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

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

RETIREMENT AWARD

Cheri Coryea, County Administrator, presented the retirement award to Marianne Lopata, Executive Assistant, for her 16 years of service.

Chairman Jonsson called the meeting to order at 1:40 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1. The Invocation was delivered by Pastor Guy Glass, Bethany Baptist Church, followed by the Pledge of Allegiance.

AGENDA

Agenda Update Memorandum:

- Item 7, LDCT-18-05/Ordinance 19-02, Land Development Code (LDC) Text Amendment, Accessory Dwelling Units – Additional public comment emails, and Planning Commission vote and public comment speakers presented
- Item 9, PDC-18-26(Z)(P), Convenience Store and Gas Station at U.S. 301 and Fort Hamer Road/Robert A. Youngblood and Alan P. Youngblood – Planning Commission vote and public comment speakers presented
- Item 10, PDMU-06-80(G)(R3), Lakewood Ranch Commerce Park – Action requested updated to continue the item at the request of the applicant
- Item 11, PDMU-19-05(Z)(G), Springs at Ellenton/IMG Enterprises, Inc. – Additional public comment emails, revised General Development Plan, and Planning Commission vote and public comment speakers presented
- Consent Agenda Add–On Item 13, 44th Avenue Transportation Projects – Request for Services and Resolution R-19-0835 presented for approval/adoPTION
- Commissioner Agenda Add–On Item 14, Moccasin Wallow Road Expansion Project – Recommended motion
2. Item 7, LDCT-18-05/Ordinance 19-02, Land Development Code Text Amendment, Accessory Dwelling Units – 1:30 p.m.

CONSENT AGENDA

13. **FINANCIAL MANAGEMENT/RESOLUTION/44TH AVENUE TRANSPORTATION PROJECTS**  
- Authorized the Financial Advisor to circulate a Request for Services on the County’s behalf to accomplish debt issuance for general government for the construction phase of 44th Avenue related capital projects; and  
- Adopted Resolution 19-085, establishing the County’s intent to reimburse certain capital expenditures with proceeds from tax-exempt financing

**MOTION – CONSENT AGENDA**

A motion was made by Commissioner Trace and seconded by Commissioner Servia, to approve the Consent Agenda.

Citizen Comments (Consent Agenda Item)

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

Sarah Schenk, Assistant County attorney, read an email (6/20/19) from William Clague, Chief Assistant County Attorney, regarding a possible conflict of interest for Commissioner Whitmore on Item 13 (attached to this item).

The motion carried 7-0.

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

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

COMMISSIONER AGENDA

14. **PUBLIC WORKS/MOCCASIN WALLOW ROAD EXPANSION PROJECT**  

Commissioner Trace moved to authorize the County Attorney to prepare an Agreement, for engineering the design of the road widening project for Moccasin Wallow Road, to be brought back to the Board of County Commissioners for approval. The motion was seconded by Commissioner Servia.

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

The motion carried 7-0.

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

4. **ORDINANCE/DRI**

A duly advertised public hearing was opened to consider adoption of proposed Ordinance 19-11, Lakewood Centre DRI 27. This item to be continued by the County Commission to August 1, 2019, and to be re-advertised.

A motion was made by Commissioner Whitmore to continue the public hearing for Ordinance 19-11 to August 1, 2019, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, first floor, Patricia M. Glass Chambers, and to be re-advertised. The motion was seconded by Commissioner Baugh.

There being no public comment, Chairman Jonsson closed public comment.
5. **ORDINANCE/ZONING**

   A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance PDMU-06-30(G)(R5), Lakewood Centre. This Item to be continued by the County Commission to August 1, 2019, and to be re-advertised.

   A motion was made by Commissioner Trace to continue the public hearing for PDMU-06-30(G)(R5) to August 1, 2019, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, first floor, Patricia M. Glass Chambers, and to be re-advertised. The motion was seconded by Commissioner Baugh.

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

6. **ORDINANCE/ZONING**

   A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance PDMU-06-80(G)(R3), Lakewood Ranch Commerce Park. This item to be continued by the County Commission to August 1, 2019.

   A motion was made by Commissioner Trace to continue the public hearing for PDMU-06-80(G)(R3) to August 1, 2019, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, first floor, Patricia M. Glass Chambers, and to be re-advertised. The motion was seconded by Commissioner Bellamy.

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

6. **ORDINANCE/LAND DEVELOPMENT CODE**

   A duly advertised public hearing was held to consider adoption of proposed Land Development Code Text Amendment LDCT-19-01/Ordinance 19-27, Street and Structure Numbering Standards (Addressing). The Planning Commission recommended approval (5/9/19). This is the second of two required public hearings. The first public hearing was held on June 6, 2019.

   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 Land Development Code (LDC), Commissioner Whitmore moved to adopt Ordinance 19-27 (LDCT-19-01), amending the Manatee County LDC, as recommended by the Planning Commission. The motion was seconded by Commissioner Benac.

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

   The motion carried 7-0.
ADVERTISED PUBLIC HEARINGS (Presentation Scheduled)

7. ORDINANCE/LAND DEVELOPMENT CODE

A duly advertised public hearing was opened to consider adoption of proposed Land Development Code Text Amendment LDCT-18-05/Ordinance 19-02, Accessory Dwelling Units. The Planning Commission recommended approval (6/13/19). This is the first of two required public hearings; the second public hearing is scheduled for August 1, 2019.

