

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
January 19, 2023**

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

Present were:

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

Also present were:

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

The Invocation was delivered by Commissioner Baugh, followed by the Pledge of Allegiance led by Commissioner Bearden.

COMMISSIONER REQUESTS

Item 26- Pulled for separate action



Captain Carter addressed the roundabout project and stated the study needs to be redone, since the traffic light works. The ponds on both sides of the road would be impacted near Creekwood.



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

AGENDA

Agenda Update Memorandum

BC20230119DOC001

BC20230119DOC002

Citizen Comments (Consideration for Future Agenda Items - Public Comment Letter attached

Item 26 - Authorization to Advertise and Set a Public Hearing to consider Water and Wastewater rate increases for the next 5 years – Added to the Consent Agenda

Item 1. - LDCT-21-04/Ordinance 23-12 fka 22-10 – Land Development Code Text Amendment – Heavy Manufacturing Zoning District Move item to Presentation Scheduled for presentation, revisions to background/discussion in strikethrough / underline format on cover sheet, and additional public comment attached.

Item 7 - LDCT-22-07/Ordinance 23-16 fka 22-54 County Initiated Land Development Code Text Amendment Acute Care Medical Facilities and Assisted Living Facility Revised motion to continue item to February 16, 2023, and to be readvertised: I move to continue the public hearing for LDCT-22-07/Ordinance 23-16 fka 22-54 to February 16, 2023, at 1:30 pm or as soon thereafter

as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, 1st Floor, Patricia M. Glass Chambers.

Item 16 - PA-22-13 / Ordinance 23-21 Florida International Tradeport (FIT) (FKA Ellenton Commerce Park) Small-Scale Comprehensive Plan Map and Text Amendment, Updates from Planning Commission, Approved Traffic Study and Acceptance Letter, revised staff report, and additional public comments attached.

Item 17 - PDMU-17-04(Z)(G)(R2)- Florida International Tradeport (FIT) Revised General Development Plan with Rezone- ALPROP I LLC / 7978 CCB, Planner II - Updates from Planning Commission, Revised Stipulations, Revised Ordinance, revised General Development Plan and additional public comments attached.


Item 20 - LDCT-22-07/Ordinance 23-16 (fka Ord. 22-54) County Initiated Land Development Code Text Amendment Acute Care Medical Facilities and Assisted Living Facility, Request to hold second public hearing prior to 5:00 pm - This item is to be deferred. It is not necessary anymore due to Item 7's 1st public hearing being continued. BC20230119DOC003


Commissioners Agenda/Comments (Commissioner Van Ostenbridge)

Item 25 - Amendment to the 2023 State Legislative Priorities List to request construction funding for 51st Street West.

COMMISSIONERS AGENDA

25. 2023 STATE LEGISLATIVE PRIORITIES LIST/AMENDMENT - VAN OSTENBRIDGE

 Clarke Davis, Deputy Director Public Works, noted this is the year they can ask for road projects. They have been asking for construction dollars to extend 51st Street West from 53rd Avenue West to El Conquistador Parkway. He noted a correction that within the body of the report, the request will be for 2024 funds. If the Board approves the addition to the priorities, there will be other needs, to make the road a four-lane which would require a Comprehensive Plan amendment, and to add the road to the Thoroughfare Plan. He responded all three actions should be made today.

 Discussion ensued that the numbers are approximately \$24 million and they are asking for \$10 million from the State, the plan is for a four-lane road, the funding includes the design and the construction of two-lanes, an additional \$10 million will be needed to construct the other two lanes, adding this to the legislative agenda was the best way to present to the state, and they will have discussion later, committing to a road today, would it be better to focus on the north/south route on 51st Street West rather than 59th Street West since it will go from El Conquistador Parkway to Manatee Avenue, 51st Street is constrained from Manatee Avenue to Cortez Road, as it is completely residential, the four-lane portion of 51st Street West would only be from 53rd Avenue south.

A motion was made by Commissioner Baugh and seconded by Commissioner Ballard to amend the 2023 State Legislative priorities to add 51st Street West contrition funding request.

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

The motion carried 7-0.

A motion was made by Commissioner Rahn and seconded by Commissioner Bearden to direction staff to prepare a County-initiated Comprehensive Plan Amendment to amend the Future Traffic Circulation Plan number of lanes from two lanes to four lanes on 51st Street West from El Conquistador Parkway to 53rd Avenue West.

