

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS  
1112 Manatee Avenue West  
Bradenton, Florida  
September 2, 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:

Robert Wenzel, Development Services Section Manager  
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 9:01 a.m.

All witnesses and staff giving testimony were duly sworn.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

1.  The Invocation was delivered by Minister Joe Henry, Sr., East Bradenton Church of Christ, followed by the Pledge of Allegiance.

**AGENDA**

BC20210902DOC001

Agenda Update Memorandum: 


BC20210902DOC002

- Item 5, PDR-20-16(Z)(G), S M Ranch LLC – Presented were (a) changes to the staff report, (b) revised specific approval request letter, General Development Plan, and zoning ordinance, and (c) public comment correspondence. Rossina Leider, Planning Section Manager, reported further changes have been made to the zoning ordinance, which would be submitted later in the meeting.


**CITIZENS' COMMENTS** (Future Agenda Items)

BC20210902DOC003

 Andra Griffin welcomed Commissioner Van Ostenbridge back.

 Rachel Layton, Planner, stated at the work session on August 31, 2021, a question was posed on whether the North Central Overlay District (NCO) amendments to remove the map and text language should go simultaneously as the other items for the Parrish Civic Association. It may be more efficient for the County to move forward with NCO map amendments first in order to give the parties time to work together in assisting the Parrish Civic Association with the Parrish Village items.


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

 Sarah Schenk, Chief Assistant County Attorney, elucidated the County has granted many specific approval requests for the NCO, so many of the provisions are no longer enforceable.


In the future a motion would be required by the County Commission to direct staff to initiate amendments to the Land Development Code (LDC) to appeal the NCO.


**ADVERTISED PUBLIC HEARING** (Presentation Scheduled)

1. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-21-11(Z)(G) [related PDR-06-17(P)], The Cove at Terra Ceia Bay Villas/Terra Ceia Land Ventures LLC. The Planning Commission recommended adoption (8/12/21)

No ex-parte communications were disclosed.

 Robert Schmitt, Planner for the applicant, displayed the aerial map from staff report to note the location is north of 49th Street East (Palmetto) between U.S. 19 and U.S. 41. The applicant, Kelly Frye, bought the property with the intent to complete construction of the unfinished development.

 Mr. Frye reported the previous builder/developer went bankrupt halfway through the construction of the development. He displayed an Overall Site Aerial map from the staff report to point out the location of the constructed units as he explained how the property owners were left to pay for all of the infrastructure and maintenance when only half of the units were constructed, and they did not get a swimming pool. His plans are to finish constructing the remainder of the units as originally planned. The project was previously approved for 39 units and only 20 units were built, which leaves a balance of 19 units to be constructed. The request is for a rezone from A-1 (Suburban Agriculture) to PDR (Planned Development Residential) for 0.63 acres. He has been working with the existing Homeowners' Association to blend into the community as well as a maintenance and cost-sharing agreement to evenly distribute the costs across the 39 units. Six of the units would be designated for affordable housing and all of the units are priced below the affordable housing limits. He read a letter of support from Kurt Klein, Palms of Manasota Villas Association, Inc.

(Note: The previous Preliminary Site Plan approval in 2006 was for 32 units and approval of the proposed General Development Plan would add seven units for a total of 39 units)

 Rossina Leider, Planning Section Manager, stated the site is within the RES-9 future land use category (FLUC) with a maximum of nine residential units per acre. The decrease would increase from 2.11 to 2.47 with additional seven units. No changes are proposed to the previous Preliminary Site Plan (expired), and wetlands and wetland buffers. Staff supported the request.

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, as stipulated herein, Commissioner Bellamy moved to adopt Manatee County Zoning Ordinance PDR-21-11(Z)(G) [related to PDR-06-17(P)]; Approve the General Development Plan with Stipulations A.1-A.5, B.1, and C.1-C.5; Adopt the Findings for Specific Approval; and Grant Specific Approval for an alternative to LDC Section 1005.7.D to allow backing of vehicles onto a public or private travel lane, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 7-0.

