

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
December 15, 2022**

Meeting video link: <https://www.youtube.com/channel/UCULqjuGhS-qV966RU2Z7AtA>

Present were:

Kevin Van Ostenbridge, Chairman
James A. Satcher III, First Vice-Chairman
George Kruse, Second Vice-Chairman
Amanda Ballard
Vanessa Baugh
Jason Bearden
Mike Rahn


Also present were:


Dr. Scott L. Hopes, County Administrator
Courtney De Pol, Development Services Director
Rossina Leider, Planning Section Manager
Sarah Schenk, Chief Assistant County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court

Chairman Van Ostenbridge called the meeting to order at 9:00 a.m.

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Pastor Ralph Hoehne, the Source Church, followed by the Pledge of Allegiance.

 Chairman Van Ostenbridge acknowledged that Deputy Kevin Webb has served 50 years with the Manatee County Sheriff's Office, and is retiring.

Chairman Van Ostenbridge announced that Zoom would no longer be offered as an option for calling in.

AGENDA

BC20221215DOC001

 Agenda Update Memorandum 1 and 2

BC20221215DOC002


- Item 3 - Revision to the 2023 Board of County Commissioners Meeting Schedule – Revised cover sheet and revised calendar attached
- Item 4 - Land Use Restriction Agreements (LURAs) Between Manatee County and Oneco 51 Senior Apartments, LTD, for the project known as "Savoy Savoy at 301", and Oneco 51 Family Apartments, LTD, for the project known as "301 Flats"; a total of 572-Units of Affordable Housing Development Projects (District 2) – Revised cover sheet in strikethrough/underline format and attachments attached
- Item 5 - Approval and Execution of Subordination Agreements ~~for~~ between Manatee County, Oneco 51 Senior Apartments, LTD. the "Savoy at 301", and Oneco 51 Family Apartments, LTD. "301 Flats", Affordable Housing Development Projects. - Revised cover sheet in strikethrough/underline format attached
- Item 7 - Approval and Execution of Amended Promissory Note Documents for Gap Funding Assistance ~~for~~ between Manatee County, Oneco 51 Senior Apartments, LTD. (The Savoy at 301), and Oneco 51 Family Apartments, LTD. (301 Flats), Affordable Housing Development Projects. - Revised cover sheet in strikethrough/underline format attached

- Item 15 - LDCT-22-18/Ordinance 22-80 County Initiated Land Development Code Text Amendment Accessory Kitchen - Action and updates from Planning Commission and revised motion for approval attached
- Item 16 - LDCT-22-20/Ordinance 22-91 County Initiated Land Development Code Text Amendment Car Washes - Updates and Action from Planning Commission and revised ordinance attached
- Item 17 - LDCT-22-21/Ordinance 22-103 County Initiated Land Development Code Text Amendment Publication of Legal Notice PLN2209-0019 - Legislative - Nicole Knapp, Comprehensive Planning Manager - Action and updates from Planning Commission and revised motion for approval attached.
- Item 19 - Z-22-01-MB Builders, Inc. Rezone-MB Builders Inc. (Owners) - Action and updates from Planning Commission, revised motion for approval and revisions to staff report attached
- Item 20 - Z-22-04-Jeffers Rezone-Jeffers Pamela J (Owner) - Update to staff report and action of Planning Commission, updated motion for approval; updated staff report maps and aerials and revised ordinance attached
- Item 22 - Ordinance No 22-97 County Initiated Code of Ordinances Text Amendment Article 1 Of Chapter 2-6 - Buildings and Building Regulations - Appendix "Q" - Tiny Houses On Foundations - Updated staff report attached
- Item 24 - Mediated Settlement Agreement of Special Magistrate Clifford Shepard re: Resolution R-22-094 denying application no. PDR-21-07(Z)(G) to rezone 42 acres of real property generally located at 2401 Twin Rivers Trail - 1:30 p.m. Time Certain - Request from applicant to continue to February 2, 2023, revised motion and public comments attached.
- Item 25 - PA-21-05 / Ordinance 22-41 Elan - Small-Scale Comprehensive Plan Map Amendment - Action and updates from Planning Commission and a revised motion to approve attached
- Item 26 - PDMU-21-14(Z)(P) - Elan Casto Net Lease Properties, LLC PLN2108-0008 - Quasi-Judicial - Dorothy Rainey, AICP, Principal Planner - Additional Public Comment, Action and updates from Planning Commission; revised motions; updates to staff report and revised ordinance attached
- Item 27 - PA-21-09/Ordinance 23-11 SMR Taylor Ranch, LLC - Large Scale Comprehensive Plan Map and Text Amendment - Action and updates from Planning Commission, revised motion for Transmittal and public comments attached
- Item 28 - Ordinance 22-39/Robinson Gateway/DRI #29 - Revised Zoning Map, action and updates from Planning Commission and Revised Map H attached
- Item 29 - PDMU-15-04(G)(R)/Robinson Gateway General Development Plan Amendment - Action and updates from Planning Commission, revised motion for approval, public comments, revised zoning map, revised General Development Plan and revised affordable housing memorandum attached
- Item 30 - PDR-21-25(Z)(P)- Jordan Creek at Manatee - William Monroe Rowlett Academy for the Arts and Communication, Inc. (Owner) - Public Comments attached
- Item 33 - Adoption of Resolution R-22-222, approving the recommended alignment of Lorraine Road from SR 64 to 59th Avenue East - Item to be deferred until January
- Item 34 - Adoption of Resolution R-22-26 - Item added to the Agenda


BC20221215DOC003

RECESS/RECONVENE: 9:12 a.m. - 9:19 a.m. The County Commission meeting recessed for the purpose of holding a Port Authority meeting. The County Commission meeting reconvened with all Commissioners present.

24. COUNTY ATTORNEY/LAWSUIT/RESOLUTION

 A duly advertised public hearing was opened to consider adoption of Resolution R-22-094 denying application PDR-21-07(Z)(G) to rezone 42 acres of real property generally located at 2401 Twin Rivers Trail to the PDR (Planned Development Residential) zoning district, a General Development Plan for 126 single-family detached residential units and a 5,000 square foot residential support use facility with related specific approvals.

There being no public comment, Chairman Van Ostenbridge closed the public hearing.


