

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
February 6, 2020**

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

Present were:

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

Also present were:

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

Chairman Benac 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 Jonathan Elwing, Palm View First Baptist Church, followed by the Pledge of Allegiance.

AGENDA 

8. Agenda Update Memorandum: BC20200206DOC001
BC20200206DOC002
 - Item 3, PDC-18-15(Z)(G), Giddens/Commercial Development, Randy L. Giddens Trust, Helaine A. Giddens Trust – Cox Properties IIIA LLC – Revised recommended motion presented in strikethrough/underline format to change the continuation time from 1:30 p.m. to 9:00 a.m.
 - Item 4, PDR/PDMU-15-10(G)(R), Aqua by the Bay – Public comment letter from Glenn Compton presented
 - Item 5, PA-19-03/Ordinance 20-04, Coastal High Hazard Area Overlay District – Revised motion presented in strikethrough/underline format
 - Item 7, PDMU-19-11(Z)(G), Our Lives Community/Parrish Land Investments LLC – Schedule of Permitted and Prohibited Uses revised to add project name/number, and public comment emails from Mary Ann Spicer and Kathy and Norman Whitlow presented

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

 Larry Grossman sought an update on his request to designate Johnson Preserve at Braden River (aka Braden River Preserve) as conservation lands.
(Note: Mr. Grossman previously discussed this matter on 8/6/19)

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

 Discussion took place on Mr. Grossman sent Commissioner Baugh an email, staff stated the land is already in conservation, so a zoning change is not necessary, and Commissioner Baugh would send an email to the County Administrator on this matter. BC20200206DOC003

ADVERTISED PUBLIC HEARINGS (Presentation Upon Request)

3. **ORDINANCE/ZONING**

 A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance PDC-18-15(Z)(G), Giddens/Commercial Development, Randy L. Giddens Trust, Helaine A. Giddens Trust – Cox Properties IIIA LLC. The Planning Commission recommended approval with stipulations (1/16/20). This item to be continued by the County Commission to February 20, 2020.

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

 Commissioner Trace moved to continue the public hearing for PDC-18-15(Z)(G) to February 20, 2020, 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. The motion was seconded by Commissioner Jonsson and carried 7-0.

(Note: PDC-18-15(Z)(G) was continued on 2/22/20, to no date set and to be re-advertised) BC20200206DOC004

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

4. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR/PDMU-15-10(G)(R), Aqua by the Bay. Staff recommended approval.

Commissioner Whitmore disclosed she received phone calls on this matter from a newspaper, but did not comment.

Commissioners Baugh and Trace disclosed they had discussions with the applicant, Carlos Beruff, on different matters.

Chairman Benac disclosed she did not comment on the matter when asked about it.

 Sarah Schenk, Assistant County Attorney, remarked this project has been before the County Commission on a number of occasions and the matter has been litigated. Zoning Ordinance PDR/PDMU-15-10(G)(R) was adopted by the County Commission on October 3, 2017, and the applicant is requesting that Stipulation A.17, which is procedural in nature, be deleted. No changes in uses, density, or intensity are proposed with the application. The County Commission's review parameters are limited to whether the deletion of Stipulation A.17 should occur or not. The entire public hearing would not be opened on the entire General Development Plan or any of the previously approved entitlements. Options consist of the County Commission adopting the amended zoning ordinance with Stipulation A.17 deleted, or denying the amended zoning ordinance in which Stipulation A.17 would remain unchanged. Stipulation A.17 is not proposed to be rewritten in today's proceedings, and if any Commissioner desires at the end of the hearing to change what is being proposed, the public hearing would have to be continued and the new zoning ordinance would have to be re-advertised with the change indicated. The applicant would have to be allowed to bring back the language since the amendment is privately-initiated.

 Commissioner Servia disclosed she was asked about the project, but did not discuss it.

 Edward Vogler, Attorney for the applicant, disclosed that he reviewed the record and transcript from the hearing on October 3, 2017. He reported (a) the project is currently under development, (b) there are 446 approved residential units, (c) 316 residential units awaiting approval, and (d) a pre-application meeting has been completed for 350 residential units. He confirmed the applicant's request is to delete Stipulation A.17, which was read as: Subsequent residential dwelling units, upon completion of the first 750 residential dwelling units, shall require further approval by the Board of County Commissioners at a public hearing prior to, or as part of, Preliminary Site Plan approval, in increments of 750 units or more. Any approval shall be in conformance with Stipulation A.16 and Stipulation A.16 requires a hurricane evacuation plan and disaster plan. The request is not a question of project approval, but who would approve the Preliminary Site Plan following the issue of 750 Certificates of Occupancy. It was thought that Stipulation A.17 would provide additional guidance, but instead it has created timing concerns for staff. Deletion of Stipulation A.17 would not change the remaining stipulations.