BC20210902DOC004

(Note: Advertised Public Hearing, Presentation Scheduled, continued to later in the meeting)

**ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)**

**2. ORDINANCE/COMPREHENSIVE PLAN**

 A duly advertised public hearing was held 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 Overlay District, Coastal Evacuation Area Overlay District and Coastal Planning Area. The Planning Commission recommended transmittal on July 8, 2021, and the County Commission continued this item on August 5, 2021, to this date.


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 no date set and to be re-advertised. The motion was seconded by Commissioner Van Ostenbridge.


The motion carried 7-0.

BC20210902DOC005


**3. RESOLUTION/PDR-04-39(P)(R3), THE CONCESSION**

 A duly advertised public hearing was held to consider adoption of proposed Resolution R-21-147, to deny an application to amend stipulations in a zoning ordinance, and approval of an amended General Development Plan.

(Note: The County Commission continued this matter on 5/6/21 due to the lack of a full board, and on 8/5/21 to this date)


 Sarah Schenk, Chief Assistant County Attorney, stated the County Commission held a duly noticed public hearing on August 5, 2021, regarding this application, and directed the County Attorney's office to bring back findings for denial. The attached resolution contains written findings of fact and conclusions of law to support denial of the application. She read the proposed motion: I move to adopt Resolution 21-147 to deny Application PDR-04-39(G)(R3) to amend zoning stipulations and to deny approval of an amended General Development Plan. If the motion passes the applicant's attorney has indicated that he would proceed to Special Magistrate for the next portion of the process, which is a recommended order that would come to County Commission for consideration.

Upon question, she confirmed that public comment should not be taken on this item and if this passes, she advised the County Commission to treat this matter as a pending application and not have ex-parte communications.


 Commissioner Kruse moved to adopt Resolution 21-147, to deny application PDR-04-39(G)(R3), to amend zoning stipulations, and to deny approval of an amended General Development Plan. The motion was seconded by Chairman Baugh and carried 7-0.

BC20210902DOC006

**4. ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDC-06-54(Z)(P)(R), AP Bradenton Limited Partnership/Royal Palm Crossing, Phase III. The Planning Commission recommended adoption on 8/12/21.

No ex-parte communications were disclosed.

 Robert Schmitt, Planner for the applicant, displayed zoning and aerial maps from the staff report to point out the location of the site (23.58 acres), which is between 51st Avenue East and 53rd Avenue East (S.R. 70) and west of U.S. 301 (the movie theatre is located on Lot 1). The GC (General Commercial) portion of the site, Lot 4 (1.88 acres), was previously zoned


PDC (Planned Development Commercial) and this rezone request would make it consistent with the remainder of the site. The site has a valid Certificate of Level of Service, but the Preliminary Site Plan has expired. The request is compliant with the Comprehensive Plan and the LDC.

 Commissioner Servia inquired if the specific approval requests were previously granted.

 James Rigo, Planning Section Manager, elaborated that the specific approval request would to allow an alternative to the design of the landscaping for a common use driveway between Lots 3A and 3B. In 2007, there were unnecessary setbacks established with this project, which would be corrected with this request.

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, as conditioned herein, Commissioner Servia moved to adopt Manatee County Zoning Ordinance PDC-06-54(Z)(P)(R); Approve a revised Preliminary Site Plan with Stipulations A.1–A.2; B.1–B.2; C.1–C.4; and D.1–D.10; Adopt the Findings for Specific Approval; and Grant Specific Approval of an alternative to LDC Section 701.3.A.7 to allow an alternative to the design of the required side-yard landscape and vehicular buffers between Lots 3A and 3B, as recommended by the Planning Commission. The motion was seconded by Commissioner Bellamy, and carried 7-0.


BC20210902DOC007


**ADVERTISED PUBLIC HEARING** (Presentation Scheduled Continued)


5. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-20-16(Z)(G), SM Ranch LLC. The Planning Commission recommended adoption (8/12/21).


