

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
March 5, 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 Reverend Brian Bagley-Bonner, Faith United Church of Christ, followed by the Pledge of Allegiance.

AGENDA

BC20200305DOC001

Time Certain:

2. Item 9, Resolution R-20-029, Denial of PDC-19-08(Z)(G), SR 70 and CR 675/Manatee Ranches, Inc. – 9:00 a.m.

REGULAR

9. RESOLUTION/PDC-19-08(Z)(G), SR 70 AND CR 675/MANATEE RANCHES, INC.

A duly advertised public hearing was held to consider adoption of proposed Resolution R-20-029, to deny Zoning Application PDC-19-08(Z)(G), and General Development Plan Application PDC-19-08(G), SR 70 and CR 675/Manatee Ranches, Inc.

(Note: The Zoning and General Development Plan Applications were heard and considered as one by the Planning Commission on October 10, 2019, and the County Commission on November 7, 2020, January 9, 2020, and January 24, 2020.



Sarah Schenk, Assistant County Attorney, stated at the previous hearing on January 24, 2020, the County Commission made a motion to direct the County Attorney's office to bring back findings (Resolution R-20-029) supporting denial of the development application.



Commissioner Trace moved to adopt Resolution R-20-029, to deny Zoning Application PDC-19-08(Z)(G), and General Development Plan Application PDC-19-08(G). The motion was seconded by Commissioner Baugh and carried 7-0.

BC20200305DOC002

CITIZEN COMMENTS (Future Agenda Items)



Joshua Conn, Manatee West Little League, sought assistance from the County Commission

BC MB FY19-20/1

on delaying the building of the new concession stand until the little league season ends on May 15, 2020.

Chairman Benac stated the County Commission received Mr. Conn’s letter, and advised him to speak with Charlie Hunsicker, Parks and Natural Resources Director.

 Discussion ensued on the benefits of communication to get teams rescheduled, and Commissioner Whitmore spoke to several residents on the matter.

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

BC20200305DOC003

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

4. **ORDINANCE/ZONING**

 A duly advertised public hearing was opened to consider adoption of Zoning Ordinance Z-19-25, Joyland Enterprises, Inc./Robert P. Ufer. The Planning Commission recommended denial (2/13/20), and this item is to be continued to April 2, 2020.

 Commissioner Jonsson moved to continue the public hearing for Z-19-25 to April 2, 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 Trace and carried 7-0.

BC20200305DOC004

5. **ORDINANCE/ZONING**

 A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance PDMU-19-10(G), State College of Florida Manatee-Sarasota – Parrish Campus/District Board of Trustees of State College of Florida. The Planning Commission recommended approval with stipulations (2/13/20), and this item is to be continued to no date certain and to be re-advertised.

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

 Commissioner Trace moved to continue the public hearing for PDMU-19-10(G) to no date certain, and to be re-advertised. The motion was seconded by Commissioner Bellamy and carried 7-0.

BC20200305DOC005

ADVERTISED PUBLIC HEARINGS (Presentation Scheduled)

6. **ORDINANCE/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was held to consider adoption of proposed Land Development Code Text Amendment LDCT-18-02/Ordinance 20-02, Signs (County-Initiated). The Planning Commission recommended approval (2/13/20).

(Note: The amendment would update sign regulations, Chapter 2, Definitions, Chapter 6, Signs, and Chapter 9, Design Guidelines and Standards) and

10. **ORDINANCE/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was held to consider the request to hold a second public hearing prior to 5:00 p.m., for Land Development Code Text Amendment LDCT-18-02/Ordinance 20-02, Signs.

 Lisa Barrett, Planning Manager, stated this is the first of two required public hearings, and the second public hearing is scheduled for April 2, 2020.

 Pat Tyjeski, County Consultant (S&ME), utilized a slide presentation to review background information and recent changes (temporary signs). She displayed a garage sign as an example, which measured three square feet.

 There was discussion on signs that are three square feet or less are exempt from regulations, no signs are allowed in public right-of-way, sign for Dollar General near Rice's cannot be seen from U.S. 41 due to the construction of the mini-warehouse facility, flag banners would have to meet size requirements, the removal of political signs is regulated by Florida Statute, and this ordinance is not proposing to regulate signage on County property.

