

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
October 20, 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
Vanessa Baugh
Misty Servia

Also present were:

Dr. Scott L. Hopes, County Administrator
Courtney DePol, Development Services Director
Rossina Leider, Planning Section Manager
Sarah Schenk, Chief Assistant County Attorney
Robin Toth, Deputy Clerk, Clerk of the Circuit Court



Chairman Van Ostenbridge called the meeting to order at 1:30 p.m.

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE



The Invocation was delivered by Pastor Paul E. McLaughlin, Bible Baptist Church of Bradenton, followed by the Pledge of Allegiance, led by Commissioner Bellamy.

AGENDA

BC20221020DOC001

Added Consent Agenda Item



Courtney DePol, Development Services Director and Deputy County Administrator, announced that Item 22 was just added to the Consent Agenda:


- Item 22, Execution of Amendment 1 to Asset Purchase Agreement, Premier Sports Campus Revised Agenda 1 with Update Memorandum (dated 10/18/22) BC20221020DOC002
- Future Agenda Items – Public Comment letters attached BC20221020DOC003
- Item 11, LDCT-22-19/Ordinance 22-87 – County Initiated Land Development Code Text Amendment Accessory Dwelling Units (ADUs) – Summary of the October 13, 2022, Planning Commission attached
- Item 12, LDCT-22-16/Ordinance 22-72 – County Initiated Land Development Code Text Amendment Setbacks – Summary of the October 13, 2022, Planning Commission attached
- Item 15, LDCT-22-02/Ordinance 22-26 – Land Development Code Text Amendment (County Initiated) Agritourism – Public Comment and Additional version of Ordinance with an alternative lite option (Option B), to Exhibit A (Option A previously entered with agenda package) attached
- Item 16, PDMU-21-28(Z)(G) – Rutland Planned Development – Ardith C. Rutland I LLC (Owner) – Nicholas Aparicio (Contract Purchaser) – New Staff Report Maps with the NCO Overlay removed; a Schedule of Permitted and Prohibit Uses; revised Ordinance with new Exhibit B attached; additional public comment and a summary of the October 13, 2022, Planning Commission attached
- Item 17, PDR-22-06(Z)(G) – Rutland Planned Development – Ardith C. Rutland I LLC (Owner) – Nicholas Aparicio (Contract Purchaser) – New Staff Report Maps with the NCO Overlay

removed; a revised Schedule of Permitted and Prohibit Uses; revised Ordinance with new Exhibit B attached; additional public comment and a summary of the October 13, 2022, Planning Commission are attached

Revised Agenda 2 with Update Memorandum (dated 10/19/22)

BC20221020DOC004

- Item 21, Authorization for License/Use Agreement with Federal Emergency Management Agency (FEMA), and Department of Homeland Security (DHS), to use the John Marble Park and Recreation Center at 3675 53rd Avenue East, Bradenton, primarily as a Disaster Recovery Center/Public Assistance Office
- Item 17, PDR-22-06(Z)(G) – Rutland Planned Development – Ardith C. Rutland I LLC (Owner) – Nicholas Aparicio (Contract Purchaser) – Additional public comment attached

 Commissioners Bellamy and Whitmore stated they both did not receive the update agenda documents.


REQUESTS BY COMMISSIONERS (Items to be pulled from Consent Agenda)

No items were pulled.

CITIZEN COMMENTS (Future Agenda Items)


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

CITIZEN COMMENTS (Consent Agenda Items)

 Diane Richey asked to speak on Item 17, but was advised she could speak when the item is addressed.

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

CONSENT AGENDA

 A motion was made by Commissioner Servia, seconded by Commissioner Whitmore, and carried 7-0, to approve the Consent Agenda, with the changes incorporated in the Agenda Update Memorandums.