 A motion was made by Commissioner Satcher and seconded by Commissioner Baugh to continue the public hearing for PDR-21-07(Z)(G)(R) to February 2, 2023 at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Building, 1112 Manatee Avenue West, 1st Floor, Honorable Patricia M. Glass Chambers.

There being no public comment, Chairman Van Ostenbridge closed public comments.

The motion carried 7-0.

BC20221215DOC004

30. DEVELOPMENT SERVICES/ORDINANCE/ZONING

 A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance PDR-21-25(Z)(P)/Jordan Creek at Manatee/William Monroe Rowlett Academy for the Arts and Communications, Inc. (Owner). The Planning Commission recommended denial.


The applicant requested a continuance.

There being no public comment, Chairman Van Ostenbridge closed public comments.

A motion was made by Commissioner Satcher, seconded by Commissioner Ballard, and carried 7-0, to continue the public hearing on PDR-21-25(Z)(P)/Jordan Creek at Manatee/William Monroe Rowlett Academy for the Arts and Communications, Inc. (Owner).


BC20221215DOC005

CITIZEN COMMENTS (Future Agenda Items)

 Drew MCurdy questioned the status of the downtown Library, and disagreed with rezoning the property to residential, expanding housing in east Manatee County, and expressed concern regarding the effects of development on water quality.

 Carol Felts stated larger signs should be posted on property when a rezone is requested, and requested the establishment of a rural committee to advise on issues out east.

There being no further citizen comments, Chairman Van Ostenbridge closed citizen comments.

 Discussion ensued that the rezone request for the Library is being done by the City of Bradenton, there is a lot of growth out east, the County works with municipalities to redirect development away from areas considered to be urban sprawl, QR codes are included on advertisements for rezones, all proposed rezones are on the website, www.mymanatee.gov, and the City of Bradenton is looking at rezoning the entire downtown area.

CONSENT AGENDA


Items 4, 5, and 7 – Pulled by Commissioner Bearden

Motion – Approve Consent Agenda

A motion was made by Commissioner Baugh and seconded by Commissioner Rahn to approve the Consent Agenda with the changes incorporated in the Agenda Update Memorandum, with deletion of Items 4, 5, and 7 (separate action).

CITIZEN COMMENTS (Consent Agenda Items)

There being no citizen comment, Chairman Van Ostenbridge closed citizen comments.

The motion carried  7-0.

- 1. **CLERK’S CONSENT AGENDA** BC20221215DOC006
 - A. **MINUTES**
Approved the Minutes of October 7, 2021, and September 1, 2022
 - B. **PARTIAL RELEASE OF SPECIAL ASSESSMENT LIEN**
Accepted and recorded the following:
 - 1. Project 3137 – Winterland and Wellon Ranch Sewer, Michael P. Graham and Nancy Graham BC20221215DOC007
 - C. **SCRIVERNER’S ERROR**
1. Adopted Budget Amendment Resolution B-23-016 (previously adopted 11/29/22) correcting the reference number from BU22000028, to the correct reference number BU23000028, as reflected in the backup of the budget amendment BC20221215DOC008
 - D. **REFUNDS**
Approved:
 - 1. Medallion Homes – Utility Water Facility Investment Fees, \$5,588 BC20221215DOC009
 - 2. Extra Garage LLC- MCUD Billing Department Setup Fees, \$1,149.27 BC20221215DOC010
 - E. **RESOLUTION**
Adopted Resolution R-22-225, authorizing the Chairman and First Vice Chairman to sign checks BC20221215DOC011

- 2. **COUNTY ATTORNEY/OUTSIDE COUNSEL**
Authorized the County Attorney to execute a letter of engagement with Grey Robinson, P.A. as outside counsel in the litigation against Save Gates Creek and its Neighborhoods, Inc., represented by Jay D. O’Sullivan of Quintairos, Prieto, Wood and Boyer, P.A. BC20221215DOC012

- 3. **DEVELOPMENT SERVICES/MEETING SCHEDULE**
Approved the revised 2023 Board of County Commissioners Meeting Schedule as revised on the updated cover sheet BC20221215DOC013

- 6. **DEVELOPMENT SERVICES/AGREEMENT**
Executed the Gap Loan Agreements between Manatee County and HTG Riverview6, LTD., for the 80-unit mixed-use affordable housing development project located at 901 6th Avenue West Bradenton BC20221215DOC014

- 8. **DEVELOPMENT SERVICES/FINAL PLAT/CRESSWIND PHASE IV**
 - Executed and authorized recording of Final Subdivision Plat;
 - Accepted, executed, and authorized recording of the Fourth Amendment and Third Supplemental Declaration to Community Declaration for Cresswind Lakewood Ranch (Cresswind Phase IV);
 - Accepted, executed, and authorized recording of the Mortgagee’s Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Theron for Cresswind Phase IV;
 - Authorized the County Administrator to Accept, Execute, and Record Agreement for

- Private Subdivision with Public Improvements for Cresswind Phase IV;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Cresswind Phase IV; Bond 800147906, \$1,927,733.34;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Private Subdivision with Private Improvements for Cresswind Phase IV;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Cresswind Phase IV; Bond 800147909, \$3,336,272.62;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Cresswind Phase IV, Bond 800147908, 224,102.45;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Cresswind Phase IV, Bond 800147907, \$1,088,063.13; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Cresswind Phase IV, Bond 800147910, \$31,239

BC20221215DOC015

9. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**

Adopted Budget Amendment Resolution B-23-040

BC20221215DOC016

10. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized the Purchasing Official, or designee, to execute Change Order 2 to Agreement 21-TA003710JE for Manatee County Piney Point Deep Injection Well Project with Youngquist Brothers LLC, to add an additional 90 calendar days to the construction schedule

BC20221215DOC017

11. **PUBLIC WORKS/AGREEMENT**

- Executed Reimbursement Agreement with Meritage Homes of Florida, Inc., for Transportation Improvements; and
- Adopted Budget Resolution B-23-038 amending the annual budget for Manatee County, for FY23. This budget amendment adjusts the FY23-27 Capital Improvement Plan (CIP)

BC20221215DOC018

12. **PUBLIC WORKS/AGREEMENT**

- Executed the Reimbursement and Impact Fee Credit Agreement with Meritage Homes of Florida, Inc., for Utility Improvements; and
- Adopted Budget Resolution B-23-039 amending the annual budget for Fiscal Year (FY) 23. This budget amendment adjusts the FY 23-27 CIP

BC20221215DOC019

13. **UTILITIES/FEES**

Authorized the waiver of tipping fees at the Lena Road Landfill for solid waste disposal from the Manatee County Fair to be held January 12-22, 2023

BC20221215DOC020


34. **DEVELOPMENT SERVICE/RESOLUTION**


Adopted Resolution R-22-226 for Budgeting and Appropriation of legally available funds for the approved Gap Loan to Riverview6, Ltd., for the 80-unit affordable housing development located at or about 601 9th Street West, Bradenton


BC20221215DOC021


(End Consent Agenda)


4. **DEVELOPMENT SERVICES/AGREEMENT**


 Commissioner Bearden disagrees moving funding from the Tax Increment Financing (TIF) funds to Impact Fees, as this would drain the TIF funds. It is better to look at other options to help this project.


