

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
October 3, 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
Reggie Bellamy
Priscilla Whisenant Trace

Absent was:

Vanessa Baugh

Also present were:

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 9:00 a.m.

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

AGENDA

BC20191003DOC001

Agenda Update Memorandum 

BC20191003DOC002

- Item 4, PA-19-02/Ordinance 19-21, Our Lives/Parrish Land Investments LLC – Additional public comment emails submitted

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

 Kathy Whitlow expressed concern with sexual predators living in nursing homes. Nursing homes are not required to inform residents and/or family members about the status of registered sexual predators living on the premises.

BC20191003DOC003

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

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

3. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDC-18-19(Z)(G), SaraBay Development/DBM Marina Development. The Planning Commission recommended approval with stipulations (9/12/19).

No ex-parte communications were disclosed.

 Rossina Leider, Principal Planner, submitted a public comment email from Bill Espy,

BC MB FY 19-20/1

President of the Whitfield-Ballentine Manor Association, expressing concern with vehicle repair (major and community serving) as an allowed uses for the site, and how the maximum proposed height of 34 feet is too high where the site abuts existing or future residential uses.

 RoseMarie Fusco, agent for the property owner, utilized a slide presentation to review the property data, future land use map (approved 6/6/19), rezoning application summary, existing zoning, summary for the proposed zoning application, a summary of the Comprehensive Plan consistency, details of the General Development Plan, community meetings and summary of comments from the Planning Commission. The site consists of 8.81 acres located at 7045 N. Tamiami Trail. In 2018, the applicant submitted applications for a Comprehensive Plan amendment and a rezone, which were revised following the hearing on February 7, 2019. This request seeks to rezone 4.37 acres, which is the western portion of the 8.81-acre site, from PDO (Planned Development Office, 3.79 acres) and RSF-3 (Residential Single-Family, three dwelling units per acre, 0.58 acres) to PDC (Planned Development Commercial). Any buildings would be designed to be located approximately 150 feet from U.S. 41, 100 feet from Jungle Way, and 50 feet from both the east and south borders. The General Development Plan has to be revisited during the Preliminary/Final Site plan stage and details would have to be reviewed by staff.

Based on the concerns expressed in the email from Mr. Espy, Ms. Fusco reported the proposed buildings would be built within 50 feet of Jungle Way, and the approved height in the Land Development Code (LDC) for single-family homes is 34 feet (two stories). The maximum height for the RDD—4.5 (Residential Duplex, 4.5 dwelling units per acre) zoning district is three stories. The Schedule of Permitted and Prohibited Uses (Exhibit B) was voluntarily proffered and matches the uses for the PDC zoning district; however, uses considered inappropriate within the Coastal Evacuation Area and Coastal High Hazard Overlays were removed. If a use such as vehicle repair required noise attenuation, LDC Section 403 addresses mitigation for noise attenuation in overlay districts.

 Commissioner Servia asked if the applicant supported the changes as suggested by Mr. Espy.

Ms. Fusco pointed out the General Development Plan supports the changes without having to revise the request since the buildings would not be constructed above 34 feet in height within 50 feet of Jungle Way, and vehicle repair is not an intended use.

Discussion ensued on whether the applicant would consider removing major and community serving vehicle repair from the Schedule of Proposed and Permitted Uses, the LDC limits height to 35 feet in standard zoning districts (two or three stories depending on construction), and whether the applicant is proposing a buffer to ensure the building height would be limited to no more than 20 feet within 50 feet of Jungle Way.

Ms. Fusco explained the buffer is proposed for 20 feet and the setback exceeds 20 feet. She reiterated the buildings are being proposed for 34 feet in height within 50 feet of Jungle Way.

Commissioner Servia inquired if the applicant would be willing to limit any structures to 20 feet in height within 50 feet of Jungle Way.

Ms. Fusco did not agree to the height limitation, but stated the applicant might be willing to adjust the Schedule of Proposed and Permitted Uses to remove the major and community serving vehicle repair. Upon further questioning, she stated she would provide an answer later in the hearing about limiting the building heights.

