

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
June 20, 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:

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 Tucker Owen, Bayside Community Church West Campus.

PLEDGE OF ALLEGIANCE

 The Pledge of Allegiance was led by Commissioner Ballard.

AGENDA

BC20240620DOC001

 Agenda Update Memorandum:

BC20240620DOC002




- Port Authority - Port Agenda added to the agenda
- Item 28 - Item was added onto the Consent Agenda cover sheet agenda memo
- Item 4 - Revised documents and revised cover sheet agenda memo
- Item 7 - Agenda Cover Sheet added
- Item 29 - Item was added onto the Regular agenda cover sheet agenda memo
- Item 11 - PDR-23-56(Z)(P) - Lakewood Springs - Paul Carlsen/ St. Pete Property Holdings, LLC - Lakewood Springs (Manatee), LLC - (Contract Purchaser)- Updates from Planning Commission, Revised Alternative Motion for Approval and Public Comments
- Item 12 - PA-23-12/Ordinance 24-16 Tunnel to Towers- Correction to planner on agenda, updates from the Planning Commission, Revised Alternative Motion for Approval, and Public Comments
- Item 13 - PDR-23-32(Z)(G) - Tunnel to Towers - Manatee County (Owner)-Updates from the Planning Commission, Revised Alternative Motion for Approval, and Public Comments
- Item 17 - PA-23-20 / Ordinance 24-15 / Seaport Manatee Master Plan Update 2022- Updates from Planning Commission and revised motion for transmittal
- Item 18 - PDMU-23-21(Z)(P) - Palmetto Apartments -Updates from Planning Commission
- Item 21 - PA-23-23/Ordinance 24-27 Meals on Wheels Expansion Small-Scale Comprehensive Plan Map Amendment-Updates from Planning Commission Item 22 - Z-23-26 -

BC MB FY23-24/336



- Meals on Wheels Expansion Rezone / Meals on Wheels Plus Manatee, Inc. (Owner)- Planning Commission Updates
- Item 23 - PDUI-23-24(G) – Concrete Block Curing Room Addition – Oldcastle APG South, Inc. (Owner) -Planning Commission Updates
- Item 24 - Z-23-30 – Ameres Rezone/KLEECL LLC – KLEECL LLC (Owner) -Planning Commission Updates
- Item 25 - PA-23-14/Ordinance 24-21 Dolan Small-Scale Comprehensive Plan Map Amendment- Planning Commission Updates
- Item 26 - Z-23-23 -Dolan Rezone -Planning Commission Updates
- Item 27 - PDR-04-39(G)(R3) – The Concession –Correct Planner on Agenda Memo, added attachments from Sunbiz, Affidavit of Publishing Notice of Public Hearing, Affidavit of Posting and Mailing, Land Density Re-Allocation Agreement, Redlined version of Ordinance, Public Comments and Traffic Impact Statement

RECESS/RECONVENE: 9:02 a.m. – 9:04 a.m. The Board of County Commissioners recessed for the purpose of holding a Port Authority meeting. The County Commission reconvened with all Commissioners present.

CITIZEN COMMENTS (Future Agenda Items)

-  Ingrid McLellan spoke on the Palma Sola Scenic Highway Corridor management plan. BC20240620DOC003
 -  Terry McKamey stated he was available if the Board had questions on medians or trees.
 -  Glen Gibilina submitted comments and expressed concern regarding impact fee studies. BC20240620DOC004
- There being no further public comments, Chairman Rahn closed public comments.

CONSENT AGENDA

-  There being no public comments, Chairman Rahn closed public comments.
-  A motion was made by Commissioner Turner, seconded by Commissioner Ballard, and carried 6-0, to approve the Consent Agenda with the changes incorporated in the Agenda Update Memorandum.

