MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

COUNTY ADMINISTRATIVE CENTER

1112 Manatee Avenue West Bradenton, Florida February 7, 2019

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

Present were:

Stephen R. Jonsson, Chairman
Betsy Benac, First Vice-Chairman (entered during meeting)
Misty Servia, Second Vice-Chairman
Carol Whitmore, Third Vice-Chairman
Vanessa Baugh (entered during meeting)
Reggie Bellamy
Priscilla Whisenant Trace

Also present were:

Margaret Tusing, Public Hearing Section Manager Sarah Schenk, Assistant County Attorney Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court

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

INVOCATION AND PLEDGE OF ALLEGIANCE

1. In the Invocation was delivered by Pastor Mark Dowdy, Harbor Life Baptist Church, followed by the Pledge of Allegiance.

AGENDA BC20190207D0C001

(Enter Commissioners Baugh and Benac)

16. Agenda Update Memorandum 🛂

BC20190207DOC002

- Item 7, LDCT-17-02/Ordinance 19-05, Land Development Code Text Amendment,
 Airport Zoning, Sarasota-Bradenton Special Area of Consideration and Minimum State
 Statute Requirements Public comment letter submitted from Bill Espy
- Item 8, LDCT-17-02/Ordinance 19-06, Land Development Code Text Amendment, Airport Zoning, Minimum State Statute Requirements Public comment letter submitted from Bill Espy
- Item 9, PDMU-18-09(Z)(G), Covered Bridge Holdings III LLC/S.R. 70 Commercial Subdivision The schedule of uses, staff report, recommended motion and Ordinance in strikethrough/underline format were revised
- Item 10, PDR-18-12(Z)(G), PGCI IV LLC/Silverleaf Rezone Staff report (site characteristics and surrounding area sheet), specific and special approval letter, Ordinance in strikethrough/underline format and General Development Plan were revised
- Item 11, PA-18-09/Ordinance 19-12, DBM Marina LLC/Sarabay Development (Small Scale Map and Text Amendment) Public comment email submitted from Tom Mumford

Time Certain:

- 2. Item 7, LDCT-17-02/Ordinance 19-05, Land Development Code Text Amendment, Airport Zoning, Sarasota-Bradenton Special Area of Consideration and Minimum State Statute Requirements 9:00 a.m.
- 3. Item 8, LDCT-17-02/Ordinance 19-06, Land Development Code Text Amendment, Airport Zoning, Minimum State Statute Requirements 9:00 a.m.

4. Item 15, Interlocal Agreement with the Sarasota Manatee Airport Authority – Airport Zoning Regulations – 9:00 a.m.

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

7. ORDINANCE/LAND DEVELOPMENT CODE

A duly advertised public hearing was held to consider adoption of proposed Land Development Code Text Amendment LDCT-17-02/Ordinance 19-05 (fka 17-22 and 18-01), Airport Zoning, Sarasota-Bradenton Special Area of Consideration and Minimum State Statute Requirements. The Planning Commission recommended approval (12/13/18). This is the second of two required public hearings; the first public hearing was held on January 10, 2019. and

8. ORDINANCE/LAND DEVELOPMENT CODE

A duly advertised public hearing was held to consider adoption of proposed Land Development Code Text Amendment LDCT-17-02/Ordinance 19-06 (fka 18-42), Airport Zoning, Minimum State Statute Requirements. The Planning Commission recommended approval (12/13/18). This is the second of two required public hearings; the first public hearing was held on January 10, 2019.

and

REGULAR

15. BUILDING AND DEVELOPMENT SERVICES/INTERLOCAL AGREEMENT

Consideration of an Interlocal Agreement with the Sarasota Manatee Airport Authority for Airport Zoning Regulations pursuant to the provisions of Section 163.1 and Section 333.03(1)(b)1, Florida Statutes.

Lisa Barrett. Planning Manager, for Items 7 and 8, the second of two required public hearings. In 2016, the Florida Legislature adopted amendments to the Florida Statutes, Chapter 333 - Airport Zoning (House Bill 7061). Chapter 333 addresses Airport Zoning. definitions and land use compatibility standards in and around public use airports (commercial and general aviation). The Land Development Code (LDC) amendments were first presented to the Planning Commission on April 13, 2017 and the County Commission on January 11, 2018. At that time staff presented and included in the recommended ordinance a request by Sarasota-Bradenton International Airport (SRQ) to require land use applications within the approach zone of the airport to go through the Planned Development Process in order for height to be determined. The County Commission felt this was subjective and directed staff to recommend revisions to Section 403.2.C., to provide appropriate height restrictions in the SRO-Special Area of Consideration (Map 4-1 and Map 4-1a) at this time. The LDC amendments were heard by the Planning Commission on April 13, 2017, who recommended approval. Staff is now presenting two ordinances, to the Planning Commission and County Commission: The first proposed Ordinance (19-05) is more stringent than the minimum requirements for airport protection zoning regulations in Chapter 333, Florida Statutes in that the Text and Map Amendments also include the SRQ request for the Special Area of Consideration and additional height restrictions beyond those required by Florida Statute. The second proposed Ordinance (19-06) satisfies the minimum requirements for airport protection zoning regulations in Chapter 333, Florida Statutes.