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

The motion carried 7-0.

A motion was made by Commissioner Baugh and seconded by Commissioner Van Ostenbridge to amend and execute Manatee County's 2023 Metropolitan Planning Organization Transportation Project Priorities to include 51st Street West.

Mr. Davis explained the project will be an unnumbered project at the end of the list and does not affect the priority numbers. They will seek whatever funds can be used.


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

The motion carried 7-0.

BC20230119DOC004

26. **UTILITIES/PUBLIC HEARING**

Commissioner Baugh stated this item, to advertise and set a public hearing to consider water and wastewater rate increases, should not be on consent agenda as they have not had a chance to allow the citizens to speak.


 Discussion ensued regarding this is a motion to allow the discussion in two weeks, but not voting to actually change rates, this is not appropriate for the consent agenda, not fair to Commissioners or citizens to put items such as this on the agenda at the last minute, this is a big step for citizens, this is not considered last minute since the public hearing will be January 31, this Board represents every citizen, Commissioners were not told this was going to be on the agenda, the Board needs to be comfortable with items on the agenda in order to vote, and the Board must be transparent for the citizens.

A motion was made by Commissioner Kruse for authorization to advertise and set a public hearing on January 31, 2023, to consider adoption of Resolution R-22-200, establishing revised potable water, reclaimed water and wastewater rates, fees, and other charges for facilities and services furnished or to be furnished by the Manatee County public utilities system for the next five years and CPI index for future years. The motion failed for lack of a second.

BC20230119DOC005


PUBLIC HEARINGS (Presentations upon Request)

2. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22-20/Ordinance 23-19 fka 22-91 County Initiated Land Development Code Text Amendment - Car Washes. The Planning Commission recommended adoption.


 Sarah Schenk, Assistant County Attorney, noted this is the second public hearing.


 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, Commissioner Baugh moved to adopt Manatee County Ordinance 23-19, LDCT-22-20, amending the Manatee County Land Development Code, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 7-0.

BC20230119DOC006

3. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22-22 / Ordinance 23-20 County-Initiated Land Development Code Text Amendment Sidewalk Deferral. The Planning Commission recommended adoption.


 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 Land Development Code Text Amendments in Section 341 of the Land Development Code, as conditioned herein, Commissioner Rahn moved to adopt Manatee County Ordinance 23-20/LDCT-22-22, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 7-0.


BC20230119DOC007

4. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22- 23-02/Ordinance 23-05 County Initiated Land Development Code Text Amendment Speculative Home. The Planning Commission recommended adoption.

 Discussion ensued that this is a needed change.

 William O'Shea, Planner, noted this item was requested by developers, and currently there is a limit on the number of model homes that can be built, but there is a need for developers to construct a stock of homes so they can be finished, and then be sold to ready buyers. Model Homes are a temporary use, and this change allows building stock homes prior to final plat approval. The builders would need to sign a hold harmless if anything should happen to delay approval. This will also allow builders to build homes when materials are available.


 Courtney DePol, Deputy County Administrator, stated staff also worked with the fire districts to ensure the buildings are safe.

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, Commissioner Rahn moved to adopt Manatee County Ordinance 23-05, LDCT-23-02, amending the Manatee County Land Development Code, as recommended by the Planning Commission. The motion was seconded to by Commissioner Kruse and carried 7-0.

BC20230119DOC008

5. **DEVELOPMENT SERVICES/LAND DEVELOPMEN CODE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22-03/Ordinance 23-13 fka 22-33 County Initiated Land Development Code Text Amendment Chapter 2, Definitions, Manufactured Building and Use, Accessory. The Planning Commission recommended adoption. This is the first of two public hearings.


 Sarah Schenk, Assistant County Attorney, noted this is the first public hearing.


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

There is no action necessary, as this is the first of two required public hearing; the second public hearing is scheduled for February 16, 2023, at 1:30 pm or as soon thereafter as same may be heard.

BC20230119DOC009

6. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22-2-04/Ordinance 23-25 fka 22-52 County Initiated Land Development Code Text Amendment Maintenance within Wetland Buffers. The Planning Commission recommended adoption.

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


There is no action necessary, as this is the first of two required public hearing; the second public hearing is scheduled for February 16, 2023, at 1:30 pm or as soon thereafter as same may be heard.