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

 Ms. Barrett stated at the Planning Commission meeting Max Brando, Realtor Association of Sarasota and Manatee, gave his support of the ordinance.

Item 6, LDCT-18-02/Ordinance 20-02

No action was necessary.

BC20200305DOC006

Item 10, Second Public Hearing

 Commissioner Trace moved to hold the second hearing to adopt proposed Ordinance 20-02 (LDCT-18-02) on April 2, 2020, at 9:00 a.m., or as soon thereafter as same may be heard (in lieu of after 5:00 pm) pursuant to Section 125.66(4)(b)1., Florida Statutes. The motion was seconded by Commissioner Servia and carried 7-0.

BC20200305DOC007

Chairman Benac inquired if the permit for a movable copy sign was approved for St. Joseph Catholic Church.

Robert Wenzel, Planning Section Manager, reported staff is working with the church.

7. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-19-26, iProperties LLC. The Planning Commission recommended approval (2/13/20).

No ex-parte communications were disclosed.

 Rachel Layton, Planner for the applicant, utilized a slide presentation to review the aerial map, future land use map, Comprehensive Plan Map 5-A, and zoning map. The request is for a straight rezone for two parcels located at the northeast corner of Prospect Road and Tallevast Road. The combined parcels total 1.24 acres, and would have access to Tallevast Road through an existing curb cut. The site is currently vacant, but was previously developed with a single-family home. The applicant intends to develop the parcels under a unified development plan. The Future Land Use Category (FLUC) for the site is RES-6 (Residential, six dwelling units per acre), which is intended for areas of medium density residential development and complimentary support uses. The range of uses include medium density, urban residential, and cluster development with support uses such as neighborhood commercial, office, public/semi-public, recreation and school uses. The maximum floor area is 0.35. Prospect Road and Tallevast Road are designated as urban collectors on Map 5-A, Existing Roadways Functional

Classification map. The proposed zoning district meets the objectives for commercial development with sound plating principles including Commercial Locational Criteria.

The site is currently zoned RSF-4.5 (Residential single-family, 4.5 dwelling units per acre), which would allow for five residential dwelling units or an office, public use facility, assisted living facility, adult daycare or school. If approved, the request would rezone the site to NC-M (Neighborhood Commercial Medium). NC-M provides limited retail uses, personal services, offices and freestanding parcels or small shopping centers to serve residential neighborhoods. Any NC-M uses would be required to meet the intent of RSF-4.5 in Land Development Code (LDC) Section 531, Standards for Specific Uses, which could limit the potential uses for the site. The site is within the Sarasota-Bradenton International Airport Impact Overlay and the Evers Watershed Protection Overlay Districts. The Traffic Impact Statement was accepted by County staff, and the Transportation Impact Analysis and an Operational Analysis would be required at the Final Site Plan stage. Development of the site would include connection to existing water and force mains, but reclaimed water lines are not in proximity of the site. The applicant intends to pay the proportionate share of the costs to mitigate impacts from the project on utility plant and transmission capacities.

The School Report included compatibility concerns, and the applicant has agreed to pay attention to student population and multimodal design. Sidewalks exist on Tallevast Road and Prospect Roads and any necessary improvements to sidewalks would be incorporated with the Final Site Plan application. Special care would be given during the landscape design to ensure site visibility. The applicant owns and operates the adjacent daycare (Sammy's Small World), and is envisioning a retail center with compatible residential support uses on a neighborhood commercial scale. The LDC provides special criteria for all uses and any concerning uses may not be permitted without a special permit and public hearing. NC-M is an implementing zoning district of the RES-6 FLUC when a site meets Commercial Locational Criteria. The request is consistent with the Comprehensive Plan and would be infill or redevelopment. The site is west of the Future Development Area Boundary and outside of the Coastal High Hazard Area. The Sarasota-Bradenton International Airport reviewed the request and did not have any concerns.

 Discussion took place on the request being a great infill project, gas pump limitation, timing for the project, a variance was required for the daycare in order to comply with setback requirements, whether improvements are planned for Prospect Road, what is being developed across the street from the site, and the site was cleared prior to the hearing.

 Margaret Tusing, Public Hearing Section Manager, stated gas pumps require a special permit, which would limit the number of pumps, and another public hearing would be required.

 Achaia Brown, Planner I, made use of slide presentation to highlight the aerial map, history, request details, future land use and zoning map, site characteristics, positive aspects, and recommendation.