Item 15 is the required Interlocal Agreement, which acknowledges both parties' statutory obligation to adopt, administer, and enforce the updated airport zoning regulations applicable to the airport hazard areas and land use compatibility zoning regulations in accordance with applicable law. She acknowledged the Letter of Support (2/4/19) from Bill Espy, President of the Whitfield-Ballentine Manor Association, which was submitted with the agenda update memorandum. In regard to Items 7 and 8, in the footnote under Table 4-1, LDC Section 403.2.D.3 should be stricken, because this section does not exist.

Kelley Klepper, Kimley-Horn and Associates, explained both Ordinances 19-05 and 19-06 have met the statutory requirements of Chapter 333, Florida Statutes, and 14 C.F.R. (Code of Federal Regulations, Part 77); and are consistent with Chapter 333, Florida Statutes. The County has the right to require above minimum standards; hence, the two ordinance options. He clarified a statement from a previous hearing regarding Sarasota County having a maximum building height of 35 feet within the similar airport zones. Upon further review, Sarasota County has areas with buildings higher than 35 feet and crafting a similar ordinance. He confirmed Sarasota County caps building heights in most areas, but a few commercial areas do allow building heights of 65-85 feet dependent on parking being underneath.

Discussion took place regarding the difference between Ordinances 19-05 and 19-06, air rights, amount of properties affected by the changes, and if surrounding property owners were noticed.

Mr. Klepper displayed the Runway 14/32 (Primary Runway) Profile to elaborate that the County Commission is being asked to approve the baseline minimums for Part 77 and Subareas A-C (specific heights based off of the airport elevation). There is a difference between 15 to 20 feet depending on the slope location.

🛂 Sarah Schenk, Assistant County Attorney, requested Mr. Klepper review Subarea C.

Mr. Klepper reported Subarea C is the area within the inner approach surface, which is approximately a mile and a half from the edge of the runway. It was confirmed that Runway 14/32 is the primary runway. The County building height definitions are different than Airport height definition, which are regulated by the State and Federal government. The height for Subarea C is 55 feet above the airport elevation; however, using the base floor elevation there would be an additional level of 12-15 feet.

Ms. Barrett stated the ordinances were advertised as required for a Land Development Code text amendment, but not to individual parcels. There are over 1,000 parcels affected within the approach zones. There are different zoning categories including Planned Development (35 feet), Light Manufacturing (45 feet) and Heavy Manufacturing (55 feet). A few parcels that exist on U.S. 41 are zoned GC (General Commercial) could potentially ask for Urban Corridor Design Standards and could be limited if located within the Coastal Evacuation Area (CEA).

Discussion continued on the red and green lines on the Runway 14/32 Profile, if other airports have complied with Chapter 333, and not wanting to risk the surrounding land owners' air or property rights.

Mr. Klepper clarified the green line is the Federal Aviation Authority (FAA) view of an obstruction standpoint. The red line represents the airplane track, and the blue line depicts the airport elevations being requested as part of the building heights.

Ms. Schenk stated air rights have some value, but the County cannot determine if there would be a taking of any specific properties. She read language from Florida Statutes:

• Chapter 333.06, Airport zoning requirements, (1) Reasonableness - In determining what regulations it may adopt, each political subdivision and joint airport zoning board shall consider, among other things, the character of the flying operations expected to

be conducted at the airport, the nature of the terrain within the airport hazard area and runway clear zones, the character of the neighborhood, the uses to which the property to be zoned is put and adoptable, and the impact of any new use, activity, or construction on the airport's operating capability and capacity.

• Chapter 333.12, Acquisition of air rights – In the case of the purchase of any property or any easement or estate or interest therein or the acquisition of the same by the power of eminent domain the political subdivision making such purchase or exercising such power shall in addition to the damages for the taking, injury or destruction of property also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

Dan Bailey, attorney for the Sarasota-Bradenton International Airport, stated the Sarasota Manatee Airport Authority (Airport Authority) has worked with staff on creating regulations in addition to Part 77, which resulted in dividing the runway into three zone heights at 35, 45, and 55 feet (measured from airport elevation of 30 feet). He displayed the SRQ Special Area of Consideration zoning map to point out the three properties at the end of the runway that are eligible to use Urban Corridors Design Standards without rezoning the property.

Frederick Piccolo, Chief Executive Officer and President of the Sarasota-Bradenton International Airport, clarified Part 77 does not judge the safety of an aircraft, but only the instruments that communicate with the airport. In regards to the former Blu Harbor project (PDMU-16-02(P), Gulfside Homes/Bowlees Creek LLP); safety determinations are regulated by the local community and regulatory agency, not the FAA. Until the creation of Urban Corridors, the airport corridor had a 35-foot building height limitation. He displayed a graphic depicting one year of flights and noted Ordinance 19-05 would offer more flexibility than the standard 35-foot height limit for buildings.