- ADMINISTRATOR/MEETING SCHEDULE**
Approved the Revised 2024 Board of County Commissioners Meeting Schedule BC20240620DOC005
- ATTORNEY/SETTLEMENT**
Authorized to allow Plaintiff’s Proposal for Settlement in the amount of \$63,000 to expire and to take no action regarding the Proposal for Settlement in Manatee County Circuit Court Case Number 2022 CA 3085, Aleyda Tellez Caballero v. Sheriff Rick Wells BC20240620DOC006
- ATTORNEY/SETTLEMENT**
Authorized to allow the County Attorney’s Office to Serve a Proposal for Settlement on Plaintiff in the amount of \$52,000 in Manatee County Circuit Court Case Number 2022 CA 3085, Aleyda Tellez Caballero v. Sheriff Rick Wells BC20240620DOC007
- DEVELOPMENT SERVICES/FINAL PLAT/CROSSWIND RANCH PHASE IB**
 - Executed and authorized recording of Final Subdivision Plat;
 - Authorized recording of the Fourth Amendment to Community Declaration for Crosswind;
 - Authorized the County Administrator to Accept, Execute, and Record Agreement for Public Subdivision with Public Improvements for Crosswind Ranch Phase IB;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance

of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 5763525, \$2,299,607.17;

- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 5763524, \$194,566.45;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Public Subdivision with Private Improvements for Crosswind Ranch Phase IB; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 5763523, \$150,128.30

BC20240620DOC008

4. **DEVELOPMENT SERVICES/FINAL PLAT/RYE RANCH PHASE II**

- Executed and authorized recording of Final Subdivision Plat;
- Recorded the Declaration of Covenants, Conditions, and Restrictions of the Legacy Preserve Neighborhood;
- Accepted, executed, and authorized recording of Mortgagee's Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Theron Homes by Third Coast Bank;
- Accepted, executed, and authorized recording of Mortgagee's Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Theron Homes by D.R. Horton, Inc;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Public Subdivision with Public Improvements for Rye Ranch II;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176573, \$6,157,048.17;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176572, \$233,931.75;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176576, \$710,197.15;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176575, \$48,620.00;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176579, \$4,418,716.38;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176578, \$215,715.50;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176582, \$2,803,837.28;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Private Improvements for Rye Ranch II;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176571, 1,315,528.96;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176574, \$308,934.93;

- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176577, \$2,053,381.16;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176580, \$3,250,868.27;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176581, \$234,487.50;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176583, \$965,362.45; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Crosswind Ranch Phase IB, Surety Bond 800176486, \$45,500

BC20240620DOC009

5. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized the Purchasing Official, or designee, to execute Change Order 2 to Agreement 23-R081325CD for Professional Project Development and Environmental (PD&E) Study for Ft. Hamer Road Expansion Project with Kimley-Horn and Associates, Inc. in the amount of \$5,999,243.49 for a revised not-to-exceed amount of \$8,132,984.65

BC20240620DOC010

6. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized the Purchasing Official, or designee, to execute Change Order 4 to Agreement 20-TA003182AJ with Process Control and Instrumentation, LLC for the Lake Manatee Water Treatment Plant Supervisory Control and Data Acquisition (SCADA) Replacement project adding an additional \$85,287.59 to the contract amount and an additional 192 calendar days to the construction schedule

BC20240620DOC011

7. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized the Purchasing Official, or designee, to execute the Guaranteed Maximum Price (GMP) Addendum to Agreement 24-TA005206RB, Construction Management at Risk Services for Bowlees Creek Flood Mitigation with Woodruff & Sons, Inc., in the not-to exceed amount of \$3,712,963.08 with a construction schedule of 365 calendar days, and authorization to accept and date the Public Construction Bond

BC20240620DOC012

8. **PROPERTY MANAGEMENT/EASEMENT**

Accepted and Recorded Permanent Utilities Easement from 64 & LWR LLC (includes Consent and Joinders from EDS 64, LLC, a Florida limited liability company, Servisfirst Bank, a Florida banking corporation and Valley National Bank, a national banking association) or property located at 1305 108th Street East, Bradenton

BC20240620DOC013

9. **PROPERTY MANAGEMENT/EASEMENT**

Accepted and Recorded Permanent Utilities Easement from DD LR HTL, LLC (includes Consent and Joinder from Ameris Bank, a Georgia banking corporation) for property located at 6325 Health Park Way, Lakewood Ranch

BC20240620DOC014


10. **PUBLIC WORKS/AGREEMENT**


Approved and authorized the Chairman to execute the "State of Florida Department of Transportation State-Funded Grant Agreement" for FDOT participation in the construction of the 51st Street West extension from 53rd Avenue West to El Conquistador Parkway (FPN:452849-1-54-01)


BC20240620DOC015

(End Consent Agenda)

29. **FINANCIAL MANAGEMENT/RESOLUTION**

 A duly advertised public hearing was held to consider adoption of proposed Resolution R-24-123 - Environmental Lands Referendum reflecting the selected Option A, B, or C as approved.