No ex-parte communications were disclosed.


 Michael Neal, Wilmington Land Company (Contract Purchaser), stated changes to the request were made in response to concerns presented at the Planning Commission meeting.


 Anna Ritenour, Planner for the applicant, used a slide presentation to review the aerial map, surrounding projects, existing and proposed zoning maps, future land use map, General Development Plan, and specific approval requests (5).


 Chris Fisher, Engineer for the applicant, reported the applicant is aware of the flooding that takes place in this area and they would address it by looking at the topography and the drainage model. He continued the slide presentation topography, Gamble Creek Watershed map, elevation map, proposed conditions map, and stormwater design guidelines and restrictions.


 Christopher Hatton, Traffic Engineer for the applicant, explained the traffic analysis was conducted for the General Development Plan. The analysis that follows would be a more focused analysis that would help them to limit and restrict the amount of traffic on Jim Davis Road and impacts to the neighbors.

 Edward Vogler, Attorney for the applicant, displayed an altered General Development Plan to discuss Jim Davis Road and the portion that was rebuilt as part of the Canoe Creek project. A west connection to Spencer Parrish Road is planned. Golf Course Road and Spencer Parrish Road are planned for four lanes with 120-foot right-of-way. He confirmed that concurrency has been deferred and the potentially impacted roadway segments would have sufficient capacity for the proposed traffic. He noted the drainage modeling shall demonstrate that no adverse impacts will be created to neighboring properties (Stipulation C.1), which would be demonstrated at construction drawing approval.


 Discussion took place on whether flooding on Jim Davis Road has been reduced, the realignment of Spencer Parrish Road, whether the 12-foot wall would be designed as a noise mitigation, existing dog kennel on Spencer Parrish Road, numerous ways to mitigate noise, Notice to Buyers to include language about the dog kennel (Call Me Farms), is there a commitment pertaining to Spencer Parrish Road, the intent is for the main traffic to access Spencer Parrish Road, clarification that the height of the wall was corrected to 12 feet on the agenda update memorandum, and efforts on seeking the required permits from the Army Corps of Engineers.


 James Rigo, Planning Section Manager, submitted the further revised zoning ordinance. He utilized a slide presentation to review the request details, FLUC and zoning maps, General Development Plan, lot type/size information, nearby approvals, specific approval requests (5) and analyses and findings, positive and negative aspects. In conclusion, Mr. Rigo noted the request appears to be consistent with the Comprehensive Plan and in compliance with the requirements of the LDC. The Planning Commission approved this rezone request with a 4-0 vote with the denial of the aforementioned stipulations, which have since been revised and are now endorsed by staff.

 Marsha Gray, Spencer Parrish Road resident, expressed concern with the effect of developers acquiring agricultural lands, and the proposed expansion of Spencer Parrish Road (her comments were submitted).

 Bonnie Hill, current property owner and daughter of Sybil Musgrave, stated she was raised on farm land, so she understands the value of land, but the family can no longer keep the property that has been in their family for years.

There was no further public comment.

 There was discussion on the side setbacks being approved in this area often, 11-foot-wide travel lanes (reduced travel lane pavement), on-street parking would be included with the Notice of Buyers, Homeowners' Association do not allow parking on streets, villas may not be considered for the project, where would visitors park, wetlands, finished floor elevations, reducing the discharge rate, and what the applicant is proposing has been seen before.

 Joel Christian, Environmental Scientist for the applicant, reported it is predominantly forested and maintained to the north of the wetland and to the south the canopy is not as dense and has herbaceous material in the center. Wetland mitigation would be necessary for those impacts through the restoration or enhancement of the remaining part of the wetland.

