

**MANATEE COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
January 13, 2022**

Meeting video link: <https://www.youtube.com/channel/UCUlgjuGhS-qV966RU2Z7AtA>

Present were Members:

William Conerly, Chairman
Mike Rahn, First Vice-Chairman
Cynthia Kebba, Second Vice-Chairman
Paul Rutledge, Third Vice-Chairman (Entered during the meeting via Zoom)
John DeLesline
H. David Roth
William W. Smock

Absent was:

Michael Pendley (non-voting member representing the School Board)

Also present were:

Rossina Leider, Planning Section Manager
Camillo Soto, Assistant County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court



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



All witnesses and staff giving testimony were duly sworn.

PLEDGE OF ALLEGIANCE

Chairman Conerly led the Pledge of Allegiance.

AGENDA

PC20220113DOC001

AGENDA ANNOUNCEMENTS

Agenda Update Memorandum:

PC20220113DOC002

- Item 2 – PDC-21-05(Z)(G), Fort Hamer Crossing/William K. and Katherine L. Marsh (Owners)/The Ferber Company, Inc., Moved to the Presentation Scheduled and will be heard after Item 3 Mangrove Cove
- Item 2 - PDC-21-05(Z)(G), Fort Hamer Crossing/William K. and Katherine L. Marsh (Owners)/The Ferber Company, Inc., Revised Schedule of Permitted and Prohibited Uses, as voluntarily proffered by the applicant and public comment.
- Item 3 PDR-21-02(Z)(G) Mangrove Cove – Lenex Enterprises, Inc./Edward Kolb, Successor Trustee, James Macaulay Wallace, Jr. Inter Vivo Trust (OWNERS) /Crown Holding Group LLC; Revised Staff Report, revisions highlighted.

CITIZEN COMMENTS (Future Agenda Items)



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


ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)


1. ORDINANCE/ZONING




A duly advertised public hearing was held to consider recommending adoption of

proposed Zoning Ordinance Z-21-08 – Forever Up Homes LLC/Forever Up Homes Inc.
No ex-parte communications were disclosed.

 Kevin Oatman, Planner, introduced the item as a rezone to RD6 Residential Duplex. In the future the applicant would like to develop residential and wishes to be consistent with surrounding properties. The request is consistent with the Comprehensive Plan and the Land Development Code (LDC).

 Ms. Leider noted the site complies with the regulations set forth in the LDC for RD6.

There being no public comment, Chairman Conley closed the public hearing.

 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 the Manatee County Land Development Code, Member DeLesline moved to recommend adoption of Manatee County Zoning Ordinance No. Z-21-08. The motion was seconded by Member Rahn and carried 6-0 with Member Rutledge absent.

PC20220113DOC003

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)


3. ORDINANCE/ZONING


A duly advertised public hearing was held to consider recommending adoption of proposed Zoning Ordinance PDR-21-03(Z)(G)/Mangrove Cove – Lenex Enterprises Inc./Edward Kolb, Successor Trustee, James Macaulay Wallace, Jr. Inter Vivo Trust (Owners) / Crown Holding Group, LLC (Contract Purchaser)

Chairman Conley declared a conflict of interest and submitted Form 8B, Memorandum of Voting Conflict.


(Depart Chairman Conerly, First Vice-Chairman Rahn presiding)


No ex-parte communications were disclosed.


 Scott Rudacille, Blalock Walters, attorney representing the applicant, used a slide presentation to review the team, an aerial, surrounding properties, the history of the site including there is a five acre parcel and a 32 acre parcel of wetlands. The five acre parcel had a previous approval, and then was unified with a neighboring parcel that was approved for 44 townhome units. The road was stubbed out and the five acre parcel has access though Rinascita. The five acres is combined with the larger parcel, and the larger piece has access from Cortez Road.


 Rachel Layton, ZNS Engineering, planner for the applicant, continued the slides and reiterated that the 32 acre parcel has access to Cortez Road. The property is part of several overlays including the Airport Overlay District, the Coastal Planning Area, the Coastal Evacuation Area and the Coastal High Hazard Area as well as the Southwest Tax Incremental Financing District. She reviewed the location of the parcels, the Future Land Use Map (FLUM), rezone from PDR, NC-M, and RSF-4.5 zoning districts to a new RDR zoning district with a General Development Plan (GDP) for 44 multi-family townhome units and 104 traditional apartments on the larger parcel with 10 acres of upland for development, the surrounding zoning, range of density in the area, a development trend map, past approvals for nearby large developments, wetlands on the site, proposed units in the project, nearby three-story units, the project being reliant on Florida Department of Transportation (FDOT) permit for access on Cortez Road for the 104 multifamily units, and access through Rinascita and then


