.


 Commissioner Bellamy

- Asked that the Pledge of Civility be revised to include no profanity and sign the form in agreement of the Pledge of Civility and topic of choice.

Commissioners Kruse, Servia and Van Ostenbridge agreed with Commissioner Bellamy.

There was discussion on how citizens do not have to stay on topic in order to have three minutes, the Pledge of Civility should be read before every meeting, work session on Board Procedures (8/17/21), what about a 1:30 p.m. time certain for future agenda items, the County Commission has not been consistent with the rules for citizen comments, Commissioner Bellamy mentioned this matter during his briefing, and whether work sessions are noticed.

Commissioner Van Ostenbridge


-  Stated Mayor Gene Brown has a preliminary site plan for the boat ramp near Manatee Memorial Hospital to the east (Tarpon Point) with 70 parking spaces and proposed walking trail (to be emailed). There was discussion on dredge fill material,

- Washington Park, U.S. Army Corps of Engineers would be hurdle) BC20220805DOC007
- Reported Florida Estuary Program
- Stated he liked the video that Dr. Hopes did on Red Tide,

Commissioner Satcher

- Pointed out that the Pledge of Civility should include no yelling

Commissioner Servia

-  Asked Dr. Hopes to work with the State on a timeline for Piney Point

Dr. Hopes reported there are charts and timelines that he would be bringing forward and the County Commission would be pleased with the collaboration efforts. He explained Piney Point is still at risk especially with all of the rain.

Dr. Hopes was asked by the Town Manager for the County to manage Red Tide Mitigation for all of the Town of Longboat Key, which he agreed to.

Commissioner Van Ostenbridge noted the relationship with the Town of Longboat Key has improved and their portion of the beach was inundated with dead fish. The County's side of Longboat Key is 15 miles

Dr. Hopes confirmed that the FDEP is paying for clean-up efforts.

Commissioner Servia

- Mentioned efforts by Mote's Florida Red Tide Mitigation and Technology Development Facility (7/27) and noted residents could see daily updates on Visitbeaches.org

Commissioner Whitmore inquired about the County having adequate staff for the increase in beach clean-up efforts and liability insurance

RECESS/RECONVENE: 11:16 a.m. -1:30 p.m. All Commissioners were present with Commissioner Satcher attending via Zoom.


(Court Reporter, Jennifer DiLorenzo, was present)


2. **ORDINANCE/ZONING**

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

(Note: The Planning Commission heard PDR-04-39(G)(R2) on 5/14/20 and 6/11/20, and the County Commission heard PDR-04-39(G)(R2) on 6/4/20 and 6/23/20, which was denied with the adoption of Resolution R-20-103 on 7/22/20. On 5/6/21, the County Commission continued this item to 8/5/21, and to be re-advertised)

Chairman Baugh disclosed that numerous residents sought to discuss the matter with her, but she informed them that she unable to do so.

 Sarah Schenk, Chief Assistant County Attorney, summarized the history of the project and reviewed the time limits.


 Edward Vogler, Attorney for the applicant, made introductory remarks including how this item falls under the Florida Land Use and Environmental Dispute Resolution Act. He reviewed proposed changes - increased lot sizes, increased open space and clustering and reduced


building height to two stories. There was only one negative comment presented with the staff report, and the 15 lots would not impact the surrounding uses. If the matter is not resolved today then the Special Magistrate would render an opinion that would have to be presented to the County Commission. He reviewed his letter (submitted with the agenda update memorandum).

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Rachel Layton, Planner for the applicant, stated this is Phase IV, which replaces the previous phase. She utilized a slide presentation to review the request, the Concession GDP (PDR-04-39(G)(R), The Concession Cottages, Phase IV General Development Plan and Conceptual Lot Layout, FLU map, Concession Chart, Denied GDP and new plan for settlement, proposed residential development, Concession development, various aerial maps, Segment C –Proposed Roundabouts, roundabout graphics, and lot size aerials.

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 Discussion took place on whether the revised stormwater pond decreased slightly, horse trail would replace the existing trail, and there would not be public access but Homeowner Associations (HOAs) would be granted access, length of the horse trail (trail treaded through buffer, length is 60 feet), and amenity center design.


 Marshall Robinson, Planner II, used a slide presentation to review development boundary maps, history (The Panther Ridge Westside and The Concession), request, revised General development Plan proposal, The Concession Phase IV aerial map, and Comprehensive Plan policies.


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 Discussion took place on the meditation hearing changes.


Public Comment


BC20220805DOC011


 Bob Petril did not support the request due to concern with proximity to S.R. 70.


 Olga Zarlenga displayed a presentation depicting the Panther Ridge Rail Trail and she expressed concern with lot sizes, possible increase in area flooding, and resident's rights to utilize the trail.


Scott Andress made use of a slide presentation to oppose the request.


 Alicia Fretz opposed the request, because Phase IV is incompatible with the existing homes and would affect property values.

 Daniela Drillmann, adjacent property owner, submitted a petition in opposition of the request. While displaying a slide presentation, she expressed concern with flooding, etc.


 John Givens, The Concession Phases I-III, expressed concern with density, compatibility, water supply and drainage issues, and the lack of the amenity center as promised by the applicant.


