

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
September 5, 2019**

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

Present were:

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

Also present were:

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

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

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Susan Clouse, Retired Pastor, followed by the Pledge of Allegiance.

AGENDA

8. Agenda Update Memorandum  BC20190905DOC001
BC20190905DOC002
 - Item 3, Historic Preservation Board – Agenda package update to include missed applications for Janel Raines, Ronald Schofield and Ed Valley
 - Item 4, PDR-18-10(P), Imperial Lakes Residential – Supplemental School Report (8/22/19), and revised recommended motion and stipulations in strikethrough/underline format submitted

CITIZEN COMMENTS (Future Agenda Items)

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

ADVISORY BOARD APPOINTMENTS

3. **BUILDING AND DEVELOPMENT SERVICES/HISTORIC PRESERVATION BOARD Nominations** 

Stephen D. Rees, Jr., was nominated by Commissioners Benac and Jonsson
Ed Valley was nominated by Commissioners Benac and Whitmore.

A motion was made by Commissioner Trace, seconded by Commissioner Whitmore and carried 7-0, to close nominations.

A motion was made by Commissioner Trace, seconded by Commissioner Servia and carried 7-0, to accept the nominations for Stephen D. Rees, Jr., and Ed Valley to be appointed to the Historic Preservation Board.

BC20190905DOC003

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

4. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-18-10(P), Imperial Lakes Residential. This item was recommended for approval with stipulations by the Planning Commission (3/14/19), and continued to September 5, 2019, by the County Commission on June 6, 2019.

No ex-parte communications were disclosed.

 Clint Cuffle, agent for William Ryan Homes (contract purchaser), used a slide presentation to review the staff report aerial maps, overview, site design details (emphasized the minimum 30-foot wetland buffer between lots), wetlands and buffers, and engineering design (stormwater design, floodplain compensation and added assurances). The request is for 66 lots on land located southeast of the Moccasin Wallow Road and the I-75 exit. The project consists of two parcels: the eastern parcel (±15.39 acres) is a floodplain compensation area, and the western parcel (±56 acres) is for the development of the lots in conjunction with additional floodplain compensation. On-site are old remnant fish ponds, which are classified as other surface waters, not jurisdictional wetlands. The northeast wetland (0.15 acres) is proposed to be impacted for access.

 Caleb Grimes, attorney for William Ryan Homes, stated he was the attorney for the 1998 approval. This site was included with 1998 request and was shown as recreation and golf course. He explained PDR (Planned Development Residential) is a zoning category that can be changed if it is warranted by amending the PDR or rezoning a portion to a new planned development use [displayed north portion of the preliminary site plan for PDR-98-10(P)(Z), The Fairways at Imperial Lakewoods]. He remarked on buffering, open space and density. The golf course use is not practical for land zoned PDR in a RES-6 (Residential, six dwelling units per acre) future land use category (FLUC) and the requested Preliminary Site Plan would not affect the compliance of the existing PDR.

 Patricia Cueto stated her family sold the golf course three years ago. Her father realized a golf course was not a viable project, and instead envisioned residential for the land.

Jeff Thorson, Division President for William Ryan Homes, made closing remarks.

 Discussion took place about the contractor would own the land outlined in yellow on the staff report aerial maps, this is a platted subdivision in a PDR without a buffer, when the lots are platted the open space is reflected in what way on the plat, and revising the overall PDR should have been considered by the contractor.

Mr. Grimes explained areas (buffer, preservation, and stormwater) needed in a plat are platted as a tract or tracts.

Mr. Cuffle verified tracts are generally maintained by the homeowners association, because they are outside of the individual lots.

Commissioner Servia stated that she knows staff is working on amendments to the Land Development Code (LDC), but the following language should be removed: Planned Development project shall be meeting all of the zoning requirements to a greater or better extent than standard zoning districts (see LDC Section 402.6). She noted the project design includes sidewalks on both sides of the street, which would compensate for insufficient open space.