on to Cortez Road for the 44 units, total 148 units with density and maximum number of units allowed is 159, maximum height of three-story, two proposed multi-family units, proposed heights comply with the LDC, townhomes will be 20 feet from each other, setbacks, greenbelt buffer on western line, 50 foot wetland buffers, and 92 percent open space. The Specific Approval requests are for LDC Section 1001.1.1.C.1 to allow a single access for 104 units, and to LDC Section 1001.6.S.1.c.i to allow the five-foot sidewalks to be located on one side of internal roadways and drive aisles for projects within two miles of an elementary school. The project is compatible with and is a logical progression for the area. She responded regarding traffic, and noted a designated U-turn from the west bound/east bound lane on Cortez Road to maintain safe access.


 Michael Yates, Palm Traffic, for the applicant, stated there is no signal at Coral Way, but there are left and right turn lanes, and they may need to extend the turn lanes to allow safe access. FDOT would need to approval signalization. The project will not meet signal warrants. The 44 units can use the access on Cortez (right-in/right-out). Anyone coming from the east would use the shared access to Cortez Road.

 Ms. Layton responded the townhouses will have garages, and the multi-family building will have parking on the first level.


 Rossina Leiter, Planning Section Manager, used a slide presentation to review the location of the site, current zoning, within the RES-6 zoning district, included overlay districts, FLUC, the request to rezone 57.55 acres from PDR, NC-M and Res-4.5 to PDR, Parcels 1 and 2, overall density of 2.5 units per acre, specific approval for one side of sidewalk, and one access point for 104 units, previous approvals, the proposed GDP, setbacks, proposed amenity center, and density calculations. The site complies with the LDC and the Comprehensive Plan.

 Mark Hazell expressed concern with the design of the access to Cortez Road, and measures needed to encourage less traffic through Rinascita.

 Mr. Yates stated FDOT restricted the access, and the directional median spacing is 13/20. A right-out and the ability to make a U-turn at 92nd Street are provided.

 Mr. Rudacille, referenced the primary vs. secondary access through Rinascita, and they working out detail with the Rinascita Homeowner's Association regarding this.

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

 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 the Manatee County Land Development Code, as stipulated herein, Member DeLesline moved to recommend adoption of Manatee County Zoning Ordinance Number PDR-21-03(Z)(G); approval of the General Development Plan with Stipulations A.1 – A.7; B.1 – B.8; C.1 – C.2; and D.1 - D.2; adoption of the Findings for Specific Approval; and granting Specific Approval of an alternative to Land Development Code Sections: 1) LDC Section 1001.1.1.C.1 to allow the one-hundred and four (104) apartments to utilize a single access connection to Cortez Road, subject to FDOT approval; 2) LDC Section 1001.6.A.1.c.i to allow the required five (5) foot sidewalks to be located on one side of internal roadways and drive aisles for projects located within two (2) walking miles of a public elementary school. The motion was seconded

by Member Smock and carried 5-0 with Member Rutledge absent, and Member Conerly declaring a Conflict of Interest.

PC20220113DOC004

(Enter Member Rutledge and Chairman Conerly, presiding)

2. **ORDINANCE/ZONING**



A duly advertised public hearing was held to consider recommending adoption of proposed Zoning Ordinance PDC-21-05(Z)(G)/Fort Hamer Crossing/William and Katherine L. Marsh (Owners)/The Ferbe Company (Contract Purchaser).

No ex-parte communications were disclosed.



Mark Barnebey, Blalock Walters, Attorney for the applicant, introduced the application. He used a slide presentation to review the location of the site, history of the area, past and current aerial images, surrounding development, history of Fort Hamer Road, prior applications that were approved, FLUM, Comprehensive Plan allows commercial on the site, and the current zoning.



Mike Costello, Engineer representing the applicant, continued the slides to address the current condition of the property (former tree farm), overall proposed site plan, more intense commercial uses along U.S. 301 and less intense use toward the back of the property, stormwater management to be along the south and southwest of the property to back up to residential and provide further separation, specific approval request for 25-foot buffers along roadways, small triangle along the southeast, existing vegetation along the southern border including a drainage easement and trees, there is an existing fence, buffer, drainage swale, the subject buffer and stormwater systems, and specific approval to increase from 10 consecutive parking spaces per row to 15 parking spaces per row for one specific location. Staff supports the specific approval requests.

(Depart Mr. Roth during the presentation)



Michael Yates, Engineer for the applicant, continued the slides and reviewed Fort Hamer Road improvements, and FDOT approvals. They are planning the alignment to connect with Fort Hamer and construct a right-in/right-out on U.S. 301. A graphic was provided for the Bella Road improvements.



