

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
June 16, 2022**

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

Present were:

Kevin Van Ostenbridge, Chairman
James A. Satcher III, First Vice-Chairman
George Kruse, Second Vice-Chairman
Carol Whitmore, Third Vice-Chairman
Reggie Bellamy, entered during the meeting
Vanessa Baugh
Misty Servia

Also present were:

Dr. Scott L. Hopes, County Administrator
Courtney De Pol, Development Services Director
Rossina Leider, Planning Section Manager
William Clague, County Attorney
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 am.

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE

1. The Invocation was delivered by Father Mark Heuberger, Saints Peter and Paul the Apostles Church, followed by the Pledge of Allegiance.

RECESS/RECONVENE: 9:02 a.m. – 9:10 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, except Commissioner Bellamy.

AGENDA

BC20220616DOC001



Agenda Update Memorandum

BC20220616DOC002


- Item 3 – PDMU-16-13(G)(R2)/OHM Teerth Development LLC, Nearby Development Table and Parking Analysis information attached
- Item 20 – Agreement for the Bradenton Area Convention Center Expansion Architecture/Engineering Services, Added to the Consent Agenda
- Item 21 – Agreement for Cortez Road at 43rd Street West Intersection Improvements, Added to the Consent Agenda
- Item 22 – Confirmation of Human Resources Director, Added to the Agenda
- Item 23 – Budget Amendment Resolution B-22-103, Added to the Consent Agenda
- Item 24 – Agreement for Erie Road and S.R. 62 Improvements – Added to the Consent Agenda
- Item 25 – Design Build Agreement and Amendment for Pretreatment Facilities for Piney Point Deep Well Injection


CITIZEN COMMENTS (Future Agenda Items)

BC20220616DOC003





Denise Gattuso, Prodigal Daughters, stated their facility serves homeless women and children, and noted there is a need for housing for abused women.

 Karlee Hudson, Prodigal Daughters, relayed her story regarding domestic violence and drug use and stressed the importance of helping children who are removed from their homes, and the need to help women and children who are victims.

 Rachelle Duggan relayed her story of domestic violence and financial dependency on her abuser and requested approval of housing for women and children so they have an option to escape abuse.

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

 Discussion ensued regarding the Prodigal Daughters facility and the courage of the speakers, law enforcement supports the program, and there is a need to change the Code so they can take in more women and children, and there are no other organizations doing this type of work.

 Dr. Scott L. Hopes, County Administrator, commended Commissioner Satcher and Courtney DePol, for coming together and having a viable solution to help Prodigal Daughters to ensure there is a place for victims.

CONSENT AGENDA

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

A motion was made by Commissioner Servia, seconded by Commissioner Kruse, and carried 6-0, with Commissioner Bellamy absent, to approve the Consent Agenda, with the changes incorporated in the Agenda Update Memorandum.

4. DEVELOPMENT SERVICES/FINAL PLAT/AZARIO, ESPLANDE, PHASE VI

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Supplemental Declaration to the Declaration of Covenants, Conditions, Restrictions, and Easements for Esplanade at Azario Lakewood Ranch;
- Accepted, executed and authorized recording of Consent to Subdivision Plat and All Dedications and Reservations Thereon;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Private Subdivision with Public Improvements for Azario, Esplanade, Phase VI;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Azario, Esplanade, Phase VI Surety Bond 82380300, \$2,911,343.76;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Private Subdivision with Private Improvements for Azario, Esplanade, Phase VI;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Azario, Esplanade, Phase VI Surety Bond 82380298, \$3,778,305.54;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Azario, Esplanade, Phase VI Surety Bond 82380299, \$109,780.78; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Azario, Esplanade, Phase VI Surety Bond 82380297, \$194,288.64

BC20220616DOC004

5. **DEVELOPMENT SERVICES/FINAL PLAT/IMPERIAL LAKES**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Declaration of Covenants, Conditions, and Restrictions for Tea Olive at Imperial Lakewood;
- Accepted, executed, and authorized recording of Mortgagee's Consent and Subordination of Subdivision Plat and all Dedications and Reservations Theron CWI Investor Holdings Two, LLC for Imperial Lakes;
- Authorized recording of Mortgagee's Consent and Subordination to Declaration;
- Accepted, executed, and authorized recording of Mortgagee's Consent and Subordination of Subdivision Plat and all Dedications and Reservations Theron First Continental Investment Co. LTD for Imperial Lakes;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Public Subdivision with Public Improvements for Imperial Lakes;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Imperial Lakes Surety Bond US00117240SU22A, \$3,861,944.41;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Public Subdivision with Private Improvements for Imperial Lakes; and
- Authorize the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Imperial Lakes Surety Bond US00117241SU22A, \$968,075.55

