

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
March 21, 2019**

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

Present were:

Stephen R. Jonsson, Chairman
Betsy Benac, First Vice-Chairman
Misty Servia, Second Vice-Chairman
Carol Whitmore, Third Vice-Chairman
Vanessa Baugh
Priscilla Whisenant Trace

Absent was:

Reggie Bellamy

Also present were:

John Barnott, Building and Development Services Director
Margaret Tusing, Public Hearing Section Manager
Sarah Schenk, Assistant County Attorney
Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court

 Chairman Jonsson called the meeting to order at 1:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Reverend Fidel Diaz, Tabernáculo Biblico Bautista, followed by the Pledge of Allegiance.

AGENDA

4. Agenda Update Memorandum:  BC20190321DOC001
 - Item 2, PDR-18-13(Z)(G), Prospect Road Subdivision/Gary Adams and Black Pearl Investment LLC Rezone/Bellair Capital Group – Stipulation A.5 to be deleted as reflected in the revised recommended motion, an email request from the Manatee County School Board and revised Zoning Ordinance submitted BC20190321DOC002

CITIZEN COMMENTS (Future Agenda Items)

 Glen Gibellina expressed concern with Airbnb Rentals in the County, and the lack of a pedestrian connection between the Public Safety Radio Tower site and Kinnan Elementary (documentation submitted).

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

BC20190321DOC003

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

2. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-18-13(Z)(G), Prospect Road Subdivision/Gary Adams and Black Pearl Investment LLC Rezone/Belleair Capital Group. This item was continued from March 7, 2019, and the Planning Commission recommended approval with stipulations (2/14/19).

Commissioner Servia disclosed she visited the site and Commissioner Benac disclosed that

she rode her bicycle by the site several times.

 Scott Rudacille, attorney for Belleair Capital Group (contract purchaser), displayed the staff report aerial, future land use and zoning maps to note: (a) the site is approximately 42 acres located on the west side of Prospect Road just north of Kinnan Elementary School and the County Park Site; (b) the request is an infill project and designed to be compatible with the surrounding residential uses; (c) the future land use designation is RES-6 (Residential, six dwelling units per acre); (d) the density is 3.4 units per acre, which is below the maximum allowed in RES-6 FLUC (future land use category); and (e) the proposed PDR (Planned Development - Residential) zoning is consistent with surrounding residential zoning. The General Development Plan (displayed) provides for 143 single-family residential lots, 26.23 percent of open space, 15-foot buffers around the perimeter of the site, a 20-foot roadway buffer along Prospect Road, existing ditches that run along the north and the south boundary lines, and Pearce Canal along the west boundary line. The project is designed with floodplain compensation/wetland mitigation areas to the west of the site to provide additional separation for the lots from the IL (Industrial Light) uses to the west. The project would be required to reduce the predevelopment discharge by 50 percent, which should make a positive impact on the drainage issues in this area. The applicant has met with the School District and agreed to assist in the construction of sidewalks north and south of the site. No specific approvals are requested, and the request meets the requirements of the Comprehensive Plan and Land Development Code (LDC).

Discussion took place on the purpose of deleting Stipulation A.5 (sidewalks), letter from the School Board about the lack of sidewalks being a public safety issue, and the County is responsible for sidewalks on County-owned property.

In regards to the sidewalk connection to the south of the site, Mr. Rudacille explained the LDC required the County to construct a sidewalk when the P25 Radio Tower was built. The applicant has agreed to construct the sidewalk as part of the project, but would be reimbursed. The reimbursement was not included in Stipulation A.5, which is the reason for its deletion. There is an existing ditch to the north that extends to the property line and the sidewalk to the north would require the County to obtain a sidewalk easement or right-of-way for the construction of the sidewalk. The applicant has also agreed to construct this portion of the sidewalk subject to being reimbursed with impact fee credits.

 John Barnott, Building and Development Services Director, stated he spoke with Chad Butzow, Interim Director of Public Works, who confirmed the County's willingness to work with the applicant on the construction of the sidewalks.

 There was discussion on the required road improvements on Prospect Road, impact fee credits for dedicated right-of-way, and the flood zone and LOMR (A Letter of Map Revision).

 John Cavoli, engineer for the applicant, stated preliminary review indicates turn lanes would be required for access points and the ditch would need to be culverted. Culverting the ditch would provide additional right-of-way that can be used for turn lanes.

 Clarke Davis, Interim Deputy Director of Traffic Management, reported the eligibility for impact fee credits would be based on the types of required improvements. The site-related improvements (turn lanes) would not be eligible if the developer has to dedicate right-of-way to construct a sidewalk on both sides of the street.

