

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
April 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
Jason Bearden
George Kruse
Kevin Van Ostenbridge

District 1 seat is vacant.

Also present were:

Nicole Knapp, Director Development Services
Denise Greer, Deputy Director Development Services
Rachel Layton, Division Manager and Impact Fee Administrator
Sarah Schenk, Chief Assistant County Attorney
Vicki Tessmer, Board Records Supervisor, Deputy Clerk, Clerk of the Circuit Court



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

INVOCATION AND PLEDGE OF ALLEGIANCE



The Invocation was delivered by Pastor Rob Smith, Bayside Community Church, North River Campus, followed by the Pledge of Allegiance led by Commissioner Turner.

AGENDA

BC20240418DOC001



Agenda Update Memorandum (4/15/2024)

BC20240418DOC002

- Item 1 - Approval of Final Plat and Associated Documents for Cottages at Azario - Revised Action Request on Cover Sheet in strikethrough/underline format attached
- Item 3 - PDR-23-52(Z)(P) – Lorraine Crossings West /Lili Chiu – Chiu Lili, Chiu Lili Rev Living Trust (Owner)–Windham Development, Inc. (Contract Purchaser - Move item to 1st item on Presentations Scheduled, Public Comment and Updates from Planning Commission attached.
- Item 4 - PA-23-24 / Ordinance 24-08 Villas at Elwood Park Small-Scale Comprehensive Plan Map and Text Amendment - Updates from Planning Commission and Public Comments attached
- Item 5 - PDR-23-53(Z)(G) – Villas at Elwood Park 4007 Property, LLC (Owner) – Eastwind Acquisitions, LLC (Contract Purchaser) - Updates from Planning Commission and Public Comments attached
- Item 6 - PA-24-01 / Ordinance No. 24-24 Crooked River Preserve (County Owned Property) County-Initiated Large Scale Comprehensive Plan Map Amendment - Updates from Planning Commission attached
- Item 7 - PDMU-23-25(P) – Airport Commerce Park – AIRBC LLC (Owner) - Updates from Planning Commission attached
- Item 8 - PDMU-23-14(Z)(G) – Woody's River Roo Pub & Grill/ Woody's Riverfront Real Estate LLC; Randal Kassewitz; and Mark Vasturo (Owners) - Updates from Planning Commission attached

Agenda Update Memorandum (4/17/2024)

BC20240418DOC003

- Item 4 - PA-23-24 / Ordinance 24-08 Villas at Elwood Park Small-Scale Comprehensive Plan

BC MB FY 23-24/217

Map and Text Amendment - Public Comments attached and Revised Alternative Motion in Strikethrough/underline format to read:

Adoption:

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, I move to ~~approve~~ adopt Plan Amendment PA-23-24/Ordinance 24-08.

Denial:

Based upon the staff report, evidence presented, the action of the Planning Commission, and finding the request to be inconsistent with the Manatee County Comprehensive Plan and the applicable portions of Chapter 163, Part II, Florida Statutes, I move to deny adoption of Plan Amendment PA-23-24/Ordinance 24-08.

- Item 5 - PDR-23-53(Z)(G)/Villas at Elwood Park 4007 Property, LLC (Owner)/Eastwind Acquisitions, LLC (Contract Purchaser) - Public Comments, added Stipulation A.5, revised Ordinance in Clean Version, and Revised Alternative Motion for Approval attached.

CITIZEN COMMENTS (Future Agenda Items)



Thomas Carter (submitted documents) and Steve Zeris opposed the roundabout project at Creekwood due to effects on wildlife and residents.

BC20240418DOC004

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

CONSENT AGENDA

PUBLIC COMMENT (Consent Agenda only)

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



A motion was made by Commissioner Ballard, seconded by Commissioner Bearden, and carried 6-0, with Commissioner Ballard via Zoom, to approve the Consent Agenda with the changes included in the Update Agenda Memorandum.