Mr. Barnebey stated there was a neighborhood work shop and the applicant will try to maintain as many trees in the buffer area, and will plant additional trees if needed.



Mr. Yates confirmed the improvements to U.S. 301 will result in a right-in/right-out and a continuous right turn lane, to provide the best circulation.




Mr. Costello confirmed the plant material will be planted in the 25 foot buffer. The prior approval was three years ago. He reviewed the current North County Overlay requirements and noted the buffer was reduced for the prior approval.





Ms. Leider reviewed the buffer requirement and the applicant wants to reduce to a 20-foot buffer, they would have to come back for approval.





Mr. Barneby stated they have no issue with the 2 -foot buffer, and vegetation will be planted in the 25-foot buffer.


 Mr. Costello responded the amount of plant material required in the parking lot island will be redistributed to other islands to maintain the amount of greenspace.

 Mr. Barnebey stated the distance between residential and the project will be at least 50 feet, but they have not completed final design.


 Mr. Costello noted the total buffer, with the stormwater system and the distance from the fence line to the project, is at least 40 feet.


 Mr. Yates stated the existing pond belongs to Manatee County and they are in talks regarding moving the pond to get access to Fort Hamer. There could be a land swap with the County. They need to complete full engineering to make the final resolution with the County.
(Enter Mr. Roth)


 Dorothy Rainey, Planner, used a slide presentation to review the request, site information, FLUC of UF3, zoning, site location, surrounding uses, views to past local roads, the site plan with general location of the stormwater system, specific approval requests, LDC Section 403.12.D.4.a; positive aspects, negative aspects, and mitigation measures including a lighting plan, buffers, and screening next to residential. Staff supports the request and it is in compliance with the LDC and Comprehensive Plan. There are building setbacks. Since this is a GDP, there would need to be PSP and a final site plan. The project does not require replatting.

 Tara Myer hopes the developer will work with the community and expressed concern regarding access to Bella Road and left turns.

There being no further public comments, Chairman Conerly closed the public hearing.

 Staff had no further comments.

 Mr. Barnebey stated they will continue to work, with neighbors and will comply with lighting plans

 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 the Manatee County Land Development Code, as stipulated herein, Member Rahn move to recommend adoption of Manatee County Zoning Ordinance Number PDC-21-05(Z)(G); approval of the General Development Plan with Stipulations A.1-A.3; B.1; C.1-C.3; and D.1-D.5; adoption of Findings for Specific Approval; and granting Specific Approval to Land Development Code Sections: 1) 403.12.D.4.a to allow a reduction to the required 50-foot roadway buffer to 25-feet and for a segment of approximately 36-feet to 8-feet; and 2) 701.3.A.4 to allow more than 10 consecutive parking spaces without a landscape island. The motion was seconded by Member Roth.

Discussion ensued regarding if there is any way to increase the buffer for residential.

The motion carried 7-0.

PC20220113DOC005

4. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider recommending adoption of proposed Zoning Ordinance PDMU-18-05(Z)(G)/Ellenton Cove/North River Partnership LLC.

No ex-parte communications were disclosed.



James Rigo, Principal Planner, read the request into the record.



Carol Clark, Medallion Homes, introduced the project.



Christy Barreiro, Heidt Design, used a slide presentation to review the requested rezone to PDMU, the location of the property comprised of six parcels, recent approval at RES-6 and RES-9, surrounding approvals, the proposed future thoroughfare map and a proposed road adjacent to the property, the previous request, Option A includes 532 multi-family units, 78 single family units and 30,000 square feet of neighborhood commercial, a concept plan, maximum allowances, neighborhood commercial, Option B 780 units of residential and 30,000 square feet of neighborhood commercial, Option B Table, west side would be limited to two stories, future intersections and neighborhood activity centers, concept plan for Option B. The request is consistent with the Comprehensive Plan and the Land Development Code. They had two neighborhood meetings, and mailed 90-plus letters to property owners.



Ms. Barreiro responded there were few residents at the meetings, but they expressed concern with density and traffic. Staff requested more of a transition, and the applicant purchased more property to have more single family uses on the western side. Market Base would be the driver for the two options, and the current owner may sell the property. There is a 100 foot buffer along I-75, and there are no height restrictions, but they have limited the height to four stories for the apartment buildings.