 Sheila McLean, Chief Financial Officer, introduced the request to review Option A (Approve Resolution R-24-123 in a total principal amount not exceeding \$250 million, maturing 30 years), Option B (Approve Resolution R-24-123 for a referendum in a total principal amount not exceeding \$125 million, maturing 30 years), or Option C (Approve Resolution R-24-123 in a total principal amount not exceeding \$90 million, maturing 30 years) for defining bond capacity for the Environmental Lands Referendum.

 Discussion ensued regarding the financial strategy of the Board, increased bond capacity, and a motion is not needed since the Board decided to keep the bond capacity unchanged.

BC20240620DOC016


PUBLIC HEARINGS (Affordable Housing- Presentations Upon Request)

11. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-23-56(Z)(P)/Lakewood Springs/Paul Carlsen/St. Pete Property Holdings LLC/Lakewood Springs (Manatee) LLC - (Contract Purchaser). 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 Manatee County Land Development Code, as stipulated herein, Commissioner Kruse moved to adopt Manatee County Zoning Ordinance PDR-23-56(Z)(P); approve the Preliminary Site Plan with Stipulations A.1-A.4; B.1-B.5; C.1-C.4, and D.1; adopt the Findings for Specific Approval; and grant Specific Approval for an alternative to Land Development Code Sections: 1) 402.7.D.1 to reduce the required 20-foot roadway buffer to a variable width buffer between fifteen (15) and twenty-four (24) feet in width; and 2) 1005.7.E to allow multiple vehicle stacking parking spaces for multifamily dwelling units. The motion was seconded by Commissioner Ballard and carried 6-0.


BC20240620DOC017

12. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PA-23-12/Ordinance 24-16 Tunnel to Towers/Small-Scale Comprehensive Plan Map Amendment. The Planning Commission recommended adoption.

and

13. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-23-32(Z)(G)/Tunnel to Towers/Manatee County (Owner)/Sean Fallace (Agent). The Planning Commission recommended adoption.

There were no ex parte communications.


 Glen Gibilina expressed his support for the project.

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

Ordinance 24-16


 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 Van Ostenbridge moved to adopt Manatee County Ordinance 24-16 / PA-23-12. The motion was seconded by Commissioner Ballard, and carried 6-0. BC20240620DOC018

PA-23-12

 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 and in compliance with the applicable review standards in the Manatee County Land Development Code, as stipulated herein, Commissioner Van Ostenbridge moved to adopt Manatee County Zoning Ordinance PDR-23-32(Z)(G); approve the General Development Plan with Stipulations A.1 – A.3, B.1 – B.5, C.1, and D.1; adopt the Findings for Specific Approval; and grant Specific Approval to Land Development Code Sections: 1) 402.7.D.1. - Reduction of 5 feet, from twenty (20) to fifteen (15) feet, along the northern property boundary, to the minimum required buffer which shall be provided along district boundaries which abut and run parallel to any public road in the PDR district; 2) 402.7.D.5. and 701.4.B.4. – Reduction of 5 feet, from fifteen (15) to ten (10) feet along the southern property boundary, to the minimum fifteen (15) foot wide perimeter greenbelt for all residential projects; 3) 701.4.B.4. – Eliminate the minimum requirement of one (1) canopy tree planted every thirty (30) feet on center for the length of the perimeter of the project within the southern and western residential greenbelts; and 4) 1005.3. (Table 10-2) - 30% reduction of required multi-family parking spaces from 1.8 / Dwelling Unit to 1.26 / Dwelling Unit, subject to the adoption by the Board of PA-23-12 / Ordinance 24-16 and Ordinance 24-16 becoming effective. The motion was seconded by Commissioner Bearden, and carried 6-0. BC20240620DOC019

PUBLIC HEARINGS (Presentations Upon Request)


14. DEVELOPMENT SERVICES/RESOLUTION

 A duly advertised public hearing was held to consider adoption of proposed Resolution R-24-120 to deny Ordinance 24-67 (the “Tara DRI #11 Development Order”) and Ordinance PDR/PDC/PDMU-96-03(G)(R13) – (the “Zoning Ordinance”)-Tara Manatee Inc.