Joshua Dan, Planner I, utilized a slide presentation to reviewed what staff hoped to accomplish today, what is available today in the County are guest houses, brief history of Accessory Dwelling Units (ADUs), background of the ADU initiative, housing choice in Manatee is limited, summary of work session (12/11/18), work completed, research from Planning staff, ADUs Countywide, parking and access to Public Transit, what is an ADU, the draft ordinance, LDC Section 511.18.A (Intent and Purpose), LDC Section 511.18.B (Development Standards), setbacks and privacy, allowed zoning setback designations, RSF-4.5 zoning setbacks (Residential Single–family, 4.5 dwelling units per acre), a case study (protecting privacy) and a recap of a presentation, next step and public hearing timeline, and outreach meetings list.

Discussion proceeded about whether staff spoke to other residential communities or homeowners’ associations, Planned Development zoned properties are not allowed to have ADUs, the approval process for an ADU would include a stormwater review, Florida Statute Section 163.31771(1) was not referenced in its entirety, because ADUs are not an affordable housing issue, whether historically significant neighborhoods are compatible with ADUs, 1,000 square feet could be a three–bedroom home, this request is not for a zoning change but a re–introduction of use that has historically existed in the County and nationally, ADUs would allow two dwelling units to exist on one lot, matrix of ADU regulations for other agencies (submitted with the agenda update memorandum), some communities limit the number of occupants in ADUs, the County cannot limit short–term rentals or the number of occupants, sewer and water capacity would have to be reviewed with the building permit process, whether stormwater calculations assume the entire lot with the exception of setbacks could be paved, allowance of modular homes, if the Whitfield Overlay District or other subdivisions restrict ADUs via their bylaws, and restricting the size of the ADUs.

Thomas Gerstenberger, Stormwater Engineering Division Manager, stated the review/application process for drainage and grading would be through a building permit and include provisions for floodplain management should the subject property be within the 100–year floodplain. The ADU would need to comply with floodplain management provisions of the LDC.

Upon question, Mr. Dan stated an ADU would not exceed 1,000 square feet or 80 percent of the primary structure, whichever is less (LDC Section 511.18.B, Development Standards).

Commissioner Whitmore stated she would support the unit size being 600-700 square feet, not 1,000 square feet.

John Barnott, Building and Development Services, referenced zoning districts where ADUs are permitted (LDC Section 511.18.A), and noted setbacks would have to comply with the size of the lot.

Discussion continued on why ADUs are not considered dwelling units but would be subject to impact fees, homestead exemptions could address whether the owner would live in the
primary structure or the ADU, ADUs would be subject to Code Enforcement rules, use of tools such as Google Earth and drones, do not what to hinder residents who could benefit from ADUs, and does the County Commission have the authority to exempt communities from the ordinance.

Jeff Bowman, Code Enforcement Chief, stated Code Enforcement does not have the authority to go on private property without permission, and drones are not a tool they can use.

Sarah Schenk, Assistant County Attorney, explained if the County Commission made a motion to exempt certain geographic areas (Whitfield, Bayshore, etc.) including findings to justify the basis for the exemption, then the proposed ordinance would have been revised, the exemptions delineated on the map, another public hearing would have to be held before the Planning Commission and two public hearings before the County Commission. This proposed ordinance did go through legal review and sections of concern were removed. The County cannot require low income housing with the proposed ordinance, and private entities such as homeowners’ or condominium associations are subject to non–discriminatory requirements as the County. LDC Section 403.13.3 allows accessory uses and structures in the Whitfield Residential Overlay District, and banning ADUs could cause some accessory uses to be considered non–conforming.

Mr. Dan pointed out proposed ordinance would strike guest houses from the LDC.

There was discussion on setback restrictions, lack of affordable housing is a nationwide issue, guest houses exist in the Whitfield area (sizes were described by Mr. Dan), Bert Harris claims, and whether Bayshore Gardens has an overlay district.

Mr. Barnott reported there are residents in the Whitfield and Bayshore Gardens communities in favor of ADUs. He suggested allowing the communities to bring forth changes to their bylaws, and the County could waive application fees.

Public Comment

Carole Martin, Whitfield resident, opposed ADUs due to concern with sewer, parking, safety of residents, and Airbnb rentals.

Robert Wise, Whitfield resident, expressed concern with the possibility of uncontrolled rentals if the ordinance is adopted. He pointed out storage container modular homes were advertised in the newspaper and was concerned with the possibility of them being placed in the backyards of residential homes.

Dr. Gerry Norton, Whitfield resident, reiterated and confirmed comments from previous speakers, and noted the definition of single–family dwelling does not include non–family members.

Nancy Pasquale, Whitfield resident, opposed ADUs due to enforcement reasons, and suggested developers create an ADU community.

Suzanna Young, Bayshore Gardens resident, stated the LDC should be reviewed and enforced before the ordinance is adopted. She expressed concern with how ADUs could affect sewer and water capacity, that two units on one parcel could be considered multifamily housing, and the size of ADUs.
Marilyn Kruze expressed concern with traffic (roads are narrow) and flooding in the area, overloading of utilities, and the possibility of an increase in crime.

Michael Holderness, Sarabay Real Estate, inquired about disclosure of ADUs for those wishing to sell their homes and the potential of Airbnb rentals.

RECESS/RECONVENE: 3:20 p.m. – 3:31 p.m. All Commissioners were present.