Discussion ensued on the purpose of adopting an ordinance that recognizes Part 77, clarifying the maximum 35-foot height requirement, not relying on the FAA for zoning matters, legal ramifications, providing a reasonable level of safety based on the experience of the flight radar tracks, the Airport Authority has worked diligently to decrease noise complaints, the Airport Authority would need to purchase air rights, and the property owner for Blu Harbor volunteered to give the Airport Authority an avigation easement.

Katherine Edwards commented on Ordinance 19-05 not including Runway 14/32. She suggested all runway profiles be incorporated in the ordinance and the same colors for average and minimum heights. She noted eliminating the 35-foot building height restriction along Urban Corridors would make the exception the new rule.

There being no additional public comment, Chairman Jonsson closed public comment.

Ms. Barrett clarified the runway exhibits are strictly for visualization purposes and would not be attached to the Ordinance 19-05.

Commissioner Benac confirmed Urban Corridors Design Standards do not have a building height limitation of 35 feet.

Ms. Barrett stated a footnote for the Urban Corridor Design Standards provides notice that the Airport Impact Urban Overlay District regulations stated in LDC Section 403.2 may render some sites ineligible for maximum permitted height. She reiterated buildings in Urban Corridors are not limited to 35 feet in height.

Discussion took place on how adopting ordinances would impact Urban Corridors, the maximum building heights would be 35, 45, and 55 feet depending on the trajectory flight path, height is measured from the base flood elevation because it is lower than the airport elevation of 30 feet, and whether or not Runway 14/32 should be included in the Ordinance 19-05.

Motion - LDCT-17-02/Ordinance 19-05 (Item 7)

A motion was made by Commissioner Whitmore and seconded by Commissioner Servia to move the recommended motion.

Deliberations ensued.

Ms. Schenk read the recommend motion in its entirety: Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and in accordance with Section 341 of the LDC, I move to adopt Ordinance 19-05 (LDCT-17-02), amending the Manatee County LDC, as recommended by the Planning Commission staff.



The motion carried 7-0.

BC20190207DOC003

Motion - LDCT-17-02/Ordinance 19-06 (Item 8)

Ms. Schenk clarified the motion for LDCT-17-02/Ordinance 19-06, should be: Motion to deny adoption of Ordinance 19-06.

The motion as stated by Ms. Schenk was moved by Commissioner Baugh, seconded by Commissioner Trace, and carried 7-0. BC20190207DOC004

Motion – Interlocal Agreement (Item 15)

A motion was made by Commissioner Benac, seconded by Commissioner Whitmore, and carried 7-0, to approve the Interlocal Agreement; and to authorize execution of same.

BC20190207DOC005

COMMISSIONER REQUESTS

No Items were pulled by Commissioners.

5. **CITIZEN COMMENTS** (Future Agenda Items)

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

CONSENT AGENDA

Citizen Comments (Consent Agenda Items)

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

6. BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/RESERVE AT TWIN RIVERS

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Declaration of Covenants, Conditions, and Restrictions for Reserve at Twin Rivers;
- Accepted, executed and authorized recording of Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon;
- Executed and authorized recording of the Bill of Sale;

- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Private Improvements from TR Investor LLC;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Public Improvements from TR Investor LLC;
- Authorized the County Administrator to accept and execute Surety Bond CS2160610, \$8,745.50, for required private improvements;
- Authorized the County Administrator to accept and execute Surety Bond CS2160609, \$15,064.10, for required private improvements; and
- Authorized the County Administrator to accept and execute Surety Bond CS2160608,
 \$101,460.60, for required private improvements

 BC20190207DOC006

MOTION - CONSENT AGENDA

A motion was made by Commissioner Baugh, seconded by Commissioner Servia and carried 7-0, to approve the Consent Agenda.

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

9. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-18-09(Z)(G), Covered Bridge Holdings III LLC/S.R. 70 Commercial Subdivision. The Planning Commission recommended approval with stipulations (12/13/18). This item was continued from January 10, 2019.

Sarah Schenk, Assistant County Attorney, advised Commissioner Servia to abstain from voting on this item and the required Form 8B, Memorandum of Voting Conflict, was submitted to the Clerk.

(Depart Commissioner Servia)

No ex-parte communications were disclosed.

Denise Greer, engineer for the applicant, submitted a revised Schedule of Uses (Exhibit B) in which Nursing Homes was re-added as an allowed use. She utilized a slide presentation to review general information regarding the request, future land use map, zoning map, aerial map, site plan, utilities, stormwater, wetlands, transportation, and questions/comments from the last hearing.

Discussion ensued about traffic improvements being permitted through the Florida Department of Transportation (FDOT) and the County, lack of an acceleration lane, and the project meets spacing criteria for a deceleration lane, but the applicant is awaiting FDOT approval.