 Discussion ensued regarding the County would pay the impact fees for affordable housing, the County is in desperate need of more affordable housing in District 2, the County helping to pay the impact fees will make projects like this more attractive, it is difficult to give incentives, try to do anything that can be done to encourage affordable housing, the project is already approved so to deny will not help, developers are able to get Livable Manatee funds, this program assists developers, there was too much money in the TIF, uses for TIF funds, using this money for affordable housing is a better choice, the Board voted to approve the gap funding, but not in favor of this funding and there are other ways to get affordable housing approved; however, this was already voted on by the previous Board.

 Courtney DePol, Deputy County Administrator, noted once the gap funding was approved, the TIF funds are used to pay for the impact fees.


 Discussion continued regarding understanding approvals, a new Board has new visions, another project could ask for the same type of funding, then there will be no more funding in the TIF, there needs to be more strategy regarding these funds, more innovative on funding, this is a Land Use Restriction Agreement (LURA) for impact fees, gap funding is discretionary, it is not good to renege on contracts, there are not enough developers building affordable and workforce housing, the County is paying themselves the impact fees which go to parks, roads, and public safety, LURA is the developer promising to keep the housing affordable for years, a commitment was made to the developers by the government, have a discussion on setting up a process to help developers make the numbers work, Oneco project is over 500 affordable units, there is a minimal amount of interest charged, the LURAs have been extended, as well as the gap funding, provide funding to do good in the community, this was pushed due to the number of homeless, this is covering 100 percent of the impact fees and do not want to set a precedent, government building housing is not the option, developers are not charging full market rent, it is Board policy to cover impact fees for affordable housing, because it was in the realm of their capabilities, need work sessions on affordable housing, and appreciating Commissioner Kruse's efforts regarding incentives.

 William Clague, County Attorney, noted that for years, there has been money allocated to supplement impact fees.

 Discussion ensued regarding growth in the County, there is a housing shortage, decisions made by the federal government have impacts on our community, this is a loan and a smart investment, not a long term solution, rent based on a formula related to income, Commissioners have a role to help the community and spend wisely, economic homeless, and because of what is going on in today's society, the working class are losing their homes.

 Drew McCurdy spoke regarding the economic homeless and poor living conditions at supposed affordable housing.

Discussion ensued that this is being instituted, because the property has to stay affordable based on Housing and Urban Development (HUD) policies, and when a LURA is instituted it keeps the property from being sold and new owners raising rents.


 There being no further public comment, Chairman Van Ostenbridge closed public

comments.

A motion was made Commissioner Rahn, to execute Land Use Restriction Agreements (LURA) as presented for and between Manatee County, Oneco 51 Senior Apartments, LTD., and Oneco 51 Family Apartments, LTD., for the affordable housing development projects located at 4505 12th Street Court East, Bradenton, FL 34203, known as (The Savoy at 301 Senior Apartments) and (301 Flats Family Apartments). The motion was seconded by Chairman Van Ostenbridge and carried 5-2, with Commissioners Bearden and Satcher voting nay.

BC20221215DOC022


5. **DEVELOPMENT SERVICES/AGREEMENT**

 There being no public comment, Chairman Van Ostenbridge closed public comments.

A motion was made by Commissioner Kruse, seconded by Commissioner Rahn and carried 5-2, with Commissioners Bearden and Satcher voting nay, to execute the Subordination Agreements as presented for and between Manatee County, Oneco 51 Senior Apartments, LTD., and Oneco 51 Family Apartments, LTD., for the affordable housing development projects located at 4505 12th Street Court East, Bradenton, FL 34203, known as (The Savoy at 301 Senior Apartments) and (301 Flats Family Apartments).

BC20221215DOC023

7. **DEVELOPMENT SERVICES/AGREEMENT**

 There being no public comment, Chairman Van Ostenbridge closed public comments.

A motion was made by Commissioner Kruse, seconded by Commissioner Ballard, and carried 5-2, with Commissioners Bearden and Satcher voting nay, to execute the Promissory Note Documents as presented for Gap Funding Assistance, between Manatee County, Oneco 51 Senior Apartments, LTD., and Oneco 51 Family Apartments, LTD., for the affordable housing development projects located at or about 4505 12th Street Court East, Bradenton.


BC20221215DOC024

PUBLIC HEARINGS (Presentations upon request)

14. **DEVELOPMENT SERVICES/ZONING ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed zoning Ordinance PDMU-11-13(G)(R2)/Cross Creek GDP Amendment.

There were no ex parte communications.


 There being no public comment, Chairman Van Ostenbridge closed the public hearing.


Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Commissioner Baugh moved to adopt of Manatee County Zoning Ordinance PDMU-11-13(G)(R2); and approve the revised General Development Plan with Stipulations A.1 - A.9, B.1 - B.4, C.1 - C.5, D.1, E.1 - E.11, F.1 - F.2,G.1 and H.1. The motion was seconded by Commissioner Ballard and carried 7-0.

BC20221215DOC025

15. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE AMENDMENT**

 A duly advertised public hearing was held to consider adopting proposed LDCT-22-18/Ordinance 22-80 County Initiated Land Development Code (LDC) Text Amendment Accessory Kitchen. The Planning Commission recommended adoption.


 There being no public comment, Chairman Van Ostenbridge closed the public hearing.