 Jamie Schindewolf, Planner II, read new Stipulation F.2 as submitted with the agenda update memorandum. She made use of a slide presentation to review the site characteristics, history, future land use map, zoning map, site design (open space and sidewalks), proposed lots and greenbelt buffers, positive and negative aspects and mitigating measures. She confirmed the site is located south of Moccasin Wallow Road and east of I-75, and was part of the PDR-98-10(P)(Z), which was approved for 308 single-family detached, 50 single-family attached and a redesigned golf course. The Preliminary Site Plan expired and the request is for a change in use, not a change in the PDR zoning district. The site is within the Coastal Planning Area, not the Velocity or Evacuation Area. The impacted wetlands for road access would be mitigated in the southern portion of the site.

 Commissioner Trace inquired about drainage.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, used a slide presentation to discuss the Buffalo Canal/Frog Creek Watershed tributaries, maintenance, and 100-year floodplain delineation incorporation into the Federal Emergency Management Agency (FEMA) 2014 effective Flood Insurance Rate Maps (FIRMs), the I-75 Drainage Improvement Project, rain and stream gauge station, Pearce Drain rainfall history, design standard versus observed, Buffalo Road/Crystal Lake, Moran Road, Buffalo Canal maintenance (327 work orders), Pre-Dorian (hurricane) drone imagery, and Imperial Lakes residential design.

 There was discussion on how this area has historically had flooding issues, rainfall figures (rainfall exhibits displayed), the project redesign addresses flooding concerns, flooding on September 1, 2019 (three inches in 30 minutes), 100-year/72-hour storm frequency with a cumulative rainfall of 18 inches, development is not allowed in the 25-year floodplain (post-development the homes would be outside of the 25- and 100-year floodplains), new lots have to be elevated, but what about the established homes, homes have to be built to 18 feet, vacant parcels, drainage path, removal of trees in the floodplain compensation area, total of site equals 71 acres with 21 acres of floodplain compensation, approved developments in this area have increased drainage into Buffalo Canal, increased density on this land may not be a good idea, the watershed management plans are comprehensive reviews in order to mitigate watersheds, in general rainfall has increased over time, Centre Lake Subdivision, and the development should improve the overall drainage in the area.

 Ernest Frick, Founders Circle resident (Fairways at Imperial Lakewoods), stated when his built was home, the plans depicted nine golf course holes, which is why there are no buffers. The property is in a flood zone and the homeowners association would be responsible for land that is not within their view of sight.

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

 Ms. Schindewolf stated the Final Site Plan has a note referencing a 15-foot-wide greenbelt buffer, and it is her understanding that the buffer was not provided to the south because of the golf course.

Discussion ensued.

 Mr. Grimes clarified the wetland impact would be 0.31 acres.

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 PDR-18-10(P); and Approve the Preliminary Site Plan with Stipulations A.1-A.2, B.1-B.4 (B.1 as revised on the agenda update memorandum), C.1-C.7, D.1, E.1, and F.1-F.2 (F.2 as added on the agenda update memorandum), as recommended by the Planning Commission. The motion was seconded by Commissioner Servia and carried 6-1, with Commissioner Trace voting nay.

BC20190905DOC004

RECESS/RECONVENE: 10:43 a.m. – 10:52 a.m. All Commissioners were present except Commissioner Benac.

5. ORDINANCE/ZONING

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-15-19(G)(R), I-75 Office Park LLC/I-75 Office Park. This item was recommended for approval with stipulations by the Planning Commission (7/11/19), and continued to September 5, 2019, by the County Commission on August 1, 2019.

No ex-parte communications were disclosed.