Discussion continued on how at the previous hearings the neighbors supported commercial uses on the 4.37 acres and residential on the remaining acreage (eastern portion), the proposed building height would correlate with the heights in the neighborhood, anyone could have bought this property for preservation, the trend along U.S. 41 has been commercial at a depth of 300 feet, the houses along Magellan Drive and Jungle Way could be replaced with houses built to meet floodplain standards and could exceed 35 feet in height, maximum building height for residential in this area is 35 feet, if the applicant owns the remaining acreage (currently not planned for development), it would be great if the applicant proffered a stipulation limiting no major and community serving vehicle repair, the County Commission must consider compatibility in contemplating a planned development project, which includes building height and noise, Jungle Way is a very narrow road that has paved and unpaved sections, the homes between Magellan Drive and Jungle Way are single-story and are approximately 15 feet in height, would like Ms. Leider to address compatibility, building heights and noise during her presentation, a project in the floodway or floodplain would not be measured from where the first floor begins, but at the grade, the RaceTrac Gas Station, a duplex and the nearby hotel are above one story in height, the existing right-of-way is 50 feet on Jungle Way, the proposed roadway buffer width is 20 feet, the stormwater facility would be designed to fit within the roadway buffer, the County Commission cannot stipulate a building height limitation unless there is a real reason for it, whether the building setback line as reflected on the General Development Plan would be respected by the applicant, the stormwater facility has not been designed and could be relocated by the Final Site Plan stage, Jungle Way does not have 50 feet of consistent right-of-way, whether there is 50 feet of right-of-way for the entire frontage of the property, and the desire to protect the existing residential neighborhood from tall, overbearing structures.

Ms. Fusco noted if the property was sold and the new property owner wanted to construct a building closer to Jungle Way, a revised plan would be required.



Ms. Leider concurred with the applicant's presentation and reported the site was approved for a Comprehensive Plan amendment to allow the R/O/R (Retail/Office/Residential) Future Land Use Category (FLUC) with a limit of 24 dwelling units and 66,325 square feet of non-residential uses. She used a slide presentation to highlight the future land use map, zoning map, General Development Plan details including buffers, positive and negative aspects, and mitigation factors. The project is not in within the Evers Watershed area (reflected as such in the slide presentation). The northern building is proposed to be located more than one hundred feet from the property line on Jungle Way. According to LDC Section 324.2.A.6., Administrative Approval, if a building is moved more than ten percent in any direction, the applicant would be required to obtain approval from the County Commission.

She displayed the staff report aerial map to discuss homes adjacent to the site. The home to the southeast of the property is zoned RDD-4.5 and allows building heights at three stories, but the applicant is only seeking two stories (34 feet). The homes to the northeast of the site located between Magellan Drive and Jungle Way are zoned RDD-4.5 and RSF-3. The applicant is seeking to rezone to the RSF-3 zoning district, because buildings at two stories in height are allowed. She confirmed that the residents between Magellan Drive and Jungle Way could be redeveloped with homes built at 35 feet, and under the RDD-4.5 zoning district, homes could be built at 45 feet. The proposed request is comparable with the dynamics along U.S. 41 and surrounding uses, and there are mitigation measures to protect the effected neighbors. The application acreage has been reduced to protect the residents to the east, and no specific approvals are being requested. At Final Site Plan stage, the applicant must comply with the applicable regulations of the LDC related to vehicle sales and rental/leasing

that requires noise attenuation. Staff can request, at Final Site Plan stage, additional attenuation if deemed necessary, and the regulations for the Whitfield Overlay are not applicable for commercial uses. The Sarasota Manatee Airport Authority agreed that the proposed height and additional elevation (base flood elevation is 11.5 feet) would not pose risks for air traffic. She explained the stormwater facility could be relocated, but with Planned Development (PD) the applicant would have to conform to the General Development Plan.

BC20191003DOC004

Upon question, Ms. Leider explained during Final Site Plan stage, staff could ask for minimum changes if staff feels another use could affect one of the neighboring homes.

There was a discussion on why the applicant is seeking to rezone to the PDC zoning district, and the General Development Plan depicts a building setback line, which may be different than the proposed 35-foot setback.

Ms. Leider reiterated that if the building is moved more than ten percent than what is reflected on the General Development Plan, the change would have to be approved by the County Commission.

 Margaret Tusing, Planning Manager, stated staff looks at LDC Section 324.2, Approval Authority, to determine whether or not they can make a change administratively or if the change has to be approved by the County Commission. She clarified the ten percent rule is related to square footage; however, there are criteria in which the applicant has to respond to, and if they exceed at least one criteria, then the change must be heard by the County Commission. The General Development Plan depicts two structures that must stay within the 50 feet either direction of the property boundary lines.