1. **DEVELOPMENT SERVICES/FINAL PLAT/COTTAGES AT AZARIO**

- Executed and authorized recording of Final Subdivision Plat;
- Accepted, executed, and authorized recording of the Supplemental Declaration to the Declaration of Covenants, Conditions, Restrictions and Easements for Cottages at Azario;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Private Subdivision with Private Improvements Cottages at Azario; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Cottages at Azario, Surety Bond SU11201883, \$8,951.80

BC20240418DOC005

2. **DEVELOPMENT SERVICES/FINAL PLAT/SWEETWATER**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Private Subdivision with Public Improvements Sweetwater Phase III & IV;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Sweetwater Phases III & IV, Surety Bond OHHNSU0851830, \$2,110,378.40;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Private Subdivision with Private Improvements Sweetwater Phases III & IV;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Sweetwater Phases III & IV, Surety Bond OHHNSU0851829, \$2,049,049.44; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Sweetwater Phases III & IV, Surety Bond OHHNSU0851828,

\$214,795.10


BC20240418DOC006


PUBLIC HEARINGS (Presentations Scheduled)


3. DEVELOPMENT SERVICES/ORDINANCE

 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDR-23-52(Z)(P)/Lorraine Crossings West/Lili Chiu – Chiu Lili, Chiu Lili Rev Living Trust (Owner)/Windham Development, Inc. (Contract Purchaser). The Planning Commission recommended adoption.

There were no ex parte communications.

 Margaret Tusing, representing the applicant, used a slide presentation to review the request for a rezone of a 9.64-acre site with 25 percent affordable housing, the Future Land Use (FLU), rezone to Planned Development Residential (PDR), surrounding uses, Preliminary Site Plan (PSP), 66 units with nine buildings, and enhanced buffers.


 Laura Gonzalez, Planner, used a slide presentation to review the request including existing development patterns, available facilities, and there will be a Land Use Restriction Agreement (LURA) for affordable housing.

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

Discussion ensued that there is a need for affordable housing in this area especially due to employment opportunities.

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 of the Manatee County Land Development Code, as stipulated herein, Commissioner Van Ostenbridge moved to adopt Manatee County Zoning Ordinance PDR-23-52(Z)(P) with Stipulations A1.-A.5; B.1-B.5; C.1-C.4; D.1, and E.1-E.2; and approve the Preliminary Site Plan, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 5-1 with Commissioner Bearden voting nay. BC20240418DOC007

4. DEVELOPMENT SERVICES/ORDINANCE


 A duly advertised public hearing was held to consider adoption of proposed Ordinance PA-23-24/Ordinance 24-08 Villas at Elwood Park Small-Scale Comprehensive Plan Map and Text Amendment. The Planning Commission recommended adoption.


and

5. DEVELOPMENT SERVICES/ORDINANCE


A duly advertised public hearing was held to consider adoption of proposed Ordinance PDR-23-53(Z)(G)/Villas at Elwood Park 4007 Property, LLC (Owner)/Eastwind Acquisitions, LLC (Contract Purchaser). The Planning Commission recommended adoption.

There were no ex parte communications.


 Scott Rudacille, attorney for the applicant, introduced the project.

 Philip DiMaria, representing the applicant, used a slide presentation to review the request including the FLU of RES-1 (Residential-1 dwelling unit per acre) and RES-3, proposed FLU of RES-3 and RES-6, and a rezone from A-1 to PDR, surrounding FLU, overview of the changes since the project was first presented, 50 percent reduction to 130 pm peak hour trips, 25 percent affordable housing, increased residential setbacks, access only onto 44th Avenue

East, Livable Manatee Workforce Housing program, LURA for 20 years, 8.5 dwelling units per acre, 202 units proposed including garden flats and two-story townhomes, amenities, General Development Plan (GDP), pond stipulations for the northwest corner, neighborhood outreach, fencing on western and northern property lines, ponds will help control flooding, sidewalks along 45th Street East, anticipated project completion in 2027, reasonable transition with current development trends, and the County is investing in infrastructure in this area.