BC20220616DOC005

6. **DEVELOPMENT SERVICES/FINAL PLAT/BREAKWATER**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Community Declaration for Marwood;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Public Improvements for Breakwater;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Breakwater, Surety Bond 0243539, \$302,210.87;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Private Improvements for Breakwater;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Breakwater, Surety Bond 0243538, \$2,351,851.21; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Breakwater, Surety Bond 0243540, \$82,666.03

BC20220616DOC006

7. **DEVELOPMENT SERVICES/FINAL PLAT/WINDWATER, PHASE IA AND IB**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Community Declaration for Windwater;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Private Subdivision with Public Improvements for Windwater Phase IA and IB
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Windwater Phase IA and IB Surety Bond 0245626, \$566,224.56;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Private Subdivision with Private Improvements for Windwater Phases IA and IB; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Windwater Phase IA and IB Surety Bond 0245626, \$566,244.56

BC20220616DOC007

8. **DEVELOPMENT SERVICES/FINAL PLAT/BRADEN POINTE, PHASE I**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Declaration of Covenants, Conditions and Restrictions of Braden Pointe;

- Executed and authorized recording of Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon Valley National Bank;
- Executed and authorized recording of Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon D.R. Horton;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision Improvements Braden Pointe Phase I;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Public Improvements, Braden Pointe Phase I, Surety Bond 107587401, \$642,750.23;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Public Improvements, Braden Pointe Phase I, Surety Bond 107587400, \$556,530;
- Authorized the County Administrator to accept, execute, and record Agreement for Private Subdivision Improvements Braden Pointe Phase I;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Braden Pointe Phase I, Surety Bond 107587406, \$3,418,977.32;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Braden Pointe Phase I, Surety Bond 107587402, \$182,144.30;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Braden Pointe Phase I, Surety Bond 107587403, \$11,336; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Braden Pointe Phase I, Surety Bond 107587407, \$3,250

BC20220616DOC008

20. **FINANCIAL MANAGEMENT/AGREEMENT**

- Authorized the Purchasing Official, or designee, to execute Agreement 22-R078311SAM for Bradenton Area Convention Center Expansion Architecture/Engineering Services to Fawley Bryant Architects, Inc., in the not-to-exceed amount of \$1,779,338; and
- Adopted Budget Resolution B-22-104 amending the annual budget for Fiscal Year (FY) 22 (This budget amendment adjusts the FY 22-26 CIP)

BC20220616DOC009

21. **FINANCIAL MANAGEMENT/AGREEMENT**

- Authorized the Purchasing Official, or designee, to execute Agreement 22-TA004032RP - Cortez Road at 43rd Street West Intersection Improvements, to the lowest responsive and responsible bidder, Gator Grading and Paving LLC, for a total, not-to-exceed amount of \$725,182.57, based on a construction time of 275 calendar days;
- Authorized to accept and date the Public Construction Bond; and
- Adopted Budget Resolution B-22-105 amending the annual budget for FY 22 (This budget amendment adjusts the FY 22-26 CIP)

BC20220616DOC010

23. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT**

Adopted Budget Amendment Resolution B-22-103

BC20220616DOC011

24. **FINANCIAL MANAGEMENT/AGREEMENT**


- Authorized the Purchasing Official, or designee, to execute Agreement 22-TA004090DJ - Erie Road and S.R. 62 Improvements, to the lowest responsive and responsible bidder, Cone and Graham, Inc., for a not-to-exceed amount of \$3,94,697.57, based on a construction completion time of 545 calendar days;
- Authorized to accept and date the Public Construction Bonds; and

- Adopted Budget Resolutions B-22-106 and B-22-107, amending the annual budget for FY 22 (This budget amendment adjusts the FY 22-26 CIP)

(End Consent Agenda)

BC20220616DOC012


22. COUNTY ADMINISTRATOR/HUMAN RESOURCES

 Dr. Scott L. Hopes, County Administrator, introduced Jennifer L. Harmon, and requested the Board confirm her appointment as the Human Resources Director.

A motion was made by Commissioner Whitmore, seconded by Commissioner Servia, to confirm the appointment of Jennifer L. Harmon as Human Resources Director.

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

The motion carried 6-0, with Commissioner Bellamy absent.