Commissioner Servia stated the note on the General Development Plan reflects a 35-foot setback for Jungle Way and the buildings are shown without dimensions. She sought clarification on whether the setback is 35 feet or if the setback would be scaled from the building shown on the General Development Plan.

Ms. Fusco stated the buildings and setbacks would be followed in accordance with the LDC requirements. If the buildings are moved, the applicant would have to proceed through the public hearing process again.

Discussion continued on whether the buildings would be representative of outdoor boat storage structures, if the 15-foot roadway buffer is included with the General Development Plan approval, if there is a LDC requirement to have an opaque fence with a screening buffer, Ordinance 19-03 changed the maximum building height to be based on stories instead of feet (LDC Section 401.5, Building Height Compatibility), and boat sales is an allowable use for the site.

Ms. Fusco stated the roadway buffers as proposed are in compliance with LDC Section 402, PD Districts: 30 feet along U.S. 41, 35 feet along Jungle Way and Magellan Drive, 15 feet to the east, and 15 feet to the south. The applicant is proposing 15-foot buffers with an opaque fence on Jungle Way, but on the north side of Jungle Way the buffer is proposed for 20 feet. The language in the request would include the placement of the stormwater facility.

Commissioner Whitmore requested Ms. Leider state on the record her professional opinion on this matter.

Ms. Leider explained the request is compatible with the uses along U.S. 41 and the site is within the urban corridor. This is not the first case where residential would be adjacent to commercial uses, and the LDC has mitigation measures to combat any potential future issues.

 Discussion ensued about building heights, the allowed maximums in the LDC do not have to be permitted, cannot envision building heights at 35 feet on Jungle Way, ensuring the request is compatible with the surrounding uses, the site being in the urban corridor, and Coastal High Hazard Area does not preclude the request from having height.

Ms. Leider noted the PDC zoning district does not establish a maximum building height, and LDC Section 401.5, Building Height Compatibility, states a development with three stories or more has to provide an additional building setback of 20 feet and a six-foot solid fence. The applicant is proposing two-story buildings with the request.

 Ms. Tusing acknowledged that staff uses the standard zoning district that would be equivalent to a PDC, which in this case would be General Commercial (GC). GC allows up to four or six stories, which can be obtained by a special permit or through PD. The applicant is seeking to rezone to PDC, because the site is adjacent to the Whitfield neighborhood, and the request complies with the minimum standards in the LDC. If there is concern with the minimum standards in the LDC, then this should be addressed through a text amendment.

Ms. Fusco elucidated that the PDC zoning district was the best choice, because it allows the placement of buildings and the opportunity for the applicant to present a plan.

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

Ms. Leider did not have closing comments.

 During rebuttal, Ms. Fusco reported the General Development Plan establishes the placement of the buildings, and if the placement is changed, then the revisions would be subjected to the process outlined in the LDC. She noted the applicant is willing to remove major vehicle repair from the Schedule of Permitted and Prohibited Uses.

 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-18-19(Z)(G); Approve a General Development Plan with Stipulations A.1-A.9 (A.2 as revised at the hearing to include removing major vehicle repair from the Schedule of Permitted and Prohibited Uses), B.1-B.3, C.1-C.3, and D.1-D.2, as recommended by the Planning Commission. The motion was seconded by Commissioner Benac.

 Commissioner Servia sought clarification on the building setback (35 feet or unknown dimension), and stated that she would not support the motion.

 Ms. Fusco pointed out the building setback is 100 feet, which would have to be added to the General Development Plan.

Commissioner Servia inquired if it should be stipulated that the building setback is 100 feet from Jungle Way.

Commissioner Benac stated 50 feet from the north property line would be more than appropriate.

Commissioner Whitmore stated she would not change her motion to reflect the 50-foot building setback.

Ms. Tusing requested a recess.

RECESS/RECONVENE: 10:23 a.m. – 10:31 a.m. All Commissioners were present except Commissioner Baugh.

 Ms. Tusing reported the applicant would be making a revision to the General Development Plan (page 2 of 2) to reflect adjacent to Jungle Way the minimum setback would be 50 feet, and major and community serving vehicle repair uses would be removed from the Schedule of Permitted and Proposed Uses. Stipulation A.8 reflects that the roadway buffers along U.S. 41 and Jungle way would be 15 feet wide.