 Charles Andrews, Planner, used a slide presentation to address changes since the first time the project was proposed, site location, specific area policy, maximum density of 8.5 dwelling units per acre, existing and proposed FLU, located in an activity node, density, existing zoning, surrounding development, public facilities, positive and negative aspects, and mitigating measures. He continued the slides to review the rezone request, specific approvals, LURA required, surrounding development, buffers, specific approvals regarding buffers, 10-foot buffer on the eastern boundary, secondary means of access on 45th Street East will be emergency only, existing public facilities, positive and negative aspects, and mitigating measures. The project meets the applicable requirements of the Comprehensive Plan and Land Development Code.


 Discussion ensued regarding logical transition due to development trends to the south of the subject property, but to the north of the property, and definition of transition.


 Steven Wetzel (slides), Ryan Cosimo (slides), Heather Johnston, Kay Keirns, Arlene Keirns, Ryan McGlocklin, John Taylor, Janyel Taylor (slides), Jim Parks, and Abigail Broach, opposed the project due to traffic, the character of existing development, and high density.


 Debbie and Jim Bryn encouraged approving the project.

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

 Denise Greer, Deputy Director development Services, asked the applicant to expound on the sidewalk on 45th Street East.

 Mr. Andrews noted the Comprehensive Plan is 35 years old, and it is natural for changes to occur regarding development. Only emergency vehicles can use the emergency access.

 Mr. Rudacille requested an opportunity to review the plan and asked for a continuance.

 Discussion ensued regarding looking at the compatible density for this area, and all testimony at this hearing will be included for the next hearing

Ordinance 24-08

A motion was made by Commissioner Van Ostenbridge, seconded by Commissioner Bearden, and carried 6-0, to continue the public hearing for PA-23-24/Ordinance 24-08 Villas at Elwood Park Small-Scale Comprehensive Plan Map and Text Amendment to no date certain and to be re-advertised.

BC20240418DOC008


PDR-23-53(Z)(G)

A motion was made by Commissioner Van Ostenbridge, seconded by Commissioner Bearden, and carried 6-0, to continue the public hearing for PDR-23-53(Z)(G)/Villas at Elwood Park 4007 Property, LLC (Owner)/Eastwind Acquisitions, LLC (Contract Purchaser to no date certain and to be re-advertised.

BC20240418DOC009

PUBLIC HEARINGS (Presentations upon Request)

6. DEVELOPMENT SERVICES/ORDINANCE

 A duly advertised public hearing was held to consider transmittal of proposed Ordinance PA-24-01/Ordinance 24-24 Crooked River Preserve (County Owned Property) County-Initiated Large Scale Comprehensive Plan Map Amendment. The Planning Commission recommended transmittal.

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

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, in compliance with the applicable provisions of Section 340, Land Development Code and the applicable portions of Chapter 163, Part II, Florida Statutes, Commissioner Turner moved to transmit Plan Amendment PA-24-01/Ordinance 24-24. The motion was seconded by Commissioner Bearden and carried 6-0. BC20240418DOC010

7. DEVELOPMENT SERVICES/ORDINANCE


 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDMU-23-25(P)/Airport Commerce Park/AIRBC LLC (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 review standards in the Manatee County Land Development Code, as stipulated herein, Commissioner Kruse moved to adopt Manatee County Zoning Ordinance PDMU-23-25(P); and approve the Preliminary Site Plan with Stipulations A.1 – A.6, B.1 – B.5, C.1, and D.1 – D.5. The motion was seconded by Commissioner Ballard and carried 6-0. BC20240418DOC011

8. DEVELOPMENT SERVICES/ORDINANCE

 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDMU-23-14(Z)(G)/Woody's River Roo Pub & Grill/Woody's Riverfront Real Estate LLC; Randal Kassewitz; and Mark Vasturo (Owners). 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, as stipulated herein, Commissioner Turner moved to adopt Manatee County Zoning Ordinance PDMU-23-14(Z)(G) with Stipulations A.1-A.3, B.1-B.6, C.1-C.3, and D.1-D.3; approve a General Development Plan; 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; and 2) 900.6.B to allow elimination of the requirement to provide cross access easements for an Entranceway project, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 6-0. BC20240418DOC012

ADJOURN

April 18, 2024

(Continued)

There being no further business, Chairman Rahn adjourned the meeting at 11:01 a.m./p.m.
Minutes Approved: May 14, 2024