Clarke Davis, Transportation Planning Division Manager, reported staff would look at the project's driveway, but the County may not be able to compel FDOT to build it, because S.R. 70 is under FDOT's jurisdiction. Acceleration lanes are becoming less common on high speed facilities like S.R. 70.

Dorothy Rainey, Senior Planner, stated she did not have information to add to her previous presentation.

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

Ms. Schenk stated the revised recommended motion would include the updated Exhibit B
BC MB FY18-19/209

as submitted by the applicant in lieu of the version presented with the agenda update memorandum.

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 the Manatee County LDC, as conditioned herein, Commissioner Baugh moved to approve Manatee County Zoning Ordinance PDMU-18-09(Z)(G); and Approve a General Development Plan with Stipulations A.1-A.4, B.1-B.2, C.1-C.5 and D.1-D.5 with the updated Exhibit B; as recommended by the Planning Commission. The motion was seconded by Commissioner Trace and carried 6-0, with Commissioner Servia abstaining.

(Enter Commissioner Servia)

10. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-18-12(Z)(G), PGCI IV LLC/Silverleaf Rezone. The Planning Commission recommended approval with stipulations (1/17/19).

Commissioner Trace disclosed that she received comments from area residents.

lvory Crofoot, representing Neal Communities, made introductory remarks.

Rachel Layton, planner for the applicant, utilized a slide presentation consisting of an aerial map, future land use map, zoning map, subdivision map, overall site plan, and Phase V site plan to review the request. The applicant is requesting to rezone 22.78 acres to PDR/NCO (Planned Development Residential/North Central Overlay District) and revised General Development Plan for the entire project consisting of 308.67 acres. The proposed site is located on the southwest corner of Silverleaf Avenue and U.S. 301, and the development trends for this area encompass residential neighborhoods and a commercial shopping center at U.S. 301 and Chin Road. The site is vacant, and the wetlands on-site will not be impacted. The Future Land Use Category (FLUC) for the site is RES-3 (Residential Single-Family/three dwelling units per acre) and the adjacent properties are designated as UF-3 (Urban Fringe three dwelling units per acre). RES-3 allows for a gross residential density of three dwelling units per acre and a net residential density of six dwelling units per acre. The project was submitted prior to the adoption of the Comprehensive Plan Process Amendments (Ordinance 18-04). Therefore, the applicant is seeking special approvals for: (1) a project exceeding a gross residential density of one dwelling unit per acre and exceeding a net residential density of three dwelling units per acre in the RES-3 FLUC: and (2) a project adjacent to a perennial stream. The project meets the goals, objectives, and policies of the Comprehensive Plan.

The original Silverleaf application included a rezone from A/NCO to PDR/NCO with special and specific approvals. The request would add 24 units (single-family semi-detached or detached) to the previous approval, which revises the unit total to 732, which aligns with Local Development Agreement LDA-09-03(R). Density surrounding the project ranges from 1.65 to 4.89 dwelling units per acre. The total proposed gross density of the Silverleaf development is 2.37 dwelling units per acre and Phase V (22.78 acres) proposes a gross density of 1.05 dwelling units per acre with a net density of 1.69. Phase V would provide 81 percent (18.45 acres) of open space. Phase V would connect to the existing Silverleaf road network with a 50-foot roadway buffer along U.S. 301, and a 100-foot roadway buffer along Silverleaf Avenue. Utility connections for Phase V are available through the project. Project access is proposed from Silverleaf Avenue via Falling Leaf Court and Rustling Pine Terrace. Emergency access would be provided to Silverleaf Avenue. The applicant is in agreement with the staff report and

stipulations. The request is compatible with development in the area, designed to meet the requirements of the LDC, and a logical progression of residential development.

Discussion proceeded about the River Woods Subdivision (the County Commission received emails regarding poor drainage and road design in this area), and there are specific concerns with the length of the turn lane and lack of shoulders.

Jeb Mulock, engineer for the applicant, stated he was informed of the concerns yesterday, and his staff is investigating in order to rectify the situation.

Discussion continued on how the Old Tampa Road and Silverleaf intersection improvements have caused unforeseen issues, purpose of the General Development Plan being on the agenda update memorandum, whether Phase VI has been approved, and the type of materials that would be used to construct the emergency access.

Margaret Tusing, Public Hearing Section Manager, acknowledged the correct version of the General Development Plan was not included with the agenda package.

Ms. Layton reported Phase VI (fka Phase VII) is under construction and Stipulation C.1 states the emergency access would have a stabilized base and gated.

John Barnott, Building and Development Services Director, stated Chad Butzow, Interim Public Works Director, is aware of the issues pertaining to the River Woods Subdivision.

Upon question, Clarke Davis, Transportation Planning Division Manager, stated the inspection process ensures projects are built correctly. The River Woods Subdivision turn lane that was improper and moving the edge of the pavement caused the turn to become tighter. Staff and the developer are coordinating to correct the issue.

Commissioner Trace requested staff make sure the bicycle lanes are designated during the reconstruction of the roads in this area.

There was discussion on the inspection process and final plat approvals.