BC20230119DOC010

7. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22- 22-07/Ordinance 23-16 fka 22-54 County Initiated Land Development Code Text Amendment Acute Care Medical Facilities and Assisted Living Facility. The Planning Commission recommended adoption.

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

 A motion was made by Commissioner Baugh, seconded by Commissioner Rahn, and carried 7-0, to continue the public hearing for LDCT-22-07/Ordinance 23-16 fka 22-54 to February 16, 2023, at 1:30 pm or as soon thereafter as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, 1st Floor, Patricia M. Glass Chambers.

BC20230119DOC011

8. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22- -22-08/Ordinance 23-14 fka 22-65 – County Initiated Land Development Code Text Amendment Section 531.1, Agricultural Uses – Pot Belly Pigs. The Planning Commission recommended adoption.

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

There is no action necessary, as this is the first of two required public hearing; the second public hearing is scheduled for February 16, 2023, at 1:30 pm or as soon thereafter as same may be heard.

BC20230119DOC012

9. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22- 22-09/Ordinance 23-15 fka 22-66 County-Initiated Land Development Code Text Amendment General Clean-Up and Business Process Improvements. The Planning Commission recommended adoption.



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

There is no action necessary, as this is the first of two required public hearing; the second public hearing is scheduled for February 16, 2023, at 1:30 pm or as soon thereafter as same may be heard.

BC20230119DOC013

10. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**



A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22- 22-13/Ordinance 23-17 fka 22-69 County Initiated Land Development Code Text Amendment Building Height Compatibility and Building Orientation. The Planning Commission recommended adoption.



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

There is no action necessary, as this is the first of two required public hearing; the second public hearing is scheduled for February 16, 2023, at 1:30 pm or as soon thereafter as same may be heard.

BC20230119DOC014

11. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**



A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-22-17/Ordinance. 23-18 fka 22-74 County Initiated Land Development Code Text Amendment Calculating Density and Intensity on Mixed-Use Projects at Activity Nodes and along Urban Corridors. The Planning Commission recommended adoption.



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

There is no action necessary, as this is the first of two required public hearing; the second public hearing is scheduled for February 16, 2023, at 1:30 pm or as soon thereafter as same may be heard.

BC20230119DOC015

12. **DEVELOPMENT SERVICES/ZONING ORDINANCE**



A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-18-11(Z)(G) – Riverfront PDMU – RFT Holdings, LLC.. The Planning Commission recommended adoption.

There were no ex parte communications.

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



A motion was made by Commissioner Rahn, seconded by Commissioner Ballard, and carried 7-0, to continue the public hearing for PDMU-18-11(Z)(G) to February 2, 2023 at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, 1st Floor, Patricia M. Glass Chambers.

BC20230119DOC016

13. **DEVELOPMENT SERVICES/ZONING ORDINANCE**



A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-17-34(G)(R2) – Azario GDP Modification (fka LWR 1000) – Taylor Morrison of Florida, Inc. (Owner).. The Planning Commission recommended adoption.



There were no ex parte communications.



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 PDR-17-34(G)(R2); approve a revised General Development Plan with Stipulations A.1-A.7, B.1-B.6, C.1-C.5, D.1, and E.1; adopt the Findings for Specific Approval; and Grant Specific Approval for alternatives to the Land Development Code Sections: 1) 1001.C to allow a secondary means of access to be met via an emergency access only to internal development tracts within the Planned Development; and 2) 402.7.D.7 to allow a reduction to the front yard setback for a secondary (corner lot) front yard from 20 feet to 10 feet, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 7-0.

BC20230119DOC017

PUBLIC HEARINGS (Presentations Scheduled)

1. DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE

A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-21-04/Ordinance 23-12 fka 22-10 – Land Development Code Text Amendment – Heavy Manufacturing Zoning District. The Planning Commission recommended adoption.