Commissioners Whitmore and Benac agreed that the motion should reflect the changes as stated by Ms. Tusing.

 Ms. Fusco confirmed the setback and buffer is stipulated and the applicant would be removing major and community serving vehicle repair uses from the Schedule and Permitted and Proposed Uses and the General Development Plan would be revised to reflect 50 feet from Jungle Way.

Commissioner Servia stated she would not support the motion, because the proposed building height is incompatible with Jungle Way.

Motion – Call the Question

A motion to call the question was made by Commissioner Trace, seconded by Commissioner Bellamy and failed by a vote of 2-4, with Commissioners Bellamy, Benac, Servia, and Whitmore voting nay in order to hear comments from Commissioner Benac.

Commissioner Benac stated if a building is not within 50 feet of Jungle Way, then the maximum height would be zero within 50 feet of Jungle Way, which would meet the request of the neighborhood.

Commissioner Servia explained the applicant is proposing the building setback to be 50 feet, and not buildings within 50 feet.

Ms. Fusco confirmed the building setback is being proposed for 50 feet.

Commissioner Servia pointed out the building height is proposed for 34 feet at the 50-foot line, which is why she cannot support the motion.

The Clerk read the proposed motion on the floor.

Motion – Carried

The motion carried 5-1, with Commissioner Servia voting nay and Commissioner Baugh absent.

BC20191003DOC005

4. **ORDINANCE/COMPREHENSIVE PLAN**

 A duly advertised public hearing was held to consider transmittal of proposed Comprehensive Plan Large Scale Map and Text Amendment PA-19-02/Ordinance 19-21, Our Lives/Parrish Land Investments LLC. The Planning Commission recommended transmittal (9/12/19).

 Darenda Marvin, Planner for Pearl Homes (developer), stated Marshall Gobuty, President of Pearl Homes, was unable to attend the hearing due to a schedule conflict. She made use of a slide presentation to review the details of the request, the aerial map, challenge in adopting a Comprehensive Plan amendment, the Mixed-Use (MU) FLUC, developed lands, change in circumstances, road network for the area, MU designated lands, and limiting the geographic location of industrial uses to the eastern 1,000 square feet of the property.

Under the RES-3 (Residential, three dwelling units per acre) and the RES-6 (Residential, six dwelling units per acre) FLUCs, the site could be developed with a maximum of 720 dwelling units with limited commercial uses. The MU FLUC is not prevalent throughout the County, because it has been designated for large projects or around I-75 due to the allowance of higher density and intensity. As a policy decision, the County Commission must determine if the proposed map amendment is compatible with the development trends in the area, and the surrounding uses and densities. The property is currently zoned PDR (Planned Development Residential) and the developer has submitted a zoning application for a General Development Plan for 720 dwelling units with a mixture of single-family and multifamily. The introduction of non-residential uses would cause limitations at the intersection of Ellenton-Gillette Road/36th Avenue East and 29th Street East because of wetlands.

A neighborhood meeting would be scheduled between the adoption hearings for the Comprehensive Plan amendment and the zoning hearings in order to show the neighbors the proposed plan. If the amendment is transmitted it would be reviewed by several agencies including the Florida Division of Historical Resources, and any comments would be addressed between the transmittal and adoption hearings. When the property is developed, a Cultural Resource Assessment Survey may have to be conducted prior to obtaining permits, since there is the likelihood of cultural resources on-site.

 Discussion took place on how the amendment is seeking the most intensive FLUC in an area with limited infrastructure, and cannot have internally located commercial development for a property of this size that could be solely utilized by the residents.

 Margaret Tusing, Planning Manager, read a portion of language from Comprehensive Plan Policy 2.2.1.21.1, Intent for MU – Proposed Future Land Use Designation: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Map, areas which are established as major centers of suburban/urban activity and are limited to areas with a high level of public facility availability along functionally classified roads.