(Enter Commissioner Benac)

 Scott Rudacille, attorney for the applicant, displayed aerial maps from the staff report to note the 19.17-acre site is located east of I-75, west of Town Center Parkway and north of University Parkway. The site is zoned PDMU (Planned Development Mixed-Use) and was originally approved for office as part of a larger project in which 33,200 square feet of the office space was constructed (not included in the request), but the remainder was not built. The remaining acreage is owned by the applicant. In order to make the project viable for redevelopment, the County Commission approved a General Development Plan in 2017 with three Options: (A) 99,516 square feet of office space; (B) 33,200 square feet of office space and 234-bed assisted living facility (ALF); or (C) 160 multi-family residential units. He presented the General Development Plan – Option C to explain that the LDC requires a second means of access for a project containing more than 100 residential units. There is no ability to create a second means of access due to the lack of property. The request, if approved, would amend the General Development Plan – Option C and a specific approval request to allow the project to proceed without a second means of access.

Second means of access is an area of the LDC that has been discussed by the County Commission previously and was originally placed in the LDC as a subdivision regulation and moved to the general access to lots provision (LDC language displayed). He pointed out if there is a 101-unit apartment complex; a second means of access has to be provided, but not if the project is for a hotel, sports stadium, 234-bed ALF or a regional mall. He utilized Diagram A for Second Means of Access and a Concept Access Plan to discuss the two access points (300 feet apart) on 77th Terrace East, which is not a public street. The Concept Access Plan was reviewed by staff, and both Fire Rescue and Public Safety determined it meets the intent of the LDC and provides adequate access for an emergency access. Trip generation figures were provided to demonstrate that 160 multi-family residential units yield less traffic than a 100-unit subdivision or 100,000 square feet of office space. The project would include a fire sprinkler system, which would reduce the need for Emergency Medical Services (EMS) and Fire Rescue. Interconnections are being proposed to the north and south for future development. He clarified that the site is not an island, and I-75 could be used to access the site in the case of an emergency (photograph of the site from I-75 displayed).

 Discussion proceeded on how very little traffic traverses 77th Terrace East, whether 77th Terrace East is wide enough to accommodate EMS vehicles, parking would be prohibited on 77th Terrace East, Commissioners Baugh, Benac and Servia visited the site in the past, if 77th Terrace East is a private road, the possibility of amending the LDC regarding the second means of access requirement, and sprinkler system.

 Alex Onishenko, East Manatee Fire District Fire Marshall, reported originally the project was not approved due to access concerns, but it meets the exemption in the LDC. The multifamily component requires a sprinkler system. He suggested the applicant consider an exchange way that leads up to the project that would continue the loop in order to assist with future access.

 Rossina Leider, Principal Planner, reported Building and Development Services proceeded with the application and review, and placed the comments from Transportation, Traffic Design, Fire Department and Public Safety in the staff report since they are ones who have to support or deny the special approval. She did not have specific comments or a presentation.

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

There was discussion on whether 77th Terrace East was designed to meet County standards for a local road, and I-75 as a possible emergency access.

 Upon question, Thomas Gerstenberger, Stormwater Engineering Division Manager, stated 77th Terrace East does serve as a private access easement and an egress easement from Town Center Parkway through Cascades at Lakewood Ranch to this property. The property has been incorporated into a condominium plat. When 77th Terrace East was built, it was intended to meet County standards as a two-way access between Town Center Parkway and this property along the I-75.

Mr. Rudacille clarified that in the event of an emergency where access is blocked, access could be taken from I-75. Cross-access stub-outs do exist for future connections to the north and south of the site.

 Based upon the staff report, evidence presented, comments made at the public hearing, the comments 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 Baugh moved to approve Manatee County Zoning Ordinance PDMU-15-19(G)(R); Approve a revised General Development Plan (Option C - multi-family); Adopt the Findings for Specific Approval; and Grant Specific Approval of an alternative to LDC Section 1001.C (Second Means of Access Required) applicable to the General Development Plan (Option C - multi-family); amending stipulations for consistency, as recommended by the Planning Commission. The motion was seconded by Commissioner Servia and carried 7-0.

BC20190905DOC005

7. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDC-03-16(G)(R), SMR/Commercial Subdivision at S.R. 70 and Lorraine Road. (Note: SMR/Commercial Subdivision at S.R. 70 and Lorraine Road nka Lorraine Corners Northwest)

No ex-parte communications were disclosed.

