MANATEE COUNTY PLANNING COMMISSION **REGULAR MEETING**

COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS

1112 Manatee Avenue West Bradenton, Florida February 10, 2022

Meeting video link: https://www.youtube.com/channel/UCUlgjuGhS-gV966RU2Z7AtA

Present were Members:

William Conerly, Chairman Cynthia Kebba, Second Vice-Chairman Paul Rutledge, Third Vice-Chairman John DeLesline H. David Roth

Absent were:

Mike Rahn, First Vice-Chairman William W. Smock Michael Pendley (non-voting member representing the School Board)

Also present were:

Rossina Leider, Planning Section Manager Camilo Soto, Assistant County Attorney Ouantana Acevedo, Deputy Clerk, 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 PC20220210DOC001

Agenda Update Memorandum: Corrected Item Numbers

PC20220210DOC002

Corrections have been made to number the following items and renumber the remaining items -Z-21-09, Fidelity Bank; and Z-21-06, 1140 Development LLC Rezone

Advertised Public Hearings (Presentations upon Request)

Item 2, Z-21-06, 1140 Development LLC Rezone - Public comment email from Deborah Elston (2/6/22) presented

Advertised Public Hearings (Presentations Scheduled)

Item 3, PDR-21-02(Z)(P), SR 64 North Property/SMR Northeast LLC and Ranchland Investors LLC -Revised Preliminary Site Plan presented

STAFF INTRODUCTIONS

Robert Wenzel, Development Services Division Manager, introduced Courtney De Pol, Building and Development Services Director.

Rossina Leider, Planning Section Manager, introduced Sashine Douillon, Planning and Zoning Tech.

MINUTES

Member Kebba stated her name was incorrectly spelled in the minutes for January 13, 2022. Motion - January 13, 2022

A motion, as modified, was made by Member Rutledge, seconded by Member Roth, and carried 5-0, with Members Rahn and Smock absent, to approve the minutes of January 13, 2022.

Motion - Various Dates

A motion was made by Member DeLesline, seconded by Member Roth, and carried 4-0, with Member Kebba abstaining and Members Rahn and Smock absent, to approve the minutes of May 13, 2021, June 10, 2021, July 8, 2021, August 12, 2021, September 9, 2021, and October 14, 2021.

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-21-09, Fidelity Bank.

No ex-parte communications were disclosed.

Mark Barnebey, Attorney for Bhumin Patel (Contract Purchaser), noted the request is for a rezone from PR-M to NC-M. He displayed aerial maps to discuss the location and surrounding uses. Photographs of the site and surrounding uses. He displayed the FLU and zoning maps. The request is consistent with Comprehensive Plan and Land Development Code (LDC).

Discussion ensued on how the uses in the NC-M are limited, Florida Department of Transportation (FDOT) is requiring one of the exits be closed on S.R. 70, which is not limited to this request, and the existing building would be refurbished for the pharmacy.

Kevin Oatman, Planner I, submitted a public comment letter from the Floridiana Homeowners Association (2/1/22). With the rezone, a 30,000 square foot building would be allowed. He reviewed other uses such as a car wash, dry cleaners, small vehicle repair, but mainly general commercial. The pharmacy hours would be restricted to 9:00 a.m.-5:00 p.m. or 6:00 p.m., and no large delivery trucks would access the site. The future development could be considered as infill. Light pollution could be considered as a negative aspect. Additional setbacks and buffers would be provided to the residents.

Discussion continued on the next step being the Final Site Plan.

Thomas Gerstenberger, Stormwater Engineering Division Manager, noted the project meets the possibility of using redevelopment standards, with respect to the design criteria. Depending on the use, there would be design needs regarding meter setting calculations. There would be final site plan and construction plan reviews.

Upon question regarding the deferral of concurrency, Merih Wahid, Transportation Systems Engineer, referred to page 12 of the staff report and stated the traffic analysis and traffic impact statement are required for the Final Site Plan approval.

Public Comment

Robert Cox expressed concern with the traffic conditions on 5th Street West due to congestion, public access to 52nd Avenue Terrace West, and safety of Floridiana residents.

Kenneth Coat, 52nd Avenue Terrace West resident, opposed the location of the pharmacy

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because the County should purchase the property to be used for improving the intersection. He concurred with Mr. Cox's comments.

