

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
January 18, 2024**

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

Present were:

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

Also present were:

Nicole Knapp, 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 Rahn called the meeting to order at 9:00 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1. The Invocation was delivered by Reverent Edward Dawkins, Northminster Presbyterian Church, followed by the Pledge of Allegiance led by Commissioner Bearden.

AGENDA

Agenda Update Memorandum

BC20240118DOC001

BC20240118DOC002

- Item 11 - PA-23-02/Ordinance 24-12 Eden Ellenton Small-Scale Comprehensive Plan Map Amendment - Public Comment attached
- Item 12 - PDR-23-05(Z)(P) -Eden Ellenton - Revised Ordinance in strikethrough/underline format, survey and Public Comment attached
- Item 13 - PA-22-16 / Ordinance 24-06 fka 23-72 Lazy C Ranch Large-Scale Comprehensive Plan Map and Text Amendment - Public Comments attached
- Item 14 - PDR-22-26(Z)(G) Lazy C Ranch / Lazy C Ranch Holdings, LLLP - Public Comments attached

Nicole Knapp, Development Services Director, noted public comment was submitted for Items 11 and 13, after the Update Memorandum was published.

Ms. Knapp introduced Rachel Layton as Division Manager and Impact Fee Administrator.

Discussion ensued regarding welcoming Ms. Layton.

CITIZEN COMMENTS (Future Agenda Items)

Ida Fiorella displayed a diagram and expressed concern regarding future plans for development near 60th Avenue East and Mendoza Road.


BC20240118DOC003




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


PUBLIC HEARINGS (Presentations Scheduled)

1. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDR-23-29(Z)(G) – Amara – Marion Springer (Owner) – WB Companies, LLC- (Contract Purchaser). The Planning Commission recommended adoption.


 Scott Rudacille, Attorney representing the applicant, used a slide presentation and noted the project is set for 25 percent affordable housing, introduced the team, history of WB Companies, 20-acre project site, location map, Future Land Use Map (FLUM), Mixed Use, zoning map, General Development Plan (GDP) 606 multi-family units, 56- to 90-foot setbacks, two acre wetland not being impacted, exceeded 30 percent open space requirement, Lena Road extension planned to 44th Avenue East, Specific Approval requests including required access on Lena Road, reduction in parking to 1.4 spaces per unit, majority of units will be one bedroom, reduced buffers along roads, buffers, trees, tandem parking allowed since some units will have garages, design photographs, and amenities.

There were no ex parte communications.

 Chris Klipeck, Planner, used a slide presentation to review the request including five-story buildings, site data, site history, FLU, GDP of seven structures, Specific Approval requests for second means of access on Lena Road since there is no other street and this section of Lena Road is not a collector, parking, positive and negative aspects, mitigating measures, and it is staff’s opinion that the project meets the requirements of the Comprehensive Plan. He responded any noise mitigation measures will be determined after the noise study is completed.

 Rowena Young-Gopie, Affordable Housing Development Coordinator, confirmed there will be 152 units as affordable and the LURA is for 20 years. They could designate more units as affordable.


 Discussion ensued regarding noise mitigation.

 There being no public comment, Chairman Rahn 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 stipulated herein, Commissioner Bearden moved to adopt Manatee County Zoning Ordinance Number PDR-23-29(Z)(G); approve the General Development Plan with Stipulations A.1-A.10, B.1 – B.5, C.1, D.1 – D.2, E.1 – E.4, and F.1; adopt the Findings for Specific Approval; and grant Specific Approval to Land Development Code Sections: 1) 402.7.D.1-Alternative design to the required 20-foot roadway buffer, 2) 402.7.D.5 and 701.4.B.4.i-Buffer Width Reduction, 3) 900.5.C.4- 75 percent Preservation of trees exceeding 24-inch DBH, 4) 1001.1.C.2- Second means of access required to another street, 5) 1005.3- Number of vehicular spaces required and 6) 1005.7.E- Multiple stacking of spaces for vehicles, as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge and carried 7-0. BC20240118DOC004


PUBLIC HEARINGS (Presentations Upon Request)

2. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDC-22-19(P)/Take 5 Car Wash/Boing US Holdco, Inc. (Owner). The application was withdrawn by the applicant.


BC20240118DOC005

3. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDR-04-39(G)(R3)/The Concession. This item is to be continued to date certain.

There were no ex parte communications.

There being no public comment, Chairman Rahn closed public comment.


 A motion was made by Commissioner Bearden, seconded by Commissioner Ballard, and carried 7-0, to continue the public hearing for PDR-04-39(G)(R3) to no date set and to be readvertised. BC20240118DOC006

4. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDMU-16-16(G)(R2)/Parrish Lakes General Development Plan Amendment.