Michael Mrazlk, Whitfield resident, opposed ADUs, because they would not be advantageous to historical areas, would overload infrastructure (roads and drainage), and construction costs would be too high.

Dan Young, Whitfield resident, suggested the areas of Whitfield and Bayshore be declared historic districts, and requested the County Commission look at the concept of “filtering” for housing.

Leslie Walker, Whitfield Estates resident, agreed with previous speakers and expressed concern with the size of units (should be 600 feet in size) and how parking should be in the rear of homes.

Chris Kotchi, Pearce Canal area resident, opposed ADUs due to incompatibility, the possibility of an increase in flooding, possible decrease in property values, how many homes in her area utilize septic tank systems, and rules for selling a home with an ADU.

Charles Orcutt, Whitfield-Ballentine resident, opposed ADUs due to the possibility of short-term rentals, which would violate the integrity and property value of homes in the neighborhood.

Xavier Colon supported ADUs due to the need for affordable housing.

Marnie Matarese, Whitfield-Ballentine resident, stated she is in favor of affordable housing, but not ADUs in her neighborhood due to short-term rentals, property values, and proximity to Sarasota Bay.

Norm Luppino, Whitfield-Ballentine resident, used a slide presentation to discuss how ADUs can be a successful tool to address affordable housing needs, but not everywhere, examples of ADUs at 400 and 190 square feet, ADUs could create inappropriate application for most suburban-style neighborhoods due to excessive parking in the front yard, size limitation for ADUs being too permissive, examples of potential ADU scenarios, reduced rear-yard setbacks, parking, and how ADUs would be a magnet for investors.

Bill Espy, Whitfield-Ballentine Manor Association President and Whitfield Estates resident, submitted ballots against ADUs. He utilized a slide presentation to discuss general concerns with the ordinance as presented, and asked for the Whitfield area to be exempt from the ordinance.

Susan Krantz, Whitfield resident, opposed ADUs due to adjacent Airbnb rentals, which have caused issues in her neighborhood.
Anita Bell Baxter, Bayshore Gardens resident, opposed ADUs due to previously stated reasons. She suggested the County Commission consider more staff for Code Enforcement and ambulances.

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

Discussion took place about the County Commission approving EMS staff, Ms. Krantz should contact Code Enforcement again, stigma about renters, ADUs and septic tank systems, building a new structure and drainage, a permanent resident has to be homesteaded to have an ADU, a 1,000 square-foot ADU compares to a duplex, and how any ordinance could trigger a Bert Harris claim.

Thomas Gerstenberger, Stormwater Engineering Division Manager, elaborated that septic tank systems are reviewed by the Florida Department of Health (FDOH). An existing septic tank system would have to be analyzed, and any requirements for additional facilities would be reviewed and approved by FDOH, which would be concurrent with the building permit process for an ADU. Upon question, Mr. Gerstenberger confirmed the building of an ADU would have to proceed through the building permit process (drainage/grading plans, drainage patterns identified and subsequent outfall). The applicant would not be able to obtain approval on a building permit if the drainage could not be addressed.

Mr. Dan remarked that a guest house could currently be built one-square-foot less than the primary structure (1,000 square feet within the guided setback requirements). The Whitfield Overlay District describes the minimum floor area for a single-family, detached primary structure at 1,400 square feet whereas all other residential homes have a minimum square footage of 950 square feet. The ordinance, as proposed, would bring long-term guest house rentals into compliance.

Discussion ensued on zoning being about the detail and not how it is implemented, there is a difference between a guest house and an ADU, not supposed to live full-time in a guest house, the “not created prior to subdivision” rule, on-site parking for ADUs, only one accessory unit per lot, not allowing relief on setbacks, being conscientious of where residents purchase their homes, appreciating the process, but it is necessary to protect the established neighborhoods, short-term rentals, flood study with Southwest Florida Water Management District, this ordinance would mainly affect Districts 2 and 4, because the other districts are zoned Planned Development Residential, and Pride Park residents are not represented at this hearing.

Commissioner Servia stated she would like to see the following in order to support the ordinance: a pilot project in a small area, reducing the size of ADUs to be less than 1,000 square feet, parking spaces, the exemption of the Coastal High Hazard Area, and staff seeking input from eligible areas such as Palmetto Point and Palma Sola.

Chairman Jonsson suggested a holding a work session to further discuss concerns.

Ms. Schenk read the proposed motion: I move to take no action on proposed Ordinance 19-02 (LDCT-18-02), and defer the proposed ordinance back to staff and hold a future work session on suggested revisions discussed today.

The motion as read by Ms. Schenk was moved by Commissioner Trace and seconded by Commissioner Whitmore.
Mr. Dan submitted additional public comment emails.

The motion carried 7-0.

RECESS/RECONVENE: 4:40 p.m. - 4:52 p.m. All Commissioners were present.

Chairman Jonsson announced Commissioner Baugh would be leaving and asked if the applicants had been informed.

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)
8. ORDINANCE/ZONING

A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDC-18-21(Z)(P), Sawgrass Storage/FLM, Inc./Frank Agnelli. The Planning Commission recommended approval with stipulations (5/9/19).

Margaret Tusing, Public Hearing Section Manager, read revised Environmental Stipulation B.4, and noted the applicant is in agreement.

Commissioner Whitmore disclosed that Frank Agnelli, applicant, inquired about the agenda. Commissioner Trace visited the property when it was a fish farm, and drives by it regularly.