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

 A motion was made by Commissioner Van Ostenbridge to adopt Resolution R-24-120 to deny Ordinances 24-67 (the “Tara DRI #11 Development Order”) and Ordinance PDR/PDC/PDMU-96-03(G)(R13) (the “Tara Zoning Ordinance”). The motion was seconded by Commissioner Kruse, and carried 5-1, with Chairman Rahn voting nay. BC20240620DOC020

15. DEVELOPMENT SERVICES/RESOLUTION

 A duly advertised public hearing was held to consider adoption of proposed Resolution R-24-121 denying Application PDR-23-19(Z)(P)/The Oaks at Rutland Ranch/Johnson & Stinson/Brett C. Johnson and Brenda J. Johnson/Robert H. Stinson and Gail M. Stinson (Owners)/Oak Development Group LLC (Contract Purchaser).

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


 A motion was made by Commissioner Kruse to adopt Resolution R-24-121 denying Application PDR-23-19(Z)(P), requesting the rezoning; denying approval of a preliminary site plan; and denying all related requests for specific approval. The motion was seconded by Commissioner Van Ostenbridge, and carried 6-0. BC20240620DOC021

16. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-18-02(G)(R), North River Self Storage (fka Ft. Hamer Senior Living)/2605-2705 Fort Hammer RD LLC (Owner)/Justin Thomas (Contract Purchaser).

There were no ex parte communications.

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


 A motion was made by Commissioner Kruse to continue the public hearing to August 22, 2024, at 9:00 a.m., or as soon thereafter as same may be heard. The motion was seconded by Commissioner Bearden and carried 6-0. BC20240620DOC022

17. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PA-23-20/Ordinance 24-15/Seaport Manatee Master Plan Update 2022. 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, in compliance with the applicable provisions of Section 340, Land Development Code and the applicable portions of Chapter 163, Part II, Florida Statutes, Commissioner Ballard moved to transmittal of Plan Amendment PA-23-20 / Ordinance 24-15. The motion was seconded by Commissioner Turner and carried 6-0. BC20240620DOC023

18. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was opened to consider adoption of Zoning Ordinance PDMU-23-21(Z)(P)/Palmetto Apartments/Richard and Keli Bennet and Larry, Nancy and Ronald Blosser (Owner) - Matthew Landsman (Contract Purchaser). 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 standards for review in the Land Development Code, as conditioned herein, Commissioner Turner moved to adopt Manatee County Zoning Ordinance PDMU-23-21(Z)(P) with Stipulations A.1-A.8, B.1-B.5, and C.1-C.3; approve a Preliminary Site Plan; adopt the Findings for Specific Approval; and grant Specific Approval for alternatives to Land Development Code Sections: 1) 900.5.C.4., 75 percent Preservation of trees exceeding 24-inch DBH; and, 2) 1005.3, Table

10-2, Number of vehicular spaces required. The motion was seconded by Commissioner Ballard and carried 6-0.


BC20240620DOC024

19. **DEVELOPMENT SERVICES/ORDINANCE**

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

and


20. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-24-01 Crooked River Preserve (County Owned Property) County-Initiated Rezone Manatee County (Owner).

There were no ex parte communications.


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

Ordinance 24-24

 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 Bearden moved to adopt Plan Amendment PA-24-01/Ordinance 24-24, as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge and carried 6-0.


BC20240620DOC025

Z-24-01

 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, Commissioner Turner moved to adopt Manatee County Zoning Ordinance Z-24-01 subject to the adoption by the Board of Ordinance 24-24 / Plan Amendment PA-24-01 becoming effective, as recommended by the Planning Commission. The motion was seconded by Commissioner Bearden and carried 6-0.