There were no ex parte communications.

There being no public comment, Chairman Rahn closed public comment.

 A motion was made by Commissioner Satcher, seconded by Commissioner Bearden, and carried 7-0, to continue the public hearing for PDMU-16-16(G)(R2) to February 1, 2024, 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. BC20240118DOC007

5. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDO-23-41(Z)(P) – Pace Center for Girls Bradenton/Pace-THC, Inc. / Pace -THC Inc. (Owners).

There were no ex parte communications.

There being no public comment, Chairman Rahn closed public comment.

A motion was made by Commissioner Ballard, seconded by Commissioner Turner, and carried 7-0, to continue the public hearing for PDO-23-41(Z)(P) to February 1, 2024, 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. BC20240118DOC008

6. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-23-17/Ordinance 24-02 County-Initiated Land Development Code Text Amendment Electric Vehicle (EV) Charging Stations.

There were no ex parte communications.

There being no public comment, Chairman Rahn closed public comment.

A motion was made by Commissioner Van Ostenbridge, seconded by Commissioner Bearden, and carried 7-0, to continue the public hearing for LDCT-23-17/Ordinance 24-02 to February 1, 2024 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. BC20240118DOC009

7. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-23-12/Ordinance 24-07/County-Initiated Land Development Code Text Amendment Mobile Vending.

There being no public comment, Chairman Rahn closed public comment.

A motion was made by Commissioner Van Ostenbridge, seconded by Commissioner Bearden, and carried 7-0, to continue the public hearing for LDCT-23-12/Ordinance 24-07 to February 22, 2024 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.

BC20240118DOC010

8. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance LDCT-23-16 / Ordinance 24-04 County-Initiated Land Development Code Text Amendment Chapter 2 Definitions, Abbreviations and Acronyms. The Planning Commission recommended adoption.

There being no public comment, Chairman Rahn closed public comment.

No action necessary. This is the first of two required public hearings. The second public hearing is scheduled for February 22, 2024.

BC20240118DOC011

9. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance ZL-23-14 - Cahill 37th St E Rezone - Christine L Todd (Owner) - Mark Cahill (Contract Purchaser). The Planning Commission recommended adoption.


There were no ex parte communications.

There being no public comment, Chairman Rahn 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 compliance with the applicable review standards for review in the Manatee County Land Development Code, Commissioner Satcher moved to adopt Manatee County Zoning Ordinance Number ZL-23-14; with Stipulation 1, as recommended by the Planning Commission. The motion was seconded by Commissioner Turner and carried 7-0.

BC20240118DOC012

10. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDMU-22-27(P)/Gettel Genesis of Lakewood/Gettel Bradenton, Inc. (Owner). The Planning Commission recommended adoption.


There were no ex parte communications.

There being no public comment, Chairman Rahn 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 compliance with the applicable standards for review in the

Manatee County Land Development Code, Commissioner Satcher moved to approve Manatee County Zoning Ordinance PDMU-22-27(P) and approve a Preliminary Site Plan with Stipulations A.1-A.6, B.1-B.3, C.1-C.2, D.1; adopt the Findings for Specific Approval and grant Specific Approval for alternatives to Land Development Code Sections: 1) 900.5.C.4 - for a reduction in the requirement for seventy-five (75) percent of all trees exceeding twenty-four (24) inch DBH to be preserved; and 2) 701.3.A.7 to eliminate the required 15-foot perimeter landscape buffer along the eastern project boundary, as recommended by the Planning Commission. The motion was seconded by Commissioner Ballard and carried 7-0. BC20240118DOC013

11. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance PA-23-02/Ordinance 24-12 Eden Ellenton Small-Scale Comprehensive Plan Map Amendment. The Planning Commission recommended adoption.

and


12. **DEVELOPMENT SERVICES/ORDINANCE**

A duly advertised public hearing was held to consider adoption of proposed Ordinance PDR-23-05(Z)(P) -Eden Ellenton. The Planning Commission recommended adoption.


There were no ex parte communications.


 Bill O’Shea, Planner, noted the applicant requested the ordinances be heard separately.


Sarah Schenk, Chief Assistant County Attorney, suggested they be heard together.


 Linda Stewart, representing the applicant, used a slide presentation to discuss the Comprehensive Plan amendment and project including the existing FLU, a zoning change from Planned Development Mix Use (PDMU) and Agriculture (A-1) to Planned Development Residential (PDR), RES-6 to RES-9, maximum of 272 dwelling units, development map, adjacent land use characteristics, infill development that discourages urban sprawl, there is existing infrastructure, environmental impacts, and the request is consistent with the Comprehensive Plan.