Patrick Seidensticker, Attorney representing the applicant, used a slide presentation to review the request including, the removal of storage as a use, the request is consistent with the Comprehensive plan, requesting three uses added to the Heavy Manufacturing zoning district: vehicles sales, rental, and leasing, vehicle repair (community serving), and vehicle repair (neighborhood serving, and a fourth use for equipment sales, rental, leasing, storing and heavy repair, and updated Section 401, Schedule of Uses. He continued to review the Industrial Heavy Future Land Use Classification (FLUC), Policy 2.2.1.19.1, similar and less intensive uses in the Heavy Manufacturing (HM) zoning district, the uses are already allowed under LDC Sections 200, 511.8 and 531.56, which include outdoor display, sale, storage of merchandise and equipment, vehicle repair definition in LDC Section 200, community servicing, major activities of greater intensity, Staff request is similar request to add equipment sales, what is currently permitted versus non-permitted uses, the uses are compatible, the omission of the proposed uses is inconsistent, favorable staff report, and changes would reduce rezoning, and it more difficult to go up to HM. They are requesting approval.




William O'Shea, Planner, used a slide presentation to review the over 4,000 acres of IH FLU property available, 1,517 acres is currently zoned IH, there are conflicts in the code, only two zoning districts, HM and PDI, the HM zoning allows all these uses, they would like to maintain the property in HM for future development, positive aspects, negative aspects allow less intensive commercial/manufacturing uses within the HM, and mitigating aspects. There are some uses that are not compatible with HM, including hotels and schools, and the request appears to be consistent with the Comprehensive Plan and LDC.




Discussion ensued regarding there is very little acreage for HM, there will not be up-zoning to HM in established areas, if someone wants to make a request for a specific property, that can be heard on a case by case basis, allowing more uses is good, but there is not a lot of acreage, and if this is done, it will deter real heavy manufacturing in areas where it is appropriate, and remove the inappropriate items like hotels and schools in HM.

 Mr. O'Shea stated the vehicle sales are a secondary use, and the applicant could remove that part if they wished.

 Discussion ensued regarding vehicle sales are not desired in manufacturing areas, there are other options for locations for vehicle sales, do not want vehicle sales in residential areas, is there demand for certain businesses in certain areas, and there is argument that can go both ways.

Mr. Seidensticker noted the intent is to allow the business to have a body shop and the opportunity to sell a vehicle.

 Discussion ensued regarding looking at the rezones on an individual basis, request not exclusive to a particular parcel, better to make decisions based on specific parcels, and need more heavy manufacturing in Manatee County to diversify the work force.

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 Rahn moved to adopt Manatee County Ordinance 23-12 (fka 22-10), LDCT-22-04, amending the Manatee County Land Development Code, as recommended by the Planning Commission. The motion was seconded by Commissioner Baugh.


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


The motion failed 3-4, with Chairman Van Ostenbridge and Commissioners Ballard, Bearden, and Kruse voting nay.


BC20230119DOC018


RECESS/RECONVENE: 10:27 p.m. – 10:38 p.m. All Commissioner present.

14. **DEVELOPMENT SERVICES/ZONING ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed zoning Ordinance PDR-21-22(Z)(P) – Sanchez Condominiums – Jose Sanchez (Owner). The Planning Commission recommended adoption.

 There were no ex parte communications.

 Richard Claybrooke, representing the applicant, displayed a site plan, and reviewed the rezone on 5th Street West in a residential area, the FLU is RES-16, and the property is 1.65 acres, which would allow 24 units, with more allowed for affordable housing. They are proposing 20 units which is consistent with properties in the surrounding area. There are concerns with development and traffic in the area. The applicant has the right to develop the property within the conditions and codes of Manatee County. There will be access from 5th Street and all parking and services will be internal, and they will be connecting to County utilities. The Traffic study shows the project will not affect the traffic in the area. Stormwater facilities will hold back more runoff than what is needed, per the County code. He requested approval. He responded to question regarding the location of property by Heather Hills and Burgundy Condominiums, and 20 units are proposed.

 Chelsea Freeman, Planner, used a slide presentation to review the request, and noted they are not asking for the maximum allowed units, and there is open space. She referenced public comment regarding school impacts (seven students) and traffic, and referenced the traffic impact statement.


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 Rahn moved to adopt Manatee County Zoning Ordinance Number PDR-21-22(Z)(P); and approve the Preliminary Site Plan with Stipulations A.1 - A.5, B.1 - B.4, C.1 - C.2 and D.1 - D.2, as recommended by the Planning Commission. The motion was seconded by Commissioner Ballard.

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


The motion carried 7-0.