 There was discussion on how Stipulation A.17 was written collaboratively on October 3, 2017, Commissioner Whitmore was expecting the applicant to come back with a new Preliminary Site Plan for the next phase of residential units, has Mr. Vogler seen a stipulation of this magnitude for other projects, if this stipulation was proffered as a Land Development Code (LDC) requirement, this amendment is not an opportunity to change the project, removal of Stipulation A.17 would only remove the requirement for further approval by the County Commission, the amendment is only questioning the process, and if it is typical to delete or add stipulations for approved projects.

 Carlos Beruff, applicant, stated it was his intent to create a large, private mitigation bank on the water, but due to legal challenges, he was unable to discuss the matter at previous hearings.

Due to technical difficulties, Ms. Schenk advised taking a recess since a few Commissioners could not fully be informed of the record.

RECESS/RECONVENE: 9:45 a.m. – 9:57 a.m. All Commissioners were present.

 Stephanie Moreland, Senior Planner, recommended deletion of Stipulation A.17, because the timing of completion is too late in the development process for the County Commission's approval.

 Discussion took place in agreement with the applicant that Stipulation A.17 is unclear, whether staff is aware of a LDC requirement that a Preliminary Site Plan must be approved by the County Commission beyond a certain number of units in a large project, definition of the term completion, it is staff's belief that Stipulation A.17 does not add anything to the review of the application, understanding the purpose of Stipulation A.17, the General Development Plan was approved for 2,894 residential units, Stipulation A.17 was intended to ease concerns due to the size and environmental aspects of the project, and clarification of stipulation language for zoning ordinances in the future.

Ms. Moreland elucidated that a hurricane evacuation plan is required under LDC Section 800.5., Hurricane Evacuation Plan.

Public Comment

 Jane von Hahmann, area resident, inquired if a Preliminary Site Plan was required to be heard by the County Commission. She reported a form of Stipulation A.17 was proffered by the applicant's planner, Misty Servia, in a letter (9/22/17) as Stipulation A.18 (submitted later in meeting by Sandra Ripberger). An excerpt was read from the minutes of August 23, 2017, to note no one had a visual of the building placement, and the General Development Plan bothered several Commissioners and the public: Chairman Benac stated she has not seen a project in Lakewood Ranch or in Manatee County that has an extensive amount of buildings along a waterfront. She inquired if the applicant has a model for a project of this magnitude with numerous mid-rise buildings. Ms. von Hahmann pointed out Stipulation A.17 offered a visual of the possible building layout for residents, and suggested it be amended instead of deleted.

 Michael Peppen stated the County has not taken steps to protect life safety of its residents by requiring developers to build on-site hurricane shelters and be fiscally responsible.

 Jim Ellison expressed concern with how the project would affect Sarasota Bay and suggested progress be monitored.

 Dan Young concurred with comments made by Ms. von Hahmann and suggested Stipulation A.17 be revamped.

 Suzanna Young remarked on the purpose of stipulations, and how the development would impact residents. She suggested the applicant honor Stipulation A.17.

 Barbara Angelucci read comments from Shannon Larsen on the importance of the stipulations, which are binding, and should be upheld. Residents would like to be informed of progress.

 Larry Grossman stated Stipulation A.17 should be upheld.

 Joe McClash stated the residents were not noticed about the Preliminary Site Plan and deleting Stipulation A.17 is not in the best interest of the residents. He suggested the stipulation be revamped.

 Jane King did not agree with the deletion of Stipulation A.17, and remarked on the need for a Hurricane Evacuation Plan and a bridge to the island.

 Matt Bower stated the stipulations were proffered in good faith and asked for clarification of the term completion.

 Sandra Ripberger questioned why the public is not entitled to know the project design, and submitted a letter referencing Stipulation A.18 as discussed by Ms. von Hahmann.

 Ed Goff echoed previous comments.

 Ken Piper remarked on how the staff report does not reflect any legal issues or negative aspects. He suggested Stipulation A.17 not be deleted.