 Ms. Harmon introduced herself, shared her background and stated she looks forward to working in Manatee County.


BC20220616DOC013


25. COUNTY ATTORNEY/PINEY POINT/AGREEMENT

William Clague, County Attorney, reviewed the request for the Design-Build Agreement for the Piney Point Deep Injection Week Pretreatment Facility. They are in the process of reviewing the funding with the State, and the idea is to approve the project and lock in costs prior to cost increasing. They should have the state funding agreement at the end of summer recess, and the agreements are Board ready.


There was discussion that pre-treatment is the top priority, plus the lake being able to retain the water.

 Mr. Clague stated the pre-treatment facility is the hardware that goes next to the well to ensure the water meets the requirements to go into the well. The State will cover the full cost of the pre-treatment facility.

 Dr. Scott L. Hopes, County Administrator, stated the pretreatment facility is the necessary component to treat the water, including filters and pumps that are needed prior to injection into the well. The State will cover the pre-treatment and the systems needed to inject into the well. The reason for bringing this forward now is that there is a price guarantee, and this action allows the County to lock down the cost and continue with the schedule.

 Mr. Clague stated payment will be upfront and then the County would be reimbursed by the State. If action is not taken today, the price will go up and the payment would be from general revenue reserves.

Dr. Hopes stated they are ahead of schedule on the well, and this will allow the timeline to continue to have the final stacks closed in 2024. Briefings will be held with Commissioners.

 Discussion ensued to keep the schedule going.

A motion was made by Commissioner Satcher and seconded by Commissioner Baugh, to authorize the County Attorney and the Purchasing Official to execute the Design-Build Agreement and Amendment thereto in accordance with the Procedures in Resolution 20-124,

with the understanding that the majority of work under the Agreement will not take place unless and until a Service Agreement is approved by the Board.



There was discussion that this is a safe treatment method since the water is being treated prior to going in the well.

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

The motion carried 6-0, with Commissioner Bellamy absent.

BC20220616DOC014

PUBLIC HEARINGS (Presentation Scheduled)

2. **DEVELOPMENT SERVICES/ORDINANCE**



A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-21-21(P)/Hope Village/Help to Home, Inc. The Planning Commission recommended approval.



Commissioner Whitmore spoke to the owner of the property, but it was not related to this request. Commissioner Baugh attended the Planning Commission hearing. There were no other ex-parte communications disclosed.



Marshall Robinson, Planner, introduced the item as an affordable housing project in the Southwest Tax Increment Funding (TIF) area.


(Enter Commissioner Bellamy during the presentation)




Rachel Layton, Mike Carter Construction, representing the applicant, introduced the team, distributed an additional support letter, and used a slide presentation to introduce the project which is 100 percent affordable housing, the project will be using Livable Manatee funds, the median income for the project will be 50 to 80 percent, average rents in Manatee County, there will be programs and counseling available to provide a structured plan for residents to have access to services, provides safe quality housing, 53 units, and Land Use Restriction Agreement (LURA) will be executed as well, the location of the project as an infill project, surrounding uses, Future Land Use Categories, density is supported by the Comprehensive Plan, access from 30th Avenue West, 80 parking spaces, emergency access through adjacent property, drainage ditch with easements and landscape buffer, asking for a reduction in the northern buffer to seven feet but will have plantings, and a reduction in the buffer along the border of Youth for Christ. They are seeking specific approval to reduce the parking to 80 spaces which will allow one parking space per unit, but under special approval residents can apply for an additional space. Other jurisdictions offer the same amount of parking, and she continued to discuss the approved traffic impact statement, request for assistance with density bonus, impact fee credits and a request for sidewalk assistance to help with the neighboring properties. The Planning Commission recommended approval. She requested adoption of the zoning Ordinance.





Discussion ensued that this is a perfect project and location, is it possible to maximize the number of units, units will be 500 to 600 square feet, this will be a good model for the community, there could be a stipulation to increase the number of units, final engineering is still being completed, working with neighboring property owner on an easement for emergency access, must provide safe turning movements for emergency vehicles, and there have been telephone calls with all the neighboring communities.

 Sarah Schenk, Chief Assistant County Attorney, stated the LURA addresses Stipulation 5 that the applicant shall enter into a LURA in a form acceptable to Manatee County, and the specific approval request regarding Section 1.5 should be administrative to coincide with the LURA.

 Marshall Robinson, Planner, was available for questions.


 Captain Rick Gurken, stated this plan fills a critical need for the community.