1. **DEVELOPMENT SERVICES/LAND USE RESTRICTION AGREEMENT**

Approved and executed Land Use Restriction Agreement for Livable Manatee Homeownership Incentive Program between Manatee County, Advanta IRA Services LLC (Steven Dutoit IRA 8003882/Owner) and William Manfull (Developer), for the home located at 5635 23rd Street East, Bradenton

BC20221020DOC005

2. **PUBLIC WORKS/IMPACT FEE CREDIT AND UTILITY REIMBURSEMENT AGREEMENT**

Executed Impact Fee Credit and Utility Reimbursement Agreement with CC 301 Manatee Business Center LLC, for the 24th Street Extension Project (including reimbursement for costs related to the construction of a ten-inch water main extension along the new 24th Street East roadway and provides multimodal impact fee credits for the 44th Avenue East intersection improvements of turn lanes and signalization)

BC20221020DOC006

21. **PUBLIC SAFETY/LICENSE USE AGREEMENT**

Authorized the County Administrator to enter into a License/Use Agreement with Federal Emergency Management Agency (FEMA) and Department of Homeland Security (DHS), agreeing to license and permit FEMA to use the John Marble Park and Recreation Center at 3675 53 Avenue East, Bradenton, primarily as a Disaster Recovery Center/Public Assistance Office where FEMA will receive members of the public for the purpose of providing information such as the status of applications, and general information on FEMA disaster assistance

BC20221020DOC007


22. **CONVENTION AND VISITORS BUREAU/AGREEMENT/PREMIER SPORTS CAMPUS**


Executed Amendment One to Agreement for (12/12/17) Premier Sports Campus, allowing the County to pursue a public/private partnership for an indoor sports-/events center adjacent to the County Library that is currently under construction north of Premier Sports Campus

BC20221020DOC008


(End Consent Agenda)

ADVERTISED PUBLIC HEARINGS (Presentations upon Request)

 Inasmuch as Items 3 through 10 were being continued to January 19, 2023, Sarah Schenk, Chief Assistant County Attorney, stated that one motion could be made to continue Items 3 through 10.

 There being no public comment on Items 3 through 10, public comments were closed.

Motion – Items 3 through 10

 A motion was made by Commissioner Kruse, to continue Items 3 through 10 to January 19, 2023, at 1:30 p.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, First Floor, Patricia M. Glass Chambers. The motion was seconded by Commissioner Baugh and carried 7-0.

3. **ORDINANCE/LAND DEVELOPMENT CODE**

A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-22-03/Ordinance 22-23, (County Initiated), Chapter 2, Definitions, Manufactured Building and Use, Accessory.

BC20221020DOC009

4. **ORDINANCE/LAND DEVELOPMENT CODE**

A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-22-08/Ordinance 22-65, (County Initiated), Agricultural Uses – Pot Belly Pigs

BC20221020DOC010

5. **ORDINANCE/LAND DEVELOPMENT CODE**

A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-22-07/Ordinance 22-54, (County Initiated), Acute Care Medical Facilities and Assisted Living Facility

BC20221020DOC011

6. **ORDINANCE/LAND DEVELOPMENT CODE**

A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-22-04/Ordinance 22-52, (County Initiated), Maintenance within Wetland Buffers

BC20221020DOC012

7. **ORDINANCE/LAND DEVELOPMENT CODE**

A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-21-04/Ordinance 22-10, Heavy Manufacturing Zoning District

BC20221020DOC013

8. **ORDINANCE/LAND DEVELOPMENT CODE**

A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-22-09/Ordinance 22-66, (County Initiated), General Clean-Up and Business Process Improvements

BC20221020DOC014

9. **ORDINANCE/LAND DEVELOPMENT CODE**

A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-22-13/Ordinance 22-69, (County Initiated), Building Height Compatibility and Building Orientation


BC20221020DOC015


10. **ORDINANCE/LAND DEVELOPMENT CODE**


A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-22-17/Ordinance 22-74, (County Initiated), Calculating Density and Intensity on Mixed-Use Projects at Activity Nodes and along Urban Corridors

BC20221020DOC016


11. **ORDINANCE/LAND DEVELOPMENT CODE**


 A duly advertised public hearing was opened to consider adoption of proposed Land Development Code (LDC) Text Amendment LDCT-22-19/Ordinance 22-87, (County Initiated), Accessory Dwellings Units (ADUs). This is the first of two required public hearing; the second public hearing is scheduled for November 3, 2022.