Mr. Cavoli stated the problem with the sidewalk pertains to the existing ditch, and culverting the north section of the ditch is outside of what is typically required in addition to it being private property. The developer is not seeking a LOMR. All the floors would be one-foot above base flood elevations established by the Federal Emergency Management Agency (FEMA), and the required compensation would be based on the Pearce Drain Model. The floodplain compensation area is geared toward mitigating impact within the site. In addition, the County requires the developer to decrease post-development runoff from the pre-development runoff by 50 percent.

Discussion continued regarding a proposed change to the FIRM (Flood Insurance Rate Map) for this site.

Mr. Cavoli reported the site is impacted by the FEMA floodplain (established elevation), and the detailed site-specific Pearce Drain Model, which establishes flood elevations along Pearce Drain.



Jamie Schindewolf, Planner I, utilized a slide presentation to highlight site characteristics, aerial map, future land use map, zoning map, aerial site plan, General Development Plan, positive and negative aspects, and mitigating measures. She confirmed with staff that the applicant would not need to pay into the Housing Trust Fund for demolishing the existing on-site homes. Two open space areas are proposed with one designated for passive recreation with two access points on Prospect Road. The General Development Plan proposes a 20-foot greenway buffer along Prospect Road, 15-foot greenway buffer along the other edges of the project, and sidewalks on both sides of the internal roadways (required because of the project's distance from the school). Typical lot sizes are designed to be 40 feet by 120 feet, with a front setback of 25 feet to front-loading garages, and 20 feet to other design types, side setbacks of five feet, and rear setbacks of 15 feet.



There was discussion on extending the sidewalk beyond the 1,000 feet (LDC Section 1001.6.A.2), Stipulation A.1 addresses potential homeowners being adjacent to industrial, proposed pedestrian connection to the south to the County park (not possible due to a ditch), whether this is a good example of a project that would not have had to go through the planned development process with approval of the LDC Process Improvements (Ordinance 19-03), 40-foot lots, and the Pearce Drain Watershed Study.



Thomas Gerstenberger, Stormwater Engineering Division Manager, reported the property owner to the north has contracted with the developer to purchase the property in order to build the sidewalk. In regards to a connection with the existing sidewalk to the north and the Cottages of Blu Vista, the alignment of the existing sidewalk is behind or west of the roadside swale that runs along Prospect Road. There would need to be additional right-of-way, or a dedicated pedestrian easement for the extension of the sidewalk south towards this development. If the developer proceeds with construction of the sidewalk outside or offsite of the development, the developer and the County would need to enter into a sidewalk agreement for reimbursement. He utilized a slide presentation to discuss the origins of Pearce Drain, and to provide an overview of retention ponds, floodplain mitigation, modern stormwater systems, Centre Lake design history, storm event data from August 26, 2017, Pearce Drain Watershed Study, and Prospect Road Subdivision design.



Discussion proceeded about Centre Lake Subdivision, LOMR for University Village, the forthcoming FEMA maps would have minimal impact or bearing on the floodplain delineation or base floods in this area, RSF-9 (Residential Single-Family, nine dwelling units per acre)

accommodates 40-foot lots but would require a rezone, the proposed LDC Process Improvements should not be a consideration during this matter (Ordinance 19-03), designing stormwater to a standard of eight inches of rainfall within a 24-hour period based upon the 25-year, 24-hour storm event, developments are not designed for consecutive days of rainfall, possibility of releasing the water into the drain at intervals, efforts to improve flooding in the area, possibility of additional flooding in the area with approval of this development, and people should be told that their property is in a flood zone.

Mr. Gerstenberger reported projects cannot adversely impact neighboring properties within a watershed. Flooding in the County could never completely be solved, but it is up to the County to reduce and/or mitigate flooding issues. The engineer of record would use drainage models (pre-development and post-development) to calculate runoff flow rates to ensure that the project would not adversely impact neighbors.

 Glen Gibellina, area resident, commented on thinking outside the box in order to find solutions for flooding in the County, and the need for affordable housing with accessory dwelling units.

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

 Ms. Schindewolf explained the applicant is not planning to eliminate any homes in the County's Affordable Housing Stock, which means replacement homes would not have to be provided or payment made into the Housing Trust Fund (LDC Section 545.4.F.).

Mr. Rudacille did not have closing comments.

 There was discussion on whether other counties have higher standards to protect neighborhoods from flooding.

 Mr. Cavoli spoke on the efforts to combat flooding and storm events. The latest data from the Pearce Drain Watershed Study, which has not been adopted, is being incorporated into the plans for this project.

 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 Servia moved to approve Manatee County Zoning Ordinance PDR-18-13(Z)(G); Approve a Preliminary Site Plan with Stipulations A.1-A.4, B.1-B.9, C.1-C.7, D.1, and E.1; as recommended by the Planning Commission. The motion was seconded by Commissioner Benac and carried 6-0, with Commissioner Bellamy absent. BC20190321DOC004

RECESS/RECONVENE: 3:08 p.m. – 3:18 p.m. All Commissioners were present except Commissioner Bellamy.

