

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
June 6, 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 of Development Services
Denise Greer, Deputy Director of Development Services
Rachel Layton, Division Manager and Impact Fee Administrator
Sarah Schenk, Chief Assistant County Attorney
Julissa Santana, Deputy Clerk, Clerk of the Circuit Court

 Chairman Rahn 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 Reverend Mary Beth McSwain, Peace Presbyterian Church, followed by the Pledge of Allegiance led by Commissioner Van Ostenbridge.

AGENDA


BC20240606DOC001

 Agenda Update Memorandum:

BC20240606DOC002

- Item 1- Revised Clerks Consent Agenda and memo to correct a typographical error;
- Item 3- 9:00 A.M. Time Certain - Ordinance 24-22 – Amending Code of Ordinances, Chapter 29, Educational Facility Impact Fees- Recommendation of the Planning Commission, revised Alternative Motion for Approval, and Revised Ordinance attached;
- Item 4- PDR-23-47(G) – Deer Park Planned Development – Buckeye Property Investor, LLC (Owner)– Updates from Planning Commission and revised Alternative Motion for Approval attached;
- Item 6- PDMU-17-26(G)(R) - Haval Farms/North Manatee Investment, LLC, and Haval Farms, Typographical error in the Project Area under Project Summary in the staff report attached;
- Item 7- Ordinance 24-43/LDCT 24-13– County Initiated Land Development Code Text Amendment, County Impact Fees– Revised Ordinance, recommendation of the Planning Commission, and Public Comments attached;
- Item 8- Ordinance 24-44/PA-24-04 – County Initiated Comprehensive Plan Text Amendment, Concurrency-Alternative Transportation System– Revised Ordinance and recommendation of the Planning Commission and revised Alternative Motion for approval attached; and
- Item 9- Ordinance 24-66/LDCT-24-05 – County Initiated Land Development Code Text Amendment, Concurrency-Alternative Transportation System- Recommendation of the Planning Commission attached.

CITIZEN COMMENTS (Future Agenda Items)

 Glen Gibilina expressed concern regarding overdevelopment and wetlands. BC20240606DOC003

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


CONSENT AGENDA

CITIZEN COMMENTS (Consent Agenda Only)

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

CONSENT AGENDA – ITEMS PULLED BY COMMISSIONERS

There were no items pulled.

 A motion was made by Commissioner Kruse, seconded by Commissioner Ballard, and carried 6-0, to approve the Consent Agenda with the changed incorporated in the Update Agenda Memorandum. BC20240606DOC004

1. **CLERKS CONSENT**

A. **MINUTES**

Approved the Minutes of May 2, 14, 18, and 23, 2024

B. **REFUNDS**

Approved the following Refunds:

- 1. Homes by West Bay LLC – Sewer Facility Investment Fees, \$23,970 BC20240606DOC005
- 2. Site Enhancement Services – Application Fee, \$4,485 BC20240606DOC006
- 3. Morris Engineering – Application Fee, \$3,685 BC20240606DOC007

C. **REPORTS**

Accepted the following Reports:

- 1. Mandarin Grove Community Development District (CDD) – Proposed FY24/25 Budget BC20240606DOC008
- 2. Waterlefe CDD - Proposed FY24/25 Budget BC20240606DOC009
- 3. Harbourage at Braden River CDD – Proposed FY24/25 Budget BC20240606DOC010

D. **SCRIVENER’S ERROR**


- Adopted corrected Resolution R-24-063 which was adopted by the Board of County Commissioners on May 14, 2024, correcting the Batch ID# to EP41524A/B with Reference #BU24000457. BC20240606DOC011
- Adopted corrected Resolution R-24-005 which was adopted by the Board of County Commissioners on January 9, 2024, correcting the adoption date from January 9, 2023, to January 9, 2024. BC20240606DOC012
- Adopted corrected Resolution R-24-006 which was adopted by the Board of County Commissioners on January 9, 2024, correcting the adoption date from January 9, 2023, to January 9, 2024. BC20240606DOC013
- Adopted corrected Ordinance 22-37 which was adopted by the Board of County Commissioners on May 5, 2022, correcting the typographical error in the legal description. BC20240606DOC014
- Adopted corrected Ordinance PDMU-16-16(G)(R2) which was adopted by the Board of County Commissioners on February 1, 2024, correcting the highlighted table. BC20240606DOC015