 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 in accordance with the criteria for LDC Text

Amendments in Section 341 of the Land Development Code, as conditioned herein, Commissioner Kruse moved to adopt Manatee County Ordinance 22-80, LDCT-22-18, amending the Manatee County Land Development Code, as recommended by the Planning Commission. The motion was seconded by Commissioner Rahn and carried 7-0.

BC20221215DOC026

16. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE AMENDMENT**


 A duly advertised public hearing was held to consider adoption of proposed LDCT-22 -91 County Initiated Land Development Code Text Amendment Car Washes. This is the first of two public hearings, the second of which will be held January 19, 2023, at 9:00 a.m. or as soon thereafter. The Planning Commission recommended adoption.

 There being no public comment, Chairman Van Ostenbridge closed the public hearing.

No action is necessary. This is the first of two required public hearings; the second public hearing is scheduled for January 19, 2023.

BC20221215DOC027

17. **DEVELOPMENT SERVICES/COMPREHENSIVE PLAN**


 A duly advertised public hearing was held to consider adoption of proposed Comprehensive Plan Amendment PA-22-18/Ordinance 22-102 Capital Improvements Element - Annual Update.


There being no public comment, Chairman Van Ostenbridge closed the public hearing.


Based on the evidence presented, comments made at the public hearings, the technical support documents and finding the request to be consistent with the Community Planning Act, as codified in applicable portions of Chapter 163, Part II, 2022 Florida Statutes, and the Manatee Comprehensive Plan, Commissioner Rahn moved to adopt Plan Amendment PA-22-18/Ordinance 22-102. The motion was seconded by Commissioner Ballard and carried 7-0.

BC20221215DOC028


18. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE AMENDMENT**

 A duly advertised public hearing was held to consider adoption of proposed LDC Amendment LDCT-22-21/Ordinance 22-103 County Initiated Land Development Code Text Amendment Publication of Legal Notice. The Planning Commission recommended adoption.

 Carol Felts noted the amount of funds being saved by doing this, and stated not everyone has access to the internet. She expressed concern regarding the citizens needing simple notices including larger signs.

 Drew McCurdy discussed public notices and the need to reach out to citizens by various means.

There being no further public comment, Chairman Van Ostenbridge closed public comments.


 Discussion ensued that electronic notices are allowed via Florida Statute, the internet is available everywhere, County is expanding broadband, the notice is there every day on the website, cost of newspaper advertising, this is a pilot program and can be revisited, saving tax payer dollars, and this is a more accessible method for citizens.


 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 in accordance with the criteria for LDC Text Amendments in Section 341 of the Land Development Code, as conditioned herein, Commission Ballard moved to adopt Manatee County Ordinance 22-21, LDCT-22-103,


amending the Manatee County Land Development Code. The motion was seconded by Commissioner Satcher and carried 7-0.


BC20221215DOC029

19. DEVELOPMENT SERVICES/ZONING ORDINANCE

 A duly advertised public hearing was held to consider adoption of proposed zoning Ordinance Z-22-01-MB Builders, Inc., Rezone-MB Builders Inc., (Owners). The Planning Commission recommended adoption.

 There were no ex parte communications.


 There being no public comment, Chairman Van Ostenbridge closed the public hearing.


 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 Rahn moved to adopt Manatee County Zoning Ordinance Z-22-01. The motion was seconded by Commissioner Kruse and carried 7-0.


BC20221215DOC030

20. DEVELOPMENT SERVICES/ZONING ORDINANCE

 A duly advertised public hearing was held to consider adoption of proposed zoning Ordinance Z-22-04-Jeffers Rezone-Jeffers Pamela J (Owner). The Planning Commission recommended adoption.


 There were no ex parte communications.


 There being no public comment, Chairman Van Ostenbridge closed the public hearing.

 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 Kruse moved to adopt Manatee County Zoning Ordinance Z-22-04, as recommended by the Planning Commission. The motion was seconded by Commissioner Rahn and carried 7-0.

BC20221215DOC031

21. DEVELOPMENT SERVICES/COMPREHENSIVE PLAN

 A duly advertised public hearing was held to consider adoption of proposed Comprehensive Plan Amendment PA-22-08 / Ordinance 22-57 County-Initiated 10-year Water Supply Facilities Work Plan and Wastewater Treatment Capacities and Certificate of Level of Service. The Planning Commission recommended adoption.


 There being no public comment, Chairman Van Ostenbridge closed the public hearing.


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 Bearden moved to adopt Plan Amendment PA-22-08/Ordinance 22-57, as recommended by the Planning Commission. The motion was seconded by Commissioner Satcher and carried 7-

0


BC20221215DOC032


22. DEVELOPMENT SERVICES/CODE OF ORDINANCES

 A duly advertised public hearing was held to consider adoption of proposed Ordinance 22-97 County Initiated Code of Ordinances Text Amendment Article 1 Of Chapter 2-6 – Buildings And Building Regulations – Appendix “Q” – Tiny Houses On Foundations. The Planning Commission recommended adoption.


 Drew McCurdy questioned if this includes the use of shipping containers to build tiny houses.

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


 Discussion ensued regarding a current developer using shipping containers for affordable housing, this needs to be the first step, need to consider clustering and smaller lots for tiny homes, have certain zoning areas for tiny homes, this is a step in the right direction, create tiny house district, take existing RV parks and allow tiny homes, overlay existing zoning, and accessory dwelling units.

 Based upon the staff report, evidence presented, and comments made at the Public Hearing, Commissioner Baugh moved to adopt Manatee County Ordinance 22-97, amending the Manatee County Code of Ordinances. The motion was seconded by Commissioner Rahn and carried 7-0. BC20221215DOC033

23. **DEVELOPMENT SERVICES/ LAND DEVELOPMENT CODE AMENDMENT**

 A duly advertised public hearing was held to consider adoption of proposed LDC Amendment LDCT-23-02/Ordinance 23-05 County Initiated Land Development Code Text Amendment Speculative Homes. The Planning Commission recommended adoption.

 Discussion ensued regarding over regulation.

 There being no public comment, Chairman Van Ostenbridge closed the public hearing.