3. **ORDINANCE/ZONING**

 A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance PDMU-18-18(P), Taco Bell – Bradenton. This item was continued from March 7, 2019, and the Planning Commission recommended approval with stipulations (2/14/19).

 Commissioners Servia and Whitmore disclosed they purposefully visited the site and the

remaining Commissioners disclosed they drive by the site regularly.

 Ben DeVries, Construction Manager for Taco Bell, made introductory remarks.

 Vasu T. Persaud, traffic consultant for Taco Bell, utilized a slide presentation to review the traffic impact analysis, key points, access locations (right in/right out on 32nd Street East and 33rd Street East), and traffic volumes. This project would provide bicycle racks and crosswalk facilities. The site is located within 350 feet or closer to bus stops on 53rd Avenue East/S.R. 70 (commonly called S.R. 70), and a buffer is proposed between the site and the neighborhood to the north. The applicant investigated the possibility of traffic cutting through the aforementioned neighborhood, but found it would be infrequent because of the conditions of the neighborhood roadways.

 Craig Cornelison, agent for the applicant, displayed an aerial map to point out S.R. 70, 33rd Street East, 32nd Street East, the drive-through location and parking. Since the Planning Commission meeting, the fence along the north perimeter has been upgraded to an eight-foot, rubber-filled polyethylene fence with landscaping on the interior of the fence facing the parking lot (landscape buffer concept displayed).

Randal Cheney, agent for the applicant, reported the dining room would be open until 10:00 p.m. during the week and until 11:00 p.m. on the weekends, first responders and law enforcement frequenting the establishment promotes safety of the facility in conjunction with lighting and outside cameras, the majority of business occurs during lunch hours, and a filter system prevents odor pollution from the restaurant.

Mr. DeVries explained signage would be posted to discourage loitering and noise.

 Discussion took place about cars using the drive aisle to cut through to 32nd Street East, dining room hours (closes at 11:00 p.m.), drive-through typically closes between 1:00 a.m. – 2:00 a.m., the Manatee Avenue West location has not generated any complaints, and did the applicant meet with FDOT (Florida Department of Transportation) and County staff.

Mr. Cornelison confirmed FDOT did not support a right-in/right-out on S.R. 70, but supported access on the side streets (33rd Street East and 32nd Street East).

 Jamie Schindewolf, Planner I, used a slide presentation to review the background, site characteristics and surrounding uses, future land use map, zoning map, site plan orientation, LDC Section 531.16, positive and negative aspects, and mitigating measures. The future land use is R/O/R (Retail/Office/Residential), and the range of potential uses include neighborhood community and regional service commercial uses mixed with medium and high density residential lodging, office, public and semi-public schools, and recreational uses. A restaurant with drive-through facilities is considered to be a neighborhood or community servicing use. The site is zoned PDMU (Planned Development Mixed-Use), which is generally used for groupings of residential commercial, office or industrial uses. The applicant is proposing 25 parking spaces, two bicycle parking spaces and 30 percent open space.

 There was discussion about the landscape buffer concept and placement of landscaping.

 Robert Knable, Environmental Review Manager, stated the eight-foot fence would meet the intent of the LDC and attenuate noise. Pursuant to LDC Section 701.5, the Department

Director may approve alternative screening/landscaping upon determining the plan meets the intent of the standards and meets or exceeds a plan in strict compliance.

Public Comment

 Colleen Manchester-Arguelles, 32nd Street East resident (adjacent property owner), opposed the request, and expressed concern with the fence location (photographs displayed), area traffic conditions and the possibility of customers using 31st Street Court East (customers can make a left turn onto this road from S.R. 70 and circulate through the neighborhood) in order to access the Taco Bell. She did not support the request.

 Stephanie King, 52nd Avenue East resident, expressed concern with the project's impact on traffic (map displayed), condition of the neighborhood roads, the right-in/right-out on S.R. 70 and 32nd Street East, and the applicant's lack of knowledge about the area.

 Glen Gibellina expressed concern with the proximity of the request to the adjacent neighborhood including noise pollution, hours of operations and traffic. He suggested the County Commission deny the request.

 Denise Flessner, former on-site tenant, expressed concern with traffic flow, the safety of area children, and the overflow of drive-through traffic.

 Nancy Coffin, 32nd Street East resident, expressed concern with traffic on S.R. 70, the potential traffic from the request, how another Taco Bell drive-through location is open until 4:00 a.m., and the on-site traffic flow. The site would be best suited for a restaurant with normal business hours.

 Antonio Esteves, 32nd Street East resident, concurred with previous comments. He inquired about the traffic engineer's assessment that there would be low traffic impact and utilization of the on-site driveway, which is on S.R. 70.