 Ms. Marvin stated it is difficult to evaluate a Comprehensive Plan amendment without the full picture, and staff has an advantage because of reviewing the pending zoning application and General Development Plan. This amendment is a reaction to the Florida International Tradeport (FIT) fka Ellenton Commerce Park, which is the MU project to the east with the purported 800 employees. The transportation network within the adjacent project includes a planned thoroughfare (49th Avenue East), and there has been discussion about the thoroughfare being aligned for this project to have frontage on it instead of on Ellenton-

Gillette Road/36th Avenue East and 29th Street East. The 800 employees could utilize the commercial uses proposed for the site. Comprehensive Plan Policy 2.2.1.21.4, states development in areas designated with the MU FLUC must contain a variety of general categories of land uses (residential, commercial/professional, light industrial/distribution, recreation/open space and public/semi-public).

Discussion continued on the applicant's intent to have a MU development that includes areas of commercial uses that would be located external to the residential use, location of proposed 49th Avenue East, there are no plans to four-lane Ellenton-Gillette Road/36th Avenue East and 29th Street East is in poor condition, concerned with the proposed density, residential would be more compatible in this area, the commercial uses would keep residents off of the major roads, could build 720 homes on the site as of today, restrict the commercial uses from operating for twenty-four hours seven days a week, and the MU FLUC does not have a requirement for commercial locational criteria and would provide the flexibility to spread the commercial uses across the property, R/O/R FLUC would also provide flexibility with more restrictions.



Ms. Marvin explained the proposed General Development Plan depicts the eastern portion of the site as R/O/R with other areas as residential. There would be internal roads from Ellenton-Gillette Road/36th Avenue East towards the east where there could be commercial uses. Between this property and the adjacent property there is a 20-foot-wide strip of land to the north that is owned by the southern property owner. She inquired why the County could not align the proposed 49th Avenue East, which would be an extension of 51st Avenue East, to align with multiple properties. The applicant has entered into an agreement with the County to designate this property as an affordable housing project.

Discussion proceeded on whether the applicant considered RES-9 (Residential, nine dwelling units per acre), how the applicant could relocate commercial uses within the development as a large project, difference between RES-9 and MU FLUCs in terms of density, concerned with deviating from MU being located in an area with extensive road facilities, the MU FLUC is for industrial projects not commercial support uses such as daycares, and incorporating neo-traditional aspects in design of the project.

Ms. Marvin explained there is not a specific policy about the location of MU FLUC adjacent to the interstate. The allowable density under MU without the affordable housing component is 12 units per acre, but with an affordable housing bonus it would be 30 units per acre. For the RES-9 FLUC, the density would be nine dwelling units per acre without the affordable housing component, but with an affordable housing bonus it would 20 units per acre. This project would not be defined as a large project, which means the commercial use would not be located internally.



Ms. Tusing utilized a slide presentation to review the history of the site, public facilities, positive/negative aspects, and mitigating factors. Most of the roads in North County are built as two-lane roads outside of U.S. 301 and 8th Avenue East (Palmetto). The neo-traditional aspects would allow some flexibility in the design of the project, and the acreage for the FIT project has been designed for warehouse distribution with limited commercial and potential office uses. The site is not adjacent to the proposed 49th Avenue East thoroughfare or any arterial road running through the FIT project because it is separated by a 20-foot-wide strip of land to the north. The ability to locate non-residential uses in proximity to adjacent property does not exist because it does not meet commercial locational criteria. There would be stipulations to ensure that the industrial portion of the project provides separations, screening and controls, so the residential property and the northern residential area would

not be negatively impacted. Sanitary sewer lines are not available, but would be constructed due to approved developments.

 Clarke Davis, Deputy Director of Traffic Management, displayed an aerial thoroughfare map to point out the subject site outlined in yellow, 29th Street East to the north, Ellenton-Gillette/36th Avenue East to the west (both are designated thoroughfares), proposed 49th Avenue East to the east, and Memphis Road/17th Street East to the south. Current road designations: Ellenton-Gillette Road/36th Avenue East is a four-lane arterial road within 120 feet of right-of-way with some arterial road function; 29th Street East is designated as a two-lane collector road; proposed 49th Avenue East has been designated as a four-lane arterial (could be a two-lane road with an arterial designation); and Memphis Road/17th Street East is a four-lane collector road, but could become a two-lane collector road. If the thoroughfare plan is built according to staff's vision, Ellenton-Gillette Road/36th Avenue East could be built as a four-lane arterial with the other roads adjacent or nearby built as two-lane roads. He pointed out a thin strip of privately-owned land between the Our Lives site and the FIT site that resembles right-of-way is the beginning of what becomes a flag lot located to the south. Discussions with Benderson Development (owner of FIT) pertained to locating 49th Avenue East on their site, but it is logical to have it located in a way that allows a cross-access, or access to 49th Avenue East via 29th Street East.

