

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
February 22, 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 (attended via telephone)
James A. Satcher, III, Third Vice-Chairman
Jason Bearden
George Kruse
Kevin Van Ostenbridge

Also present were:

Rossina Leider, Planning Section Manager
Sarah Schenk, Chief Assistant County Attorney
Nicole Knapp, Development Services Director
Julissa Santana, Deputy Clerk, Clerk of Circuit Court

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

All witnesses and staff giving testimony were duly sworn.

INVOCATION

 The Invocation was delivered by Pastor Tom Pelt, The Church at Bradenton.

PLEDGE OF ALLEGIANCE

 The Pledge of Allegiance was led by Robert Rinehart, Utilizes Department.

AGENDA

BC20240222DOC001

 Revised Agenda 1 and Update Memorandum (dated 2/20/24):

BC20240222DOC002

- Item 4- PDMU-23-24(Z)(G)/Avid on Parkway/Khoury Professional Offices, LLC; Palm-Aire Plaza Partnership, Ltd.; Khoury Enterprises, LLC.; Suhail A. Khoury and Janet K. Khoury (Owners)/3RD Wave Development, LLC.; Avanti Insieme, LLC. (Contract Purchasers)- Revisions to Staff Report in strikethrough underline format and Public Comment attached;
- Item 6- Impact Fees – Update to the Board – Additional documents attached: Benesch Response Memo, Critique of Benesch and Comments – Manatee Sarasota – BIA attached.

Revised Agenda 2 and Update Memorandum (dated 2/21/24):

BC20240222DOC003

- Item 4- PDMU-23-24(Z)(G)/Avid on Parkway/Khoury Professional Offices, LLC; Palm-Aire Plaza Partnership, Ltd.; Khoury Enterprises, LLC.; Suhail A. Khoury and Janet K. Khoury (Owners)/3RD Wave Development, LLC.; Avanti Insieme, LLC. (Contract Purchasers) -Revisions to Stipulations B.1-B.3 in strikethrough underline format, revised Ordinance in clean form and Public Comment letter attached;
- Item 5- LDCT-23-12/Ordinance 24-07 County-Initiated Land Development Code Text Amendment Mobile Vending- Item to be continued to April 4, 2024 at 9:00 a.m., or as soon thereafter as same may be heard revised motion to read: I move to continue the public hearing for LDCT-23-12/Ordinance 24-07 to April 4, 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.

CITIZEN COMMENTS (Future Agenda Items)

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

CONSENT AGENDA

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

 A motion was made by Commissioner Van Ostenbridge, seconded by Commissioner Satcher, and carried 7-0, to approve the Consent Agenda.

1. **DEVELOPMENT SERVICES/FINAL PLAT/AVIARY AT RUTLAND RANCH PHASE IIIA**


- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Second Supplemental Declaration to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for the Aviary at Rutland Ranch;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Public Improvements Aviary at Rutland Ranch Phase IIIA from Aviary Development Group, Inc. a corporation (hereinafter, the “Developer”);
- Authorized the County Administrator to accept and execute Letter of Credit as Security Guaranteeing Completion of Required Improvements, Aviary at Rutland Ranch Phase IIIA Irrevocable Credit #01082024D, for \$1,311,002.12;
- Authorized the County Administrator to accept and execute Letter of Credit as Security Guaranteeing Completion of Required Improvements, Aviary at Rutland Ranch Phase IIIA Irrevocable Credit #01082024C, \$101,608.00;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Public Subdivision with Private Improvements Aviary at Rutland Ranch Phase IIIA from Aviary Development Group, Inc. a Corporation (hereinafter, the “Developer”);
- Authorized the County Administrator to accept and execute Letter of Credit as Security Guaranteeing Completion of Required Improvements, Aviary at Rutland Ranch Phase IIIA Irrevocable Credit #0108202A, \$145,070.13.

BC20240222DOC004


(End Consent Agenda)

PUBLIC HEARINGS (Presentations Upon Request)

2. **DEVELOPMENT SERVICES/ORDINANCE**


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

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


 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 review criteria for Land Development Code (LDC) Text Amendments in Section 341, Commissioner Satcher moved to adopt Manatee County Ordinance 24-04, amending the Manatee County LDC, as detailed therein, as recommended by the Planning Commission. The motion was seconded by Commissioner Ballard, and carried 7-0.

BC20240222DOC005

3. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance 24-25 (fka. Ordinance 22-58) Buckhead Trails II Community Development District Expansion.


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

 Based on the record of the public hearing and having evaluated the criteria for expansion of a community development district in Chapter 190, Florida Statutes, Commissioner Satcher moved to grant the petition amending the boundaries of Buckhead Trails II Community Development District and to adopt Ordinance 24-25 (fka. Ordinance 22-58). The motion was seconded by Commissioner Van Ostenbridge, and carried 7-0. BC20240201DOC006


PUBLIC HEARINGS (Presentations Scheduled Continued)


4. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-23-24(Z)(G)/Avid on Parkway/Khoury Professional Offices, LLC; Palm-Aire Plaza Partnership, Ltd.; Khoury Enterprises, LLC.; Suhail A. Khoury and Janet K. Khoury (Owners)/3RD Wave Development, LLC.; Avanti Insieme, LLC. (Contract Purchasers). The Planning Commission recommended approval.