 Ben Monstell, National Church Residences, neighboring property owner, spoke in support of the project, but requested clarification on how the project will address safety concerns that come with a project like this.

 Christina Gurken, Align Consulting, is a charter partner, and they have committed to support the community and will support Hope Village. There is an alarming increase in homeless families with children.


Rebecca Ober, Youth for Christ, supports the request and the need for stability in the home life of teens, but questioned access to their property. She expressed concern that there is no place for youth ages 18-24 years old to live if they have been turned out of their homes.


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


 Ms. Layton requested they not continue the item another 30 days, as they would like to move forward. She asked the Board to consider removing Stipulation A.6, which would provide a cross access with the neighboring property owner. They are in agreement with Ms. Schenk's proposed stipulation. There is a range of the types of surrounding housing and there is community support. The transitioning elder care at the property next door should not be affected by purpose of the property.


Courtney DePol, Development Services Director, noted there is a stipulation that can be deviated by ten percent and they are looking at extending the stipulation to 25 percent.

 Discussion ensued regarding safety and security measures and communication.

 Ms. Layton stated they reached out to the neighbors and the National Church Residences (NCR) and stated they felt rushed. There will be an onsite manager and the participants have to want to make a change in their life, there will be security cameras, a gated entrance can be installed, and NCR is asking for a 24-hour guarded gate. The residents will come to Hope Village by referral, and they must take steps to improve their lives. They will meet with the organization.

 Discussion ensued regarding there is a great need for this type of transitional housing, there will be case management for the residents, and maximize the success of the project.


 Ms. Schenk noted staff can waive the 30 percent requirement for affordable housing, but the increase needs approval. The specified density bonus will be addressed at the LURA, and they can allow at least 75 percent more units.

 With regard to stormwater, Tom Gerstenberger, Public Works, responded they could look at a free board view with maybe nine or six inches as a requirement, could be fill or volume and they could look at that.

Ms. Schenk reviewed proposed Stipulations for approval in the Staff Report with the following modifications:

- Stipulation A.5: The Applicant shall enter into a Land Use and Deed Restriction Agreement (LURA) pursuant to Chapter 5, Land Development Code (LDC), in a form acceptable to Manatee County. The Specific Approval request for Section 1005.3.A. LDC (minimum Parking Requirements) shall be administratively modified to be consistent with the number of units which can be build subject to a density bonus in the LURA; and
- Stipulation A.6: Prior to FSP (Final Site Plan) approval, the applicant shall make a good faith effort to submit cross-access agreement with the adjacent land owner to the south in order to achieve emergency access as shown on the PSP as the roadway adjacent to the south is privately owned.


She explained the LDC covers the density bonus.


 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 Whitmore moved to adopt Manatee County Zoning Ordinance Number PDR-21-21(P); approve the Preliminary Site Plan with Stipulations A.1–A.6; B.1–B.6; C.1–C.3; and D.1; adopt the Findings for Specific Approval; and grant Specific Approval for alternatives to the following Land Development Code Section(s): 1.a) 701.4.B.4.i (Residential Greenbelts) to reduce a segment of the PSP boundary greenbelt buffer from fifteen (15) feet to seven (7) feet along the west side of the drive-aisle entranceway as shown; 1.b) 701.4.B.4.i (Residential Greenbelts) to reduce a segment of the PSP boundary greenbelt buffer from fifteen (15) feet to 6.6 feet adjacent to off-street parking along the north PSP boundary as shown; and 2) 1005.3.A (Minimum Parking Requirements), more specifically Table 10-2 (Parking Ratios) to reduce the required parking ratio for the proposed multi-family residential development from 2.1 spaces per dwelling unit to 1.5 spaces per dwelling unit, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 7-0.


BC20220616DOC015

RECESS/RECONVENE: 10:46 a.m. – 10:56 a.m. All Commissioners were present.

A motion was made by Commissioner Kruse, to modify Livable Manatee to not cap out, allow the Board to waive stipulation to allow 100 percent of units for project to be available for Livable Manatee facilitate 100 percent of units. The motion was seconded by Commissioner Whitmore.

 Ms. Schenk explained the Livable Manatee program was adopted by Resolution, and the Board has the authority to change the policy.

 Denise Thomas, Community Development Division Manager, noted it was the business terms that only 50 percent of the units in a project can be incentivized. The Board can make changes to Livable Manatee.

 Ms. Schenk questioned if it would it be possible for staff to bring back a Resolution for the Board to allow for 100 of the units to qualify for Livable Manatee.