Rick Davis, 52nd Avenue Terrace West resident, opposed the request due to traffic and compatibility concerns. The site is 75 feet from his front door.

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

Mr. Oatman did not have staff closing comments.

Mr. Barnebey confirmed a neighborhood meeting was held, which is not a requirement of the LDC, and future neighborhood meeting is planned to further discuss concerns. He rebutted on lighting, concurrency, buffering, and access.

Bhumin Patel, Purchase Contractor, stated the proposed use would improve the site and would be neighborhood serving.

Deliberations ensued on concern with the allowed uses, compatibility, and NC-M decreases trips.

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 LDC, Member Kebba moved to recommend adoption of Manatee County Zoning Ordinance Z-21-09. The motion was seconded by Member Roth and carried 4-1, with Member Rutledge voting nay due to concern with the compatibility with the proposed uses and Members Rahn and Smock absent.

PC20220210DOC003

2. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider recommending adoption of proposed Zoning Ordinance Z-21-06, 1140 Development LLC Rezone.

No ex-parte communications were disclosed.

Scott Rudacille, Attorney for the applicant, utilized a slide presentation to review the aerial maps, and FLUC and zoning maps.

Robert Schmitt, Planner for the applicant, noted the site would be buffered and there is reservation of right of way. The staff report was reviewed and he concurred with the findings. Upon question, Mr. Schmitt stated, to his knowledge, the railroad is not active.

Rossina Leider, Planning Section Manager, pointed out the RES-9 FLUC allows the rezone and the site is suitable for residential.

Camilo Soto, Assistant County Attorney, noted on Page 7 under Mitigation measures noise vibrations are listed. He quested if this takes the railroad into consideration.

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

Ms. Leider did not have closing comments.

Discussion took place on buffering for the railroad, workforce housing consideration and

incentives, and if the same applicant is involved with the adjacent project.

The applicant did not have closing 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 the Manatee County LDC, Member DeLesline moved to recommend adoption of Manatee County Zoning Ordinance Z-21-06. The motion was seconded by Member Rutledge and carried 5-0, with Members Rahn and Smock absent.

PC20220210DOC004
(Depart Member Roth)

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

3. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider recommending adoption of proposed Zoning Ordinance PDR-21-02(Z)(P), SR 64 North Property/SMR Northeast LLC and Ranchland Investors LLC.

No ex-parte communications were disclosed.

Pat Neal, Neal Communities of SW FL, introduced the request.

Katie LaBarr, Planner for the applicant, utilized a slide presentation to review the location with an aerial map, existing and proposed zoning maps, FLUC map, site plan, and master site plan.

(Enter Member Roth during the presentation)

Edward Vogler, Attorney for the applicant, made closing comments.

Upon question regarding a roundabout, Ms. LaBarr stated an analysis was conducted and roundabouts are proposed for S.R. 64 at Uihlein Road and Lighterwood Trail.

Rob Engel, Stormwater Engineer for the applicant, responded that the portion of the site that discharges to the Lake Manatee basin will be redirected.

Upon question Mr. Vogler noted there are not many wetlands on the site as the land was used for agricultural uses.

Joel Christian, Environmental Scientist for the applicant, stated the southeast portion of the property is part of the Northeast quadrant. The water management districts have reviewed the property.

Charles Andrews, Senior Planner, submitted additional public comment emails. He made use of a slide presentation to review the aerial map, google street view of the site existing zoning and overlay districts, existing future land uses, sites with multiple designations, history, concurrent reviews, Map N, request details, specific approval request, surrounding development and aerial maps, public facilities, positive and negative aspects, and mitigating factors. The request appears to meet the applicable polices of the Comprehensive Plan and LDC.

Chairman Conerly asked whether there is intent to expand Uihlein Road across S.R. 64

Merih Wahid stated Uilhlein Road is not proposed to be expanded.

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

Mr. Vogler explained the concurrent reviews that are going on are not for this project

Staff did not have closing 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 the Manatee County LDC, as conditioned herein, Member DeLesline moved to recommend adoption of Manatee County Zoning Ordinance PDR-21-02(Z)(P); Approval of a Preliminary Site Plan with Stipulations A.1-A.7, B.1-B.7, C.1-C.6, and D.1; Adoption of the Findings for Specific Approval; and Granting Specific Approval for an alternative to LDC Section 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). The motion was seconded by Member Rutledge and carried 5-0, with Members Rahn and Smock absent.