 Chairman Rahn disclosed that he has spoken with neighbors in Palm Aire regarding the overall project.


There were no ex parte communications.


 Rhea Lopes and Chuck Hallas, representing the applicant, utilized a slide presentation to review the request for a rezone of seven parcels of 12.765 acres from PDC/WPE (Planned Development Commercial/Watershed Protection-Evers Overlay) and RMF-6 (Residential, Multi-Family-6) to the PDMU/WPE (Planned Mixed-Use/) Zoning District, retaining the Watershed Protection-Evers Overlay District, approving a General Development Plan for 210 multi-family residential units and 70,100 square feet of commercial and office uses, and approving a Schedule of Permitted and Prohibited uses as voluntarily proffered by the Applicant (Exhibit B).

 Discussion ensued regarding the applicant working collaboratively with the various owners so that all parcels can be developed together, additional commercial property will be built on the eastern portion of the site, development rights, stormwater systems, and traffic concerns.


 Gary Beheart, representing the applicant, stated 35 percent of residents will be using the right-in/right-out entrance on University Parkway, the applicants will build all necessary turn lanes, and once it is time for final site plan approval, they will have to perform a more detailed traffic report.


 Rosina Leider, Planning Section Manager, displayed a slide presentation to review the request, Future Land Use Category, zoning, aerial of the site, surrounding uses, site plan information, positive and negative aspects, and mitigating measures.


 Nelson Galeano, Transportation Engineering Division Manager, clarified that the capacity on Whitfield and University Parkway is enough to support the project, staff is analyzing the eastbound left-turn lane on University, and what improvements can be done to alleviate traffic within the intersection.

 Discussion ensued regarding the chain of ownership of the property and previous approvals on the site, preliminary stormwater reports have not been done by the County, the


applicants will have to maintain reduced flow, 50 percent treatment, and provide floodplain compensation.


 Patricia Petroff submitted a 10-minute speaking card, and displayed a map to express her concern regarding existing wetlands, flooding, and drainage.


 Discussion ensued regarding the previous zoning approvals and site plans, in 1981 the site was rezoned to PDC, the definition of mixed-use zoning, and future applicants have to comply with the density calculation for a planned development project.

 Caleb Grimes, representing the applicant, addressed Commissioners comments, and concerns. He confirmed the project has been designated as commercial since 1981, the applicants will have to do a concurrency study, mitigate any impacts, and perform further traffic studies.


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

 Commissioner Kruse opposed the project due to the site map setting a bad precedent, and zoning concerns.


 Commissioner Satcher stated the County has changed since this project was rezoned in 1981.

 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 Satcher moved to adopt Manatee County Zoning Ordinance PDMU-23-24(Z)(G); approve a General Development Plan with Stipulations A.1-A.5, B.1-B.3, C.1-C.5, and D.1; adopt the Findings for Specific Approval; and grant Specific Approval for alternatives to the following Land Development Code Sections: 1) 1005.3 - to reduce the required parking ratio from 1.8 spaces per dwelling unit to 1.5 spaces per dwelling unit for the multi-family use; 2) 402.7.D.(1) - to reduce the required roadway buffer width from 20-feet to 15-feet along University Parkway; and 3) 402.7.D.5 and 701.4.B.4 - reduce the required greenbelt buffer width from the required 15-feet to 10-feet along the northwest development boundary, as recommended by the Planning Commission. The motion was seconded by Commissioner Ballard, and carried 4-3, with Commissioners Kruse, Rahn, and Van Ostenbridge voting nay. BC20240201DOC007

5. **DEVELOPMENT SERVICES/ORDINANCE**

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


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


 Commissioner Kruse moved to continue the public hearing for LDCT-23-12/Ordinance 24-07 to April 4, 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. The motion was seconded by Commissioner Satcher and carried 7-0. BC20240222DOC008


 **RECESS/ RECONVENE:** 10:30 a.m. - 10:40 a.m.


(Exit Sarah Schenk, Chief Assistant County Attorney; Enter William Clague, County Attorney)

6. COUNTY ATTORNEY/DISCUSSION ON IMPACT FEES

 Nicole Knapp, Development Services Director, provided updates to the Board regarding Impact Fees. She discussed if the Board would consider increasing the interest percent by 15 percent for four years, Benesch Engineering Consultants is confident in the study performed, and the methodology used by Benesch is used in almost the entire State of Florida.


 William Clague, County Attorney, stated there is always legal risk in impact fee decisions, and he is comfortable if the Board wants to move forward with the Benesch study.

 Clark Davis, Deputy Director of Public Works, stated staff is preparing a mobility fee update, which will be presented to the Board in the future.

 Commissioner Van Ostenbridge moved to rescind the November 14, 2023, motion to raise impact fees to 100 percent based on the 2015 study, and direct staff to proceed with amending the Land Development Code (LDC) to adopt the study prepared by Benesch, and a new fee schedule of a 50 percent increase over a four-year period at a 12.5 percent increase, which is the maximum allowable amount. The motion was seconded by Commissioner Kruse, and carried 6-0, with Commissioner Satcher absent.

BC20240222DOC009

ADJOURN

 There being no further business, Chairman Rahn adjourned the meeting at 10:55 a.m.

Minutes Approved: April 23, 2024