 Lisa Barrett, Planning Manager, stated this is a County-Initiated request to amend PDC-03-16(G), which is a commercial subdivision at S.R. 70 and Lorraine Road, commonly known as Lorraine Corners. The request was presented to Building and Development Services by Public Works to amend Stipulation 6 (buffer along the north property line) and delete Stipulation 8 (requirement for the preservation of Oak Trees). Public Works is currently working on improvements to Lorraine Road north of S.R. 70, and this request would allow a cross-access easement between two parcels to support safe roadway improvements on Lorraine Road. She used a slide presentation to review the aerial map, photographs of the intersection and site, and the originally approved site plan. The County is requesting the amendment on behalf of the property owner who supports the deletion of Stipulation 8.

 There was discussion on whether the property to the north is approved for development (a site plan has been submitted, but not approved), a roundabout is not proposed for this area, and the possibility of extending the buffer to the north in order to avoid the U-turn. (Note: The property owner to the north is AC-DC 2 LLC aka Cohen)

Ms. Barrett confirmed the cross-access easement would provide access to both the existing commercial development and the site to the north.

 Sia Mollanazar, Engineering Services Deputy Director, elucidated that exiting the site allows a right- and left-hand turn. This access point is close to the intersection of Lorraine Road and S.R. 70, so the left-hand turn would be prohibited with the proposed improvements. In order to eliminate drivers from making a U-turn at the intersection in order to head north, the request would provide right- and left-hand turns out of the proposed second entrance (to the north of the existing exit), which would align with the access point directly across Lorraine Road. S.R. 70 is scheduled in fiscal year 2023 for road improvements, but the Florida Department of Transportation (FDOT) would not make improvements to S.R. where it intersects with Lorraine Road. He reported this request is the first of three steps pertaining to the proposed improvements to Lorraine Road. The County Commission would have the opportunity to approve (a) a Contract for Sale and Purchase for the necessary right-of-way (9/10/19); and (b) a private/public partnership (date unknown).

Commissioner Baugh reported FDOT made a presentation regarding plans for seven roundabouts in this area. Mr. Mollanazar explained FDOT is a silent partner in this matter, but there is coordination for the County's use of their drainage ponds.

Discussion continued on the future expansion of Lorraine Road, possible traffic signal at Lorraine Road and 59th Avenue East, and the public/private partnership.

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

There were no staff or applicant closing comments.

 Based on 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 Baugh moved to adopt Manatee County-Initiated Amendment to Zoning Ordinance PDC-03-16(Z)(G) with changes to Stipulation 6 and elimination of Stipulation 8, as recommended by staff. The motion was seconded by Commissioner Benac and carried 7-0.

BC20190905DOC006

COMMISSIONERS' COMMENTS

Commissioner Whitmore

-  Asked that a staff host a work session to discuss golf courses and the LDC amendment process (House Bill 7103)

 Commissioner Benac concurred with Commissioner Whitmore on a work session to discuss golf courses and buffers/open space.

 Margaret Tusing, Public Hearing Section Manager, noted required buffers are tracts and such areas are owned and maintained by the homeowners association

Commissioner Benac stated not all golf courses are platted.

Commissioner Whitmore stated there other issues that need to be addressed in the LDC, which should also be discussed in the work session.

 John Barnott, Building and Development Services Director, stated staff would research golf courses, and explained residents who live near golf courses typically do not want buffers.

Commissioner Benac questioned how the County could protect residents when a golf course is no longer a desired use.

Commissioner Servia suggested language similar to a notice to buyers in which the resident is informed that the site is a golf course today, but it could change with a new zoning approval.

Discussion ensued.

(Note: The LDC amendment process was discussed on 8/22/19, and is scheduled to be further discussed on 9/24/19)

BC20190905DOC007

Commissioner Bellamy

-  Expressed concern with recent flooding in his district and questioned available options for addressing flooding in the County

 Thomas Gerstenberger, Stormwater Engineering Division Manager, pointed out there is an upcoming stormwater work session scheduled for September 17, 2019, and stormwater maintenance could be discussed at this time.