Ms. Stewart continued the slides to review the rezone request including the location map, request to rezone from PDMU and A-1 to PDR, preliminary site plan, 259 multi-family units, 30.24 acres, specific approval requests regarding trees, native habitat preservation, increase parking spaces from 1.8 to 2.12 per unit, and entrance way requirements, zoning map, FLUM, surrounding developments, photographs, site plan, two-story townhomes on the interior and cottage buildings surround the perimeter, open space of 36 percent, 200-foot setback along I-75 for sound barrier based on the noise study, focal point with the clubhouse, buffers, access. She noted they met with Oakley residents regarding roadway buffers and ingress and egress easement. She continued to review the deed for Eden Ellenton property, existing utilities, proposed stormwater, traffic impacts and improvements of up to \$6 million planned, and the project is in compliance with the Comprehensive Plan and the Land Development Code.

 Bob Agrusso, Kimley Horne, representing the applicant, addressed concurrency, and noted they were approached regarding improvements at 60th Avenue East and 39th Street East. He distributed an aerial of the area and described the improvements. The applicant is working closely with the County.


 Discussion ensued regarding would the road improvements planned help alleviate traffic issues, the additional turn lanes help minimize congestion, improvements to get traffic out of this area, most concerned with 60th Avenue East and working directly with Public Works.


 Bill O'Shea, Principal Planner, used a slide presentation to review the Comprehensive Plan amendment, including existing FLU from RES-6 to RES-9, history of zoning designation, zoning, public facilities serving the site, utilities in area, positive and negative aspects, and mitigating measures. The project is consistent with the Comprehensive Plan and Land Development Code.


 Discussion ensued regarding traffic regulations, this is not urban sprawl, adequate facilities, challenges on 60th Avenue East, failed roads are not the responsibility of the applicant, and timeline of improvements.


 Nelson Galeano, Transportation Planning and Traffic Engineering Division Manager, addressed trip generation associated with socio-economic issues, for this project there are 150 trips during peak hour traffic, he displayed the future traffic circulation number of lanes map, potential improvements, Florida Department of Transportation (FDOT) plans, north/south connectivity, adjacent to I-75, idea is to have an overpass at 29th Street East to solve east/west issues by mitigating pressure, the Capital Improvement Plan (CIP) project for the area is set to be completed by December 2025, to achieve connectivity for another north/south route, cost of extension is \$25 million to begin in 2025. Improvements to 60th Avenue East will cost \$50 million, and there may be some issues with the number of lanes and bicycle paths and sidewalks. The improvements for U.S. 301 and 60th Avenue East will begin the summer of 2024.


 Denise Greer, Deputy Director, Development Services, described the improvements for 60th Avenue East, and there will be a transition from one to two lanes. She clarified there is still a need to acquire land.


 Rosina Leider, Planning Section Manager, used a slide presentation to address the rezone request, specific approval requests, surrounding development, site plan, access, positive and negative impacts, and mitigating measures.


 Discussion ensued regarding timing for the FDOT project.


 **RECESS/RECONVENE:** 10:37 a.m. – 10:45 a.m. All Commissioners present.


 Patricia Petruff, representing Oakley Residents, submitted a packet of information and expressed concern regarding the change to RES-9, the purpose of the 1989 Comprehensive Plan, there are no circumstances to change the zoning from RES-6, noise, the easement for Oakley to have access to stormwater ponds, flood-prone area, PDR is supposed to be superior design, and lack of usable green space. She requested the project be denied as it is proposed, and that the project be redesigned as RES-6.


 Katherine Nelson opposed the project and expressed concern regarding traffic and future development.

 John Nelson referenced an article and opposed the project due to health concerns from the impact of over development.

 Nancy Benito displayed a map and opposed the project.


 Cynthia Taylor opposed the project due to traffic and displayed a dashboard report from the Florida Department of Highway Patrol.


 John Williamson opposed the project due to traffic and drainage.


 Ida Fiorella opposed the project due to traffic and over development.


 Cameron Beck expressed concern regarding traffic mitigation and public safety.


There being no further public comment, Chairman Rahn closed public comment.

 Mr. O'Shea noted a change in development trends can relate to a change in the Comprehensive Plan.

 Ms. Stewart rebutted there was a noise study done, and they are mitigating by setting all buildings 200 feet from I-75. If outside the 65 decibel noise level, additional noise mitigation is not necessary. The Oakley subdivision has a 25-foot easement that allows access to their stormwater ponds. The project is compatible since is comprised of townhomes and cottages.

 Bill Merrill, attorney representing the applicant, addressed title issues and submitted a letter from Chicago Title, noting the easement will disappear into the title.