BC20230119DOC019


15. **DEVELOPMENT SERVICES/ZONING ORDINANCE**

















 A duly advertised public hearing was held to consider adoption of proposed zoning Ordinance PDMU-21-12(Z)(G) – McClure-MWR Mixed Use Development– McClure Properties, LTD. (Owner). The Planning Commission recommended adoption.


There were no ex parte communications.


 Caleb Grimes, attorney representing the applicant, used a slide presentation to review the request for Mixed Use including commercial and residential. The owners have envisioned a true mixed use development, with meaningful uses which allows interaction in an activity node. The request is consistent with the Comprehensive Plan.


 Katie LaBarr, Stantec, representing the applicant, used a slide presentation to review the background of the request and site information, existing FLU Category UF-3, existing zoning of general agriculture, surrounding uses, PDR zoning category, and the rezone allows for 360 multi-family dwelling units, and up to 321,700 square feet of non-residential. This is not a large project, even with proposed entitlements. She continued the slides to elaborate on the surrounding uses, compatibility, right timing for requesting entitlements, the GDP, access points, internal circulation, true mixed use development, perimeter buffers, specific approval for a 20-foot vegetative buffer to include three canopy trees and 33 shrubs per 100 linear feet in lieu of a wall (LDC Section 401.5.A.2), this would be a preferred buffer, a six foot wall along the edge would create a dead zone, and this would be a more logical buffer, the detailed site plan will include the types of plantings. She continued to review the distance of the proposed multi-family buildings to the nearby residential. If the multi-family component was sold, the new owner would need to come back if they wanted to change the location. The Comprehensive Plan allows activity nodes, and this meets Commercial Locational Criteria. The density and intensity is less than the thresholds allowed in the Comprehensive Plan, per Policies 2.1.2.3 and 2.1.2.4, 2.1.5.5 and 2.1.2.6. The site will be designed appropriately. The region has transformed rapidly, and there is a need for commercial in the area. The application and staff report are in compliance with the Comprehensive Plan and the LDC.


 Marshall Robinson, Planner, used a slide presentation, to review the request including the site plan and the distance from buildings to the lot line of 150 feet, and there is a schedule of uses for community serving, and commercial uses.


-  Harold Krizan addressed the elimination of the solid wall and disagreed with the specific approval citing the need for a barrier next to residential.
-  Susan Hofmeister opposed the development since there is no roadway buffer abutting the Del Webb development, and the proposed four-story, multi-family units.
-  Carl Sugden opposed the development and expressed concern regarding traffic on Carter Road connecting to Moccasin Wallow Road, and four-story buildings next to residential.
-  Kathy Culley opposed the development due to the height of the proposed residential buildings, and school capacity.
-  David Lindoerfer expressed concern regarding the intersection at Carter Road and Moccasin Wallow Road, and over development.
-  Orie Grecco expressed concern with compatibility with the project being next to a 55 year and older community, as well as adequate fire/ambulance service and security.
-  Carol Prezkop encouraged the Board to not allow the maximum density, as it is incompatible with surrounding uses and the proximity to senior housing.
-  Dr. Craig Derr expressed concern with the proximity of the project to the Del Webb community.
-  George McDonald opposed the project due to diminished quality of life if four-story buildings are built next to his community.
-  Mark Hodge loves Manatee County, but opposes the development due to the four-story buildings.
-  Joetta Garland opposed the request due to the height of the building and the buffer distance of approximately 50 yards.
-  Donna Falcone opposed the project as it is inappropriate next to Del Webb, and she invited Commissioners to visit the site. She proposed the building height be reduced, and have appropriate commercial uses.
-  Paul Stroessner opposed the project due to proximity to Del Webb, and encouraged building the wall.
-  Evelyn Grecco opposed the project and questioned what type of lighting will be on the site and noise intrusion.
-  Karin Appel opposed the project citing concern with the size of the project and density, as well as the activity node.
-  There being no further public comment, Chairman Van Ostenbridge closed public comment.


 Discussion ensued regarding the number of Del Webb residents in attendance, and would another wall be redundant.


 Mr. Robinson referenced the site plan and noted there is a PVC fence along the property boundary. He confirmed a wall would be a duplicate buffer, and the 150 foot buffer would consist of a vegetation.