Commissioner Kruse withdrew the motion.



Discussion ensued to add a higher dollar amount to Livable Manatee to help all projects, and there should be a way to facilitate affordable housing.

3. **DEVELOPMENT SERVICES/ZONING ORDINANCE**



A duly advertised public hearing was held to consider adoption of proposed zoning ordinance PDMU-16-13(G)(R2) OHM Teerth Development LLC (Jiten Patel, Owner)/Factory Shops Apartments. The Planning Commission recommended approval.



Commissioner Satcher disclosed he had communication regarding the project. There were no other ex-parte communications disclosed.



Caleb Grimes, representing the applicant, Defined Development, who is the purchaser, utilized a slide presentation to discuss the project, and introduced the application, the site location, the current zoning and approval for a theater and hotel, proposal for option B for 235 units for the site, a Mixed Use-development is allowed 30 units per acre, meets a need for workforce housing, and assimilate with market price.



Steven Gausch, applicant, used a slide presentation to introduce the request, the location of the project, rental trends, the current General Development Plan, Option B approval for housing, project description, focusing on a high end project with amenities, proposed site plan for a four-story building with a courtyard pool area, seeking a parking reduction from 345 to 341 spaces, independent traffic study recommends less than 300 spaces, aerial of the location, there are road improvements planned for 60th Avenue, Option A total trips is over 13,000 per day, and option B is just over 1,000 trips per day, other recent projects in Manatee County and the exterior elevation, main lobby area and leasing area, outdoor and indoor resort type amenities, finished design, private office, and work spaces will be available for lease by residents.



Discussion ensued regarding this is a positive location.



Mr. Grimes responded that the four stories meet the Code and some parts will be 52 feet. The design will be substantially the same as the photos, and final design substantially comparable to the pictures.


Mr. Gausch explained the project shown in the photos is on University Parkway.





Dorothy Rainey, Planner, used a slide presentation to review the request including the amendment from a hotel and movie theater, to multi-family housing, site information, Future Land Category (FLUC) of Mixed Use (MU), surrounding zoning, aerial of site, proposed Option B plan, site plan information, access points are not changing, surrounding uses, specific approval requests, positive aspects including being an infill project, no negative aspects, and there are no mitigating measures. Staff recommends approval. The full wetland buffer is being provided, and will not affect the existing stream. There is an approved project to the north. There is a standard stipulation that the final design would be in substantial conformance to the renderings shown.





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


 Clarke Davis responded that the improvements to 60th Avenue are under design, and the plans are about two years out. The right-of-way will be minimized as much as possible, but they are not pursuing a loop road behind the shopping center to the east. They will rebuild any structures as need, including Government Hammock.

 Sarah Schenk, Chief Assistant County Attorney, noted final design shall be in substantial conformance with renderings entered into the public record on June 16, 2022.

 Mr. Grimes is in agreement with the stipulation, and recommended adding “or better”.

 Mr. Gausch thanked the Board for their time.

 Discussion ensued that a movie theater would have been a good addition to the area, concern with traffic and the number of trips per day including during rush hour, there are negative aspects to the proposal, the need for more shops and for the outlet mall to grow, desperately need housing in the area, a good place for people to live, possibility for noise issues, and flexibility is needed for land owners.


 Ms. Schenk read Stipulation A.4 into the record: The final design shall be in substantial conformance or better with the renderings entered into the record at the Board of County Commissioners public hearing on June 16, 2022.

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-16-13(G)(R2); approve the General Development Plan with Stipulations A.1-A.4.; B.1-B.6; and C.1; adopt the Findings for Specific Approval; and grant Specific Approval to for alternatives to Land Development Code Sections: 1) 1005.3.a to allow a reduction in parking ratio requirement from 2.1 to 1.45 spaces per dwelling unit, 2) 402.7.D.5 to modify and reduce the width of the western buffer to range between 8.2 feet and 28.9 feet, resulting in an average width of 11.44 feet, and 3) 402.7.D.1 to allow the southern roadway buffer width to be reduced to no less than 7.2-feet, with the average depth calculated at 15.84-feet, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 6-1, with Commissioner Satcher voting nay.


BC20220616DOC016

PUBLIC HEARINGS (Presentations upon request)

9. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-21-04/Ordinance 22-10, Land Development Code Text Amendment/Heavy Manufacturing Zoning District. To be continued to September 22, 2022.