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

 There was discussion on the applicant's intent to default on the stipulations, staff is seeking for Stipulation A.17 to be deleted not the applicant, applicant has the right to build, Commissioner Whitmore would like Stipulation A.17 clarified, if the designed buildings would meet hurricane force winds, implementation of Stipulation A.17 is not logical and could possibly be a hindrance to the real estate market, the Preliminary Site Plan process is multi-disciplinary, the wall effect is addressed with Stipulation A.15, and how the public can access Preliminary Site Plans.

Ms. Moreland stated the deletion of Stipulation A.17 would erase any ambiguity for staff.

 Margaret Tusing, Public Hearing Section Manager, reported the County has a Neighborhood Registry and, once registered, the resident would receive an email of the weekly project list. In order to receive information regarding a particular project, one would need to contact the Records Department. The Preliminary Site Plan is not available online unless someone is registered to view it.

 During rebuttal, Mr. Vogler noted completion means Certificate of Occupancy. Staff's interpretation of completion means: After the Preliminary/Final Site Plans, building permits and Certificate of Occupancies (construction finished) have been issued. He questioned the process for a project that is accelerated because of the market, and pointed out staff has confirmed the removal of Stipulation A.17 would not change the review or review criteria.

Deliberations ensued on the wall effect, continue the matter so Stipulation A.17 could be revised for the applicant to present a Preliminary Site Plan, the County Commission has to operate within the requirements of the LDC and Comprehensive Plan, the developer has already been approved for entitlements, hurricane evacuation shelters cannot be built in the Coastal Evacuation Area, real estate deals are always in flux due to market changes, comments from the public are appreciated, future decisions should be sound, citizens should not have to pay for copies of documents, and citizens can report discrepancies to the County.

 Ms. Tusing clarified building permits and a list of planning items can be viewed on Accela by the general public. Case documents cannot be viewed unless someone is an authorized agent, but they can be requested through the Records Department.

 Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, as conditioned herein, Commissioner Jonsson moved to adopt Zoning Ordinance PDR/PDMU-15-10(G)(R), as recommended by staff. The motion was seconded by Commissioner Baugh and carried 6-1, with Commissioner Whitmore voting nay.

BC20200206DOC005

RECESS/RECONVENE: 12:04 p.m. - 1:30 p.m. All Commissioners were present.

5. **ORDINANCE/COMPREHENSIVE PLAN**

 A duly advertised public hearing was held to consider transmittal of proposed Comprehensive Plan Map Amendment PA-19-03/Ordinance 20-04, Coastal High Hazard Area Overlay District. Staff recommended transmittal.

 Nicole Knapp, Planning Manager, utilized a slide presentation to review the type of amendment, Coastal High Hazard Area (CHHA), Sea, Lake and Overland Surges from Hurricanes (SLOSH) – Storm Surge Inundation Modeling, History – SLOSH 2009 and 2016, CHHA – Category 1 storm surge, CHHA – 2016 map (8/9/16), and the formalized process. A revised motion was submitted with the agenda update memorandum.

Discussion took place on possible data updates in the future due to inundation, and Category 1 storm surge.

Based upon the evidence presented, comments made at the public hearing, upon the technical support documents, the action of the Planning Commission, and finding the request to be in compliance with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes, and consistent with the Manatee County Comprehensive Plan, Commissioner Trace moved to transmit Manatee County Plan Amendment PA-19-03/Ordinance 20-04, as recommended by the Planning Commission. The motion was seconded by Commissioner Baugh.

 Ken Piper pointed out Florida Statute Section 163.3177 requires that data and surveys be made available to the public, and expressed concern if the most recent data is being presented for consideration by the County Commission.

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

Ms. Knapp stated the Tampa Bay Regional Planning Council maintains the master set of CHHA maps, and the data is produced by the storm surge model created by the National Hurricane Center and the National Oceanic and Atmospheric Administration (NOAA).

 Thomas Gerstenberger, Stormwater Engineering Division Manager, stated in regards to the CHHA maps, information is generated by SLOSH Wave Action Generated Modeling associated with the approach of a hurricane to the coastal areas. The modeling is performed by NOAA and the National Hurricane Center to predict approach or landfall of a hurricane and impacts associated with the coastal areas. As of recently, the models have also used Light Detection and Ranging generated topography to more accurately depict the topography of the coastline itself. The Flood Insurance Rate Maps may be amended by the end of the year.