Scott Rudacille, Attorney for the applicant, stated the request is for a rezone from A/NCO (General Agriculture/North Central Overlay District) to PDC/NCO (Planned Development Commercial/North Central Overlay District) and a Preliminary Site Plan for a self-storage facility.

Rachel Layton, Planner for the applicant, used a slide presentation consisting of a concurrency map, future land use map, zoning map, color site plans for Phases I and II, wetland buffer impacts, to review: (a) the site location (area transitioning from agricultural to non-residential); (b) surrounding developments; (c) future land use and zoning designations; (d) the 206,645-square-foot mini-warehouse on 14.74 acres with a proposed floor area ratio of 0.32; (e) the Sawgrass Road extension as planned along the western boundary of the parcel immediately to east of the subject site for the Parrish Lakes DRI, and on the County's thoroughfare map to connect Moccasin Wallow Road to Erie Road; (f) the project's consistency with the goals, objectives and policies of the Comprehensive Plan; (g) how the change in the zoning designation would be compatible with development trends in the area and the existing surrounding densities/intensities; (h) phase I proposes 89,048 square feet of mini-warehouse with freestanding office and 61 boat and RV storage spaces under canopy (12 single-story buildings, 20 parking spaces, three bicycle racks, and the office and one mini-warehouse would contain restrooms); (i) buffering and setbacks; (j) open space (63 percent or 9.36 acres); (k) the site is within the 100-year floodplain; (l) the site access point on Moccasin Wallow Road with requested wetland buffer impacts; (m) the approved traffic impact statement, which includes a westbound, left-turn lane at the project driveway on Moccasin Wallow Road; (n) phase II would remove the canopied storage area and replace it with a three-story mini-warehouse building of approximately 117,597 square feet with 23 additional parking spaces; (o) that the existing sewer line is 8/10th of a mile away, so the project does not meet all of the tests to bring the sewer line to the project but designing sewer dry lines to Moccasin Wallow Road to connect in the future; (p) specific approval to request the option of making a payment to the County for the cost of the sidewalk in lieu of construction along the northern property line; and (q) how the completed market study reflects a need for mini-warehouses. She concurred with staff report and stipulations.
Discussion proceeded on the location of actual development in the area, whether the Comprehensive Plan allows the establishment of a commercial node when there is no plan to build one of the thoroughfares, owner of the property between the project and the Sawgrass Road extension, first commercial project in this area, requirements for a commercial septic system, purpose of bicycle racks (parking requirement), no dump station for recreational vehicles (RVs), separate loading zones, left- and right-turn lane requirements, reserving right-of-way for future expansion of Moccasin Wallow Road, would the RVs have size limitations, and the width of the driveway at Moccasin Wallow Road.

Mr. Rudacille confirmed Sawgrass Road is part of the Parrish Lakes DRI, on the future thoroughfare plan, and the right-of-way outside of the Parrish Lakes DRI. The applicant would comply with all of the requirements of the Comprehensive Plan for connecting to sewer septic tanks, and the project would produce less than two dwelling units of waste.

Michael Yates, Traffic Engineer for the applicant, reported the left-turn lane would be built when possible and the right-turn lane would be required for Phase II, but the widening of Moccasin Wallow Road would affect timing.

Nathan Kragt, Civil Engineer for the applicant, reported the driveway is proposed to be 24 feet in length.

Jamie Schindewolf, Planner II, utilized a slide presentation to review the site characteristics, the request, future land use map, zoning map, Phases I and II concept plans, specific approval request, LDC Section 531.31, positive and negative aspects, and mitigating measures. The UF-3 FLUC (future land use category) is not solely meant for residential, but also includes neighborhood and community-serving commercial. This is a medium commercial project, which means it needs to be near two functionally-classified collectors or higher at the time of the Certificate of Level of Service (CLOS). The land use operative provisions state that these roads need to be classified as collectors or higher on the adopted roadway functional classification map (Sawgrass Road is listed as a collector road on the Future Traffic Circulation maps 5-C and 5-D). Even though there is uncertainty as to the alignment of Sawgrass Road, it still meets the commercial locational criteria.

There was discussion on the location of the on-site drainage, if there would an allowed maintenance access, this would be another project draining into Buffalo Canal, and justification for constructing the right-turn lane prior to Phase I.

Thomas Gerstenberger, Stormwater Engineering Division Manager, stated the project is located within the Buffalo Canal/Frog Creek Watershed and the predominant drainage patterns are from Moccasin Wallow Road draining south through the project. Staff requested drainage or flowage easements for the one existing drainage system (Stipulation C.4) and the project would be required to reduce the level of runoff rate by 50 percent (Stipulation C.2). The project is located within the 100-year floodplain and in terms of maintenance the County has access to Buffalo Canal through (a) the Manatee Fruit properties via Sawgrass Road from Erie Road to the south, (b) the North Water Reclamation Facility, and (c) from Copperstone Subdivision. Upon question, Mr. Gerstenberger explained the wetlands are along Moccasin Wallow Road in this particular area.

Clarke Davis, Interim Deputy Director of Traffic Management, stated the findings of the traffic impact statement reflect the right-turn lane being built based on traffic at buildout.
Commissioner Benac questioned if mini-warehouses are required to be located at a commercial node.