Thomas Gerstenberger, Stormwater Engineering Division Manager, reported during infrastructure inspection process, the final striping and signage would be inspected prior to the issuing of the Certificate of Completion for a particular phase. At the conclusion of the process, any modifications would have to be made between staff, the engineer of record and the applicant.

Jamie Schindewolf, Planner I, did not make a presentation, but was available for questions.

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

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 the Manatee County LDC, as conditioned herein, Commissioner Trace moved to adopt Manatee County Zoning Ordinance PDR-18-12(Z)(G); Approve the General Development Plan with Stipulations A.1-A.9, B.1, C.1-C.5, D.1-D.8, E.1-E.3, F.1-F.12, G.1, and H.1; Grant Special Approvals for a project exceeding a gross

residential density of 1 dwelling units per acre and exceeding a net residential density of 3 dwelling units per acre in the RES-3 FLUC (Policy 2.2.1.11.4) and a project adjacent to a perennial stream *Policy 3.2.2.1); and Adopt the Findings for Specific Approval; and restating Specific Approvals for an alternative to LDC Section 403.12.D.3.k (reducing the rear yard setback for pool cages and accessory structures from 15 feet to 5 feet); and restating previously Approved Specific Approvals for an alternative to LDC Sections 403.12.D.3 (604.10.3.3.k – NCO Landscape Planting Design), 403.12.D.5 (604.10.3.5.1 – NCO Roadway Buffers for Residential and Other Uses), 1001.1.C (712.2.8 – 2nd Means of Access Required), 1001.2.C (907.9.1.3 – Street Extension), 1001.4.D.1 (907.9.4.1 – Cul-de-sacs, Dead End Streets and Stub Streets – cul-de-sac exceeding 800-feet), and 1001.4.D.2 (907.9.4.2 – Cul-de-sacs, Dead End Streets and Stub Streets – temporary dead end street), as recommended by the Planning Commission. The motion was seconded by Commissioner Baugh and carried 7-0.

RECESS/RECONVENE: 10:55 a.m. - 11:06 a.m. All Commissioners were present.

11. ORDINANCE/COMPREHENSIVE PLAN

A duly advertised public hearing was held to consider adoption of Comprehensive Plan Amendment PA-18-09/Ordinance 19-12 (fka 18-35), DBM Marina LLC/Sarabay Development (Small Scale Map and Text Amendment). The Planning Commission recommended approval (1/17/19).

There was discussion on the presentation order to ensure that the public is allowed to speak prior to deliberations by the County Commission.

🛂 Rossina Leider, Principal Planner, submitted additional public comment emails.

Shellie Johnson, agent for the applicant, utilized a slide presentation to review the property data, surrounding property data, proposed land use, photographs of the site and surrounding area, comparative allowances, density/intensity limitations, compatibility, Comprehensive Plan consistency, and community meetings with Whitfield Estates to address concerns regarding aesthetics and proposed uses.

Discussion occurred on how density/intensity would not increase with the approval of the amendment, the request would be an infill project in the urban core, the site has been vacant since 2017, commercial or residential could be built without approval of the amendment, Planned Development Commercial (PDC) is being proposed for the property [PDC-18-19(Z)(G)], whether or not there is an approved plat for the property, whether homes could be built on the property based on the approved plat, whether the property would be used for marine development, compatibility with development trends and surrounding uses, and Magellan Drive and U.S. 41 is a dangerous intersection.

Ms. Johnson displayed a survey from the Whitfield Estates plat to point out U.S. 41 running along the west side of the property, and roadways that run through the property such as Manatee Drive (vacated), Mendez Drive, and Jungle Way. The applicant has to determine what has been vacated from the original plat to clarify the title and ensure there are no encumbrances on the property before any development. The property would be an expansion of the marina across U.S. 4,1 because both properties are owned by DBM Marina.

While displaying the future land use map from the staff report, Ms. Leider explained the property has three FLUCs: (1) OL (Low Intensity Office); (2) RES-3 (Residential, three dwelling

units per acre); and (3) RES-6 (Residential, six dwelling units per acre). Without the Comprehensive Plan Amendment, the site could be developed with a maximum of 38 units (0.35 floor area ratio), assisted living facility at 133,000 square feet with 228 beds, an elementary school, but no medical facilities. The applicant is seeking the FLUC of R/O/R (Retail/Office/Residential), because the property does not comply with the commercial locational criteria due to its proximity to Whitfield Estates, 700 feet of frontage along a major corridor roadway, and the property along U.S. 41 that has a FLUC designation of OL. Staff considered that the LDC and Comprehensive Plan include many regulations to achieve compatibility with other uses.

Discussion continued that the marina is designated as OL, the site is limited to three dwelling units, because it is in the CEA and Coastal High Hazard Area (CHHA) Overlay District, Discovery Village at Sarasota Bay (assistant living facility) is at 100 percent occupancy, whether the site would be compatible with the surrounding areas along the Urban Corridors if designated as R/O/R (Urban Core Map H displayed), and acute facilities in the CHHA.