 Joe Lubow, area business owner, stated the Taco Bell would be better suited across the street at the former Mobile gas station site at the southwest corner of the intersection of 33rd Street East and S.R. 70.

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

 Discussion took place about the Manatee Avenue location is adjacent to residential and some homes have been converted to offices, PDMU zoning should be complementary to other uses, this request may be detrimental to the safety of the residents and the neighborhood roads are narrow, delivery path for semi-trailer trucks, the traffic plan is flawed but the request is compatible due to the McDonald's on 33rd Street East, improvements to the intersection of 33rd Street and S.R. 70, any restrictions from the site onto 32nd Street East, road improvements for the Central Gardens Subdivision, whether commercial would be allowed on this site, and sound mitigation for a rooftop fan.

 Clarke Davis, Interim Deputy Director of Traffic Management, displayed an aerial map to point out a hypothetical delivery path from 51st Avenue East to 33rd Street East. The access point on 33rd Street East is limited to right-in/right-out and access from S.R. 70 onto 32nd Street East would be limited to right in/right out. He further discussed potential traffic routes to the site. During the review of the traffic study, staff did not find that additional turn lanes

were needed at any of the access points, but staff and the applicant have not worked on the final design of the site. It would make sense to place a concrete separator on 33rd Street East when the access point is introduced to guarantee a right-in/right-out. The Preliminary Site Plan only depicts a connection to 32nd Street East, so it is conceivable that a customer could turn left or right when exiting on the west side of the property (full access). He confirmed the roads in the adjacent subdivision are substandard, and no road improvements are proposed.

Ms. Schindewolf reiterated the FLUC is R/O/R and for commercial uses, the commercial locational criteria would have to meet the use being within 1,500 feet of a commercial node. In this case, S.R. 70 is the reason for the proposed commercial use on this site.

 Mr. Persaud rebutted on how customers would not utilize the neighborhood, because the roads are substandard, the S.R. 70 corridor reflects the character of land use that is consistent with a Taco Bell, headlight glare would be limited due to the fence, and the proposed traffic pattern to/from the site. FDOT did not allow an access on S.R. 70 due to the close proximity to the S.R. 70 and 33rd Street East intersection. He pointed out S.R. 70 generates a lot of noise (60 decibels), because it is a six-lane road and the Taco Bell building could function as a noise buffer.

 Commissioner Trace clarified residents would visit the site if the restaurant is open late.

Mr. DeVries elaborated the trips and traffic congestion would not exist in the early morning hours, and noted the site is surrounded by commercial on all sides.

Mr. Persaud stated the access design could be revised to restrict a left turn into the site and right turn out of the site on 32nd Street East.

Commissioner Whitmore disclosed she looked at the site on Google Earth (during the hearing) and there appears to be a commercial business to north of the site. She suggested stipulations to prohibit semi-trailer truck traffic, set specific hours of operation, and the installation of a speed table in the parking lot area.

Mr. Cheney reported the Taco Bell on S.R. 70 and Braden River Road/63rd Street East would remain open and it closes at 1:00 a.m.

Chairman Jonsson suggested a continuation to allow the applicant time to address concerns from the County Commission.

 Sarah Schenk, Assistant County Attorney, inquired about the upcoming land use hearing dates.

 Margaret Tusing, Public Hearing Section Manager, reported the April 4 agenda is full, but the item could be accommodated on the May 2 agenda.

Chairman Jonsson questioned if a special land use day could be scheduled.

Ms. Schenk stated Commissioner Bellamy is not present and he would need time to review the record in order to vote.

John Barnott, Building and Development Services Director, stated May 2 would be the best date.

 Commissioner Whitmore moved to continue PDMU-18-18(P) to May 2, 2019. The motion was seconded by Commissioner Baugh.

Ms. Schenk explained the public hearing must remain open and advised that the motion include the reopening of the public hearing.

Commissioners Whitmore and Baugh agreed to include reopening the public hearing in the motion.

 Ms. Schenk read the proposed motion for continuance: I move to reopen the public hearing on PDMU-18-18(P), and continue the public hearing to May 2, 2019, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Building, first floor, Patricia M. Glass Chambers.

Commissioners Whitmore and Baugh agreed to the motion as read by Ms. Schenk, and the motion carried 6-0, with Commissioner Bellamy absent. BC20190321DOC005

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

John Barnott, Building and Development Services Director, reported FEMA representatives and Manatee County officials will be holding meetings (4/1-2/19) to answer questions about the new FEMA preliminary Flood Insurance Rate Maps (FIRMs) and elevation requirements that highlight flood risk, which could impact insurance rates for County homeowners.

ADJOURN

There being no further business, Chairman Jonsson adjourned the meeting at 4:45 p.m.

Minutes Approved: _____