Charles Andrews, Senior Planner, used a slide presentation to review the request including the location and size of the property, site lines, previous approval as a comprehensive plan amendment in June 2021 from RES 3 to RES 9 and RES-6, history of the zoning, existing zoning, from A-1 to PDMU, activity modes per land use operative provision A.(2), graphic of the area, proposed Thoroughfare Map, Development Options A and B, locations of uses, three specific approvals LDC Section 401.5.B.4 to eliminate the requirement to have the main entrance of the building facing the street, LDC Section 402.7.D.7 to reduce the required front yard setback from 25 to 23 feet for single-family detached units with front loaded garages, and LDC Section 1005.3 to reduce the parking spaces for multifamily from 2 per unit to 1.8 spaces per unit, surround projects, nearby public facilities, positive aspects, negative aspects, and mitigating factors. Staff recommends approval.




Merih Wahid, Transportation Planning, explained the 49th Avenue extension is planned, and the alignment is driven by upcoming projects. There are no planned projects at the moment, but as the project progresses, further details can be provided. There are intersection improvements planned for Ellenton Gillet and Mendoza Road. Signalization is planned at that intersection. Further details will be approved at final site plan. There are reserved trips for this area. He displayed the Capital Improvement Plan for the planned improvements that are going to construction. There are currently no plans to make Mendoza Road a four lane road. The alignment for 51st will turn it into 49th, and there is adequate right-of-way provided.




Discussion ensued regarding not enough road capacity for the number of units going in.





Ms. Barreiro reviewed Options A and B and the number of units.


 Alex Anaya, ESRP Corporation, reviewed the capacity for Mendoza Road and noted the current volume is 648 and the vested trips is 130 the traffic is 149, the future total traffic is 947. The peak hour capacity is 1,580. Based on their analysis, Mendoza will have sufficient capacity, and 49th will relieve Mendoza. Signalizing the intersection provides a benefit but increasing capacity. Mendoza Road is classified with a Certificate Level of Service (CLOS) C for future back ground and D for total traffic. Moving north there are a significant amount of vested trips, and it could fail in the future in the north, but that deficiency will not be caused by this project, but by future background trips. The CIP funded project at Ellenton Gillet and Mendoza will make the intersection work. There will also be improvements at 69th and Mendoza.


 Mr. Wahid referenced pages 32 and 39 of the staff report, and stated background traffic is from approved, but not built projects, and reserved capacity. The trips in question are from 4:00 pm to 6:00 pm. Background traffic improvements are to be made by the County. The level of service of these segments of road with this project is still a D.


Mr. Roth expressed concern regarding Mendoza Road.


 Discussion ensued regarding the traffic impact statement and a more detailed analysis is performed when the project goes for further approval.

 Mr. Wahid addressed the scope of the traffic impact analysis, and when the projects comes for further approval, they will reanalyze the project. There may be future improvements, but these are not currently required with the GDP.


 Camillo Soto, Assistant County Attorney, confirmed that the final site plan phase will allow staff to better analyze traffic concerns.


 Discussion ensued that staff needs more information, Mendoza Road will be over extended with the development planned, now is not the time to determine the need for improvements, the road network in the area is not ideal, but there are improvements planned, there are ways to delve deeper regarding deficiencies, and analysis is performed at final site plan which is administrative.


 Tracy Suddaby displayed a drawing and requested a 15-foot wall on the west border to buffer and mitigate noise, low lighting for birds, and have the property be a no-burn property.


 Donna Cooley expressed concern regarding the capacity of the project and issues with Mendoza Road.


There being further public comments, Chairman Conerly, closed the public hearing.


 Mr. Andrews clarified there is a 15 foot greenbelt buffer along the western boundary, and the Comprehensive Plan amendment requires the buffer with required plantings. A wall is not planned, and walls can only be six or eight feet.


 Mr. Wahid addressed traffic and the way traffic flows is based on the availability of facilities. Users are given options, and as 51st turns into 49th, it creates an alternate route. The map shows the intent to make the change to 51st.


 Discussion ensued that traffic relates to concurrency and if the roadway network is constrained, this project is not applying for concurrency at this time, concurrency review is regulated by State Statute, proportionate share is a State law, and Manatee County has mobility fees.

 Mr. Rudacille explained the County has adopted concurrency which is process where projects are reviewed to see if they meet level of service standards, but it is still too early for this project as a GDP. There is capacity for this project regarding background tips. Projects are responsible for trips generated and will be charged their proportionate fair share for the improvements that will need to be made. The standard CLOS for Manatee County is D.

 Ms. Barreiro, stated this project could provide workers for the international Trade Port and there could be connectivity between the two projects.

 Carol Clark stated this project may help solve traffic issues in the area. A new arterial road will bisect the property to provide a connection to U.S. 301 which will provide a means to travel north. They have looked at ways to help complete the road.