 Gary Race, Environmental Planning Section Manager, noted at this point they look at the buffer, not the plants, but the plantings should be at least six-feet when fully grown, and the Board can suggest what type of plantings are to be used. The North Central Overlay (NCO) used to require more extensive plantings. The type of planting is looked at during Final Site Plan approval. He responded all landscaping is required to be irrigated with non-potable water, and some trees grow better than others.


 Discussion ensued regarding Moccasin Wallow Road is planned for improvements and expansion, Del Webb is a new community, and there were complaints on over development at that approval, and land owners have property rights.


 Upon question, Ms. LaBarr noted if there is lighting on the drive aisle, it will need to meet the LDC requirements, and the County standards and function effectively regarding illumination spillage. She also explained the traffic impact statement is for all trips, and the 800 trip are for the entire development.

 Ms. LaBarr noted there is already mixed use proposed in the area as well as the expansion of Moccasin Wallow Road. There are two hospitals planned for the area.


 Discussion ensued regarding when Del Webb first came forward, there was a zoning change to PDR, and now there is mixed use in the surrounding area, lighting will point down and not effect neighboring communities, walls do not help with line of sight, Del Webb was originally approved for over 1,000 homes, future plans are for a full community in the area, community in Del Webb will not change, Manatee County is growing, over 1,000 people are moving to Florida each day and they are coming to the west coast, there are complaints when development occurs, and the need to protect property rights.

 Mr. Robinson noted an engineer is involved during final site plan to provide input regarding lighting.

 Mr. Grimes clarified the NCO provided buffers along roadways, not between properties, and the landscape buffer is better than a wall, to avoid dead space. The McClure's have provided right-of-way for the expansion of Moccasin Wallow Road. They are not proposing maximum density, and the proposal fits nicely on the 50 acres. He emphasized compliance with the Comprehensive Plan.

 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 approve Manatee County Zoning Ordinance PDMU-21-12(Z)(G); approve a General Development Plan with Stipulations A.1-A.8, B.1-B.6, C.1-C.3, and D.1; adopt the Findings for Specific Approval; and grant Specific

Approval for an alternative to Land Development Code Section: 1) 401.5.A.2- elimination of six (6) foot wall abutting single family residence to the north, as recommended by the Planning Commission. The motion was seconded by Commissioner Rahn.

 Discussion ensued regarding several zoning approvals in the area, and the Board hears citizen concerns, the Board controls what they can, density is addressed in the Comprehensive Plan, and this is in an activity node, Del Webb is multi-family, this is how a community should be structured near the interstate, based on the distance, the site-line from the nearest home to the multi-family is less than 15 degrees, which is less than a staircase, and there is need for support businesses among residential.

The motion carried 7-0.

BC20230119DOC020

RECESS/RECONVENE: 12:22 p.m. – 1:45 p.m. All Commissioners present.


16. **DEVELOPMENT SERVICES/COMPREHENSIVE PLAN**


A duly advertised public hearing was held to consider adoption of proposed Comprehensive Plan Text Amendment PA-22-13 / Ordinance 23-21 Florida International Tradeport (FIT) (FKA Ellenton Commerce Park).


and


17. **DEVELOPMENT SERVICES/ZONING ORDINANCE**

A duly advertised public hearing was held to consider adoption of propose Zoning Ordinance PDMU-17-04(Z)(G)(R2)– Florida International Tradeport (FIT) Revised General Development Plan with Rezone– ALPROP I LLC / 7978 CCB.


 Philip DiMaria, representing the applicant, used a slide presentation to review the project, this is a two part approval, for a Comprehensive Plan amendment and a rezone, history and context of the request, the lands added to the development, summary of the request, ensuring the development is compatible with surrounding uses, proposed FLU, to MU from Residential, 51st Avenue East extension is per the Capital Improvement Plan, controlled traffic flow, almost direct access into the Florida International Tradeport, surrounding FLU, Comprehensive Plan Amendment, expansion will provide additional jobs and housing opportunities, the current and proposed zoning of PD-MU, the GDP, for specific uses, residential land (build-for-rent) use in the southwestern corner of the site, expansion to the north for 51st Avenue East, and flexibility of the use if the northern portion goes industrial, there are buffer requirements, arrows on the GDP will be for trucking traffic to 51st Avenue East, and no trucks allowed on 17th Street East, 75-foot setbacks on the northern parcel if industrial goes in, southwest portion 30-foot building setback, and a 20-foot buffer between Tideview Estates, location of stormwater facilities, access points, all warehousing will be accessed from 51st Avenue East, key facts to expand employment opportunities, need for warehousing, logical transition, public private partnership regarding the construction of 51st Avenue East, and Comprehensive Plan compatibility. The Ellenton Cove project is a higher density than what is being planned for this project. The separation between Tideview Estates and the project is 150 feet. He continued to address Stipulation 14, regarding the intensity and density, to be limited to a FAR of .05 for the proportions of the property located north of 29th Street East with FLU MU and the density of the residential development for the same property will follow the requirements of the RES-6 FLU. He requested approval.