 Matt Morris, representing the applicant, addressed drainage issues and they are required to maintain flow throughout the site, as it is now, and that any discharge will not be more than what is currently occurring. They will ensure access to all drainage features. Improvements to infrastructure will begin in December, and improvements to roads will take place at the same time as the project is being constructed.

 Discussion ensued regarding timing and density of project, and RES-6 is reasonable.

Ordinance 24-12

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, in accordance with the review criteria for Comprehensive Plan Map Amendments in Section 340 of the Land Development Code and the applicable portions of Chapter 163, Part II, Florida Statutes, Community Planning Act, Commissioner Turner moved to adopt Manatee County Ordinance 24-12/PA-23-02, as recommended by the Planning Commission. The motion was seconded by Chairman Rahn and carried 5-2 with Commissioners Satcher and Kruse voting nay.


BC20240118DOC014

PDR-23-05(Z)(P)

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and in compliance with the applicable standards for review in the Manatee County Land Development Code, as conditioned herein, Commissioner Turner

moved to adopt Manatee County Zoning Ordinance PDR-23-05(Z)(P); approve a Preliminary Site Plan with Stipulations A.1-A.5; B.1-B.4; C.1-C.3; and D.1-D.2; adopt the Findings for Specific Approval; and grant Specific Approval for an alternative to Land Development Code Sections: 1) 900.5.C.4 to allow flexibility to remove more than 25 percent of trees over 24-inch dbh; 2) 402.6.T.3.b to allow relief from the requirement to preserved native plant communities within planned open space areas; 3) 900.6.B.2 to allow elimination of the requirement to provide cross access easements for an Entranceway project; and 4) 1005.3.B to exceed the minimum required parking by more than ten percent (10 percent); subject to adoption by the Board of PA-23-02/Ordinance 24-12 becoming effective, as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge and carried 5-2 with Commissioners Satcher and Kruse voting nay. BC20240118DOC015

13. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance PA-22-16/Ordinance 24-06 fka 23-72/Lazy C Ranch Large-Scale Comprehensive Plan Map and Text Amendment. The Planning Commission recommended adoption.


and


14. **DEVELOPMENT SERVICES/ORDINANCE**

A duly advertised public hearing was held to consider adoption of proposed Ordinance PDR-22-26(Z)(G) Lazy C Ranch / Lazy C Ranch Holdings, LLLP. The Planning Commission recommended adoption.

There were no ex parte communications.

 Kyle Grimes, attorney representing the applicant, was available for questions.

 Bill O’Shea, Principal Planner, noted the Board previously approved transmittal.

 Marshall Robinson, Planner, noted this is a rezone application, and used a slide presentation, to note the rezone would not limit the Plan Amendment, and the maximum density would be limited, Stipulation A.6 and Stipulation F.1, and specific approvals. He submitted additional public comment.

Mr., Grimes noted there have been no changes since the last public hearing.

There being no public comment, Chairman Rahn closed public comment.

Ordinance 24-06

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 Satcher moved to adopt Plan Amendment PA-22-16/Ordinance 24-06 fka 23-72, as recommended by the Planning Commission. The motion was seconded by Commissioner Turner and carried 7-0.

BC20240118DOC016

 Discussion ensued that the applicant made many concessions regarding the approval.

PDR-22-26(Z)(G)

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 applicable standards for review in the Manatee County Land Development Code, as conditioned herein, Commissioner Turner moved to approve Manatee County Zoning Ordinance PDR-22-26(Z)(G); approve a General Development Plan with Stipulations A.1-A.6, B.1-B.6 C.1-C.4, D.1-D.3, E.1, and F.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 – Reduce the required front yard for secondary front yards that function as side yards from twenty (20) feet to fifteen (15) feet; 2) 1001.1.C – Provide a single means of access to County Road 675 from the required Second Means of Access Requirement and provide a temporary emergency access for the second access point until such time the secondary access is provided with the construction of future roadways shown on the proposed GDP; subject to PA-22-16/Ordinance 23-72 being adopted by the Board of County Commissioners and becoming effective, as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge and carried 7-0. BC20240118DOC017

15. **DEVELOPMENT SERVICES/ORDINANCE**

There being no public comment, Chairman Rahn closed public comment.



A motion was made by Commissioner Kruse, seconded by Commissioner Turner, and carried 7-0, to hold the second public hearing to adopt proposed Ordinance 24-04 on February 22, 2024, at 9:00 a.m., or as soon thereafter as same may be heard (in lieu of after 5:00 p.m.), pursuant to Section 125.66(4)(b)1. Florida Statutes. BC20240118DOC018

ADJOURN

There being no further business, Chairman Rahn adjourned the meeting at 11:45 a.m.

Minutes Approved: February 13, 2024