**RECESS/RECONVENE:** 10:30 a.m. – 10:40 a.m. All Commissioners were present.


Motion – Approval

Rossina Leider, Planning Section Manager, read the further revised motion for approval: Based

upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, as stipulated herein, I move to adopt Manatee County Zoning Ordinance PDR-20-16(Z)(G); Approve the General Development Plan with Stipulations A.1–A.5; B.1–B.6; C.1–C.4; and D.1; Adopt the Findings for Specific Approval; and Grant Specific Approval of an alternative to LDC Sections: (1) 403.12.D.5 and 403.12.D.6 to eliminate the greenbelt buffer and tree planting requirements; (2) 511.6.C to increase the height of a fence from 9 feet to 12 feet for a length of 1,382 linear feet; (3) 403.12.D.5.a to allow a variable width roadway buffer; (4) Public Works Manual Part 3, Section 3.1.3, Private Streets, Section B.6.k, and Section 1001 of the LDC to allow a reduction to the travel lane pavement width from 12 to 11 feet in width; and (5) 402.7.D.7 to reduce the front-yard setback from 25 feet to 23 feet.

The motion as read by Ms. Leider was moved Commissioner Van Ostenbridge and seconded by Commissioner Whitmore.


Amended Motion – Failed

 Commissioner Satcher moved to amend the motion to increase the side-yard setbacks to 16 feet (specific approval request to LDC Section 407.7.D.7). The motion died for lack of second.

Commissioner Whitmore pointed out the reduction in side-yard setbacks is common.

Mr. Rigo confirmed it has been common to reduce the side-yard setbacks and the Notice to Buyers would state that there shall be a separation from any other equipment between buildings to make sure there is a proper flowage for the drainage.

 During closing remarks, Mr. Vogler discussed how the Parrish area is changing from an agricultural community, and on parking regulations and enforcement.

 Discussion took place on the preservation of rural lands including planning for infrastructure, area residents getting involved with the Parrish Civic Association, building what people want, the FLUC is UF-3, and providing adequate infrastructure is not the responsibility of residents and developers.

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

BC20210902DOC008


**COMMISSIONERS' COMMENTS**

Commissioner Whitmore

-  Attended the Transportation Disadvantaged meeting and read statistics

BC20210902DOC009

Commissioner Van Ostenbridge

-  Reported the Supreme Court ruled in favor of the Texas Heartbeat Abortion Bill and he wanted to dialogue on the County Commission sending a letter to Attorney General Ashley Moody for her guidance as previously discussed. He asked whether Commissioner Satcher has spoken to the County Attorney, formulated a letter and pursued placing the matter on a future agenda for consideration.

Commissioner Satcher stated his initial thought was to reach out to Attorney General Moody verbally, but he remembered that during her campaign she said she would protect pro-life measures. Senator William “Bill” Galvano expressed willingness to address the matter with her; however, the County does not have a written ordinance.


Commissioner Van Ostenbridge noted he would like to outline in a letter what the County would like to achieve and seek her guidance on how they should proceed.

Commissioner Satcher agreed that he should speak to the County Attorney on how to formulate language.


Chairman Baugh pointed out there could be lawsuits if the County Commission votes in favor of an abortion bill, which is more of a reason to get a memorandum from the Attorney General.

(Note: This matter further discussed on 9/14/21)

Commissioner Servia


-  Thanked staff and METV for their efforts for the work session on August 31, 2021, and noted she would like to see more of them throughout the County

Commissioner Satcher


-  Reported pro-abortion groups are not filing lawsuits in Florida because they are not confident in their ability to win in Supreme Court, so they are relying on old laws. There should be no legal jeopardy, and Plessy versus Ferguson was the law of the land and should be overturned.

Commissioner Whitmore

- Inquired if Chairman Baugh had been politicking for the legislative platform since she was in Tallahassee on the day of Karen Stewart's retirement event. If so, the County Commission should be made aware of such.
- Reported that she is pro-choice, and she does not push her opinions on other people or let it affect her decisions as a County Commissioner

 Chairman Baugh reported her trip to Tallahassee was for private reasons.

Commissioner Bellamy

-  Stated he was unable to attend Karen Stewart's retirement event due to a doctor's appointment

**ADJOURN**

There being no further business, Chairman Baugh adjourned the meeting at 11:13.

Minutes Approved: July 25, 2023