 William O'Shea, Principal Planner, utilized a slide presentation to explain this is a cleanup ordinance of what was approved one year ago, 750 square-feet was added, and if a homeowner converts their garage into an accessory dwelling unit (ADU), then three parking spaces are required.

 Commissioner Whitmore stated one of the mayors called her regarding parking, and guest parking is coming forward at a future date.

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

 Chairman Van Ostenbridge stated that no action is necessary. This is the first of two, required public hearings. The second public hearing is scheduled November 3, 2022.


 Commissioner Satcher asked if the Board talked about the parking requirement in the Code.


 Mr. O'Shea stated there is language for additional parking spaces for an ADU; it is already a requirement; this is just a clarification. An ADU was intended to not be larger than the primary dwelling unit.

BC20221020DOC017


(Note: Public Comment was inadvertently overlooked; but was opened/closed later in the meeting)

12. **ORDINANCE/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-22-16/Ordinance 22-72, (County Initiated). This is the first of two required public hearings; the second public hearing is scheduled for November 3, 2022.

 William O'Shea, Principal Planner, stated this document is also a cleanup document on 1) the definition of setback; 2) occurs to many of the zoning tables (If there is available space in the form of Right of Way (ROW), up to five-feet can be used to provide the 25-feet); and 3) ten feet of separation between equipment in side yards (this will no longer have to be stipulated).


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


 Chairman Van Ostenbridge stated no action is necessary. This is the first of two, required public hearings. The second public hearing is scheduled November 3, 2022.

BC20221020DOC018


(Note: Public Comment was inadvertently overlooked; but was opened/closed later in the meeting)


13. **ORDINANCE/LAND DEVELOPMENT CODE**


 A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT 22-06/Ordinance 22-62, (County Initiated), Standard Zoning. The Planning Commission recommended adoption.

 Charles Andrews, Principal Planner, utilized a slide presentation to give an overview of a Standard Zoning (Limited) District, other jurisdictions research, and positive aspects. There are no negative or mitigating aspects.

Commissioner Servia questioned if an application could be revised at a hearing if the applicant would agree.


 Sarah Schenk, Chief Assistant County Attorney, stated there is a change at the hearing, a stipulation could be added.


 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 in accordance with the criteria for LDC Text Amendments in Section 341 of the Land Development Code, as conditioned herein, a motion was made by Commissioner Servia, to adopt Manatee County Ordinance 22-62/LDCT-22-06, amending the Manatee County Land Development Code, as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore and carried 7-0.


BC20221020DOC019


14. **ORDINANCE/LAND DEVELOPMENT CODE**


 A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-22-10/Ordinance 22-67, (County Initiated), Half Dwelling Unit and Multi-family Parking Ratio. The Planning Commission recommended adoption. This is the first of two required public hearings; the second public hearing is scheduled for November 3, 2022.


 William O'Shea, Principal Planner, utilized a slide presentation to explain that Staff is requesting approval of a County Initiated LDC amendment to define a half dwelling unit and to modify 531.47 and Table 10-2, Parking ratios. It is staff's opinion that the request is consistent with Florida Statute, the Land Development Code and the Comprehensive Plan.


 Discussion ensued regarding the reality is most market rate developers are using the half dwelling units, Sarasota County adopted a slightly higher/lower parking ratio with 1.2 parking spaces/half dwelling unit, the County does not have any tight urban service areas, the possibility of creating a subdivision of half dwelling units, and parking concerns.


 Nicole Knapp, Impact Fee Coordinator, stated staff is in the middle of updating the impact fee study, and 750-feet is the data break to support a lesser impact fee.