Ms. Schindewolf restated the following language: the land use operative provisions for medium commercial projects states these projects shall be located within a commercial node at the intersection of at least two roadways functionally classified at time of issuance of a CLOS compliance for the project as collector or higher.

Commissioner Benac questioned if the road is on the future thoroughfare map, would it still be functionally classified as a collector or higher just because there is line on a map that it is a future thoroughfare.

Mr. Davis reported the land use operative provisions are not clear as to whether the road is the existing or future. Transportation policy speaks of the road as being existing, but based on language read by Ms. Schindewolf, it sounds as though the road should be identified as functionally classified thoroughfare on one of the maps.

Commissioner Benac asked the applicant to explain why Moccasin Wallow Road and the Sawgrass Road extension would be a defined as a commercial node since Moccasin Wallow Road does not have access to Sawgrass Road (Comprehensive Plan Policy 210.4.1 was referenced).

Mr. Rudacille stated this is a planning function, and the applicant is looked at future projects and planned roads, and not considering planned roadways may cause residential to be placed in areas planned for a major arterial and collector. The language in the Comprehensive Plan states the road should be functionally classified at the time of CLOS, and the CLOS would be obtained with approval of the request.

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

There were no staff or applicant closing comments.

**Motion – Denial**

A motion was made by Commissioner Trace and seconded by Commissioner Benac to deny the request due to concern with the commercial node.

Deliberations ensued about public safety issues, compliance with Comprehensive Plan, and if the County Commission has questions then the matter should be continued for staff to have discussions.

Ms. Tusing testified that staff’s policy has been that if it is a proposed road on the future network and it meets the collector or higher standard, then it should be utilized.

Commissioner Whitmore stated she would not support the motion on the floor or continuing the matter.

Commissioner Benac pointed staff’s interpretation for the Fort Hamer Road extension and the Trevesta project [PDMU-14-22(P)(R)] was that the road had to be built prior to the commercial use whereas at this hearing it has been stated that the applicant could build the project and obtain a CLOS without ever building the adjacent road (Sawgrass Road).
Sarah Schenk, Assistant County Attorney, inquired if the project would be taking access from Sawgrass Road, which was confirmed as no. She read Comprehensive Plan Policy 2.10.3.1: Require that access to commercial uses be established on at least one roadway classified as a collector or higher and operating at, or better than, the adopted level of service. Access through single family residential neighborhoods shall not be allowed. An exception shall be made for projects on roadways under the State jurisdiction not allowing access from such road, and for projects that are approved with commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher.

Commissioner Benac withdrew her second to the motion to deny because she did not have a justification whereas staff and the applicant are of the opinion that it is consistent with the Comprehensive Plan.

Commissioner Servia would like to discuss staff’s interpretation in the future due to Commissioner Benac’s concern.

Commissioner Trace withdrew her motion and suggested the right–turn lane be constructed.

**Motion – Recommended**

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 approve Manatee County Zoning Ordinance PDC-18-21(Z)(P); Approve a Preliminary Site Plan with Stipulations A.1–A.2, B.1–B.4, C.1–C.5, and D.1; Adopt the Findings for Specific Approval; and Grant Specific Approvals to LDC Section 1001.6.A.1.a (requesting the option of making a payment to the County for the cost of the sidewalk in lieu of construction of a five-foot sidewalk along the northern property line), as recommended by the Planning Commission. The motion was seconded by Commissioner Servia and carried 6-0, with Commissioner Baugh absent.

9. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDC-18-26(Z)(P), Convenience Store and Gas Station at U.S. 301 and Fort Hamer Road/Robert A. Youngblood and Alan P. Youngblood. The Planning Commission recommended approval with stipulations (6/13/19).

Margaret Tusing, Public Hearing Section Manager, submitted a finding of denial for the specific approval request to LDC Section 531.16.B, and a revised recommended motion and zoning ordinance.

Commissioner Trace stated she drives by the site regularly, and she’s familiar with the Youngblood family, but has had no discussions on the request. (Commissioner Whitmore was absent for this portion of the hearing)

Marla Hough, Engineer for RKM Development (Developer), displayed a colored rendering of the site to review the request for a rezone from A-1/NCO (Suburban Agriculture/North Central Overlay District) to PDC/NCO (Planned Development Commercial/North Central Overlay District) for a 4,649–square–foot convenience store with 18 gas pumps and 980–square–foot automated car wash on the northwest corner of U.S. 301 and the future Fort Hamer Road extension. The proposed floor area ratio (FAR) is 0.04 compared to an allowed
FAR of 0.23 (staff report reflects 0.35). The project is located within the NCO, which requires 20 percent open space, and 52 percent of open space is being proposed. The rezone would not adversely affect traffic congestion as the use has 66 percent pass by rate, so only 34 percent of the site trips would be new trips. Although concurrency is being deferred for this stage, a detailed traffic impact analysis has been submitted with the Final Site Plan (FSP). The developer has executed an at-risk form accepting the risk of undertaking the FSP process concurrent with the rezone application.

Three specific approvals to the LDC are being requested: (a) Section 531.10.D., reduction of the setback from 35 to 25 feet along the west property line near the automated car wash. The existing adjacent zoning to the west is A-1 and contains a single-family residential structure approximately 232 feet of the property line. A Google Earth aerial map displayed depicting multiple structures and vehicles on the site to the west; (b) Section 531.16.A., reduction of the setback from 30 to 24.5 feet for the drive-through/cueing lane near the west property line; and (c) Section 531.16.B., allowance of the required landscaping to be placed inside of the required six-foot fence for the automated car wash due to maintenance.