There is no action necessary as this is the first of two public hearings, the second of which is to be scheduled for January 19, 2023. BC20221215DOC034

PUBLIC HEARINGS (Presentations scheduled)

25. **DEVELOPMENT SERVICES/COMPREHENSIVE PLAN**


A duly advertised public hearing was held to consider adoption of proposed Comprehensive Plan Amendment PA-21-05/Ordinance 22-41 Elan – Small-Scale Comprehensive Plan Map Amendment. The Planning Commissioner recommended adoption.


and


26. **DEVELOPMENT SERVICES/ZONING ORDINANCE**


A duly advertised public hearing was held to consider adoption of proposed zoning Ordinance PDMU-21-14(Z)(P)/Elan Casto Net Lease Properties, LLC. The Planning Commission recommended adoption.

 Commissioner Kruse stated he spoke to members of Casto in the past, but not regarding these items. There were no ex parte communications.


 Caleb Grimes, attorney for the applicant, introduced the team, used slides to address the location of the site being in an activity node, the site is 20 acres and some of the site retains the agriculture designation, the history of the site, Northeast sector of Lakewood Ranch, rezone to RES-9 to make the property more consistent with surrounding development, and have meaningful commercial.


 Katie LaBarr, Stantec, representing the applicant, continued the slides to address surrounding developments, existing zoning map, results of past Comprehensive Plan amendments, encourage integration of residential and non-residential uses, infrastructure investments, recent nearby approvals, higher density is appropriate in this area, compliance with Comprehensive Plan Policy 2.1.4.5, request is a rezone to PDMU and a preliminary site plan, four out-parcels for 64,000 square feet of commercial, 240 multi-family units (four stories) and 23.6 percent open space, stormwater management, specific approval request to delete the fence along the southern property line, proposing a planted perimeter buffer and a 20-foot access easement for maintenance, 217 feet between the buildings in the proposal and the nearest residence, they are proposing 15.95 dwelling units per acre which is below the threshold, Comprehensive Plan Policies 2.1.23 and 2.1.2.7, and a neighborhood meeting was held on April 18 (29 households noticed and 4-5 people attended). This request is for adoption of the small-scale Comprehensive Plan amendment and the rezone. The project is compatible with the Comprehensive Plan and the Land Development Code.


 Ms. LaBarr responded to an inquiry that one resident at the neighborhood meeting was from the single-family homes nearby.


 Discussion ensued regarding buffering also includes sound and light not just sight lines, the Code requires a fence, but on the site plan, the small buildings are garage buildings, the perimeter buffer will be planted, hedgerow at maturity would provide 80 percent opacity, and the houses are 100 feet to the south.


 Mr. Grimes stated he was sworn in.

 Discussion continued regarding the number of retail units on the property, four out-parcels on the site, there are no tenants at this time, but parking will be a limiting factor which will drive what kind of business can go in, and possible back up of traffic when church services end at Bayside Community Church.


 Ms. LaBarr noted they have worked with the Florida Department of Transportation (FDOT) and they considered the future roundabout and the Capital Improvement Plan (CIP) project for Lorraine Road. The roadway improvements will help.

 Discussion ensued regarding the pond will be for stormwater improvement only, this area has had a lot of growth, everything in the area has been rented, and there is a need for more apartments.

 Mr. Grimes responded the plantings are adequate for the area. They will put a fence up if needed, and the ditch will remain south of the parking lot.


 Charles Andrews, Planner, used a slide presentation to review surrounding development to the east which was changed to RES-9, and the Future Land Use (FLU) Map, positive aspects being west of the Future Development Area Boundary (FDAB), property in an activity node, negative aspects, and mitigating factors. The request meets the policies of the Comprehensive Plan and Land Development Code.

There being no public comment, Chairman Van Ostenbridge closed the public hearing.

 Rossina Leider, Planning Section Manager, clarified the Code refers to a decorative wall.

Ms. LaBarr stated they discussed the matter regarding the wall, and there was no stipulation. They want to keep the specific approval. It is a wall, not a fence.

 Discussion ensued regarding the plantings are preferred rather than a wall or fence.

 Mr. Grimes requested the motion be as proposed.

Motion – Ordinance 22-41

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 Rahn moved to adopt Plan Amendment PA-21-05 / Ordinance 22-41, as recommended by the Planning Commission. The motion was seconded by Commissioner Baugh and carried 7-0.

BC20221215DOC035

Motion – PDMU-21-14(Z)(P)

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as stipulated herein, Commissioner Baugh moved to adopt Manatee County Zoning Ordinance Number PDMU-21-14(Z)(P); approve the Preliminary Site Plan with Stipulations A.1 - A.7; B.1 - B.7; C.1 - C.4; and D.1; adopt the Findings for Specific Approval; and grant Specific Approval to Land Development Code Section 401.5.A.2 –Building Height Compatibility to allow omission of the required wall between multi-family buildings and south property line abutting residential uses; subject to the pending Map Amendment to the Comprehensive Plan (PA-21-05/Ordinance 22-41) becoming effective. The motion was seconded by Commissioner Bearden and carried 7-0.

BC20221215DOC036

31. DEVELOPMENT SERVICES/ORDINANCE


There being no public comment, Chairman Van Ostenbridge closed public comments.

A motion was made by Commissioner Rahn, seconded by Commissioner Bearden, and carried 7-0, to hold the second public hearing to adopt proposed Ordinance 23-19 on January 19, 2023, at 9:00 a.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.

BC20221215DOC037

32. DEVELOPMENT SERVICES/ORDINANCE


There being no public comment, Chairman Van Ostenbridge closed public comments.

 A motion was made by Commissioner Baugh, seconded by Commissioner Ballard, and carried 7-0, to hold the second public hearing to adopt proposed Ordinance 22-87 on January 19, 2023, at 9:00 a.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.

BC20221215DOC038


RECESS/RECONVENE: 11:31 a.m. – 1:00 p.m. All Commissioners were present.


27. DEVELOPMENT SERVICES/COMPREHENSIVE PLAN

 A duly advertised public hearing was held to consider adoption of proposed Comprehensive Plan Amendment PA-21-09/Ordinance 23-11 SMR Taylor Ranch, LLC - Large Scale Comprehensive Plan Map and Text Amendment. The Planning Commission recommended adoption


 Kyle Grimes, Attorney representing the applicant, used a slide presentation to review the


history of the request, the past text amendment which was approved last year was done under the intent of development this property, Comprehensive Plan Policy 2.1.2.8, and the requirements for contiguous and coterminous to lands, and requiring infrastructure to be done at the expense of the CDD or master developer, the implementation mechanisms, which includes a Comprehensive Plan amendment to amend the FLU to RES-3, a text amendment, additional language regarding substantial screening, and with the appropriate buffering the development can co-exist with the race-track. He continued to review the steps for approval.