 Commissioner Servia requested more information to have more affordable housing if the Board takes this step. She did not see the reason for doing this or anything gained, and does not have enough information to support the request.

 Mr. O'Shea stated there would not be a limit on dwelling units as currently proposed.

 Discussion ensued regarding the term affordable housing, the purpose of only one parking space, and this is not restricting developers to one parking space.

 Mr. O'Shea stated there is a restriction in the Land Development Code that states the developer can only go ten percent above the required parking. If someone wanted to propose two parking spaces per dwelling unit, they would not be able to, because they would have to ask for Specific Approval.


 Commissioner Satcher asked if changes could be made at this time.

 Sarah Schenk, Chief Assistant County Attorney, stated this is the first of two, required public hearings and no action is necessary. This is the first of two, required public hearings. The second public hearing is scheduled for November 3, 2022.

 Amended Motion - Failed

Commissioner Whitmore amended the motion from one per half dwelling unit to 1.2 half dwelling units. The motion failed for lack of a second.

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

 Commissioner Servia stated the 1.2 parking ratio per half dwelling unit was not enough, and she does not support it. She would support one parking space/unit if there was a parking study done, and would rather see an increase in Future Land Use (FLU) densities along the corridors.


 Commissioner Baugh and Chairman Van Ostenbridge agreed with the one parking space.

Sarah Schenk, Chief Assistant County Attorney, stated this is the first of two, required public hearings and no action is necessary. The second public hearing is scheduled November 3, 2022.

BC20221020DOC020


11. ORDINANCE/LAND DEVELOPMENT CODE (continued)

It was noted that public comment was not taken earlier in the meeting on Item 11, Land Development Code Text Amendment LDCT-22-19/Ordinance 22-87, and needed to be taken.

 There being no public comment on Item 11, Chairman Van Ostenbridge closed public comment.

BC20221020DOC017


12. ORDINANCE/LAND DEVELOPMENT CODE (continued)

 It was noted that public comment was not taken earlier in the meeting on Item 12, Land Development Code Text Amendment LDCT-22-16/Ordinance 22-72, and needed to be taken.


There being no public comment, on Item 12, Chairman Van Ostenbridge closed public comment.


BC20221020DOC018


15. ORDINANCE/LAND DEVELOPMENT CODE


 A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT 22-02/Ordinance 22-26, amending the Manatee County Land Development Code by adding Agritourism to Chapter 2, Section 200, Definitions; adding an exception related to Agritourism to Chapter 5 Standards for Accessory and Specific

Uses and Structures, Section 521.10, Tents; and adding a new Agritourism Section to Chapter 5 Standards for Accessory and Specific Uses and Structures, Section 521.12, Agritourism.


 William O'Shea, Principal Planner, utilized a slide presentation to review the request, and stated he met with staff and spoke with the County Attorney regarding how to bring Agritourism forward. He read the definition of Agritourism, per F.S. 570. There are two option Ordinances for the Board to select between. The County Attorney recommends Alternative B Lite, and the motion would need to be modified based upon what option the Board approves. Staff finds the request consistent with State Statute, applicable policies of the Comprehensive Plan, and regulations of the Land Development Code.


 Kevin Hennessy, representing two Manatee County farms, submitted a letter with attached strike through and underlines of the proposed ordinance and summary. His clients and the agricultural community remain of the opinion that this ordinance is unnecessary and runs counter to the direction of the State legislature that wishes to promote agritourism and reduce the regulatory burden on agriculture.


 Carol Felts addressed the substantial impacts, and how the County should do what they can to promote agricultural businesses.


 Caleb Grimes, representing Shelly Kroput, commented on paved roads requirements, and Temporary Use Permits.


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


 Merih Wahid, Transportation Systems Engineer, responded to request by Commissioner Kruse for an explanation of a paved road.

 Discussion ensued regarding it would be good to have one definition, recurring Temporary Use Permits, the County is preempted by State Statute, definitions of an entranceway, staff needs some sort of measure, bureaucracy, and the Board should approve the State definition of Agritourism.