<u>RECESS/RECONVENE</u>: 10:43 a.m. to 11:00 a.m. All Members were present except Members Rahn and Smock.

4. ORDINANCE/LAND DEVELOPMENT CODE

A duly advertised public hearing was held to consider recommending adoption of proposed Land Development Code Text Amendment LDCT-21-03/Ordinance 22-05, Urban Corridor Requirements (County-Initiated).

Lisa Wenzel, Planning Section Manager, utilized a slide presentation to review the Urban Corridors map, background, amendments, Section 531.16 (Drive-Through Establishments), examples of street walls, Section 902.5G (Street Walls), Section 902.4.E (Front Setback Zone), Section 902.4.G (Location of Parking Facilities), and Section 902.5.C (Building Entrance). Staff is seeking a recommendation for approval of the amendments to the County Commission.

Discussion ensued on whether materials would be specified (Exhibit B referenced), and has any concerns been presented for Section 902.5.C in terms of accessibility.

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, Member DeLesline moved to recommend adoption of Manatee County Ordinance 22-05 (LDCT-21-03), amending the Manatee County LDC, as amended. The motion was seconded by Member Kebba and carried 5-0, with Members Rahn and Smock absent.

5. ORDINANCE/LAND DEVELOPMENT CODE

A duly advertised public hearing was held to consider recommending adoption of proposed Land Development Code Text Amendment LDCT-21-07/Ordinance 22-03, Section 545, Housing Program/Affordable Housing (County-Initiated).

William O'Shea, Principal Planner, made use of a slide presentation to review the background, draft ordinance, and proposed additional language.

Discussion took place on which fund does the reimbursement come from, zoning and incentives, clarification on fees that are collected, impact and capacity fees, presently there are 15 active cases, significant changes are needed, the proposed changes are required by Florida Statutes, the County Commission is also conscerned about affordable housing, number of units associated with projects, concerned with the necessity of units since so many people are moving to the County, and adequate parking.

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

The amendment is covering two annual reports and attracting developers to build affordable housing, since it is a County priority.

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 LDC, as conditioned herein, Member Rutledge moved to recommend adoption of Manatee County Ordinance 22-03 (LDCT-21-07), amending the Manatee County LDC. The motion was seconded by Member DeLesline and carried 5-0, with Members Rahn and Smock absent.

6. ORDINANCE/LAND DEVELOPMENT CODE

A duly advertised public hearing was held to consider recommending adoption of proposed Land Development Code Text Amendment LDCT-21-08/Ordinance 22-06, Deletion of All References to the North Center Overlay District (County-Initiated).

7. ORDINANCE/LAND DEVELOPMENT CODE

A duly advertised public hearing was held to consider recommending adoption of proposed Land Development Code Map Amendment LDCT-21-08/Ordinance 22-19, Deletion of the North Central Overlay District from the Official Zoning Atlas (County-Initiated).

Lisa Wenzel, Planning Section Manager, used a slide presentation to review the North Central Overlay (NCO) District maps, history, background, why delete the NCO District, commercial and office uses – roadway buffers, residential and other non-commercial/offices uses, greenbelt and perimeter buffers, comparison of buffer requirements, signs – Section 610 (NCO District Signs), and common specific approvals to NCO District Regulations.

Discussion ensued on the NCO District was created to keep the rural feel, and how would the amendments affect pending or future projects.

Rachel Layton, Planner, pointed out the intent of the NCO District was to help with buffering along U.S. 301, and this purpose has been served.

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

Motion - LDCT-21-08/Ordinance 22-19 (Item 7)

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 LDC, Member DeLesline moved to recommend adoption of Manatee County Zoning Ordinance

22-19 (LDCT-21-08). The motion was seconded by Member Kebba and carried 5-0, with Members Rahn and Smock absent.

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Motion - LDCT-21-08/Ordinance 22-08 (Item 6)

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, Member Rutledge moved to recommend adoption of Manatee County Ordinance 22-06 (LDCT-21-08), amending the Manatee County LDC. The motion was seconded by Member Roth and carried 5-0, with Members Rahn and Smock absent.

UPCOMING MEETING

Chairman Conerly announced there would not be a meeting in March 2022, due to the lack of scheduled cases.

ADJOURN

There being no further business, Chairman Conerly adjourned the meeting at 11:53 a.m.

Minutes Approved: May 11, 2023