 Discussion ensued that no one is trying to say the issues with Mendoza Road and Ellenton Gillet do not exist, but impact fees are charged and there can be relief, and this decision cannot be based on traffic, because concurrency is not part of a GDP.


 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 the Manatee County Land Development Code, as conditioned herein, Member Rahn moved to recommend adoption of Manatee County Zoning Ordinance No. PDMU-18-05(Z)(G); approval of a General Development Plan with Stipulations A.1–A.10, B.1–B.4 and C.1–C.5; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval for alternatives to Land Development Code Sections: 1) 401.5.B.4 (to eliminate the requirement to have the main entrance of the building facing the street); 2) 402.7.D.7 (to reduce the required front yard setback from 25 feet to 23 feet for single-family detached units with front loaded garages); and 3) 1005.3 (to reduce the required number of parking spaces for multiple family dwellings from 2 spaces per dwelling unit to 1.8 spaces per dwelling unit including guest parking). The motion was seconded by Member Kebba and carried 6-1 with Member DeLesline voting nay, citing timing and traffic issues.


Member Rutledge expressed concern regarding impacts to the traffic and road conditions, but there is no way to address these concerns in the GDP approval.

PC20220113DOC006


RECESS/RECONVENE: 12:02 pm - 12:09 p.m. All Members were present, including Member Rutledge via Zoom.

5. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider recommending adoption of proposed Zoning Ordinance Small Scale Amendment by County-Initiated Plan Amendment - PA-21-07 / Ordinance 22-11 -Future Development Area Boundary Map Amendment.

 Charles Andrews, Planner, used a slide presentation to review the request for a County initiated Comprehensive Plan map amendment to maintain internal consistency. He provided the background and intent of the Future Development Boundary , the line shall be consistent


with the boundary, an overview of the area of 32 acres that are inconsistent with pending applications, the site locations, the history of the areas, prior plan amendments where the map should have been amended, the utility service map needs to be updated, proposed realignments of the Future Development Area Boundary (FDAB) line, new land use concept map, potable water and wastewater service area, positive aspects to address inconsistency with FDAB, and Utilities is in agreement, negative aspect, and the areas of proposed change are small, and the Request meets applicable policies of the Manatee County Comprehensive Plan and Land Development Code.


 Discussion ensued regarding moving the line by 30 acres, which equals less than a mile, provides clean up in the area, the Future Land Use already occurred and this is correcting the line. This only defines the lines that were approved in 2005, Dam Road is outside the utility service area, FDAB usually follows property boundaries, and property owners are in agreement.

Katie LaBarr represents the two purchasers of the subject properties, and they support the staff report.

 Mark Vanderee, Waterline Preservation Group, expressed concern with the public hearing process and requested the hearing be postponed. He does not believe this is a mapping error, and this property abuts State property and the Manatee River watershed.


There being no other public comments, Chairman Conerly closed the public hearing.


 Discussion ensued regarding not moving the line until there is more information, the previous discussion was a privately initiated action, this is a County initiated plan amendment, and the County Commissioner makes the final decision.

 Mr., Andrews stated this item went before the Planning Task force and the application was posted on the County website. The State Park does not have an issue with the property.

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, Ms. Kebba move to recommend approval of the transmittal of Plan Amendment PA-21-07/Ordinance 22-11. The motion was seconded by Member Rahn , and carried 7-0. PC20220113DOC007

6. ORDINANCE/ZONING

 A duly advertised public hearing was held to consider recommending adoption of proposed Zoning Ordinance Ldct-21-05/Ordinance 22-01 – County Initiated Land Development Code Text Amendment/Home Occupations/Home-Based Businesses.

 Lisa Wenzel, Planning Section Manager, stated this is a County initiated proposal, and used a slide presentation to review the summary and background regarding HB403 which prohibits local government from passing regulations for homebased businesses. The changes presented update the Comprehensive Plan to be consistent with HB403. She continued to review limitations that Manatee County may regulate including parking, use of vehicles or trailers operated or parked at the business, parking or storage of equipment, signage, and hazardous materials. The amendments included are consistent with Florida Statute 559.995.

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



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 accordance with the criteria for LDC Text Amendments in Section 341 of the Land Development Code, as conditioned herein, Mr. DeLesline moved to recommend adoption of Manatee County Ordinance 22-01, LDCT-21-05, amending the Manatee County Land Development Code. The motion was seconded by Member Smock, and carried 7-0.

PC20220113DOC008

ADJOURN

There being no further business, Chairman Conerly adjourned the meeting at 12:37 p.m.

Minutes Approved: February 10, 2022