Greg Truitt, representing Rosario Fajardo (Jungle Way resident), stated Ms. Fajardo opposed the property being changed to the R/O/R FLUC. He noted Jungle Way is not a paved roadway, and the site should not be designated as OL solely, but as OL (west portion) and RES-3 (east portion).

Bill Espy, Whitfield-Ballentine Manor Association President and Whitfield Estates resident, utilized a slide presentation to review compatibility concerns with the request (letters referenced were submitted). Mr. Espy supported using the west portion of the parcel for commercial, but not the east side, because it is surrounded on three sides by residential.

Roberta Kolton Cera, Lantana Avenue resident, reported she did not receive direct notification on the matter, but saw the posted signage and received an email from the homeowners association. She expressed concern on the east portion of the site being surrounded on three sides by residential and the proposed building heights. She supported an intensive use on the west portion and residential on the east portion.

Carole Martin, Whitfield-Ballentine Manor Association member, was in support of the site being designated as R/O/R and residential, but not entirely R/O/R.

James Christensen, Whitfield-Ballentine Manor Association member, concurred with previous comments.

Sharon Wudecki, Montgomery Avenue resident, submitted a petition in opposition of the request. She expressed concern with buffering, potential decrease in property values, possible increase in noise, and lack of information on the proposed use.

Michael Holderness, Sarabay Real Estate, Inc., concurred with previous comments.

RECESS/RECONVENE: 12:01 p.m. – 1:30 p.m. All Commissioners were present.

Norm Luppino, Whitfield-Ballentine Manor Association member and realtor, utilized a slide presentation to review his concerns on the redistribution of non-residential intensities across the entire parcel and the potential for commercial uses on the eastern two-thirds of the site (residential).

Dan Young, Whitfield area resident, noted the FLUCs should remain the same unless there is a compromise between residential and commercial. He displayed photographs to discuss his concern with the site being in the floodplain, the amount of water draining to Sarasota Bay, and silt at Pearl Street.

Katherine Pell, Jungle Way resident, stated the former church was built in 1954, and Jungle Way is a dirt road that is in need of improvement. She agreed with Bill Espy's comments.

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

Discussion took place about how the applicant for RaceTrac built a fence for buffering, and commercial along U.S. 41.

Ms. Johnson stated the proposed site design is sensitive to residential. A six-foot-high wall is proposed on top of a water management berm. The building setbacks have been increased from the required minimum and the buildings have been moved forward of the setbacks. The landscaping is proposed to be enhanced for the buffer. Access is limited to U.S. 41 with one access point on Jungle Way. Staff has testified that the R/O/R future land use designation is appropriate for the property as it follows the U.S. 41 corridor abutting residential. The amendment would not force the property to be developed commercially, and the RES-3 FLUC would allow 75,000 feet of commercial.

Deliberations ensued on how Mr. Luppino's presentation referenced neighborhoods in decline, the area should be redeveloped, but the residential neighborhoods should be protected, the development pattern depicts office use is appropriate in this area, the project is not an infill project and does not meet the commercial locational criteria, limiting the geographical distance of R/O/R, the applicant's efforts to address public concerns, no opposition from the Planning Commission nor staff, and asking applicant to change their request would require them to restart the process.

Margaret Tusing, Public Hearing Section Manager, stated the applicant has a proposed compromise.

Sarah Schenk, Assistant County Attorney, explained if the applicant is allowed to speak, then the public comment portion of the hearing would have to be reopened to allow the opportunity to comment on the change(s).

Brian Smith, representing the applicant, stated the applicant is willing to compromise, but would like to keep depth at 450 feet (proposed General Development Plan for PDC-18-19(Z)(G) was displayed).

Ms. Schenk objected to the applicant displaying the proposed General Development Plan. She advised continuing the public hearing to allow the applicant the opportunity to submit a revised request, and advertise for public comment.

Upon question, Ms. Schenk stated if the applicant reduces the R/O/R then it would not have to go back to the Planning Commission. If the intensity is increased, then the request has to be heard again by the Planning Commission.

Motion -Continued

A motion was made by Commissioner Baugh and seconded by Commissioner Whitmore to continue the item.

Ms. Schenk read the appropriate motion: I move to continue the public hearing on application PA-18-09/Ordinance 19-12 to no date certain and be re-advertised to enable the applicant the opportunity to submit a revised application including a map and text amendment, and re-advertising to inform the residents what is being proposed.

Discussion continued that 450 feet would not be appropriate since depth is defined at 270 feet at Manatee Street, can the zoning request and the amendment be heard at the same time, do not want another strip mall in the area, revitalization of the Urban Corridors, and all parties need to be open-minded in order to compromise.

The motion carried 7-0. (Note: This matter is scheduled to be heard on 6/6/19)

BC20190207DOC009

12. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider adoption of Zoning Ordinance PDMU-16-12(G)(R), Lorraine Corners Northeast Modification/Lakewood Ranch Park of Commerce. The Planning Commission recommended approval with stipulations (1/17/19).