2. **DEVELOPMENT SERVICES/FINAL PLAT/HERITAGE HARBOUR**


Executed and authorized recording of Final Subdivision Plat. BC20240606DOC016


PUBLIC HEARINGS (Presentations Scheduled)


3. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance 24-22 – Amending Code of Ordinances, Chapter 29, Educational Facility Impact Fees. The


Planning Commission recommended adoption.

 Michael Pendley, Executive Planner, Manatee County School District, utilized a slide presentation to review the request to adopt a new Schedule of Educational Facilities Impact Fees effective September 9, 2024, based on the most recent Impact Fee Study completed by the Manatee County School Board in accordance with the Florida Impact Fee Act.


 Carson Bise, TischlerBise, continued the slide presentation to review educational facilities impact fees, student generation rates, construction costs, enrollment versus capacity projections, concurrency levels, land costs, capital cost per student, proposed fees, and fee comparison.

 Discussion ensued regarding LURAs (Land Use Restricted Agreements), and projections of student growth for 10 years.

 Glen Gibellina expressed concern on impact fees, and the unjust enrichment on taxation.

 Pat Neal supports the School Board's request on impact fees.


There being no further 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 Section 341, Land Development Code, Commissioner Van Ostenbridge moved to adopt Manatee County Ordinance 24-22, amending the Manatee County Code of Ordinances, as amended, as recommended by the Planning Commission. The motion was seconded by Commissioner Bearden and carried 6-0.


BC20240606DOC017

PUBLIC HEARINGS (Presentations Upon Request)


4. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDR-23-47(G) – Deer Park Planned Development – Buckeye Property Investor, LLC (Owner). The Planning Commission recommended adoption.

There were no ex parte communications.

 Pat Neal, representing the applicant, spoke on his commitment and priority to build affordable homes in the County.


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 compliance with the applicable review standards in the Manatee County Land Development Code, as conditioned herein, Commissioner Turner moved to adopt Manatee County Zoning Ordinance PDR-23-47(G); approve a General Development Plan with Stipulations A.1-A.5; B.1-B.4; 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 402.7.D.7 reducing secondary front yard for corner lots from 20-feet to 10-feet, as recommended by the Planning Commission. The motion was seconded

by Commissioner Ballard, and carried 6-0.


BC20240606DOC018

5. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance ZL-23-25 - 53rd Avenue East Rezone - Invest PI, LLC. The Planning Commission recommended adoption.


There were no ex parte communications.

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 compliance with the applicable review standards of the Land Development Code, Commissioner Ballard moved to adopt Manatee County Zoning Ordinance ZL-23-25 with Stipulation A.1, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse, and carried 6-0.

BC20240606DOC019

6. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance PDMU-17-26(G)(R) - Haval Farms/North Manatee Investment, LLC, and Haval Farms, LLC.

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


 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 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-17-26(G)(R) with Stipulations A.1–A.14, B.1–B.7, C.1–C.4, D.1, and E.1; and approve a revised General Development Plan. The motion was seconded by Commissioner Ballard, and carried 6-0.


BC20240606DOC020


PUBLIC HEARINGS (Presentations Scheduled)

7. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance 24-43/LDCT 24-13- County Initiated Land Development Code (LDC) Text Amendment, County Impact Fees. The Planning Commission recommended adoption.


 Rachel Layton, Division Manager and Impact Fee Administrator, utilized a slide presentation to review the history and definition of impact fees, impact fee requirements, residential land use differences, non-residential differences, and the recent legislative update (HB 337).

 Nilgun Kamp, Benesch, continued the slide presentation to discuss consumption-based methodology, impact fee formula and components, the Board policy is to cap impact fees at 50 percent, and level of service, inventory, cost component, net impact cost, and total calculated impact fees for County Departments (Public Safety, Law Enforcement, Library Facilities, Parks & Recreation, Multi-Modal Transportation).