 Mr. DiMaria responded that the limited FAR is based on the need to be compatible with surrounding uses. The 0.5 FAR only applies to the northern parcel.


 Charles Andrews, Planner, used a slide presentation to review the Comprehensive Plan amendment, Parcel A (northern parcel) falls under the D.5 provision regarding maximum density, total dwelling units of 1,038 and total square footage of 1,729,767 square feet, history of the site, additional MU approvals in the area, surrounding development including Ellenton Cove and Tideview Estates, public facilities, positive and negative aspects, and mitigating measures of adequate buffering. The request is compatible with the Comprehensive Plan and LDC.

 Merih Walid, Transportation Plan and Traffic Engineer, stated there is no plan to add access to 17th Street at the Interstate. He noted 29th Street East can meet the capacity needs, to sustain a Level of Service D, but they will evaluate at Final Site Plan if there are any improvements needed.


Discussion ensued regarding 51st Avenue East being used to enter the Tradeport, 51st Avenue East is a County Thoroughfare, and will assist with the movement of traffic, concern for the residents of Tideview Estates, and there would be less impact if trucks stayed on 51st Avenue East.


 Christopher Hatten displayed a graphic of the improvements being made at 17th Street and 51st Avenue East.

 Laura Gonzalez, Planner, used a slide presentation to address the specific approvals for buffers between industrial and residential, reducing open space to 20 percent and incorporating the landscaping as part of the open space, the second access to the parcel would be for emergency uses only, and to reduce the open space requirement from 35 to 30 percent within the coastal planning area in the Southwest corner. She continued to discuss the positive and negative aspects (existing residential uses adjacent to the site), and the mitigating measures.


 Robert Carr, Tideview Estates resident, expressed concern with trucks on 17th Street East, the proposed housing, additional students traveling to and from school, a reduction in property value, dust, noise, air quality, and traffic on U.S. 301.


Duncan Smith expressed concern with the pond on the property being disturbed and sandhill cranes on the site, 17th Street East is supposed to have a limit on truck traffic, but there are several trucks using the road, and 51st Avenue East limitations.


 Glenda Meek expressed concern with the historical aspects of the property and the possibility of former slaves from the Gamble Plantation being buried on the site. She requested a ground penetrating survey to determine if there are burial sites. She questioned if others would like to live across the street from the development.

 Felicia Silpa distributed information from her archeological research regarding the Gamble Plantation, and expressed concern regarding the creek. She requested the water and canals be protected. She also displayed a picture of eagles on her neighbor's roof.


Daniel Silpa noted the current zoning is A-1, and the surrounding area is farms and residential uses which represent old Florida. He expressed concern regarding traffic on 29th Street East and the intersection at Moccasin Wallow Road.


 Kathy Rose expressed concern regarding traffic, security, renters, and school capacity.

 Robert Valley expressed concern regarding effects on Tideview Estates, the loss of agricultural uses in the area, and safety.


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

There were no staff closing comments.


 Mr. DiMaria responded to concerns and explained 270 dwelling units are proposed for the southwest parcel, the remaining would be in the north parcel. They are proposing sidewalk facilities on the north side of 17th Street East. An environmental study was completed and did not show protected species on the site. He reiterated the law states there are no trucks on 17th Street East.

 Todd Mathes, Benderson Development, applicant, noted they are working on delivering the extension to 51st Street East, and this is in large part why they purchased the northern parcel.

 Mr. DiMaria stated the sidewalk will be supplied to the elementary school.

 Discussion ensued regarding excellent qualities to the project, there is a need for the FIT, and work force housing for the citizens of District 2, and need to ensure there is not change to the quality of life for residents in Tideview Estates.