 There was discussion on how House Bill (HB) 1703 allows clearing/removal of trees on residential property, encouraging staff to include positive and negative aspects in the staff report, whether a medical marijuana dispensary is a permitted use for the site, and the site is appropriate for neighborhood commercial.

In regards to a medical marijuana dispensary as an allowed use, Ms. Brown explained the applicant would have to submit a zoning verification letter reflecting that the site is not located within 500 feet of Kinnan Elementary, which is not the case.

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

There were no staff or applicant closing comments.

 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, Commissioner Jonsson moved to adopt Manatee County Zoning Ordinance Z-19-26, as recommended by the Planning Commission. The motion was seconded by Commissioner Bellamy and carried 7-0.

BC20200305DOC008

8. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-19-29, Lillie Pearson Living Trust/Van SR 70 West LLC. The Planning Commission recommended approval (2/13/20).

No ex-parte communications were disclosed.

 Rossina Leider, Planning Section Manager, submitted a revised zoning ordinance, Letters of Support from James Pugliese and Gary and Cathy Manning, General Commercial Buffer and Setback Exhibit, and a copy of the recorded Access and Utilities Easement.

 Caleb Grimes, Attorney for Van SR 70 West LLC (contract purchaser), stated the request is for the rezone of a 1.91-acre site on State Road (S.R.) 70. He displayed the future land use, zoning and aerial maps to discuss how the site is within the R/O/R (Retail/Office/Residential) FLUC, the location of S.R. 70 in relation to the site, the U.S. Post Office on 39th Street East, Pearce Drain, and Gap Creek, and the surrounding zoning designations including A-1 (Suburban Agriculture). The applicant is the same applicant that developed the Wendy's Store located east of 42nd Street Court East. He displayed a General Commercial Buffer and Setback Exhibit and Exhibit A aerial map to elaborate on the new Access and Utilities Easement (1/15/19) for 42nd Street Court East (private driveway) created by the applicant and area neighbors. Access to the site would be off the interior road to 42nd Street Court East, and the Wendy's Store is required to maintain 42nd Street Court East as reflected in the lease. He pointed out the proposed buffers and setbacks for the site, and noted there are limitations under the Comprehensive Plan for the floor area ratio, which is 0.5. The staff report reflects the allowed uses (Land Use Chart Comparison) for the site, and since the site is within the Pearce Drain a 50 percent reduction in pre-development allowable runoff would be required.

 Discussion proceeded on access would be provided through the access and utilities easement, 42nd Street Court East has been built to County standards and would serve parcels to the north of the site and the Wendy's Store, new lots are not being created, whether or not the General Commercial Buffer and Setback Exhibit is part of the Access and Utilities Easement, the lack of on-site wetlands, current use of the site, the site is not within Commissioner Baugh's district, and required access requirements per LDC Section 1001.1.

 Ms. Leider made use of a slide presentation to highlight the aerial map, request details, Retail/Office/Residential FLUC, zoning map [Suburban Agriculture and GC (General Commercial) permitted uses], GC requirements, and site potential development under GC zoning. The on-site structure (single-family residence) is vacant. There is a private access easement that provides access to the parcels north of the site and the Wendy's store. The GC zoning is

consistent with the intent and potential range of uses listed for R/O/R more than A-1. The area consists of residential and non-residential development. The site does not contain any wetlands, and at the time of final site plan, staff would evaluate if the site should provide a 30-foot-wide wetland buffer for the wetland on the adjacent parcel.

 Clarke Davis, Deputy Director of Traffic Management, displayed an aerial to: (a) point out the subject site, the Wendy's Store, 39th Street East, S.R. 70, and 42nd Street Court East; and (b) discuss access. He displayed the Conceptual Access Plan (page 4 of the Traffic Impact Statement) to discuss the current condition of 42nd Street Court East and potential changes.

 Discussion took place on whether a commercial parcel is allowed to take access from an easement or a street, 42nd Street Court East was an existing, private road that was realigned, definition of subdivision, and flag lots are to the east of the Wendy's Store location.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, displayed a memorandum (11/4/91) and sketch from the private street application for John and Violet Vincent to point out the applicable parcels that had access to 42nd Street Court East. He also referenced the Access and Utilities Easement for the applicable parcels dated December 8, 2017.