 Katie LaBarr, representing the applicant, continued the slides to review the location of the site, transmittal of the plan amendment, history of the site, maximum density of 4,500 units, FLU, current zoning, rezone to PDR and a general development plan in the future, growth near the site, market response to the current type of planning, surrounding development, proposed fire station, schools and park nearby, future general development plan, and Comprehensive Plan consistency with Policies 2.1.2.3, 2.1.2.7, and 2.1.2.8. They are asking for the request to be transmitted to the State.


 Mr. Grimes responded that the 4,500 units equal 1.95 dwelling units per acre. The project is within the maximum density, and this cannot change unless there is another Comprehensive Plan Amendment. They feel the proposed buffers are adequate. There will also be vegetative buffering, and a noise study was done to come to the numbers presented.


Discussion ensued regarding any future changes, homeowners will need to acknowledge that there is a racetrack and it will always be there, ensure the buffer is enough, higher berm with wall on top and vegetation, and the Stewardship district has committed to putting in the wall and the notice to buyers.


 Chairman Van Ostenbridge acknowledged the reason citizens are here in today's meeting is because they want to protect the racetrack, which is similar to the issues on the Island regarding restrictive parking. Lakewood Ranch has been a great partner, but there will be provisions to ensure the racetrack remains.


 Mr. Grimes stated there is an 84 foot buffer proposed on the eastern boundary, with a minimum 20 foot wall/berm combination and vegetation.


 Discussion continued on having more than 84 feet, the racetrack has been there 51 years, most residents can hear the racetrack when conditions are right, concern that nothing will stop the sound, more things in the way will stop more sound, when this comes back, ensure all buyers sign a statement acknowledging the racetrack, urban service boundary, and the zoning ordinance will set forth all requirements and restrictions.

 Ms. LaBarr stated they do not have plans to have another neighborhood work shop.


 Discussion continued that both sides need to put forth an effort so this can be done in a friendly way, there are exemptions in noise ordinance for events.


 Mr. Grimes stated the track is 300 feet from the property line, plus the buffer, and the houses will not be up against the buffer.


 Discussion ensued regarding getting extra protection for the racetrack such as labeling it as a historic site, pressure to change rules, elected to protect people's rights, and berm requirements.

 Dorothy Rainey, Planner, concurred with the applicant's presentation, and used a slide presentation to review the positive and negative aspects and mitigating measures.


 Nicole Knapp, Comprehensive Planning Manager, stated she would email the Special Permit regarding the racetrack to Commissioners.

 Discussion ensued regarding providing the best buffer, ensure the racetrack is not hindered and totally covered, so a future Board cannot come forward and change things.


 Ms. Knapp stated the Special Permit specifies, that the special exemption captures that use, and the owners of the racetrack can rebuild if something happened.


 Discussion continued that a future Board can undo anything this Board votes on, once entitlements are given, it is virtually impossible to take those entitlements away, racetrack should be able to operate in perpetuity, and the notice to buyers can be expanded.


Public Comment


 Garrett Mitchell, Freedom Factory owner, displayed a map and pointed out the location of the project related to the racetrack. Requiring homeowners to sign a disclosure is not enough, and he recommended denial of the transmittal. He stressed the economic impact the racetrack has on the County.

 Victor Alvarez, Bradenton Motorsports Park owner, concurred with Mr. Mitchell and stressed the popularity of the tracks.

 Dustin Fowler, contractor, addressed walls used as sound buffers and sited Florida Statute regarding requirements for the walls, structure tests, and sound tests at peak times. The plans are invalid as they are presented.

 Michael Scott used a slide presentation to address compatibility, notification requirements, Planning Commission recommendation, the Comprehensive Plan and Policy 2.1.2.8, and incompatibility of the proposed development.


 Spencer Fagiloni stressed the importance of agricultural land and the impacts of urban sprawl on racetracks.


 Peter Scalzo, Dan Metzinger, Jacey Pershanko, Jason Heffner, Defeer Kahn, Donovan Quick, Shawn Esque, Robert Graff, Gene Tharpe (developer of the racetrack), Mike Curtain, Ryan Cewald, Michael Vincent, Joel Bernardini, Kenneth Kline, Scott Shankle, Diane Wardel, Gary Montag, Thomas Mallow, Larrett Futch, Wesley Stanhouer, Collin A., Corey Camille, Carol Felts, Andrew Paretto, Paul Corsetti, Chris Nelson, John Egrass, Jason Saint Clair, Paul Mosianni, Ian Railey, Miles Owens, Brendan Chen, Cooper Rogetti, Kyle Wick, Kyle Jones, Angelo Mezca, Morgan Mixon, Kevin Hanley, Shelby DuBouis, Jordan Young, Tim Sallen, Devon Wallace, Edward Rovnack, Gabino Guttierrez, Scott Boyd, opposed the proposal due to the negative impact it could have on the racetrack.

RECESS/RECONVENE: 3:31 p.m. – 3:41 p.m. All Commissioners were present.

 Dylan Cooksie, Marcos Flores, Calvin Hudson, M. Mitchell Devirca, Tiffany Moore, Reid Miller, Carlos Negron, Nicholas Hernandez, Chris Paliyouca, Jerry Milhowsen, George Siciliano,


Sam Shawn Sheinsal opposed the proposal due to the negative impact it could have on the racetrack.


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


 Discussion ensued regarding the task of the County Commission and how to do their best by everyone, there is not a simple resolution, must consider the Comprehensive Plan and the Land Development Code, citizens put their heart and soul into this, there is concern for the racetrack and desire to work with them, private property rights, Board will work with everyone, people who believe in something and business that brings in over 200,000 people a year, make the sure the track is protected and look at every possible solution, and encourage both land owners come to an agreement.


Motion - Died


A motion was made by Commissioner Bearden to table this decision for the future and look at a different situation. The motion died due to lack of a second


 Sarah Schenk, Assistant County Attorney, suggested a motion to continue to no date certain and to re-advertise. She noted there should be rebuttal.