BC20240620DOC026

21. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PA-23-23/Ordinance 24-27/Meals on Wheels Expansion Small-Scale Comprehensive Plan Map Amendment. The Planning Commission recommended adoption.

and


22. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-23-26/Meals on Wheels Expansion Rezone/Meals on Wheels Plus Manatee, Inc. (Owner). The Planning Commission recommended adoption.

There were no ex parte communications.

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


Ordinance 24-27

 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 adopt Plan Amendment PA-23-23/Ordinance 24-27. The motion was seconded by Commissioner Ballard and carried 6-0.


BC20240620DOC027

Z-23-26

 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 Turner moved to adopt Manatee County Zoning Ordinance Z-23-26, subject to the Comprehensive Plan Amendment PA-23-23/ Ordinance 24-27 being adopted by the Board of County Commissioners and becoming effective. The motion was seconded by Commissioner Van Ostenbridge and carried 6-0.


BC20240620DOC028

23. DEVELOPMENT SERVICES/ORDINANCE

 A duly advertised public hearing was opened to consider adoption of Zoning Ordinance PDUI-23-24(G)/Concrete Block Curing Room Addition/Oldcastle APG South, Inc. (Owner). 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, as stipulated herein, Commissioner Ballard moved to adopt Manatee County Zoning Ordinance PDUI-23-24(G) with Stipulations A.1 – A.2, B.1 – B.4, C.1, and D.1; and approve a General Development Plan. The motion was seconded by Commissioner Van Ostenbridge and carried 6-0.


BC20240620DOC029


PUBLIC HEARINGS (Presentations Scheduled)

24. DEVELOPMENT SERVICES/ORDINANCE


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-23-30/Ameres Rezone/KLEECL LLC/KLEECL, LLC (Owner). The Planning Commission recommended adoption.

There were no ex parte communications.


 Bob Schmitt, representing the applicant, utilized a slide presentation to review the request for a rezone of 5.01 acres from RSF-1/CPA/CEA (Residential Single Family-1/ Coastal Planning Area/Coastal Evacuation Area Overlay Districts) to A-1/CPA/CEA (Agricultural Suburban) retaining the Overlay Districts.


 James McDevitt, Planner, 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.

 Donna Kiser expressed concern regarding access points.

 Karen Smith expressed concern regarding drainage, and rights-of-way.


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

 Discussion ensued regarding the possible uses and agritourism rules.

 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 Bearden moved to adopt Manatee County Zoning Ordinance Number Z-23-30. The motion was seconded by Commissioner Van Ostenbridge, and carried 6-0.


BC20240620DOC030

25. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PA-23-14/Ordinance 24-21 Dolan Small-Scale Comprehensive Plan Map Amendment. The Planning Commission recommended adoption.


and


26. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-23-23/Dolan Rezone/Jerry P. Coyer 2019 Revocable Trust dated May 31, 2019/Michael Dolan (Contract Purchaser). The Planning Commission recommended adoption.

There were no ex parte communications.


 Bob Schmitt, representing the applicant, utilized a slide presentation to review the request for a Privately-Initiated, Small-Scale Map Amendment to the Future Land Use Map of the Future Land Use Element on 0.68 acres of specific real property from OL (Low Intensity Office) to the ROR (Retail/Office/Residential) Future Land Use Classification, and a rezone from PR-S/ CPA/CHHA/AI/HA/WR (Professional - Small/ Coastal Planning Area/Coastal High Hazard Area/Airport Impact/Historical and Archaeological and Whitfield Residential Overlay Districts) to the NC-M (Neighborhood Commercial Medium) Zoning District, retaining the Overlays Districts.

 CJ Mills and Laura Gonzales, Planners, 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.

 Bill Espy submitted a 10-minute speaker card, and utilized a slide presentation to express his concern regarding compatibility issues, setting a precedent for future requests, buffers, additional traffic, and median changes.

 Norm Luppino submitted a 10-minute speaker card, and utilized a slide presentation to express his concern regarding this project being inconsistent with zoning in the area, and setting an inappropriate precedent.

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

 Discussion ensued regarding the lot size not permitting 30,000 square feet of commercial, appropriate infill property, U.S. 41 and Pearl Avenue traffic concerns, and market conditions.