A motion was made by Commissioner Baugh and seconded by Commissioner Kruse, to continue the public hearing for LDCT-22-10/Ordinance 22-10 to September 22, 2022, at 1:30 p.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, First Floor, Patricia M. Glass Chambers.

 There being no public comment, Chairman Van Ostenbridge closed public comment. The motion carried 7-0.

BC20220616DOC017


10. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22-02/Ordinance 22-26/Land Development Code Text Amendment/Agritourism. The hearing is to be continued to no date set.

 Ms. Schenk submitted the following motion. I move to direct Staff in coordination with the County Attorney's Office, to initiate an amendment to the Land Development Code to define the use of "agritourism" per Section 570.85, Florida Statutes, as an allowable use by the issuance of a temporary use permit. The process is in the code, but suggested codifying.


Courtney DePol, Development Services Director, stated issuing a temporary use permit has been the procedure in the past.

 Ms. Schenk stated they have to use the State definition since this is based on Statute.

 Nicole Poot, Lewis Longman and Walker, requested the Board vote to reject the proposed Ordinance, rather than continuing the hearing.


 Caleb Grimes stated guidelines are important so clients can know exactly what procedures they need to follow for agritourism. He suggested following the guidelines of the State, but a temporary use permit would limit property owners, but a different permit that would allow the owner to have events related to the same use.


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

 Ms. DePol suggested an expiration date for a limited use, and that can be handled in the text amendment.


A motion made by Commissioner Baugh, seconded by Commissioner Servia and carried 7-0, to direct Staff in coordination with the County Attorney's Office, to initiate an amendment to the Land Development Code to define the use of "agritourism" per Section 570.85, Florida Statutes, as an allowable use by the issuance of a temporary use permit. BC20220616DOC018

13. **DEVELOPMENT SERVICES/RESOLUTION**

 A duly advertised public hearing was held to consider adoption of proposed Resolution R-22-048, Buffalo Creek Middle School Modification School Site Plan.


 Charles Andrews, Planner, was available for questions.

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


 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 Satcher moved to adopt Manatee County Resolution 22-048 (SSP-22-01); approval of a Determination of Consistency for a School Site Plan for the modification to an existing Middle School (Buffalo Creek) with Stipulations A.1-A.2 and B.1. The motion was seconded by Commissioner Bellamy and carried 7-0. BC20220616DOC019


RECESS/RECONVENE: 11:59 a.m. – 1: 31 p.m. All Commissioners were present with Commissioner Servia attending via Zoom.

11. DEVELOPMENT SERVICES/ORDINANCE

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDC-21-19(Z)(G)/Swift Self-Storage. The Planning Commission recommended adoption.

There were no ex-parte communications disclosed.

 John Osborne, representing the applicant, was available for questions.


 Laura Gonzalas, Planner, responded there is a proposed local road that heads east along the property. There is also an additional access on Upper Manatee River Road.

There being no public comment, Chairman Van Ostenbridge 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, as conditioned herein, Commissioner Baugh moved to adopt Manatee County Zoning Ordinance PDC-21-19(Z)(G), approve a General Development Plan with Stipulations A.1-A.12, B.1 -B.4, C.1, and D.1-D.5, as recommended by the Planning Commission. The motion was seconded by Commissioner Bellamy and carried 7-0.

BC20220616DOC020

12. DEVELOPMENT SERVICES/ORDINANCE

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-16-16 (G)(R)/Parrish Lakes General Development Plan Amendment. The Planning Commission recommended adoption.

There were no ex-parte communications disclosed.

 Clint Cuffel, representing the applicant, stated there is an existing GDP, and there were some lot standards that were out of date, this is updating the design and updating the location of the access points. The GDP, LDA and DRI will now match with the changes.

Discussion ensued to add amenities and 2,000-square-foot units, and the LDA has conditions that needed to be updated to match the DRI.

Rossina Leider, Planning Section Manager, stated she reviewed the case, and this makes the Ordinance compliant with the DRI. There are no increases to the number of units or density. The entitlements remain the same.

There being no public comment, Chairman Van Ostenbridge 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, as conditioned herein, Commissioner Baugh moved to approve Manatee County Zoning Ordinance PDMU-16-16(G)(R); and approve the revised General Development Plan with stipulations, as

recommended by the Planning Commission. The motion was seconded by Commissioner Satcher and carried 7-0.

BC20220616DOC021

PUBLIC HEARINGS (Presentation Scheduled)

14. DEVELOPMENT SERVICES/ORDINANCE


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance 22-64/Lakewood Centre/DRI 27. The Planning Commission recommended adoption.

and


15. DEVELOPMENT SERVICES/ORDINANCE

A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-06-30(G)(R7)/Lakewood Centre GDP. The Planning Commission recommended adoption.