Discussion ensued on how the County has been using the data, but not in an official capacity, Mr. Piper was referring to the Resiliency Leadership Summit (hosted by the Tampa Bay Regional Resiliency Coalition), process for challenging the data, the Federal Emergency Management Agency maps are a different process, and the appeal of an Administrative Determination AD-19-04 for the Coastal Evacuation Area (9/5/19).

 The motion carried 7-0.

BC20200206DOC006

6. **ORDINANCE/COMPREHENSIVE PLAN**

 A duly advertised public hearing was held to consider adoption of proposed Comprehensive Plan Large Scale Map Amendment PA-19-01/Ordinance 20-13 (fka 19-17), Fowlkes, Jackson, Stanaland and Wroblewski Living Trusts/Lakewood Gardens. The map amendment was previously recommended for transmittal by the Planning Commission (11/14/19) and the County Commission (12/5/19).

 Rachel Layton, Planner for Windham Development (contract purchaser), utilized a slide presentation to review the aerial map, development trend map, future land use map, and the proposed map amendment. Windham Development has six parcels of land under contract for purchase consisting of 50 acres located on the east side of Lorraine Road, south of the proposed 44th Avenue East (extension), and north of S.R. 70 (Rangeland Parkway would be located south of the southernmost parcel). The site is located in an area that is transitioning from agricultural to residential with commercial development at the intersection of Lorraine Road and S.R. 70. The Future Land Use Category (FLUC) is RES-1 (Residential, one dwelling unit per acre) and the map amendment would amend the FLUC to UF-3 (Urban Fringe, three dwelling units per acre). Proposed development of the parcels would require a new lift station with the force main running north along the east side of Lorraine Road to connect to the proposed 24-inch force main under design. There is a 36-inch water main with a fire hydrant located within the western right-of-way of Lorraine Road. The applicant would be required to pay proportionate share of the project cost to mitigate impacts from the project on utility plant and transmission line capacities.

Ms. Layton reviewed area parks and schools, surrounding zoning approvals and FLUCs. The FLUC modification would change the available density from 50 to 150 residential units. The site is within the Future Development Area Boundary, but not the CHHA, and the request is consistent with the Community Planning Act in Chapter 163, Part II, Florida Statutes. Roads are under construction to create the thoroughfare networks needed in the area, and the traffic impact statement was accepted by County staff. The request would reduce urban sprawl and increase density where public facilities exist. The map amendment would allow for smaller lots (single-family detached units) in an area transitioning from larger lots. During the transmittal hearing, a concern was raised regarding the future right-of-way setback, and a rezone application with a Preliminary Site Plan has been submitted that reflects a future right-of-way setback of approximately 40 feet in depth for 1,685 feet with right- and left-hand turn lanes into the project.

 Michael Yates, Traffic Engineer for the applicant, continued the slide presentation to review the Lorraine Road improvements, traffic impact statement, Comprehensive Plan Traffic Circulation Map 5-D, road network, and potential driveway improvements.

 Discussion proceeded on whether the request is compatible with surrounding uses, no site access to Rangeland Parkway, but two access points on Lorraine Road with dedicated right- and left-turn lanes, Lorraine Road and future expansion, right-of-way reservation, and potential driveway improvements.

 Rossina Leider, Planning Section Manager, concurred with the applicant's presentation, and noted the density is consistent with density in the area. Rangeland Parkway is currently under construction.

 Discussion continued on the status of improvements to Lorraine Road, roads have consistently been discussed in the past year, transportation would be discussed at the work session on March 3, 2020, impact fees cannot solely fund road improvements, traffic congestion in east and north County, right-of-way dedication or setback for road improvements, whether the County was penalized by the Florida Department of Transportation for 44th Avenue East (extension) funding, bonding and three units per acre is the maximum density allowed within the UF-3 FLUC.

 Clarke Davis, Deputy Director of Traffic Management, reported the overall widening of Lorraine Road between S.R. 70 and S.R. 64 is not currently programmed in the Capital Improvement Plan, but it is planned to be widened to four lanes in the future. Intersection improvements are planned at the north end of S.R. 64, the State has programmed roundabout improvement on an interim basis, 44th Avenue East (extension) and Rangeland Parkway are under construction, and the improvement at S.R. 70 would be underway soon.

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

There were no staff closing comments.

 Ms. Layton stated the request is consistent with the Comprehensive Plan and development in the area.