She displayed photographs of the on-site vegetation including mature Oak trees along the west property line. Preservation of the Oak trees would provide a better buffer, both from a visual and noise perspective, than newly planted trees with the fence placed inside the plantings. The FSP landscape plans propose to preserve most of the existing trees along the west property line. Ms. Hough agreed with the stipulations and staff report, but disagreed with staff’s denial of the specific approval request for LDC Section 531.16.B.

Sarah Schenk, Assistant County Attorney, inquired (a) if the applicant had an objection to only six Commissioners being present, and (b) if Commissioner Whitmore had any ex-parte communications.

Ms. Hough did not have an objection to only six Commissioners being present, and Commissioner Whitmore did not disclose any ex-parte communications.

Discussion took place on access points (right-in/right-out on U.S. 301 and Fort Hamer Road), a left-turn would not be permitted from the site onto Fort Hamer Road, the requirement for the six-foot-high fence was triggered by the car wash, the purpose of the landscaping outside of the fence is to screen the fence from the adjacent property owner, and whether staff could work with the developer on preserving trees to serve as the required buffering instead of a fence.

Ms. Tusing read LDC Section 531.16, Drive-Through Establishments: The following standards shall apply to all drive-through facilities, including but not limited to restaurants, banks, drug stores, car washes, and dry cleaners.
A. All vehicular stacking areas associated with drive through facilities shall be set back at least thirty (30) feet from adjacent residential zoning/uses.
B. Drive through drive aisles shall be screened from adjacent residential zoning/uses by a six (6) foot solid fence and landscaping equal to sixty (60) percent opacity on the outside of the fence.

Ms. Hough displayed a tree plan to discuss the location of the Oak trees and confirmed the FSP is currently under review.
Ms. Schenk advised that staff cannot bring forward the Final Site Plan to the County Commission as justification for recommending denial, and the applicant cannot submit the FSP as justification for approval.

Commissioner Benac inquired if the developer would be willing to agree with a requirement for a hedge and trees with no fence. Ms. Hough stated she would be in agreement if it is stipulated.

Dorothy Rainey, Senior Planner, used as slide presentation to review the request, FLUC, zoning map, site information, aerial map of the site, surrounding uses, site photographs, site plan and information, specific approval requests, positive and negative aspects, and mitigating measures. She displayed an excerpt of the preliminary site plan in which she highlighted the west property line in red and the area that is required to be screened for the drive-through in blue. It was pointed out that not erecting a fence does not preclude tree preservation.

Discussion proceeded on the adjacent site being located within the commercial node, if the future construction of Fort Hamer Road is within a five-year plan, and cross-access connection.

Clarke Davis, Interim Deputy Director of Traffic Management, reported this portion (Segment C) of the future Fort Hamer Road extension is in the design and acquisition phase, and construction could start in 2020 (construction is fully funded). There is a policy that promotes cross-access, but he was unsure if there is a policy that strictly requires it.

Commissioner Benac suggested the developer erect the fence with a hedge on the outside and plant a buffer, which concurs with staff’s recommendation.

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

Ms. Hough stated that she could save the trees.

Commissioner Benac inquired if staff had any flexibility at the FSP stage to save trees and work around the hedge/fence.

Robert Knable, Planning Section Manager, stated there are no guarantees that the trees could be saved.

Discussion ensued.

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 Benac moved to approve Manatee County Zoning Ordinance PDC-18-26(Z)(P); approval of a Preliminary Site Plan with Stipulations A.1-A.4, B.1, C.1-C.2, and D.1; Adopt the Findings for Specific Approval; and Grant Specific Approval for an alternative to LDC Sections: (1) 531.10.D. (allow a reduction to setback for car wash building from 35 feet to 25 feet); and (2) 531.16.A. (allow a reduction to setback for vehicular stacking lane for drive-through facility of car wash from 30 feet to 24.5 feet); Deny Specific Approval for an alternative to LDC Section 531.16.B. (allow placement of landscaping material to be placed inside of the required
six-foot-high fence); and as recommended by staff. The motion was seconded by Commissioner Servia and carried 6-0, with Commissioner Baugh absent.

RECESS/RECONVENE: 6:20 p.m. - 6:25 p.m. All Commissioners were present except Commissioners Baugh and Benac.

11. ORDINANCE/ZONING

A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-19-05(Z)(G), Springs at Ellenton/IMG Enterprises, Inc./Continental 487 Fund LLC. The Planning Commission recommended approval with stipulations (6/13/19).

Rachel Layton, Planner for the applicant, utilized a slide presentation to review the aerial map, future land use map, zoning map, General Development Plan, and surrounding developments. The site is located at the southwest corner of 60th Avenue East and 29th Street East on 37.17 acres. The surrounding uses were highlighted including the movie theatre and hotel [approved 12/6/18, PDMU-16-13(G)(R)] to the south of the site and residential developments. Along the western boundary of the site is a small wetland, and Government Hammock Tributary, which separates the property from the Ellenton Premium Outlet Mall (Outlet Mall) and the lot to the south. The site lacks native habitat and impacts to the wetland and tributary are not proposed.