 In response to Commissioner Kruse's comments about Agritourism events, Ms. Schenk stated this is the only regulation.


 Courtney DePol, Deputy Administrator and Development Services Director, requested this be per event, suggesting possibly every five years.

 Mr. O'Shea stated that as to duration of the permit, other Temporary Use Permit Criteria would have to be changed, because the Permit is for a finite period.

 Sarah Schenk, Chief Assistant County Attorney, stated the Board has the right to look at potential impacts.

BC20221020DOC021


RECESS/RECONVENE: 3:16 p.m. – 3:27 p.m. All Commissioners were present except Commissioner Satcher.


 Inasmuch as Commissioner Satcher was not present, Chairman Van Ostenbridge recessed the meeting.

RECESS/RECONVENE: 3:30 p.m. – 3:32 p.m. All Commissioners were present.

15. **ORDINANCE/LAND DEVELOPMENT CODE** (continued)

 Ms. Schenk read suggested changes to LDCT-22-02/Ordinance 22-26.


 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 Land Development Code Text Amendments in Section 341 of the Land Development Code, Commissioner Whitmore moved to adopt Manatee County Ordinance 22-26, LDCT-22-02, Option B Lite, amending the Manatee County Land Development Code. The motion was seconded by Chairman Van Ostenbridge, as revised and read by Ms. Schenk, and carried 7-0.

 Ms. Schenk stated with this action, there is no longer a Temporary Use Permit.

BC20221020DOC021

18. **ORDINANCE/LAND DEVELOPMENT CODE**


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

 A motion was made by Commissioner Servia, seconded by Commissioner Kruse and carried 7-0, to hold the second public hearing to adopt proposed Ordinance 22-67 on November 3, 2022, at 9:00 a.m., or as soon thereafter as same may be heard (in lieu of after 5:00 pm), pursuant to Section 125.66(4)(b)1, Florida Statutes.

BC20221020DOC022

19. **ORDINANCE/LAND DEVELOPMENT CODE**


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

 A motion was made by Commissioner Servia, seconded by Commissioner Baugh and carried 7-0, to hold the second public hearing to adopt proposed Ordinance 22-67 on November 3, 2022, at 9:00 a.m., or as soon thereafter as same may be heard (in lieu of after 5:00 pm), pursuant to Section 125.66(4)(b)1, Florida Statutes.

BC20221020DOC023


20. **ORDINANCE/LAND DEVELOPMENT CODE**


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


 A motion was made by Commissioner Servia, seconded by Commissioner Baugh and carried 7-0, to hold the second public hearing to adopt proposed Ordinance 22-67 on November 3, 2022, at 9:00 a.m., or as soon thereafter as same may be heard (in lieu of after 5:00 pm), pursuant to Section 125.66(4)(b)1, Florida Statutes.

BC20221020DOC024


16. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-21-28(Z)(P), CCSS Enterprises LLC and Shoot Straight Sarasota Holding Company LLC (Owners/The Village at Sarasota. Planning Commission recommended approval.


 There were no ex-parte communications disclosed.


 John Osborne, representing the applicant, utilized a slide presentation to review the request for a rezone from Planned Development- Commercial (PD-C) to Planned Development-Mixed Use (PD-MU) consisting of two parcels totaling 18.28 acres, six buildings of 312 multi-family residential units are proposed with this project, an additional building which is the


clubhouse, amenity center and residential, co-working space, and the specific approval requests.


 Discussion ensued regarding how the residential units are compatible with the adjacent shooting range, typical landscape buffers are proposed, the project is not gated, 16 of the 18 acres are currently owned by the applicant for the actual development, even though the entirety of development is all on the 8 1/2-acre parcel and more than half of the units will be 1,000-square-foot studio apartments.

 Dillon Reeves, Bio-Tech Consulting, stated there is a very small portion of wetlands on the north side out of the upland associated with Shoot Straight, but all of the other wetlands are not being touched as remediation.