 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 adopt Comprehensive Plan Amendment PA-19-01/Ordinance 20-13 (fka 19-17), as recommended by the Planning Commission. The motion was seconded by Commissioner Trace and carried 7-0.

BC20200206DOC007

7. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-19-11(Z)(G), OurLives Community/Parrish Land Investments LLC. The Planning Commission recommended approval with stipulations (1/16/20).

An opposition petition from Change.org and a public comment letter from Randy and Birdie Rome were submitted.

Chairman Benac disclosed she spoke to a citizen who called several Commissioners regarding this matter, but did not discuss the matter.

 Darenda Marvin, Planner for Pearl Homes (developer), made use of a slide presentation to review the request, the proposed development components, the General Development Plan, the 40-acre area of the site proposed for industrial use, neo-traditional elements incorporated into the project, neighborhood meeting details, and elevations. The site is located north of U.S. 301 and west of I-75 at the southeast quadrant of Ellenton-Gillette Road/36th Avenue East and 29th Street East. The varied development pattern includes high density, large lot agricultural, traditional subdivisions, and regional commercial and industrial. The request is for a rezone of 160 acres from PDR (Planned Development Residential) to PDMU (Planned Development Mixed-Use) and approval of a General Development Plan. The site was rezoned from A-1 (Suburban Agriculture) to PDR in 2006 with the approval of 457 residential dwelling units. The northeast quadrant (40 acres) of the 160 acres was designated as Mixed-Use (MU) with the adoption of Comprehensive Plan Amendment PA-19-02/Ordinance 19-21. The site has three FLUC designations: MU, RES-3 (Residential, three dwelling units per acre) and RES-6 (Residential, six dwelling units per acre). This project has been designated for affordable housing with 720 multifamily dwelling units, a maximum of 150,000 square feet of integrated office and/or retail development, and 900,000 square feet of industrial/office/retail development. The project design includes multifamily buildings with a portion of the first floors dedicated to non-residential uses

(residential/office/retail) and neo-traditional elements including, pedestrian and vehicular accesses, large preservation area (12 acres), potential access to Florida International Tradeport [PDMU-17-04(G)(R), fka Ellenton Commerce Park] via future thoroughfare 51st Avenue East/49th Avenue East, and no development near 29th Street East.

 Marshall Gobuty, President of Pearl Homes, remarked on the benefits of modern urbanism and how being located adjacent to Florida International Tradeport would be beneficial to their employees.

 There was discussion on the neighborhood meeting, historical significance in the area, pedestrian access to Blackburn Elementary, three ways of acquiring right-of-way, on-site drainage concerns, live-work units, accommodating traffic needs (concurrency cannot be addressed at this stage), Note 24 on the first page of the General Development Plan should be deleted, the definition of neo-traditional includes a community square (handout displayed), recreational facilities, availability of washer/dryer in units, stormwater and drainage, how would the children gain access to the pedestrian connection to the school, and no stipulation or reference in the staff report about the project having affordable housing units.

 Jason Coates, Civil Engineer representing Pearl Homes, acknowledged the applicant can only reduce the amount of drainage flow introduced into the drainage system from the site. Upon question, he noted once the water is on site, then the conveyance cannot be changed, and a 50 percent reduction in the allowable pre-development rate of discharge is required.

Margaret Tusing, Public Hearing Section Manager, explained that with multifamily projects, internal connectivity is required among and between uses, so the internal pathways should lead to the connection to the school.

Ms. Marvin stated the project has been certified by County staff, which requires the applicant to enter into a Land Use and Deed Restriction Agreement.

Discussion took place on the density bonus, and how the County cannot force the applicant to do affordable housing.

RECESS/RECONVENE: 3:21 p.m. – 3:28 p.m. All Commissioners were present.

 Ms. Marvin did not object to a stipulation regarding affordable housing.

 Ms. Tusing read a proposed stipulation: The applicant shall enter into a Land Use and Deed Restriction Agreement with the County to provide for the designated number of affordable housing units in accordance with Section 545.2 of the LDC. A minimum of 25 percent of the units (180 units) shall be retained for affordable housing.

She noted the total number of dwelling units that could be built are 1,200 units, and the applicant proposes 720 units.