 Clifford Powell, Panther Ridge resident, expressed concern that the character of the area would altered with the building of the request, drainage issues, noise pollution from S.R. 70 if the buffering is removed or revamped and the relocation of rail trail.


 Nicolle Olarsch, Panther Ridge resident, expressed concern with the relocation of the rail trail closer to S.R. 70 since this area is prone to drainage issues and traffic dangers, and incompatibility with the surrounding residences.


 Meredith Barcomb pointed out flooding affects the health of horses, which is why residents have brought up flooding concerns. She discussed smart development, Future Development Area Boundary (FDAB), and safety of S.R. 70. She inquired why developers are not made to wait while infrastructure is built.


RECESS/RECONVENE: 3:15 p.m. 3:25 p.m. All Commissioners were present with Commissioner Satcher via Zoom.

 Tyrone Hill stated there is not enough scientific information to make an informed decision on whether the project would increase nutrient runoff, and if the County could handle increased water precipitation.


 Jan Norsoph, Planning Consultant representing the Foxwood at Panther Ridge HOA, utilized a slide presentation to review reasons why the project should be denied. He noted that he submitted an update report via email (7/23/21, page 368 of the staff report).


 Daniel Lobeck, Attorney representing the Foxwood at Panther Ridge HOA, reviewed his concerns in opposition of the request as outlined in his email on August 3, 2021, as submitted with the agenda update memorandum.


 Maggie Mooney, Attorney representing the Panther Ridge III (the Forest) HOA, used a slide presentation to review the X, Panther Ridge communities trail system and lot sizes, proximity of the project to the Forest HOA, property appraisal information, distance from the proposed development site, compatibility defined, not compatible with the Forest HOA or other Panther Ridge communities, FLU concept map, rural urban boundary line, evaluation of other transitional developments is flawed, inadequate compatibility analysis and comparisons, and project destroys the trail.


 Eamonn Barr, Point at Panther Ridge resident, agreed with previous comments regarding the rail trail.

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

 Ms. Schenk stated this is the time for cross examination. There were none.


 Discussion ensued on whether the applicant is allowed to build 700 feet from S.R. 70, is the applicant guaranteeing in writing that there would be a trail (easement would be proffered for access), and flooding concerns (three homes are built in the 100-year floodplain, drainage plan map).


 Jeb Mulock, Engineer for the applicant, reported there are standards for mitigation impact, runoff, etc.


 Thomas Gerstenberger, Stormwater Engineering Division Manager, pointed out there are stormwater stipulations.


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Discussion continued on what the project name (The Concession or Phase IV), S.R. 70 roundabout designed and approved, distance from the travel lane and rail trail (114 feet), actions by the applicant if the project is denied or approved, whether the current GDP is valid, project consistent with the Comprehensive Plan and LDC, how would the nutrient load be affected, density calculations, agent authorization validity, infrastructure and concurrency, and tree preservation and/or replacement.

 Gary Race, Environmental Management, was not aware if the project was part of a tree preservation project. He spoke to tree replacement.


 Chairman Baugh stated John Givens has the respect of other residents since a number of residents gave him permission to speak on their behalf. She disclosed that she has been invited to The Concession on numerous occasions and expressed her appreciation for the golf course. She asked him why he felt the project should not be approved and on flooding issues. She has visited The Concession with Mr. Gerstenberger regarding flooding in Cow Pen Slough. She asked about area flooding.

 Mr. Gerstenberger spoke to flooding (displayed Braden River Watershed, FEMA 2014 FIRM, Braden River Watershed Management Plan maps).


 Ms. Leider spoke about the number of units. She submitted additional public comment correspondence.

 During rebuttal Mr. Vogler discussed how the FDAB is not being changed, replat of The Concession, trail tread, and flooding (documents displayed).


Factual Errors


 Mr. Loebeck rebutted on Mr. Vogler's claim to rail trail and density. This matter would not come back to the County Commission unless property rights are denied.

 Upon question, Ms. Leider reported the plan reflects an equestrian plan.

 Commissioner Satcher asked about the length/location of the rail trail.

Deliberations ensued on compatibility, this project did not have a master plan, and pleased that the lot sizes were doubled.

 Commissioner Van Ostenbridge moved to deny PDR-04-39(G)(R3) and Commissioner Kruse seconded the motion.

 Ms. Schenk read proposed motion to continue to deny: I move to continue the deliberations portion of the public hearing for Zoning Ordinance PDR-04-39(G)(R3) to the next available Land Use meeting, September 2, 2021, at 9:00 a.m. or as soon thereafter as same by heard, and direct staff and the County Attorney's office to prepare findings and a written order for the denial of this application as being inconsistent with the Comprehensive Plan and not in compliance with the applicable portions of the LDC.

The motioner and seconder agreed to the motion as read by Ms. Schenk, and the motion carried 6-1, with Commissioner Satcher via Zoom and Commissioner Servia voting nay.

AUGUST 5, 2021

(Continued)

Ms. Schenk reminded the County Commission that the prohibition on ex-parte communications still applies because a vote is necessary on the resolution to deny.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 5:18 p.m.

Minutes Approved: December 6, 2022