 Dialogue occurred between Commissioner Kruse and John Osborne regarding cramming the property with as much uses as possible even paving over two acres.


 Discussion ensued regarding a big concern is all of the trees being removed, the Tree Trust Fund, vehicle access, and requests for the developer to make it clear that the property is under two different ownerships.

 Marshall Robinson, Principal Planner, utilized a slide presentation to display an aerial map, zoning map, and a summary of the request.

 Chairman Van Ostenbridge requested a map showing Broadway Avenue from the east side and stated the project abuts to Broadway. He questioned if it would make better sense for the project to connect to Broadway.

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

 Discussion ensued regarding the mitigation site, upland area, impacts on the existing trees, infill development, the project is on a major thoroughfare, there is infrastructure and walkability, Shoot Straight site is a part of this project, and a lot of development is being proposed on the site.


 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 Servia moved to adopt Manatee County Zoning Ordinance PDMU-21-28(Z)(P); approve the Preliminary Site Plan with Stipulations A.1-A.4, B.1-B.7, C.1, and D.1-D.3; adopt the Findings for Specific Approval; and grant Specific Approval for an alternative to Land Development Code (LDC) Sections: 1) 1005.3: reduce the number of required parking for 312 multi-family residential dwelling units from 2 spaces per unit to 1.55 spaces per dwelling unit.; 2) 701.4.B.4: reduce greenbelt buffer from 15 feet to 10 feet; 3) 900.6.A.2: reduce the required 20-foot Roadway buffer along Shade Avenue to a variable width buffer between seven and 25-feet in width; and 4) 900.5.C.4: Eliminate 75 percent of all trees exceeding 24-inch diameter breast height (DBH) shall be preserved, as recommended by the Planning Commission with the additional stipulation from the applicant. The motion was seconded by Commissioner Whitmore, and carried 5-2, with Commissioner Kruse and Chairman Van Ostenbridge voting nay.

BC20221020DOC025


RECESS/RECONVENE: 4:48 p.m. – 4:55 p.m. All Commissioners were present except Commissioner Satcher.


17. DEVELOPMENT SERVICES/ORDINANCE


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-22-06(Z)(G), Rutland Planned Development/Ardith C. Rutland I LLC (Owner) – Nicholas Aparico (Contract Purchaser). The Planning Commission recommended approval.


 There were no ex-parte communications disclosed.


(Enter Commissioner Satcher)


 Alexis Crespo, RVI Planning, representing the applicant, utilized a slide presentation to review a rezone request, on-site recreational amenities, expansive wetland and upland preserve area adjacent to southern boundary, enhanced Rye Road setback and buffer, perimeter buffers, interconnectivity to Rye Crossing to the North and specific approval requests.


 Steve Henry, Lincks and Associates, reviewed the traffic impact statement, and there will be a right turn lane into the site.

 Marshall Robinson, Principal Planner, utilized a slide presentation to review the request, a zoning map, cross access is proposed as second means of access and an interconnect thru Rye Crossings, Stipulation A.7, positive and negative impacts, and mitigating measures. The project is in compliance with the Land Development Code and the Comprehensive Plan.


 Merih Wahid, Transportation Systems Engineer, addressed access with the additional capacity created with the development.


 Discussion ensued regarding construction of Upper Manatee River Road, widening of Rye Road, and timeline for the project.

 Stacey Jesse, Rye Road Working Group, submitted a letter authorizing her to speak on behalf of River's Reach residents. She utilized a slide presentation to express concern regarding capacity and addressed smarter growth.


 Tyler Jesse addressed the reason why the County should only approve 100 homes.


 Claire Jesse expressed concern with the environment and the safety of nature and wildlife.


 Nathan Jesse expressed concern of endangered species and gopher tortoises.

 Diane Richey stated she is opposed to this development due to the safety of endangered species, wildlife and the environment.


 Lucy Fiscella stated many residents are concerned due to close proximity to Rye Preserve.


