

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
September 5, 2024**

Meeting video link: <https://www.youtube.com/channel/UCULqjuGhS-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:

Sarah Schenk, Chief Assistant County Attorney
Nicole Knapp, Development Services Director
Denise Greer, Development Services, Deputy Director
Rachel Layton, Division Manager and Impact Fee Administrator
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 Bryan Meadows, Bayside Community Church.

PLEDGE OF ALLEGIANCE

 The Pledge of Allegiance was led by Commissioner Bearden.

AGENDA

BC20240905DOC001

 Agenda Update Memorandum 1 (9/3/24):

BC20240905DOC002


- Item 2- PDR-23-37(Z)(P) - SR-70 Multi-Family/Bradenton Project LLC – Bradenton Project LC (Owner)- At the request of the applicant this item is to be continued to no date set and to be readvertised;
- Item 12- Adoption of Budget Amendment Resolution B-24-102; and Execution of Contract for Sale and Purchase from Vandyk 1st Gulf Coast-Marina, LLC, Vandyk 1st Gulf Coast-Harbor Walk, LLC, and Vandyk 1st Gulf Coast-Dockside, LLC, for Seafood Shack and Marina – Added to the agenda.

Agenda Update Memorandum 2 (9/4/24):

BC20240905DOC003

- Item 12- Adoption of Budget Amendment Resolution B-24-102; and Execution of Contract for Sale and Purchase from Vandyk 1st Gulf Coast-Marina, LLC, Vandyk 1st Gulf Coast-Harbor Walk, LLC, and Vandyk 1st Gulf Coast-Dockside, LLC, for Seafood Shack and Marina – Item is moved from Consent agenda to Regular Agenda.

CITIZEN COMMENTS (Future Agenda Items)

 Heather Ancona expressed concern with a development that is damaging nearby retention ponds.

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

BC MB FY23-24/336

CONSENT AGENDA

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

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

1. **DEVELOPMENT SERVICES/FINAL PLAT/CREEKSIDE AT RUTLAND RANCH**


- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Declaration of Covenants, Conditions and Restrictions for Creekside at Rutland Ranch;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Public Improvements Creekside at Rutland Ranch;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Creekside at Rutland Ranch, Surety Bond 72BSBJE0066, \$4,336,066.41;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Creekside at Rutland Ranch, Surety Bond 024277060, \$149,892.73;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Private Improvements Creekside at Rutland Ranch;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Creekside at Rutland Ranch, Surety Bond 72BSBJE0065, \$3,605,998.37;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Creekside at Rutland Ranch, Surety Bond 024277061 issued, \$878,556.65; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Creekside at Rutland Ranch, Surety Bond 024277062, 15,144.68.

BC20240905DOC004

(End Consent Agenda)


PUBLIC HEARINGS (AFFORDABLE HOUSING) (Presentation Scheduled)

2. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-23-37(Z)(P)/SR-70 Multi-Family/Bradenton Project LLC/Bradenton Project LLC (Owner)- To be continued to no date set and to be readvertised.

There were no ex parte communications.


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

 Commissioner Ballard moved to continue the public hearing for PDR-23-37(Z)(P) to no date set and to be readvertised. The motion was seconded by Commissioner Kruse, and carried 6-0.

BC20240905DOC005

PUBLIC HEARINGS (Presentations Upon Request)

3. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-23-55(Z)(G)/The Vibe @ UMR/Moores Dairy Farms, Inc. (Owner) - To be continued to no date set and to be readvertised.

There were no ex parte communications.

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



Commissioner Turner moved to continue the public hearing for PDMU-23-55(Z)(G) to no date set and to be readvertised. The motion was seconded by Commissioner Ballard, and carried 6-0.

BC20240905DOC006

4. **DEVELOPMENT SERVICES/ORDINANCE**



A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance ZL-23-35/1308 Whitfield/1308 Whitfield, LLC (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, Commissioner Kruse moved to adopt Manatee County Zoning Ordinance ZL-23-35 with Stipulations A.1 and A.2. The motion was seconded by Commissioner Turner, and carried 6-0.

BC20240905DOC007

5. **DEVELOPMENT SERVICES/ORDINANCE**



A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance ZL-24-02/Atlantic Pro/Iron Walls, LLC (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, Commissioner Turner moved to adopt Manatee County Zoning Ordinance ZL-24-02 with Stipulations A.1 and A.2. The motion was seconded by Commissioner Ballard and carried 6-0.