 Chairman Van Ostenbridge deferred to the County Attorney, and will hear from Commissioners to respond to public comment, the applicant rebuttal, and then deliberate.

 Discussion ensued regarding would like to further discuss buffers and address citizen concerns.


 Mr. Grimes noted the overwhelming concern is the racetrack. The client will do what they need to do to keep the racetrack in place, and will assist; however, they can with the special permit. They can add provisions that reference the special permit, and the buffer is a mitigating measure to help alleviate noise.

 Ms. LaBarr addressed the buffer minimum of 84 feet, and noted there has to be a certain slope which has to have a certain distance. The rational regarding the berm are calculations based on science and math. She displayed a map and stated the distance from the property to the racetrack is about 350 feet, and from the northern most corner of the property the racetrack is 1,000 feet. There will be a physical distance between homes and the racetrack. This application is in compliance with the Land Development Code and the Comprehensive Plan, and they requested transmittal.


 Discussion continued regarding when the racetrack was built a buffer was not required, 100s of houses could be built right now without any restrictions, eventually a site plan will be presented to the Board, this is simply a future land use change, opportunity to have a racetrack community, the racetrack must come first and take care of history, and see what the comments are from the State.


Motion - Continue

A motion was made by Commissioner Satcher and seconded by Commissioner Bearden to table the item to the first land use meeting in January.

 Sarah Schenk, Assistant County Attorney, suggested a motion to continue deliberations

until February 2, 2023 at 9:00 a.m. or as soon thereafter as same may be heard. The initial document should be transmitted, not including the suggested language regarding the buffers, as an option.

 Commissioners Satcher and Bearden agreed to the suggested language to continue deliberations until February 2, 2023, at 9:00 a.m., or as soon thereafter as same may be heard.

 Discussion continued regarding not trying to take away land rights, but need more assurance, do not want to table and eliminate the language regarding the buffer, this will go to the State and then a site plan will be brought forward, and continuing the transmittal, will still not be a time to address any concerns, there are always difficult decisions to make, many of the concerns are better addressed at the time the site plan is presented, community that wants to co-exist with the racetrack, get assurances from developer regarding the racetrack, need homes for people who are moving here, this is only regarding UF-3 and transmittal, and encourage everyone to work together and come to an agreement.

Motion - Failed

The motion to continue failed 2-5, with Commissioners Ballard, Baugh, Kruse, Rahn and Chairman Van Ostenbridge voting nay.


Motion - Transmit


Based upon the staff report, the evidence presented, comments made at the Public Hearing, the action of the Planning Commission, the technical support documents, 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 Kruse moved to transmit Plan Amendment PA-21-09/Ordinance 23-11, as recommended by the Planning Commission. The motion was seconded by Commissioner Baugh and carried 5-2, with Commissioners Bearden and Satcher voting nay.


BC20221215DOC039


RECESS/RECONVENE: 4:30 p.m. – 4:35 p.m. All Commissioners were present.


28. DEVELOPMENT SERVICES/COMPREHENSIVE PLAN

 A duly advertised public hearing was held to consider proposed Ordinance 22-39/Robinson Gateway. The Planning Commission recommended adoption.


 There were no ex parte communications.


 Will Robinson, representing the Robinson family, stated the family wants the area to be a world class destination, and they enjoy their relationship with BayCare. He is available for questions.


 Becky Chapowski, BayCare, used a slide presentation to review BayCare services, locations, bringing high quality care to Manatee County, not-for-profit company, St. Joseph's Hospital South as an example and other community hospitals, there are no specific details, but the request is for 207 beds, BayCare already offers telehealth, and home health in Manatee, recognition for BayCare, community outreach offered with mobile health units, and they help those struggling with food vulnerability.


 Ed Vogler, Attorney representing the applicant, used a slide presentation to provide a history of the site (Copy from PC). There is a pending Local Development Agreement (LDA) to accelerate the proportionate fair share, which will help expand Moccasin Wallow Road. They


are relocating a Florida Power and Light (FPL) easement and bringing a plan with various uses. They planned for access for the neighbor to the west.


 Cameron Miller, representing the applicant, continued the slides to review the aerial, zoning map, correction to the zoning, FLU Map, previously approved development uses, modified development uses, proposing fewer uses than what is allowed, Map H and GDP, mixed-use area proposed for the Hospital, activity node at a major intersection, and applicable regulations in LDC Section 900 for entranceways.

 Mr. Vogler continued to discuss the previous approval, and there was a voluntary contribution of 54 affordable housing units, per previous rules. Manatee County has an incentive program, and this development order has no incentives offered to the developer. The previously proposed mall, and the retail jobs that come from that type of use are in the lower wage area, and the rule that existed at the time, made them analyze the development demands. Now, the rules have changed and the primary use is a hospital with medical offices, but the U.S. Bureau of Labor statistics identifies the salary for nurses at \$97,000, and a retail sales person has a mean salary of \$31,000 per year. They have changed the demands of this project, and there is no longer a need for affordable housing to support the proposed uses. A LURA never existed with this project. They are providing a variety of housing types, and the Statute was amended in 2018, and they now need to apply the Comprehensive Plan rules. The 2018, DRI rules, state that any condition a Board creates has to be based on the need of the changes to the development. He displayed a map and identified a small parcel to the west of the site which is zoned agricultural. The right-of-way for I-75 was condemned at the neighboring parcel and in 1977 there was a trial, and the owner was given 100 percent compensation, which included limited access. The location of the Buffalo Road access. They have met the criteria for planning access and the zoning request for the parcel. They added a stipulation, to provide access to the adjacent parcel, shall not be optional in the manner set forth in the GDP provided the owner of the western parcel established a legal right of access either by agreement or judicial determination, and any access shall be provided through cross access easements or internal drive aisles. Manatee County does not have responsibility to provide access to the western property owner. The owners of the western property want the County to make a determination regarding the access, but this is a private property matter. The applicant has what they need to provide access, and they will do so, but there is no project proposed for the western parcel. To ensure there is no ambiguity, a note was added to provide the access arrows indicate preliminary locations and will be finalized at final site plan however the access arrow shall not be optional to the adjoining property to the west provided the owner of the adjacent parcel establishes a legal right of access in accordance with Stipulation A.6 with in the zoning ordinance.