 Ms. Layton reviewed the next steps in the request to amend Chapter 2 of the LDC to provide new or revised Definitions of Terms related to impact fees, and amend and restate Chapter 11 relating for impact fees.


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(Continued)


 Discussion ensued regarding the reason for a second hearing and adoption date, transmittal to the State, no extraordinary circumstance definition in Florida Statute regarding impact fees, the possibility of collecting more impact fees, and additional funding for infrastructure.


Motion- Failed

 A motion was made by Commissioner Kruse to direct staff to pullback on Ordinance 24-43, and readjust it to reflect 100 percent of the cost associated with the Benesch study. The motion died due to lack of second.

 Sarah Schenk, Chief Assistant County Attorney, stated impact fees are extremely litigious, and there is increased legal risk if the County decided to unlawfully collect impact fees.

 Discussion ensued regarding if there has been litigation or established case law as to what an extraordinary circumstance is, possibly performing a study that analyzes the County’s circumstances, and not wanting to open the County up to legal risk.


 Glen Pearson expressed concern regarding future infrastructure and taxpayer money.

 Glen Gibellina requested the Board follow the direction of the Benesch impact fee study.

 Sara Lynn asked the Board to consider Commissioner Kruse’s point of view.


 Alexander Linger recommended the Board get advice from outside sources.

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


 Discussion ensued regarding impact fees supporting new growth, trusting staff, and the right to increase impact fees as each County sees fit.

There is no action necessary, as this is the first of two required public hearings; the second public hearing is scheduled for August 8, 2024.

BC20240606DOC021


 **RECESS/RECONVENE:** 10:43 a.m. – 10:55 a.m. All Commissioners present.


8. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider recommending adoption of proposed Zoning Ordinance 24-44/PA-24-04 – County Initiated Comprehensive Plan Text Amendment, Concurrency-Alternative Transportation System. The Planning Commission recommended adoption.


and

9. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance 24-66/LDCT-24-05 – County Initiated Land Development Code Text Amendment, Concurrency-Alternative Transportation System. The Planning Commission recommended adoption.

 Clarke Davis, Deputy Director of Public Works, utilized a slide presentation to review the request for a Comprehensive Plan amendment to set policy for an Alternative Transportation System, and a LDC amendment to implement an Alternative Transportation System, with action to include making consistency findings and a transmittal recommendation.

Ordinance 24-44

 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 Turner moved to transmit Plan Amendment PA-24-04 / Ordinance 24-44, recommended by the Planning Commission. The motion was seconded by Commissioner Kruse, and carried 6-0.

BC20240606DOC022

Ordinance 24-66


There is no action necessary, as this is the first of two required public hearings; the second public hearing is scheduled for August 8, 2024.

BC20240606DOC023

10. **DEVELOPMENT SERVICES/ORDINANCE**

 Denise Greer, Deputy Director of Development Services, introduced Ordinance 24-43/LDCT 24-13- County Initiated Land Development Code Text Amendment, County Impact Fees. The Planning Commission recommended adoption.

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


 Commissioner Ballard moved to hold the second public hearing to adopt proposed Ordinance 24-43 on August 8, 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. The motion was seconded by Commissioner Kruse, and carried 6-0.

BC20240606DOC024

11. **DEVELOPMENT SERVICES/ORDINANCE**


 Denise Greer, Deputy Director of Development Services, introduced Ordinance 24-66/LDCT-24-05 - County Initiated Land Development Code Text Amendment, Concurrency-Alternative Transportation System. The Planning Commission recommended adoption.

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

 A motion was made by Commissioner Ballard to hold the second public hearing to adopt proposed Ordinance 24-66 on August 8, 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. The motion was seconded by Commissioner Kruse, and carried 6-0.

BC20240606DOC025

ADJOURN

 There being no further business, Chairman Rahn adjourned the meeting at 11:09 a.m.

Minutes Approved: July 30, 2024