There was discussion on the existence of a County maintenance list, the Palmetto Point flooding is in relation to high tide, stormwater is causing the storm drains to back up, too much rainfall to quickly, there is a County number for residents to report issues, response time by County staff is great despite staff limitations, and the importance of maintenance. (Note: Commissioners' Comments were continued later in the meeting)

RECESS/RECONVENE: 12:00 p.m. – 1:30 p.m. All Commissioners were present except Commissioner Whitmore.

6. **RESOLUTION/ADMINISTRATIVE DETERMINATION/COASTAL EVACUATION AREA**

 A duly advertised public hearing was held to consider an appeal of Administrative Determination AD-19-04, which denied the request by RFT Holdings LLC and Canal Road Investments LLC to have certain real property (6701, 6711 and 6755 U.S. Highway 301, Ellenton) removed from the boundaries of the Coastal Evacuation Area – Level A of the

Comprehensive Plan.

BC20190905DOC008

Sarah Schenk, Assistant County Attorney, reported the applicant (represented by his attorney) has requested 30 minutes for a presentation.

(Enter Commissioner Whitmore)

Commissioner Trace disclosed that she met with the applicant a year ago and staff was also in attendance.

 Edward Vogler, attorney for RFT Holdings LLC and Canal Road Investments LLC, submitted the following documents, which he referenced during his presentation: (a) Coastal High Hazard Area (CHHA) map; (b) Comprehensive Plan Policy 2.2.1.17.3, Range of Potential Density/Intensity; (c) 2016 Evacuation Zones map; (d) 2016 SLOSH Surge Data Map; (e) Staff report excerpts from pages 2, 3 and 5; and (f) an email excerpt dated October 3, 2018.

BC20190905DOC009

Mr. Vogler stated the property is a vacant, 10-acre, waterfront property that extends from U.S. 301 to the Manatee River. The property is not prone to flooding and is located within flood zone X. The property has a future land use designation of Retail/Office/Residential (R/O/R), which allows the property owner to apply for a plan or zoning approval. Language was added to restrict this right if a property is in the Coastal Evacuation Area (CEA). Prior to the language change the property had not been in the CEA and was located in Evacuation Zone C. He requested the County Commission to make an interpretation that the CEA limiting policies would not apply to this property in the R/O/R analysis. The agenda memorandum reflects two motions: (a) Adopt Resolution R-19-113, to deny the appeal of Administrative Determination 19-04 (AD-19-04); or (b) Adopt Resolution R-19-112, to grant the appeal of Administrative Determination AD-19-04.

The applicant is not asking the County Commission to change the CHHA designation, which is five percent of the property, or the Evacuation Zone A designation. The staff report and documentation did not challenge the primary factual assertions outlined in the Notice of Appeal, and page 5 of the staff report justified the 2017 amendments made to the maps. The SLOSH (Sea, Lake and Overland Surges from Hurricanes) model is required by State law and used by local government in conjunction with LiDAR (Light Detection and Ranging). He reported the 2016 SLOSH Surge Data Map was used to replicate the SLOSH lines and to designate the property to be in Evacuation Zone A. He pointed out language in the staff report (page 2) seeks to leave the impression that the SLOSH data of 2016 changed, which justified a change from Evacuation Zone C to A. This is the first of two false premises embedded in the staff report because the SLOSH data and model as applied to the property did not change from 2009 to 2016. The second false premise is a misinterpretation of Comprehensive Plan policies as outlined in the email dated October 31, 2018. This interpretation is contrary to LDC Section 403.8.B, which states for projects partially in the coastal areas listed, the standards of this section shall only apply within the confines of the area boundary. Placement of the property in Evacuation Zone A was justified on page 3 of the staff report, and the property falls in a small portion of the CHHA.