 Chairman Van Ostenbridge noted there is concern that there is another proposed hospital at the other end of Moccasin Wallow, and the County is requesting funding from the State to improve Moccasin Wallow Road. The property owners at the other end of the road are working to help the County get the funding.


 Mr. Vogler stated they will advance fund their obligation for improving Moccasin Wallow Road.


 Discussion ensued regarding the previous affordable housing units, and is there any assurance that the project was approved based on the affordable housing component.


 Mr. Vogler explained the previous plan was for an outdoor mall, with residential over retail in the mall portion and they knew they had the wages that would support the proposed


housing. They proposed a large anchor on the property, and at the time there were no large developments. They have UF-3, and Mixed Use (MU) zoning that are not compatible. They made a commitment to offset impacts that would be changed. If the County had an ordinance for required affordable housing, they would have to comply with that requirement. He elucidated on goals for affordable housing, but noted there are ways to have affordable housing without regulations.


 Discussion ensued regarding a need for a movie theater in north county, the market has changed, does this set the County up for legal issues, and if there was an approval on the west parcel, would the owner have to go to court to get access from this project,


 Mr. Vogler suggested the property owner could have approached the applicant for a mutual agreement, but they did not. He has provided a memorandum. The stipulation was added that Manatee County has no obligation to the owner to provide access.

 Discussion continued that any help improving Moccasin Wallow Road is appreciated, and perform a traffic study on Moccasin Wallow Road.


 Marshall Robinson, Planner, distributed correspondence received, and used a slide presentation to review the history and background of the site, the previous approval, the revisions to the request including a land use equivalency matrix, and Section 3 of the zoning ordinance is being removed, the FLU, two proposed helipad locations, Table one changes, proposed stipulations, changing the access to align with the road across the street, applicants stipulation for the area located north of the one thousand feet from Moccasin Wallow Road, and residential units.


 Sarah Schenk, Assistant county Attorney, questioned the change in the update memorandum.

 Mr. Robinson explained nothing was found changing the zoning on the west parcel to PDMU, therefore the zoning is A-1. He responded that Stipulation A.6 for cross access, meets the LDC requirements.

 Ms. Schenk has no legal objection to the Stipulation as proposed. The out parcels are part of the same development. The other parcel has no other development rights, and if the owner wants to rezone they would have to go through the development process.


 Mr. Robinson stated the application is good with the arrows as they are.

 Marjorie Eramo, the owner of the west parcel, stated there was a limited access, and they had statutory rights from a neighboring property, and they have rights under the LDC and the Comprehensive Plan, and they supported the first approval, and they were told in 2015 that they would have access. They have reached out to Mr. Vogler, but were told the conversation would be contentious. Her council has reached out to get answers, and asked the Board to enforce what is in the LDC. She was unaware of the zoning, and thought the zoning was PDMU. There was a time when the owner could voluntary change their zoning. She is a developer and wants to work with the applicant to get her cross access protected.


 Charles Parker reached out to the hospital's broker, and was told to contact the seller.


Matt Brockway, attorney representing Marjorie Eramo, noted she would experience damage, He displayed Map H, and noted there is nothing optional regarding the need for access to the


property and specific approval would be required. The applicant has offered a condition that makes the access non-optional. He questioned why his client would have to go to court to get access. This is a deprivation of property rights. Failing to allow access, there is a legitimate public process, and they request mandatory access.


 Joe Hembree expressed concern and is the listing agent for the west parcel, asked the County to follow Comprehensive Plan requirements and allow cross access to the western parcel. This is a vital area for Manatee County and a hospital is an appropriate use. It is in the public interest to ensure the property is able to be used to its highest and best use.


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


 Mr. Robinson explained upon question, that the entranceway requirements say that cross access must be provided to neighboring projects.


 Mr. Vogler responded that the arrow was never removed, and the original plan did not provide that access.


 Discussion continued regarding being forced to provide access and giving use of someone else's property, and go to the owner to get an easement.

 Ms. Schenk referenced entranceway requirements, and the definition of a project is to have an application in now.

 Discussion ensued that the west parcel owner should have sought access when the condemnation occurred.

 Ms. Schenk stated that anyone could litigate.

 Rossina Leider, Planning Section Manager, noted the PDMU zoning was on the map, but Mr. Robinson searched and found there was no approved plan for the property, since 1990. It was not part of the original zoning for any project in the area. They have corrected the map.

 Mr. Vogler noted there is an exclusive brokerage agreement and it is their roll to field calls. He does not recall providing anything to the Eramos. Legal opinions have been provided. Each bit of testimony is in compliance with the Comprehensive plan and the LDC.

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, and Section 380.06, Florida Statutes, subject to the conditions of approval established in the Development Order, Commissioner Kruse move to approve DRI #29 with conditions and adoption of Manatee County Ordinance 22-39, as recommended by the Planning Commission. The motion was seconded by Commissioner Rahn and carried 7-0. BC20221215DOC040

29. **DEVELOPMENT SERVICES/ZONING ORDINANCE**

A duly advertised public hearing was held to consider proposed zoning Ordinance PDMU-15-04(G)(R)/Robinson Gateway General Development Plan Amendment

There were no ex parte communications.

There being no public comment, Chairman Van Ostenbridge closed the public hearing.

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 Kruse moved to adopt PDMU-15-04(G)(R), and adopt the revised General Development Plan with stipulations as recommended by the Planning Commission. The motion was seconded by Chairman Van Ostenbridge and carried 7-0. BC20221215DOC041

COMMISSIONER EXPECTATIONS



Commissioner Bearden

- Proposed allowing the County Attorney's office to put a policy in place regarding what the Commissioners expect from staff, the County Administrator and County attorney.

Discussion ensued regarding performance expectations, direction to various staff, this is what strategy sessions are about, staff accountability, establish employment contract, there is no urgency to this item and could be addressed at a work session, communicate expectations to staff, open communication with staff, where does the Board want to go this year, what is the process for scheduling meetings, consistent policies for staff, and avoid adding items to the agenda at the last minute.



William Clague, County Attorney, stated the number one thing he has to follow is the Florida Bar, and he will send the contracts regarding the two positions.



Commissioner Baugh requested the ordinances regarding speaking with staff and non-interference.

ADJOURN

There being no further business, Chairman Van Ostenbridge adjourned the meeting at 5:58 p.m.

Minutes Approved: July 25, 2023