The property has two future land use designations of Mixed-Use (MU) on the southwest corner of the property (10.91 acres), and the remainder of the property (26.26 acres) is RES-6 (Residential, six dwelling units per acre). A maximum of 404 dwelling units are allowed for the residential parcel and 292 multifamily dwelling units (23.75 acres) are proposed. The commercial portion is located within the RES-6 FLUC, and the site meets the commercial locational criteria and intensity limitations. The Comprehensive Plan limits the non-residential development to 150,000 square feet. The current zoning district is A-1 (Suburban Agricultural) on 6.88 acres and Planned Development Mixed-Use (PDMU) on 30.29 acres (6.88 acres are proposed to be rezoned from A-1 to PDMU). The application includes a Schedule of Uses (Exhibit B) and at the time of Final Site Plan, engineering design would meet the LDC regulations and a master lift station would be provided for the area. The project has one specific approval request to reduce parking from two spaces to 1.76 spaces per unit. A parking study of other Continental Properties was provided, and a neighborhood meeting was held. The applicant has received comments from citizens who expressed concern with 60th Avenue East, not the project design.

The main entrance is located on 60th Avenue East with an 84-foot right-of-way to connect the residential and commercial parcels to 60th Avenue East. The second entrance is proposed on 29th Street East with a 50-foot internal right-of-way for north-south connection.
An emergency access would be provided to the residential project. Sidewalks are being provided throughout the project for walkability and a potential pedestrian connection (under negotiations) to the Outlet Mall is proposed. The movie theatre and hotel were approved with the understanding that road improvements are programmed for 60th Avenue East and the same conditions and timing would apply to this project. The request is consistent with the Comprehensive Plan and LDC.

Aaron Konop, applicant, continued the slide presentation to discuss the residential aspects with a site plan, and building elevations/renderings. All of the residential buildings (11 in total) are proposed to be two–stories with four–sided architecture. Each tenant would have direct access to their unit.

Michael Yates, traffic engineer for the applicant, displayed trip generation tables to discuss the trip generation figures for the request. Improvements to 60th Avenue East are funded as designated in the Capital Improvement Plan (CIP). An exhibit of 60th Avenue East was displayed as Mr. Yates pointed out U.S. 301 and the proposed roundabout at 25th Street East/Factory Shops Boulevard and 60th Avenue East. On 60th Avenue East, there would be six lanes from U.S. 301 to the roundabout and four lanes through the traffic circle north to 26th Street East (entrance of Bougainvillea Place). The applicant is proposing a northbound left–turn lane and a southbound right–turn lane into the project.

Discussion ensued about access points on 60th Avenue and 29th Street East, pedestrian access to the Outlet Mall, left–turn lane from the site to 60th Avenue instead of 29th Street East, concurrency would be addressed with Final Site Plan approval, applicant is aware that turn lanes are necessary, sidewalk link on 60th Avenue, whether or not there are sidewalks on 29th Street East, whether this site is appropriate for commercial considering 29th Street East is not a thoroughfare road (it is a collector road), and Comprehensive Plan Policy 210.4.1 regarding commercial nodes.

Jamie Schindewolf, Planner II, used a slide presentation to review the aerial map, the request, future land use map, zoning map, site plan, specific approval request to LDC Section 1005.3.A, positive and negative aspects, and mitigating measures. Staff reviewed the overall area and agreed with the applicant that the request makes sense as a MU project, because the overall area is zoned PDMU and it would balance the residential uses.

Commissioner Trace sought information on improvements to 60th Avenue East.

Clarke Davis, Interim Deputy Director of Traffic Management, elucidated three projects for 60th Avenue East were included on the County’s Infrastructure Sales Tax project list: (a) U.S. 301 to 25th Street East/Factory Shops Boulevard; (b) 25th Street East/Factory Shops Boulevard and 60th Avenue East; and (c) 25th Street East/Factory Shops Boulevard to Mendoza Road. A project in the CIP combines the three projects into one from U.S. 301 to 29th Street East. Mr. Davis displayed the roadway plan for 60th Avenue East to describe the current condition (number of lines, traffic patterns, and pavement width) and preliminary concept design plans (proper lanes with turn lanes and roundabout at 25th Street East/Factory Shops Boulevard) of 60th Avenue East. The roundabout is a recommended alternative, but an operational analysis is still needed for this intersection, and cooperation of land owners to the east of 60th Avenue East is necessary since their access would be reconfigured. The combined CIP project does includes functional improvements for 60th Avenue East north of 26th Street East to Mendoza Road. The County would like to also construct the future connection of Buffalo Road (aka 60th Avenue East north of Mendoza Road) through a previously developed project.
[PDMU-11-08(Z)G, Trees Direct LLC], across the Florida Power and Light railroad to the Trevesta development (the developer is building a portion of Buffalo Road).

Upon question, Mr. Davis reported the improvement costs on 60th Avenue East from U.S. 301 to 29th Street East would be approximately $14-15 million, and construction may not begin for 18 months.

Discussion proceeded on whether the improvements to 60th Avenue East includes fixing the deficiency at 20th Court East, any improvements for 29th Street East, Table 5-1 of the Comprehensive Plan, and how a commercial node is not appropriate for every commercial location (Comprehensive Plan Policy 2.10.4.1)

Mr. Davis noted 29th Street East is shown on the thoroughfare plan as a two–lane, collector road with an 84–foot right–of–way. The plan calls for additional lanes, but there are no programmed improvements or extension west to I-75.