There were no ex-parte communications disclosed.

 Kyle Grimes, attorney representing the applicant, used a slide presentation to review the request, current project components, the project history, 70 acres were added in 2020 with no new entitlements, request for a land use exchange related to the land use equivalency matrix, exchanging a mix of office and hotel for a total of single family and multi-family, 353 multi-family will be on Parcel M, which is the 69 acres, 1,200 multi-family units will go in Parcels I2 and J2, and are planned to be for a senior living and retirement community, 84 single family units will go in where multi-family was designated, a traffic study shows there will be a decrease in pm trips, requesting to increase the height of multi-family from five to six stories for the senior living facilities, there are allowances for 12 story buildings, and an increase of one story is compatible. They requested approval.

 Discussion ensued regarding the market calls for senior living and six-stories is not unusual, and all the uses requested are approved under the DRI.

 Marshall Robinson, Planner, used a slide presentation to review the trip captures, parcels I2 and J2, and surrounding uses do not have single-family uses nearby.

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

 Discussion ensued regarding master planned communities, more office space is being changed out for residential, and Lakewood Ranch is planned well.

Motion – Item 14

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, the Manatee County Land Development Code, and Section 380.06, Florida Statutes, subject to the conditions of approval established in the Development Order, Commissioner Baugh moved to approve DRI 27 and adopt Manatee County Ordinance 22-64, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 7-0.

BC20220616DOC022


Motion – Item 15

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, the Manatee County Land Development Code, as conditioned


herein, Commissioner Baugh moved to adopt Manatee County Zoning Ordinance PDMU-06-30(G)(R7), and approve the revised General Development Plan with stipulations, as recommended by the Planning Commission. The motion was seconded by Commissioner Satcher and carried 7-0.


BC20220616DOC023

16. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed zoning Ordinance PDR-21-18(P)/Creekside at Rutland Ranch/Creekside Development of Manatee LLC. The Planning Commission recommended adoption.

There were no ex-parte communications disclosed.

 Scott Rudacille, attorney for the applicant, used a slide presentation to introduce the project team, the location of the property, aerial view of the project, nearby projects, the UF3 Future Land Use, Current PDR zoning with an expired Preliminary Site Plan, the preliminary site plan for 95 single family, detached lots, an existing creek is being incorporated into the site-plan, proposed buffers, 37 percent open space, and an open play field. He responded that this is a new project, and none of the stipulations of the previous plan are being considered. There is a revised Stipulation A.6 for a proposed fence along the west side of the property: Stipulation A.6: Prior to vertical construction the applicant shall install, at final grade, a white eight-foot vinyl fence along the western and northwestern boundaries of the project, except where the fence would conflict with wetlands, wetland buffers or wetland enhancement areas.


 Laura Gonzalez, Planner, explained the applicant is requesting specific approval and showed a preliminary site plan comparison. She reviewed LDC Section 402.7.D. to modify the front-yard setback from 25 feet to 20 feet, and the secondary front yard for corner lots from 20 feet to 15 feet.

 There being no public comment, Chairman Van Ostenbridge 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, as conditioned herein, Commissioner Satcher moved to approve Manatee County Zoning Ordinance PDR-21-18(P); approve a Preliminary Site Plan with Stipulations A.1-A.6, B.1-B.8 and C.1-C.5; adopt the Findings for Specific Approval; and grant Specific Approval of an alternative to Land Development Code Sections: 1) 402.7.D.7: to modify the front-yard setback from twenty-five (25) feet to 20 feet, and 2) 402.7.D.7 to modify the secondary front yard for corner lots from twenty (20) feet to fifteen (15) feet, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 7-0.

BC20220616DOC024

17. **COUNTY ATTORNEY/RESOLUTION**

 Sarah Schenk, Chief Assistant County Attorney, reviewed the need for Resolution R-22-112. She confirmed Commissioner Whitmore can abstain since she was not present for the hearing.

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

A motion was made by Commissioner Satcher and seconded by Commissioner Baugh, to adopt Resolution R-22-113 to deny Application PDMU-21-15(Z)(G). The motion carried 6-0, with Commissioner Whitmore abstaining.

BC20220616DOC025

18. **COUNTY ADMINISTRATOR/PARRISH TAX INCREMENT AND FINANCE FUND**



Commissioner Kruse requested a discussion take place in the future with key players.