 Jamie Schindewolf, Planner II, utilized a slide presentation to review the site characteristics, request details, future land use map, zoning map, General Development Plan, positive and negative aspects, and mitigating measures. A Preliminary Site Plan was approved for the site in 2006, but expired [PDR-04-37(Z)(P), Woodland Hammock]. The site is outside of the Coastal Planning Area and not within the entranceway overlay. The request is in

compliance with the LDC and 25 percent of open space is being provided, which is in compliance with the required 25 percent for residential, industrial and office areas and 20 percent for commercial area. Two points of access are proposed on Ellenton-Gillette Road with a potential access on 29th Street East via future thoroughfare at 51st Avenue East/49th Avenue East. The applicant is proposing 0.97 acres of wetland impact and preserving a significant upland area to the north. The General Development Plan proposes maximum building heights of three stories for residential and four stories for non-residential, a 20-foot roadway buffer, a 15-foot greenbelt buffer, sidewalks on the exterior streets, internal pedestrian pathways, neo-traditional standards, a mixture of uses and a unique dwelling type with internal circulation to reduce external vehicle trips. Comprehensive Plan Goal 2.9 speaks to strong communities with a variety of housing stock. Comprehensive Plan Policy 2.9.1.4 encourages the development of a variety of housing options and architectural styles.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, displayed (a) an altered General Development Plan to point out the general drainage flow through the site and surrounding area. The project would have to reduce allowable runoff by 50 percent in post-development condition; (b) County Maintained Drainage Systems aerial map to point out the County maintained drainage system around Blackburn Elementary School and under 17th Street East, in which a drainage easement is requested for the portion within the project limits. Drainage and/or flowage easements are also requested for systems conveying runoff through the project from the area north of 29th Street East; (c) Federal Emergency Management Agency (FEMA) 2014 Flood Insurance Rate Map (FIRM) to discuss areas associated with the wetlands on site, and the future watershed management plan for this area; and (d) an aerial map of road pavement widths for 29th Street East and Ellenton-Gillette Road. There is a center turn lane on Ellenton-Gillette Road at 29th Street East.

 Discussion took place about Big Chimney Drain (routinely monitored and maintained by the County), Construction Plans for Woodland Hammock would be used as guidance for subsequent review of this request, specific approval request for parking, impact fee creditable or site-related improvements for 29th Street East, Livable Manatee Incentive Program and impact fees, and removal of invasive exotics would be part of the Final Site Plan/Construction Plan review in conjunction with stormwater and environmental planning reviews.

 Clarke Davis, Deputy Director of Traffic Management, displayed the Thoroughfare Alignment Concept aerial map to point out existing and planned thoroughfare roads in the area with the exception of the future alignment of 51st Avenue East/49th Avenue East (depicted in blue). He confirmed the pavement widths for Ellenton-Gillette Road and 29th Street East. Staff has discussed upgrading 29th Street East to the proper road width and constructing sidewalks. On the map, 29th Street East is a thoroughfare road, but serves as a residential driveway for 15 lots and a few small businesses. Upon question, he clarified 29th Street East is considered a two-lane road, but needs to be improved to a two-lane thoroughfare with bike lanes and sidewalks. A portion of the improvements could be impact fee creditable depending on how it is built, but it would most likely be considered a site-related access improvement. A functional improvement is scheduled for Ellenton-Gillette Road that would provide wider travel lanes. Staff would continue to work with Benderson Development to make improvements to 51st Avenue East/49th Avenue East, which have not been programmed. The design for the I-75 reconstruction has not been scheduled and may not include 51st Avenue East/49th Avenue East.

Bill O'Shea, Planner II, and Geri Lopez, Redevelopment and Economic Opportunity Director, were available to address questions regarding the Livable Manatee Incentive and impact fees.

 Kathy Whitlow, area resident, opposed the request due to incompatibility, access points, stormwater runoff, on-site digging activity, and flooding concerns for the area especially on Randy Roman's property.

 Daniel Silpa, 29th Street East resident, thanked the County Commission for addressing his stormwater, drainage and infrastructure concerns. He expressed concern with the unknown use for the 40 acres.

 Felicia Silpa, 29th Street East resident, thanked staff and Pearl Homes for addressing her archaeological and flooding concerns.

There being no supplementary public comment, Chairman Benac closed public comment.

 Mr. Coates spoke about the velocity behind the stormwater runoff.