 Mr. Grimes noted the definition for a subdivision states it is the division of two or more lots or the division of two or more lots that requires a street. Essentially, a subdivision creates new lots with exemptions, unless you are creating a new street.

 Commissioner Servia pointed out the current definition of subdivision also includes: or if the establishment of new street is involved.

Chairman Benac stated her understanding of access requires an approved public or private street.

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

Margaret Tusing, Public Hearing Section Manager, explained this site has access to S.R. 70. Since 1981, the adjacent residential parcels have used 42nd Street Court East for access.

Mr. Davis elucidated that in order for a road to serve two lots, a private or public street would be needed.

There were no staff or applicant closing comments.

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, Commissioner Trace moved to adopt Manatee County Zoning Ordinance Z-19-29, as recommended by the Planning Commission. The motion was seconded by Commissioner Servia and carried 7-0.

BC20200305DOC009

COMMISSIONERS' COMMENTS

Chairman Benac

-  Expressed concern that a development was approved administratively that is not meeting the LDC requirements on University Parkway between 31st Court East and U.S. 301. She requested a report from staff on how the development would affect the entranceway along this portion of University Parkway. Discussion ensued.

Commissioner Jonsson

-  Noted a dollar amount was not discussed for the building of roads at the recent All Things Transportation work session (3/3/20), and questioned plans to address costs

 Discussion proceeded on there was a lot of good information presented by staff, firm decisions were not discussed during the work session, Fort Hamer Road Bridge and Upper Manatee River Road are vital to the County, transportation priorities, certain roads are in a critical state (e.g. Lorraine Road, S.R. 70 and Lockwood Ridge Road, and Parrish area), funding sources need to be identified since building roads with impact fees is not working, speeding is an issue, ad valorem tax dollars can be used for roads, public protest confined Fort Hamer Road Bridge to four lanes, 44th Avenue East extension, having reports following a Sarasota/Manatee Metropolitan Planning Organization meeting (minutes are available), need to look at Public Safety (Emergency Medical Services and Law Enforcement) due to population growth, citizen input, and would like a report from staff on what can be done for Upper Manatee River Road based on comments from the residents of the Windsong Acres Subdivision on behalf of Mary Mazza.

BC20200305DOC010

Commissioner Servia

-  Commented on the efficiency of Code Enforcement staff, and the necessity for more officers, because they are working four hours a weekend now
-  Invited At-Large Commissioners to attend the Whitfield Homeowners Association and Bayshore meetings

Discussion took place on meeting dates being placed on the Commissioners' calendars.

Sarah Schenk, Assistant County Attorney, advised them to pay attention to agendas due to Sunshine Law regulations.

-  Questioned procedures for simultaneously processing future land use map amendments and rezone applications in relation to HB 7103

 Margaret Tusing, Public Hearing Section Manager, described procedures for processing amendments and rezone applications.

 Ms. Schenk reported the Community Planning Act requires local governments, at the applicant's request, to process a Comprehensive Plan amendment and rezone at the same time.

Chairman Benac suggested asking the County Administrator to bring back a report.

- Agreed with Chairman Benac's concern regarding the implementation of the LDC, which should be strictly enforced as it is written

Commissioner Bellamy

-  Informed Commissioners that there is a life safety issue at the intersection of 17th Street East and 2nd Avenue East, Palmetto, and he would be seeking help from the Sheriff's Office and the City of Palmetto Police Department to address concerns
-  Stated he encourages his constituents to contact At-Large Commissioners, and he would endeavor to bring up information from district meetings if the topics are something that can be addressed by the County Commission

Discussion took place on events such the upcoming Annual Parrish Heritage Day Parade Festival and Chili Cook Off (3/7/20) at the Florida Railroad Museum, Commissioners attending events together, staff involvement in coordinating invites, and Commissioner Bellamy would be attending the homegoing service (3/7/20) for Ronald Shannon, son of Coach Eddie Shannon.

LAND USE HEARINGS

 Margaret Tusing, Public Hearing Section Manager, announced Rossina Leider would be her replacement and would start sitting on the dais at the next land use hearing to get accumulated prior to Ms. Tusing's official retirement.

ADJOURN

There being no further business, Chairman Benac adjourned the meeting at 11:50 a.m.

Minutes Approved: _____