Ordinance 23-21

 Based upon the staff report, evidence presented, the action of the Planning Commission, 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 adopt Plan Amendment PA-22-13 / Ordinance 23-21. The motion was seconded by Commissioner Rahn and carried 7-0.

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Sarah Schenk, County Attorney, noted the motion for item 17 is as modified by the stipulations in the update memorandum. GK/MR


PDMU-17-04(Z)(G)(R2)


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 stipulated herein, Commissioner Kruse moved to recommend adoption of Manatee County Zoning Ordinance Number PDMU-17-04(Z)(G)(R2); approval of the General Development Plan with Stipulations A.1; B.1-B.3; C.1-C.7; D.1-D.18; adoption of the Findings for Specific Approval; and granting Specific Approval of an alternative to Land Development Code Sections: 1) 701.4.B.1 to reduce the buffer option E (and figures 7.3 and 7.4) from 20 feet to 15 feet along the western edge of Parcel 815710009, 2) Section 402.13.D.2 to reduce the required open space from the industrial use from 25 percent to 20 percent, 3) Section 1001.1.C to provide the second means of access to the residential use to the south as emergency access only, and 4) Section 403.8.D.8 to allow a reduction of open space requirement from 35 percent to 30 percent for the few parcels to the south within the Coastal Planning Area, subject to Plan Amendment PA-22-13/Ordinance 23-

21 becoming effective. The motion was seconded by Commissioner Rahn and carried 7-0.

BC20230119DOC022

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

 LDCT-22-03/Ordinance 23-13 fka 22-33 County Initiated Land Development Code Text Amendment Chapter 2, Definitions, Manufactured Building and Use, Accessory

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

A motion was made by Commissioner Satcher , seconded by Commissioner Rahn, and carried 7-0 to hold the second public hearing to adopt proposed Ordinance 23-13 fka 22-33 on February 16, 2023, at 1:30 p.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.

BC20230119DOC023

19. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**

 LDCT-22-04/Ordinance 23-25 (fka 22-52) County Initiated Land Development Code Text Amendment Maintenance within Wetland Buffers


A motion was made by Commissioner Satcher and seconded by Commissioner Baugh to hold the second public hearing to adopt proposed Ordinance 23-25 on February 16, 2023 , at 1:30 p.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.

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

The motion carried 7-0.

BC20230119DOC024

21. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**

 LDCT-22-08/Ordinance 23-14 fka 22-65 County Initiated Land Development Code Text Amendment/Section 531.1, Agricultural Uses – Pot Belly Pigs

A motion was made by Commissioner Bearden and seconded by Commissioner Rahn hold the second public hearing to adopt proposed Ordinance 23-14 fka 22-65 on February 16, 2023, at 1:30 p.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.

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

The motion carried 7-0.

BC20230119DOC025

22. **DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE**

LDCT-22-09/Ordinance 23-15 fka 22-66 County-Initiated Land Development Code Text Amendment General Clean-up & Business Process Improvements


A motion was made by Commissioner Rahn and seconded by Commissioner Kruse to hold the second public hearing to adopt proposed Ordinance 23-15 on February 16, 2023, at 1:30 p.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.

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

The motion carried 7-0.

BC20230119DOC026

23. DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE

 LDCT-22-13/Ordinance 23-17 fka 22-69 County Initiated Land Development Code Text Amendment Building Height Compatibility & Building Orientation


A motion was made by Commissioner Rahn and seconded by Commissioner Ballard to hold the second public hearing to adopt proposed Ordinance 23-17 on February 16, 2023, at 1:30 p.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.

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

The motion carried 7-0.

BC20230119DOC026

24. DEVELOPMENT SERVICES/LAND DEVELOPMENT CODE

 LDCT-22-17/Ordinance 23-18 fka 22-74 County Initiated Land Development Code Text Amendment Calculating Density and Intensity on Mixed-Use Projects at Activity Nodes and along Urban Corridors

A motion was made by Commissioner Baugh and seconded by Commissioner Bearden, to hold the second public hearing to adopt proposed Ordinance 23-18 on February 16, 2023, at 1:30 p.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.

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

The motion carried 7-0.

BC20230119DOC027

ADJOURN

There being no further business, Chairman Van Ostenbridge adjourned the meeting at 2:55 p.m.

Minutes Approved: February 14, 2023