No ex-parte communications were disclosed.

Darenda Marvin, planner for the applicant, made use of a slide presentation to review the project history, project information, aerial map, specific approval requests (parking space reduction from 2.1 to 1.8 and an increase in allowable building height from 35 to 50 feet), and building elevations. The site is located on the southeast corner of Lorraine Road and 59th Avenue East and a mini-warehouse exists in the middle of the parcel, pet resort and commercial business (fast food restaurant). Three of the four apartment buildings are proposed to be located adjacent to the non-residential (Publix Shopping Center) and one building is proposed to be adjacent to 59th Avenue East.

There was discussion on whether sidewalks existed on 59th Avenue East to access the park, and whether any future improvements on Lorraine Road would provide sidewalks.

Clarke Davis, Interim Deputy Director of Traffic Management, reported there is a partial sidewalk on 59th Avenue East on the north side, which starts in front of the church, but does not continue until the Post Office, which is on the south side of 59th Avenue East.

Ms. Marvin stated 59th Avenue East is a local road and the standard for local streets in the LDC is a sidewalk on one side (north and west). There are multiple development projects with individual improvements planned to be combined into one single construction project on Lorraine Road (Reimbursement and Impact Fee Credit Agreement for Transportation Improvement to be presented for approval by the County Commission (12/10/19).

While displaying a road exhibit of Lorraine Road, Thomas Gerstenberger, Stormwater Engineering Division Manager, reported there is coordination among several parties for the design and permitting of Lorraine Road extending from S.R. 70 east and north to 59th Avenue East. Timing is intended to be concurrent with the construction of the Publix Supermarket

and the associated shopping center. A sidewalk is proposed for the east side of Lorraine Road and there is an existing sidewalk along the western portion of Lorraine Road that extends from S.R. 70 to the west side of the road.

Discussion continued on whether or not the site is in the watershed, and an upcoming article in the East County Observer about sidewalks.

Jamie Schindewolf, Planner I, used a slide presentation to discuss the pedestrian connection between the Publix Supermarket and the project, and the parking ratio data.

Discussion proceeded about the parking study.

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

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 the Manatee County Land Development Code, as conditioned herein, Commissioner Baugh moved to adopt Manatee County Zoning Ordinance PDMU-16-12(G)(R); Approve the modified General Development Plan with Stipulations A-1, B.1-B-3, C.1-C.5, and D.1-D-6; Make Specific Findings that the proposed multi-family residential buildings exceeding 35-feet in height are consistent with LDC Section 402.7.D.; Adopt Finding for Specific Approval; and Grant Specific Approval of an alternative to Land Development Code Section 1005.4.D. (reduction in parking requirements); and a previously granted alternative to Land Development Code Section 402.11.D.3 ((minimum front yard setbacks in the PDC zoning district), and as recommended by the Planning Commission. The motion was seconded by Commissioner Servia and carried 7-0.

13. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider adoption of Zoning Ordinance Z-18-14, Guthrie Rezone/Aaron Guthrie, Diana Valencia. The Planning Commission recommended approval (1/17/19).

No ex-parte communications were disclosed.

Aaron Guthrie, applicant, was available for questions.

Discussion took place about the benefits of downzoning, and if the site has been developed.

Margaret Tusing, Public Hearing Section Manager, stated the site is adjacent to the conservation easements for River Plantation Subdivision, and the site was previously rezoned to PDR (Planned Development Residential) without a plan.

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 the Manatee County Land Development Code, Commissioner Benac moved to adopt Manatee County Zoning Ordinance Z-18-14, as recommended by the Planning Commission. The motion was seconded by Commissioner Trace.

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

The motion carried 7-0.

BC20190207DOC011

14. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider adoption of Zoning Ordinance PDC-16-20(G)(R), Xpress Storage (fka Lakewood Storage)/NSA Property Holdings LLC. The Planning Commission recommended approval with stipulations (1/17/19).

No ex-parte communications were disclosed.

Rachel Layton, planner for the applicant, reported the request would add one parking space and address a Code Enforcement violation by adding Personal Service Establishment (barber shop) to the Schedule of Uses (Exhibit B).

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 the Manatee County LDC, as conditioned herein, Commissioner Whitmore moved to approve Manatee County Zoning Ordinance PDC-16-20(G)(R); Approved the revised General Development Plan with Stipulations A.1, B.1 -B.2, C.1-C.2, and D.1; as recommended by the Planning Commission. The motion was seconded by Commissioner Baugh.

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

The motion carried 7-0.

BC20190207DOC012

COMMISSIONERS' COMMENTS

Commissioner Whitmore

• Email from Mark Coarsey regarding no motorized vehicles in Perico Bayou and would like to talk about it in the future

BC20190207DOC013

(Note: Commissioners' Comments continued to later in the meeting)

ACTING COUNTY ADMINISTRATOR

Chairman Jonsson reported the Acting County Administrator position will be discussed on February 12, 2019, and recommended any personnel changes (from Department Heads and up) come before the County Commission for approval.