Ms. Schindewolf read Comprehensive Plan Policy 2.10.4.1. – Limit the location of all new commercial development to well-defined nodes, or compact groupings, to:

- Provide a reasonable compromise of predictable, yet flexible, commercial locations for all residents and business interests in Manatee County.
- Increase safety and maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development and the multiple access points which are likely to accompany such linear commercial development.
- Facilitate compliance with the commercial project access criteria contained in Objective 2.10.3.
- Maximize the accessibility and viability of commercial development by using location and grouping to maximize the number of trips to the commercial site.
- Establish conveniently located commercial uses for residents of Manatee County.

Commissioner Benac stated if this commercial use is approved then commercial on 60th Avenue East would stretch from 29th Street East to U.S. 301.

Ms. Schindewolf explicated that any project with a MU FLUC is no longer subject to commercial locational criteria.

Commissioner Benac stated the apartments would be an appropriate use in PDMU, but the commercial node does not make sense at this location given the lack of commercial on 60th Avenue East and 29th Street East.

There was discussion on the project’s influence on traffic in the area, location of the roundabout, 29th Street East still has drainage ditches, whether the project would commence prior to the road improvements, the need for certain types of commercial uses to keep cars off the road, and parking reduction affecting guest parking.

Mr. Grimes stated the required parking spaces create excess parking spaces.

Discussion ensued on access and commercial uses in the former Kmart plaza (North River Village Shopping Center).

During Public Comment, area residents Andy Branco, John Williamson, Kay McFarland, Thomas Jomisko, Peter Kriegel, Chuck Gregory, and Howard Fletcher expressed concern with
current and future traffic conditions on 60th Avenue East due to the proposed project, the movie theatre and hotel, and residents from other developments seeking to avoid U.S. 301. It was suggested that 60th Avenue East be improved to four lanes from U.S. 301 to Mendoza Road, direct access be created from the Outlet Mall to I-75, and the County Commission delaying a decision on this matter until traffic concerns are addressed.

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

Mr. Davis clarified the left-turn lane on 60th Avenue onto 20th Court East would remain to allow access to The WingHouse of Ellenton and Wendy’s.

Commissioner Whitmore addressed comments from citizens.

Mr. Grimes reported sidewalks do exist along 60th Avenue East. He rebutted on the functionality of roundabouts, strip commercial development, project construction schedule (first building to be built in 18 months), the project would not generate a lot of traffic on 29th Street East, current zoning districts for the site would generate more trips than what is being proposed, and a concurrency study has be completed

Discussion proceeded on how 60th Avenue East is a road that more and more residents utilize to get to I-75, and the apartments would be an asset to future employees at Florida International Tradeport.

Motion – Continue to Deny
Commissioner Trace moved to continue this item and not approve. The motion was seconded by Commissioner Benac.

Sarah Schenk, Assistant County Attorney, revised the recommended motion to state: Motion to continue the Board’s deliberations on PDMU-19-05(Z)(G), and direct staff and the County Attorney’s to come back with findings to support denial of the rezone application PDMU-19-05(Z)(G) and General Development Plan on August 1, 2019.

Mr. Grimes stated there is case law against holding an applicant responsible for current traffic problems.

Commissioner Benac stated she would not deny the request outright, because MU does allow a range of uses, but 29th Street East is not compatible with the commercial use. The request is incompatible with the Comprehensive Plan, which requires commercial nodes.

Mr. Grimes explained the applicant was amendable to continuing the matter in order to address the commercial aspect.

Deliberations ensued.

Ms. Schenk inquired if the applicant is seeking a continuation for the whole project in order to bring back a revised General Development Plan with the commercial portion modified, because planned development cannot be partially approved. She advised keeping the public hearing open in order to hear any possible new evidence.

Mr. Grimes confirmed a continuation would be desired in order to address concerns.
John Barnott, Building and Development Services Director, suggested continuing this matter to August 22, 2019, due to a full agenda on August 1, 2019.

Commissioner Trace expressed concern with traffic.

Ms. Schenk restated her motion.

Commissioner Benac withdrew her second.

Ms. Schenk stated there is no motion on the floor without a seconder.

**Motion – Continue**

Commissioner Servia moved to continue the matter to August 22, 2019, and for the public hearing to remain open for a 1:30 p.m. time certain. The motion was seconded by Commissioner Bellamy.

Mr. Barnott suggested adding to the motion “or as soon thereafter”.

The motion carried 5-1, with Commissioner Trace voting nay and Commissioner Baugh absent. (Note: The applicant subsequently withdrew this request (Version 2), and submitted a revised application (Version 3) with the same project number scheduled to be heard by the Planning Commission on 8/8/19, and the County Commission on 8/22/19)

12. **ORDINANCE/LAND DEVELOPMENT CODE**

A duly advertised public hearing was held to consider the request to hold a second public hearing prior to 5:00 p.m., for Land Development Code Text Amendment LDCT-18-05/Ordinance 19-02, Accessory Dwelling Units.

Sarah Schenk, Assistant County Attorney, stated the County Commission decided not to take action on Item 7, Ordinance 19-02 (LDCT-18-05), so a second public hearing cannot take place on August 1, 2019.

**MOCCASIN WALLOW ROAD**

Pat Neal, Neal Communities, announced a presentation to consider placing Moccasin Wallow Road in the CIP would be scheduled for an upcoming hearing (handout submitted).

**ADJOURN**

There being no further business, Chairman Jonsson adjourned the meeting at 8:20 p.m.

Minutes Approved: _________________