He questioned the critical factors considered and applied by staff; when was the analysis performed and does it exist; justification for staff's decision; County Commission involvement in the determination; and whether a CEA map was adopted by ordinance.

Mr. Vogler stated language on page 5 of the staff report is inconsistent with the other parts of the staff report. SLOSH Storm Surge maps are not just for educational or informational purposes only, they are regulatory. He asked the County Commission to interpret the facts as

presented, and allow the applicant to apply for the CEA limitations to the R/O/R FLUC; thereby, allowing the applicant to seek approval for additional density in a mixed-use (MU) project.

He posed questions to the Emergency Management Department on whether the science, best available data, and the role of the National Hurricane Center should be ignored; if the approach employed by Manatee County should be changed; and if decisions should be based on unidentified individuals and lack of documentation. He requested the County Commission to adopt Resolution R-19-112.

 Frank Maloney, applicant, expressed concern with how the CEA map was revised between 2016-2017. He commented on the SLOSH data, and how the CEA map change is punitive to the property owners and not supported by data and/or analysis. The property is not located within the FEMA Velocity Zone.

 Discussion took place on development in the CHHA, the lack of documentation in support of the administrative determination, would like to hear staff's presentation, and if the SLOSH data did not change, then why did the property change from Evacuation Zone A to C.

 Nicole Knapp, Emergency Management Planning Manager, made use of a slide presentation to review the request, aerial map, history of coastal mapping, what is SLOSH, SLOSH data, purpose of the CEA (map), Comprehensive Plan Coastal Management Element, Comprehensive Plan Policy 2.2.2.4.5, Comprehensive Emergency Management Plan, Local Mitigation Strategy, 2018 Statewide Emergency Shelter Plan, local authority, CHHA to CEA maps, standard operating procedures, evacuation levels, determination of evacuation levels, conclusion and recommended motion in support of Resolution R-19-113 (denial of the appeal of AD-19-04 and affirm AD-19-04). Language pertaining to the R/O/R FLUC has always been in the Comprehensive Plan, but viewers had to reference another policy to see the prohibition, which was clarified with the Comprehensive Plan Process Improvements (Ordinance 18-04).

BC20190905DOC010

 There was discussion on data used to support staff's conservative determination, whether the County would have to buy the five acres since it is now in the CEA, property to the east is in Evacuation Zone B and C and adjacent to property in Evacuation Zone A, the property to the west is in Evacuation Zone A, density was increased in the R/O/R and Mixed-Use FLUCs with the adoption of Ordinance 18-04, no guarantee that the property is the appropriate location for the RES-16 FLUC, best available data and being conservative meant you could not have an increase in density in the CEA (Policy 2.2.2.4.5, Development Restrictions), whether this property should be in the CEA, the applicant is willing to be in Evacuation Zone A with the RES-16 FLUC, which is not allowed in the CEA, and the property to the east of the site has lot lines.

Ms. Knapp stated there is a prohibition that does not allow a change in the FLUC for an increase in density.

Ms. Schenk reported the Comprehensive Plan states that the property is not entitled to the highest density allowed in the FLUC and there are policies in the Coastal Element that state if a site is in the CEA, then the stricter policies in the element would prevail. She confirmed staff cross-referenced the R/O/R FLUC limitation with the Comprehensive Plan Process Improvements.

Discussion continued that the County's primary goal is to protect public safety, RES-9 FLUC could be applied to the site, the site does not flood, changing the policy could have unintended consequences, the applicant did not make a strong enough case on why the County's policy is incorrect, the determination was not solely based on the SLOSH maps, every parcel should be handled on an individual basis since each parcel is different, a CEA map does not have to be approved every time the best available data is presented, would the decision affect the surrounding parcels (the parcel to the east is a mobile home park, which would automatically be placed in Evacuation Zone A), the County Commission has not had a thorough discussion on this issue, Ordinance 11-01 adopted the 2010 CEA, CHHA and Coastal Planning Area maps, the standard operating policies for each department are not adopted by the County Commission, need to review other properties such as this one, anything prohibiting the applicant from producing sketch and legals in order to create parcels, the LDC supports what the applicant is seeking to accomplish, policies and procedures are necessary for the County to adopt evacuation zones, the property was not included in the SLOSH model, which means it is not in the CEA Evacuation Zone A, 2016 SLOSH Surge Data Map is generated by the Tampa Bay Regional Planning Council, and the County Commission should be cautious about making countywide changes.