 Gregory Kisela, asked the Board look at the dedicated ingress/egress.


 Larry Burbank asked the Board to delay any further rezoning on Rye Road until necessary infrastructure is added.


 Glen Gibellina spoke on the project's proposed setbacks, the necessary infrastructure, and voiced concern of endangered species.


 Carol Felts stated the density of three-story buildings are not conducive to the area.


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


 Discussion ensued regarding transportation issues, there will be enough traffic at the intersection for two lanes, the County will want to line up the driveways, and an operational and safety analysis will be required to ensure safety.


 Caleb Grimes, attorney representing the applicant, explained that the applicant will be required to install sidewalks along their project, they are reserving right-of-way for the expansion of Rye Road, and there will be a Notice to Buyers.

 Tammy Lyday, Environmental Consulting and Technology, Inc., stated the Federal Government has listed Gopher Tortoises as threatened.

 Discussion occurred regarding compatibility, the project is reduced to two stories which is compatible, and stipulation A.9.

 Mr. Grimes stated the project is consistent with the Comprehensive Plan, he is in agreement with the stipulations by staff, and requested approval.

 Discussion continued regarding this being an infill project, the project is UF-3, Impact Fees, gopher tortoises can be relocated, property owner rights, and Erie and Rye Roads are soon to become a top priority.


 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, a motion was made by Commissioner Kruse, to approve Manatee County Zoning Ordinance PDR-22-06(Z)(G); approve a General Development Plan with Stipulations A.1-A.8, B.1-B.8, C.1, D.1, and E.1; adopt the Findings for Specific Approval; and grant Specific Approval for alternatives to the following Land Development Code Sections: 1) 402.7.D.7-Yards and Setback - reduce the required front yard building setback from twenty-25-feet to 23-feet; 2) 402.7.D.7-Yards and Setback - Allow for secondary front yards on corner lots to be treated as side yards for setback purposes reducing the secondary side yard to ten feet from the required 25-feet, as recommended by the Planning Commission, with Stipulation A.9 added. The motion was seconded by Commissioner Whitmore and carried 6-1, Commissioner Satcher voting nay.

BC20221020DOC026

(Enter William Clague, County Attorney)


(Depart Commissioner Servia)


2022 MEETING SCHEDULE


 A motion was made by Commissioner Baugh, to amend the Board's 2022 Meeting Schedule as approved on October 12, 2021, by cancelling all scheduled Regular Meetings between today and November 28, 2022, except for the November 3 Land Use Meeting, by scheduling a Regular Meeting on November 29, 2022; and by providing delegation to the


County Administrator and County Attorney pursuant to R-20-124 during the resulting November recess. The motion was seconded by Chairman Van Ostenbridge.

Call the Question


 A motion was made by Commissioner Baugh, and seconded by Chairman Van Ostenbridge, to call the question. The motion carried 4-2, with Commissioners Bellamy and Whitmore voting nay, and Commissioner Servia absent.

 Chairman Van Ostenbridge stated the only item for the next meeting was the Consent Agenda.


 Commissioner Kruse stated he spoke to the County Administrator about upcoming meetings.

 Carol Felts suggested the next few cancelled meeting dates be used to address issues and topics that the public would like to see on future agenda items.

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


 William Clague, County Attorney, pointed out that, based on the motion on the floor, there would still be a Land Use meeting on November 3, because it had already been published and notices were mailed to the public, and there could be legal issues if that meeting were to be cancelled.

Vote on Motion

 The motion carried 4-2, with Commissioners Bellamy and Whitmore voting nay, and Commissioner Servia absent.

BC20221020DOC027

COMMISSIONER COMMENTS

 Commissioner Whitmore stated she was advised by Dr. Hopes that she needed to depart from her office. She responded by email that she had arranged to move out of her office the morning of November 21.

ADJOURN

There being no further business, Chairman Van Ostenbridge adjourned the meeting at 6:55 p.m.

Minutes Approved: November 14, 2023