Discussion ensued regarding the transition from the County Administrator to the Acting County Administrator, adding Chairman Jonsson's recommendation to the resolution, and there should be no promotions or dismissals during this time.

Mitchell O. Palmer, County Attorney, explained the resolution could be altered regarding County Administrator's authority. He clarified the action for Tuesday, February 12, 2019, to amend the existing County Administrator ordinance as follows: (1) remove the advertising requirement; and (2) add Subsection 5 language – Notwithstanding the foregoing educational requirements, any person who has served in the position of Deputy County Administrator can be appointed as the Acting County Administrator for up to one year. Separate and apart from the ordinance, Mr. Palmer's office would be proffering a resolution for adoption (2/26/19) to make the appointment and setting forth his/her authorities during that one-year period.

Discussion took place about the need for continuity, not wanting to see changes on a director level, and the possibility of needing another Deputy County Administrator.

John Barnott, Building and Development Services Director, explained department directors have been confirmed by the County Commission in the past, but cautioned on limiting the authority of the Acting County Administrator. He supported Cheri Coryea as the Acting County Administrator.

Discussion continued as to allowing the Acting County Administrator to perform the job without micromanagement from the dais, the County Commission has authority over the County Administrator, the Acting County Administrator should be allowed to appoint a Deputy County Administrator and make necessary personnel changes, and anyone can apply for the County Administrator position if they meet the education requirements.

Mr. Palmer read Chapter 125.74(k), Florida Statutes: Select, employ, and supervise all personnel and fill all vacancies, positions, or employment under the jurisdiction of the Board. However, the employment of all department heads shall require confirmation by the Board of County Commissioners.

If the County Commission wished to confirm the appointment of Deputy County Administrators, then it should be added to the resolution appointing the Acting County Administrator.

Discussion proceeded about the language currently being drafted to include the words "currently serving as Deputy County Administrator," the education requirement would only be waived if the County Commission is appointing someone who is currently a Deputy County Administrator, and the importance of putting requirements in writing.

Motion

Commissioner Servia moved to direct the County Attorney to add language to the resolution to place parameters on Cheri Coryea's ability in her term as Acting County Administrator that there would be no staffing changes in senior leadership (i.e. dismissals, promotions and including Deputy County Administrators); and should there be a need to make changes, Cheri Coryea could bring them to the County Commission for approval. The motion was seconded by Commissioner Baugh.

There was discussion on the motion, a provision in the LDC requiring the County Commission's confirmation of a Deputy County Administrator in addition to department directors, Ms. Coryea's name should not be included if the motion carries, because she is not currently the Acting County Administrator, the motion is futuristic in nature and based on the upcoming agenda items, and the Acting County Administrator should be allowed to select a Deputy County Administrator.

Motion - Call the Question

A motion was made by Commissioner Baugh, seconded by Commissioner Trace, and carried 4-3, with Commissioners Bellamy, Benac and Whitmore voting nay, to call the question.

The motion was reread by the Clerk.

Motion - Failed

The motion <u>failed</u> with Commissioners 3 to 4, with Commissioners Bellamy, Benac, Trace and Whitmore voting nay.

Mr. Palmer elaborated the resolution would include Ms. Coryea's name, but not include the language recommended today since the motion failed. The County Commission should consider a compensation contract with Ms. Coryea for one-year.

Discussion took place about County Administrator's role to hire and dismiss employees per employee law, there is public unease in the County at this time, the County Commission should be involved in policy changes, and Ms. Coryea may need support from the County Commission.

Mr. Palmer acknowledged he was not prepared for this conversation and it would be highly irregular for the County Commission to inject themselves into personnel matters on a lower level. The County Commission can confirm senior level management, but not dismissals

Discussion ensued.

COMMISSIONERS' COMMENTS (Continued)

Commissioner Benac

• Commented on the necessity of discussing hurricane shelters and their use by residents from other counties

Discussion ensued.

Commissioner Servia

• Announced a District 4 townhall meeting has been scheduled for March 20th at the Bayshore Recreation Center for 6:00 p.m., and it would be advertised, but not by the County. She invited At-Large Commissioners to attend the meeting.

Mitchell O. Palmer, County Attorney, advised Commissioners who may attend the townhall meeting to not sit together and allow the District Commissioner to be the sole speaker. Any Commissioner should wait until the meeting is adjourned to speak with residents separately.

Commissioner Baugh

- Attended the Florida Metropolitan Planning Organization Advisory Council Meeting in Orlando (1/30/19) and a vote was taken to write a Letter of Support to Florida Senate President Bill Galvano regarding the need for innovative approaches to infrastructure funding and consideration of future infrastructure investments. Polk County's "Pledge to Slow Down" Campaign to prevent traffic-related fatalities was also discussed.
- Stated a report will be given in March 2019 regarding the Port Manatee Study

ADJOURN

There being no further business, Chairman Jonsson adjourned the meeting at 3:55 p.m.

Minutes Approved: July 23, 2019