BC20240905DOC008

6. **DEVELOPMENT SERVICES/ORDINANCE**




A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-23-29/Marker 37 Holdings, LLC Rezone/Marker 37 Holdings LLC (Owner). The Planning Commission recommended adoption.

There were no ex parte communications.




Bob Schmitt, representing the applicant, requested a continuance to provide time to work with the adjacent property owner to finalize details.

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

 Commissioner Ballard moved to continue the public hearing for Z-23-29 to no date set and to be readvertised. The motion was seconded by Commissioner Van Ostenbridge, and carried 6-0.


BC20240905DOC009

7. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-23-33(Z)(P)/Stillwater at LWR/SMR Northeast LLC (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 in the Manatee County Land Development Code, as stipulated herein, Commissioner Turner moved to adopt Manatee County Zoning Ordinance PDR-23-33(Z)(P); approve the Preliminary Site Plan with Stipulations A.1 – A.5, B.1 – B.7, C.1, D.1, E.1, F.1 – F.4, and G.1; adopt the Findings for Specific Approval; and grant Specific Approval to Land Development Code Section 1001.4.D- Alternative design to a cul-de-sac exceeding 800 feet in length, as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge and carried 6-0.


BC20240905DOC010


PUBLIC HEARINGS (Presentations Scheduled)

8. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PA-23-18/Ordinance 24-29 Sorella Small-Scale Comprehensive Plan Map and Text Amendment. The Planning Commission recommended adoption.


There were no ex parte communications.

 Mark Barneby and Katie LaBarr, representing the applicant, utilized a slide presentation to review the request for a Privately-Initiated, Small-Scale Map Amendment to Element 2 - Future Land Use of the Comprehensive Plan amending the Future Land Use Category (FLUC) on 5.25 acres of real property from UF-3 (Urban Fringe – 3 DU/GA) to ROR (Retail/Office/Residential) Future Land Use Category, and providing for a specific area policy in the text of Element 2, Future Land Use Element, Policy 2.14.1.26. / D.5.26., regardless of any established Land Use Equivalency Matrix (LUEM) or Density Bonuses, the project shall be limited to a maximum density of three dwelling units per acre or nine dwelling units per acre if designating a minimum of 25 percent of the dwelling units as “Affordable Housing” and a maximum intensity of 0.50 FAR (Floor Area Ratio). If the option for “Affordable Housing” is utilized, the applicant shall enter into a Land Use Restriction Agreement regarding the provision of affordable housing units.

 Allecia Henry, 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.


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

 Discussion ensued regarding highest allowable zoning, request for additional density and footage, and applicants assure they will be compatible with surrounding properties.


 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-23-18 / Ordinance 24-29. The motion was seconded by Commissioner Van Ostenbridge, and carried 5-1, with Commissioner Ballard voting nay.


BC20240905DOC011


9. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDW-23-38(P)/Cortez Village Marina/MHC Cortez Village, LLC (Owner). The Planning Commission recommended adoption.


There were no ex parte communications.

 Matthew Leasburg, representing the applicant, utilized a slide presentation to review the request for a Preliminary Site Plan for an additional 12 jet ski dry storage slips, minor boat maintenance within a building, and boat detailing area currently zoned PDW/CPA/CHH/CEA (Planned Development Waterfront/Coastal Planning Area/Coastal High Hazard Area/Coastal Evacuation Area Overlay Districts).


 Discussion ensued regarding the business's bad practice to neighbors, and applicants are making an attempt to bring the property up to compliance.


 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. He also stated the applicant would like to have Stipulation C.1 revised, and staff is in agreement.


 Marshall Gobuty submitted a 10-minute speaker card to discuss environmental concerns, sustainability in the community, and the manatee mortality rate.

 William Fulford, Peter Hoyt, Elizabeth Moore, McAllen Bedford, Ashley Clearman, and Lizette Rivera (Save the Manatees Club) object the project due to jet skis and boats going thru canals causing oil and gas leakage, and the harm to manatees, mangroves, and other wildlife.

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

 Mr. Klepeck stated his role is to assure that the project complies with the Comprehensive Plan, and Land Development Code.

 Meredith Bullhorn and Mr. Leasburg, representing the applicant, stated there will not be an influx of boats or jet skis with this project approval as these uses have been in existence for a decade, and applicants are working diligently with Code Enforcement to bring the property into compliance.

 Discussion ensued regarding the code enforcement violations, owners need to be good neighbors, and should fix violations first, before requesting further project approval.