BC20220616DOC026

19. **COMMISSIONER AGENDA/COMMISSIONER SERVIA**



Commissioner Servia stated that Commissioner Comments are important, and it is inappropriate to silence Commissioners. She asked that Commissioner Comments be returned to the agenda, and requested that the politics stop and the Board get back to work.

Commissioner Servia acknowledged staff, including Tom Gerstenberger on the removal of a tree at Shadybrook, discussed noise issues along Cooper Creek Boulevard, issues at the Beach Market, and had a meeting with Friends of the Pelicans regarding possibly using the old animal services building in Palmetto for sea bird rehabilitation, and requested briefings on issues.



Discussion ensued regarding the Beach Market at Coquina Beach, concern regarding where the market is held, and there have been issues due to construction, Woodruff and Sons won the new bid for Phase 3 and will begin as soon as they can, the Beach Market is popular and local businesses/vendors are there, let the market continue, and provide briefings regarding the contractor.

BC20220616DOC027

RECESS/RECONVENE: 2:26 p.m. – 2:36 p.m. All Commissioners were present.

18. **COUNTY ADMINISTRATOR/PARRISH TAX INCREMENT AND FINANCE FUND (TIF)**

Dr. Scott L. Hopes, County Administrator, stated the ordinance is ready, and they just need the geographic boundaries to present the TIF. They have outlined different geographic areas.



Che Barnett, Interim Economic Development Manager, used a slide presentation to review the definition and components of a TIF, Florida Statute, creating a TIF, proposed TIF areas in Parrish, and the next steps for creating a Home Rule Ordinance.




Dr. Hopes reviewed the boundaries, including the skinny boundary, which would be the Parrish Village Commercial Overlay. If the area is too small, it would take longer to build a revenue stream, and, if it is too large, they would have to go back and rebase, because too much revenue is achieved. They drew the lines to get enough revenue in the first two years, to assist the commercial areas in the overlay. They will work on this over the recess.



Discussion ensued regarding this TIF was proposed by Commissioner Kruse, not the Parrish Village Association, the discussion at the time of Board direction was to do this in a quick manner, draft maps are not in accordance with Board direction, no briefings, too late to do anything this tax year, intent of the TIF was to create a small pocket TIF to install sidewalks and connect sewer in the village, larger proposals are all residential and capturing a huge area and defeats the purpose of what they are trying to accomplish, there needs to be a large enough incentive for people to build in the commercial areas, this is not the original TIF proposal, this has gone on too long, do not need an excessive TIF that will not direct money to specific areas, need infrastructure in specific areas, and support the skinny boundary.

Dr. Hopes encouraged a motion, and noted the yellow area on the map is the skinny boundary.


 Discussion continued to not leave Commissioners out of the conversations so they can understand what they are voting on.

 William Clague, County Attorney, explained TIFs do not generate new review, but they direct taxes being collected to specific areas for specific uses. He drafted an ordinance in February for the Parrish TIF, but there must be a meets and bounds legal description attached to that ordinance. He is unsure if this can be done in time for the next budget. The Board makes the decision on how the funds will be spent. He confirmed the boundaries could be changed later.


A motion was made by Commissioner Kruse and seconded by Commissioner Whitmore, to direct the County Administrator and County Attorney to bring back a TIF ordinance in the form previously provided by the County Attorney, on July 26 with the proposed skinny boundary in the map presented to the Board as the boundary of the TIF.

Discussion ensued to encourage staff to meet with the Parrish Civic Association, and the inclusive boundary gets more done in a faster time.

A motion was made by Commissioner Satcher, to make a hostile amendment to the motion to the inclusive, blue boundary. The motion failed due to lack of a second.

 Discussion ensued that this was put on the agenda today, staff was working on this, Property appraiser requires meets and bounds be attached to the ordinance, and thanking Commissioner Kruse for bringing this forward.

Dr. Hopes stated this item came forward when staff was in the middle of preparing the budget, and the TIF needed to be assessed by Financial Management during unprecedented times. He questioned if there is anything that restricts the Board from saying they would like to allocate 15 percent of the revenue into a fund to be used for something in the Parrish Overlay.

 Mr. Clague responded that the Board can make fiscal policy at any time. The TIF gives assurance that the funding will be used in a certain area.

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

The motion carried 7-0.

BC20220616DOC026

ADJOURN

There being no further business, Chairman Van Ostenbridge adjourned the meeting at 3:40 p.m.

Minutes Approved: September 27, 2022