Functional improvements are programmed for: Ellenton-Gillette Road/36th Avenue East to make it an efficient two-lane road with capacity additions; Ellenton-Gillette Road/36th Avenue East and U.S. 301, which is currently under construction (duration set for another six months); Memphis Road/17th Street East along 51st Avenue East to U.S. 301; Ellenton-Gillette Road/36th Avenue East at the intersections of Mendoza Road and Experimental Farm Road. Staff may have discussions with Benderson Development regarding 29th Street East being improved to County standards because it is not programmed.

 Discussion ensued on Ellenton-Gillette Road/36th Avenue East not being an ongoing Capital Improvement Program (CIP) project, the entitlement of 30 dwelling units per acre with a designated 25 percent as affordable housing could impact the area if the land is sold, proposed 49th Avenue East connecting to 29th Street East could be eligible for commercial locational criteria, wanting commercial uses to service MU, concerned with the amount of acreage being reserved for industrial, if there is an existing wetland just above the flag lot where 49th Avenue East curves, Ellenton-Gillette Road/36th Avenue East is not an urban corridor, the Comprehensive Plan is changing due to growth, planned improvements for 29th Street East, reservation of right-of-way, the applicant has the right to request a full board, tie vote would prevent the matter from being transmitted to the State, and the definition of MU.

Mr. Davis explained the five-year CIP includes Ellenton-Gillette Road/36th Avenue East as a four-lane road, but the improvements have not been programmed and no funding has been allocated. The design of 49th Avenue East has changed since the creation of the thoroughfare plan; however, staff has not seen a Preliminary Site Plan and the design may have to navigate around natural features. Staff would like 29th Street East to have an improved travel way with a combination bicycle/pedestrian facility. As part of the planned development process, Benderson Development should include offsite infrastructure planning. The ideal plan for 29th Street East is a two-lane, undivided collector roadway with appropriate road features. When staff updates the thoroughfare plan, 29th Street East would be proposed to be terminated at 49th Avenue East (thoroughfare alignment concept aerial map for 51st Avenue East and 49th Avenue East was displayed). The Our Lives project would front on 29th Street East and a future right-of-way setback would be required if the necessary improvements to 29th Street East are more or less site-related, and impact fee credits.

 Ms. Tusing read the range of potential uses for MU as reflected in Comprehensive Plan Policy 2.2.1.21.2 (adopted with Ordinance 18-04): Commercial, office, and light industrial uses, mixed with suburban or urban residential uses and support uses such as recreational uses, public or semi-public uses and schools. Hospitals are also appropriate in this FLUC. She noted the applicant is proposing all of the potential uses for MU, and MU is limited on vacant land to locations adjacent to arterial or higher roadways (Ellenton-Gillette Road/36th Street East) or adjacent to MU designated lands that meet the criteria, which in this case is FIT.

 Felicia Silpa, 29th Street East resident, expressed concern with potential industrial use on the site, traffic on 29th Street East, water mitigation, and the possible flooding of Gamble Mill. The site was originally part of the 19th Century Gamble Plantation, and the Gamble Mill lies directly south of the site.

 Kathy Whitlow, area resident, expressed concern with the site being sold in the future, the condition of Ellenton-Gillette Road/36th Avenue East especially at Mendoza Road, lack of recognition of the area's agricultural uses, traffic impacts, density and intensity, vacant office spaces at Ellenton-Gillette Road/36th Avenue East and U.S. 301, and lack of safe road facilities. She inquired about the status of the Big Chimney Drain Watershed Study, whether approving this request would count as a trend, the status of a traffic impact statement, and the flag lot is owned by the Woods Family.

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

Chairman Jonsson asked if the County Commission would like to recess for lunch.

Commissioner Servia announced she has to leave.

 Sarah Schenk, Assistant County Attorney, asked if the applicant would like a continuance in order to have a full board present.

Ms. Marvin was not in favor of continuing this matter to another date.

 Discussion took place on drainage canals, sidewalks are required by the LDC, area trends, and cannot discuss the potential development uses, but do not want high industrial uses.