 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 inconsistent with the Manatee County Comprehensive Plan and not in compliance with the applicable review standards in the Manatee County Land Development Code, Commissioner Van Ostenbridge move to deny of Manatee County Zoning Ordinance PDW-23-38(P) and deny the Preliminary Site Plan. The motion was seconded by Commissioner Bearden, and carried 6-0.

BC20240905DOC012


RECESS/RECONVENE: 10:47 a.m. – 11:00 a.m. All Commissioners present.

10. DEVELOPMENT SERVICES/ORDINANCE


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PA-23-13 / Ordinance 24-09 Bradenton Crossings Small Scale Comprehensive Plan Map Amendment. The Planning Commission recommended adoption.


and


11. DEVELOPMENT SERVICES/ORDINANCE


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-23-27(Z)(G) – Bradenton Crossings Rezone/Sage Development, LLC- Jack 95, LLC-Rosy 95, LLC- Peter 74 OAK, LLC- TCG, LLC- SCHOOLOFHARDKNOCKS, LLC (Owners). The Planning Commission recommended adoption.

There were no ex parte communications.

 Steven Rees, 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 2 of the Comprehensive Plan, amending the Future Land Use Category (FLUC) for 35.28 acres of specific real property from P/SP (2) (Major Public/Semi-Public (2) (34.48± acres) and IU (Urban Industrial) (0.8± acres) FLUC to the ROR (Retail/Office/Residential) Future Land Use Classification, approving a rezone of from PDPI (Planned Development Public Interest) to PDMU (Planned Development Mixed Use) Zoning District, and approving a General Development Plan for 150,000 square-feet to expand the existing Charter School on 11 acres; 332,250 square-feet of commercial/retail and office uses on 4.42 acres, a recreational vehicle park on 19.86 acres with a total of 238 units, and approving a Schedule of Permitted and Prohibited Uses as voluntarily proffered by the applicant and attached as Exhibit "B".

 Discussion ensued regarding impervious surfaces, the applicants are putting regulations that they will not allow registered sex offenders in the Recreational Vehicle (RV) park, and utilities on the site are provide by the City of Bradenton.


 Charles Andrews and Laura Gonzalez, 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.

 Discussion ensued regarding plans for school expansion, traffic concerns with 13th Avenue, the applicant should work with Florida Department of Transportation (FDOT), the roadway is maintained by the city, how often RVs will go in and out of the park, area to queue cars for pickup and drop-off for school, and further plans will be drawn up at time of final site plan.


 Discussion continued regarding applicants should consider a continuance to provide concrete details for the Board, including information on traffic.

 Mr. Rees requested a continuance to October 3rd, 2024.


Ordinance 24-09


 Commissioner Ballard moved to continue the public hearing for Ordinance 24-09 to October 3rd, 2024. The motion was seconded by Commissioner Van Ostenbridge, and carried 6-0. BC20240905DOC013

PDMU-23-27(Z)(G)


 Commissioner Van Ostenbridge moved to continue the public hearing for Ordinance PDMU-23-27(Z)(G) to October 3rd, 2024. The motion was seconded by Commissioner Ballard, and carried 6-0. BC20240905DOC014

12. PROPERTY MANAGEMENT/BUDGET RESOLUTION/B-24-102

 Charles Meador, Property Acquisition Manager, Sherri Swanson, Property Management Division Manager, and Tim Cristello, Senior Real Property Specialist, utilized a slide presentation to review the request to purchase Vandyk 1st Gulf Coast-Marina, and provide a public boating access facility that includes a public boat ramp and dry storage facility in addition to the marina component. If the property is acquired by the County and developed as a public boat ramp facility, the site has the potential to increase the number of available boat trailer parking spaces by up to 25 percent county-wide.

 James Morganoff expressed his support for the project, and requested the Board consider the current business and employees that are working out of the site.


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

 Discussion ensued regarding the purchase price, anticipate closing to happen in October 2024, various design options on the table, multitude of funding sources to pay for the project including impact fees, and creating revenue sources to maintain boat ramps.


B-24-102

 Commissioner Van Ostenbridge moved to approve Resolution B-24-102. The motion was seconded by Commissioner Bearden, and carried 6-0. BC20240905DOC015

Contract for Sale and Purchase

 Commissioner Van Ostenbridge moved to approve execution of Contract for Sale and Purchase from Vandyk 1st Gulf Coast-Marina, LLC. The motion was seconded by Commissioner Bearden, and carried 6-0. BC20240905DOC015

ADJOURN

 There being no further business, Chairman Rahn adjourned the meeting at 12:06 p.m.

Minutes Approved: September 24, 2024