Ordinance 24-21

 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

Community Planning Act as codified in the applicable portions of Chapter 163, Part II, Florida Statutes and the applicable review criteria in section 340 of the Land Development Code and Manatee County Comprehensive Plan, Commissioner Turner moved to adopt Plan Amendment PA-23-14/Ordinance 24-21. The motion was seconded by Commissioner Ballard and carried 6-0.

BC20240620DOC031


Z-23-23

 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 Land Development Code, Commissioner Ballard moved to adopt Manatee County Zoning Ordinance Z-23-23, subject to Comprehensive Plan Amendment PA-23-14/Ordinance 24-21 being adopted by the Board of County Commissioners and becoming effective. The motion was seconded by Commissioner Turner and carried 6-0.


BC20240620DOC032


RECESS/RECONVENE: 10:58 a.m. – 11:10 a.m. All Commissioners present.


27. DEVELOPMENT SERVICES/ORDINANCE

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-04-39(G)(R3)/The Concession.


There were no ex parte communications.


 Bill Galvano and Ed Vogler, representing the applicant, utilized a slide presentation to review the request for amending Zoning Ordinance PDR-04-39(G)(R2), and approving an amended General Development Plan to implement a Bert Harris Act Settlement Agreement by: A) deleting 16 single-family detached villas from the overall Concession project; and B) reallocating 15 single-family lots on 17.02-acres in Phase IV and three single-family lots on 5.12 acres within Phase V all within the previously approved 255 single-family detached lots located in the PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment Overlay) zoning district.


 Rossina Leider, Planning Section Manager, and Chris Klepeck, Planner, 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.

 Scott Andress and Jack Givens, submitted 10-minute speaker cards, and utilized a slide presentation to express their concern regarding incompatible density levels, stipulations, destruction of pristine nature on the site, lawsuit review, and land use compatibility.

RECESS/RECONVENE: 11:58 a.m. – 1:00 p.m. All Commissioners present.

 Mark Lyons submitted a 10-minute speaker card to discuss the financial absorption metric, and risk management.


 Maggie Mooney utilized a slide presentation to express concern regarding local wildlife, land use incompatibility, inconsistent with the Comprehensive Plan, and destruction of trail systems.

 Jan Norsoph, Dan Lubback, Richard Williams, and Nikki Olarsch submitted 10-minute speaker cards, and utilized slide presentations to express concern with the project being


incompatible with the rural residential characteristics of the Foxwood neighborhood, and the project being inconsistent with the Comprehensive Plan.


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


RECESS/RECONVENE: 2:05 p.m. – 2:15 p.m. All Commissioners present.


 Mr. Klepeck reviewed how density is calculated, and confirmed that the project is consistent with the Comprehensive Plan.

 Kara Koenig, Environmental Planning Section Manager, spoke on the proposed 50-foot buffers, tree barricades, and the ability to preserve trees onsite.

 Chris De Carlo, Chief Litigator for the County Attorney’s Office (CAO), stated staff thoroughly analyzed the Comprehensive Plan, highlighted legal points regarding the lawsuit and settlement agreement, the Board has the discretion to act in either approving or denying the proposed project, and confirmed that staff will aggressively defend the County if a lawsuit presents itself.


 Mr. Vogler, and Mr. Galvano thanked the Board for listening, and confirmed that the project is consistent with the Comprehensive Plan and complies with the Land Development Code (LDC).

 Discussion ensued regarding the Board having the ability to think rationally about compatibility, the project has previously been denied, the Burt Harris Private Property Rights Protection Act, have been advised by CAO that there is not much of a legal path forward, make intelligent decisions with County tax dollars, and constitutional rights for the landowner.

 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 standards for review in the Manatee County Land Development Code, as stipulated herein, Commissioner Bearden moved to adopt Manatee County Zoning Ordinance PDR-04-39(G)(R3) and approve the Amended General Development Plan. The motion was seconded by Commissioner Van Ostenbridge, and carried 5-1, with Commissioner Kruse voting nay.

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ADJOURN

 There being no further business, Chairman Rahn adjourned the meeting at 2:46 p.m.

Minutes Approved: July 30, 2024