During rebuttal, Ms. Marvin reported Mr. Gobuty objected to Comprehensive Plan Amendment PA-18-11/Ordinance 18-39 for FIT (10/11/18), but he was asked to redesign his project to be complementary to FIT. Outside of MU, another Comprehensive Plan policy does not exist that allows non-residential. The site does not have frontage on 49th Avenue East and access from the site must be to a collector road (29th Street East). The applicant is offering a plan that would focus on the employment center at FIT. If the employment center is successful then perhaps industrial could be on a small portion of this site that could be controlled between the two sites. She reiterated this request is not seeking to expand to industrial, but to complement FIT, and to provide the applicant with the ability to have affordable housing and commercial internally.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, displayed an aerial map to discuss drainage patterns for the area. In regards to the drainage systems, the intent at this level is to utilize the existing drainage systems and through staff's review of the

zoning project a request to address flow reduction for Big Chimney Drain, and include drainage modeling up to 100-year, three-day storm event, which was utilized as a stipulation for a project in prior public hearing. He summarized the intent is to utilize the existing drainage systems and patterns that are inclusive of this project itself.

Motion – Transmit

 Based on the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, Commissioner Whitmore moved to transmit Plan Amendment PA-19-02/Ordinance 19-21, as recommended by the Planning Commission. The motion was seconded by Commissioner Jonsson.

 Deliberations ensued on whether this site is appropriate for highest density, belief in property rights, and limiting the number of residential units.

 Ms. Marvin proffered to amend Stipulation D5 to limit dwelling units to 720.

Ms. Schenk stated if the applicant desires to amend their application, then the motion should be withdrawn. The public comment portion should be reopened to allow the applicant the opportunity to present the amendment.

 Commissioner Whitmore was in support of withdrawing her motion for the possibility of continuing the matter.

Ms. Tusing pointed out this is a transmittal hearing, and when the comments come back from the State, staff has 180 days to respond to the concerns and the County Commission has to choose whether or not to adopt the ordinance.

Commissioner Whitmore stated she would like to keep her motion as stated.

Ms. Schenk stated the applicant intends to amend their application (zoning request), and she recommended the motion be withdrawn.

Ms. Marvin noted the intent of the proposed amendment was to address concerns.

Deliberations continued.

Motion – Call the Question

A motion was made to call the question by Commissioner Servia, seconded by Commissioner Whitmore and carried 6-0, with Commissioner Baugh absent.

Motion – Carried

 The motion carried 5-1, with Commissioner Trace voting nay, and Commissioner Baugh absent.

(Depart Commissioner Servia)

Commissioner Benac stated she does not support the request, but wanted to give the applicant the opportunity to convince her that MU is the best use for this site.

Commissioner Trace voted nay because she is not in favor of high density on the site.

COMMISSIONERS' COMMENTS

Commissioner Whitmore

-  Reported the vote to fund the Healthy Teens Coalition was tabled at the recent School Board meeting (9/24/19), and she requested the County Administrator write a letter to explain the denial based on the results first requirement

 Commissioner Benac reported she responded to the email from Dr. Scott Hopes, School Board Member, and the County Administrator. Discussion ensued. BC20191003DOC008

-  Responded to emails regarding the Tara Bridge being built without the consent of residents. Commissioner Benac noted that she requested for staff to respond to these emails BC20191003DOC009

Commissioner Trace

-  Requested SunPasses with airport parking privileges be purchased for the County Commission
-  Stated she has been working with staff on a policy to present to the Florida Association of Counties (FAC) for the County to assist clam and oyster farmers in obtaining viable crop insurance, and creating procedures for shutting down harvesting due to red tide

Commissioner Benac attended the FAC Conference and stated she would route documentation to the County Commission on which platforms could be considered for the County's Federal legislative platform. She suggested the County Commission consider adding to the Federal legislative platform policy the reinstatement of Federal healthcare benefits for individuals sitting in jail that have not been convicted and/or veterans who are not eligible for Medicaid.

-  Suggested a Commissioner attend the Southwest Florida Water Management District (SWFWMD) meetings to champion for the best interest of the County

Discussion ensued that staff may be attending the meetings, SWFWMD Basin Boards were dissolved, and this subject should be discussed at a work session.

ADJOURN

There being no further business, Chairman Jonsson adjourned the meeting at 12:53 p.m.

Minutes Approved: _____