 Mr. Vogler displayed the CEA map from the applicant's Notice of Appeal, language from Notice of Appeal letter, a draft Petition for Hearing to challenge Ordinance 18-04, and Comprehensive Plan Policy C.2.1.1., Administrative and final interpretation. He questioned how the map changes were used for the administrative determination when the last map adoption took place with Ordinance 11-01.

BC20190905DOC011

Deliberations ensued on how the County Commission cannot question the appropriate staff member(s), the applicant's options, other counties practice the same procedures, and the applicant needs relief from such a broad decision.

 Ms. Schenk read reasons for granting the appeal as outlined in Resolution R-19-112 (page 3 of the resolution).

Based upon the Staff Report, evidence presented, comments made at the public hearing, Commissioner Trace moved to adopt Resolution R-19-112, to grant the appeal of Administrative Determination AD-19-04, and modify Administrative Determination AD-19-04, subject to conditions as specified in Resolution R-19-112. The motion was seconded by Commissioner Baugh.

(Note: Resolution R-19-112 changes status of the property in relation to the CEA of the Comprehensive Plan)

Ms. Schenk reported that Resolution R-19-112 would not contain conditions, because the County Commission did not assign any.

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

 Thomas Gerstenberger, Stormwater Engineering Division Manager, stated the CHHA maps are not related to the FIRMs, because they have different policies and standards. He emphasized that maps are always subject to change.

 The motion carried 7-0.

LAND DEVELOPMENT CODE/ACCESSORY DWELLING UNITS

 Commissioner Servia inquired when the Accessory Dwelling Unit (ADU) Ordinance would be brought back for consideration by the County Commission.
(Note: On June 20, 2019, the County Commission moved to take no action on LDCT-18-05/Ordinance 19-02, Accessory Dwelling Units, and defer the proposed ordinance back to staff and hold a future work session on suggested revisions)

Motion

 Commissioner Servia moved for staff to bring back the ADU Ordinance, revised, to address some of the County Commission comments at the earliest date possible. The motion was seconded by Commissioner Bellamy.

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

Lisa Barrett, Planning Manager, stated the ordinance would not be brought back at this time due to a staff shortage and other priorities.

Motion - Restated

 Commissioner Servia restated her motion on the floor: For staff to bring back a revised ADU Ordinance that addresses the County Commission’s comments from the last hearing, so it could be moved forward, at the earliest date possible. Commissioner Bellamy was in agreement.

Discussion ensued about a pilot program, overworking staff, speaking to the County Administrator about the lack of communication, numerous changes would have to be made to the ADU Ordinance, and need more planning staff to help with the County’s growing needs.

 Cheri Coryea, County Administrator, stated she sent an email (8/26/19) regarding the LDC amendment process, which would be discussed on the agenda for September 24, 2019, and staff is working on a list of items that need to be addressed with LDC changes.

Commissioner Servia withdrew her motion.

BC20190905DOC007

COMMISSIONERS’ COMMENTS (Continued)

Commissioner Baugh

-  Reported staff is trying to figure out the design for the Lena Road extension and how to design the 44th Avenue East extension to have an exit onto Lena Road (newspaper articles were referenced) BC20190905DOC012
-  Announced U.S. Representative Vern Buchanan would be hosting a town hall meeting at the Manatee Performing Arts Center on Saturday, September 7, 2019, at 12:00 p.m.

ADJOURN

There being no further business, Chairman Jonsson adjourned the meeting at 3:59 p.m.

Minutes Approved: _____