Mr. Gerstenberger displayed the drainage plan for Woodland Hammock to discuss the proposed conveyance of drainage from the northwest corner of the site. The drainage plans for the request would be reducing internal runoff by 50 percent (Stipulation C.2). He reported that he would speak with area residents and staff about ongoing service requests or work orders to address concerns in the area.

Upon question, Mr. Coates confirmed he would comply with Stipulation C.2 and work with staff to improve the drainage issues in the area.

Mr. Gerstenberger reviewed Stipulations C.1-5 that have been accepted by the applicant and reflected in the staff report.

 Discussion took place on ensuring the industrial use does not negatively impact the residential use, access points, housing needs and market, plans for the 40 acres, and future improvements to Big Chimney Drain in conjunction with road improvements to Ellenton-Gillette Road.

Ms. Schindewolf reported 40 acres of the 160-acre site has been designated for the MU FLUC, and if the rezone request is approved, the 160-acre site would be rezoned from Planned Development Residential (PDR) to Planned Development Mixed-Use (PDMU).

Ms. Tusing explained the remaining 120 acres have the potential to be a mix of office, residential, and commercial uses along the residential pods. The 120 acres are specifically designated for residential-type uses, which is the reason for density bonus. The industrial use would be limited to the 40 acres at the northeast corner, and the entire 160-acre site would be designated as PDMU, because it is not a single-use zoning district.

 Mr. Gerstenberger reported the 25-year floodplain coverage does not exist for the site, and the 100-year floodplain coverage identified for the site started with the 2014 effective FIRM. Prior iterations of the FIRM did not identify any floodplains on site.

Ms. Schindewolf had no closing comments.

 During rebuttal, Ms. Marvin noted the reason there is 100-year floodplain after the 2014 effective FIRM is because FEMA changed the technology used to review properties. She

elaborated that Mr. Gobuty has not performed any illegal on-site activities as referenced by Ms. Whitlow, and the only change to the applicant's plans involved decreasing the amount of acreage for the Comprehensive Plan Large Scale Map Amendment PA-19-02/Ordinance 19-21 at the request of the County Commission.

Mr. Gobuty remarked on the need for sustainable communities and affordable work force housing.

Sarah Schenk, Assistant County Attorney, asked the applicant to confirm agreement with the proposed stipulation read by Ms. Tusing earlier in the meeting.

The Clerk read the proposed stipulation as: The applicant shall enter into a Land Use and Deed Restriction Agreement with the County to provide for the designated number of affordable housing units in accordance with Section 545.2 of the LDC.

Ms. Marvin agreed to the proposed stipulation as read by the Clerk.

Ms. Schenk confirmed the County Commission would vote to move the recommended motion with the addition of Stipulation A.11 as read into the record by the Clerk.

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 stipulated herein, Commissioner Baugh moved to adopt Manatee County Zoning Ordinance PDMU-19-11(Z)(G); Approve the General Development Plan with Stipulations A.1-A.11 (A.11 as added at the hearing), B.1-B.7, C.1-C.5, D.1-D.2, E.1-E.4, subject to Ordinance 19-21 becoming effective (adopted 1/9/20), as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore.

 Following discussion, the motion carried 7-0.

BC20200206DOC008

ACCESSORY DWELLING UNITS (ADUs)

 Bill O'Shea, Building and Development Services, sought clarification on how the County Commission would like staff to proceed with ADUs, because the County Commission made a motion on June 20, 2019 to hold a work session, but on January 9, 2020, staff was questioned when the ordinance would be brought back for consideration.

Sarah Schenk, Assistant County Attorney, advised having a work session since it is unclear what is needed to advertise an ordinance.

Chairman Benac confirmed that a work session is still needed.

MANATEE COUNTY GOVERNMENT ADMINISTRATION BUILDING

Commissioner Whitmore moved to reinstate the lobby furniture that was used in the past. The motion was seconded by Commissioner Servia.

(Note: There was consensus by the County Commission to place a table and chairs in the lobby on 1/9/20)

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

The motion carried 7-0.

COMMISSIONER COMMENTS

Commissioner Servia

-  Reported she met with the residents of Pic Town Estates on several issues, the primary issue of which was the promise made that once the utility improvements were completed, the public roads would be repaved; however, this has not happened. The roads have potholes with bandages, which do not last very long.

Chairman Benac requested staff provide a report to Commissioner Servia on placing roads on the pavement list.

ADJOURN

There being no further business, Chairman Benac adjourned the meeting at 4:58 p.m.

Minutes Approved: _____