

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
October 5, 2017**

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

Present were:

Betsy Benac, Chairman
Robin DiSabatino, First Vice-Chairman
Charles B. Smith, Second Vice-Chairman
Stephen R. Jonsson, Third Vice-Chairman
Vanessa Baugh
Carol Whitmore
Priscilla Whisenant Trace

Also present were:

Nicole Knapp, Planning 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.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Deacon Ron Dains, Sacred Heart Roman Catholic Church, followed by the Pledge of Allegiance.

Chairman Benac announced funeral services are being held today for Corrections Deputy Shaun Feverston.

AGENDA

BC20171005DOC001

Agenda Update Memorandum: 

BC20171005DOC002


- Item 7, PA-16-10/Ordinance 17-04, Port Manatee Master Plan – Revised Master Plan to include missing pages and revised ordinance provided to Board Records and to e-agenda
- Item 8, PDMU-17-04(Z)(G), Ellenton Commerce Park – Revised zoning disclosure affidavit
- Item 11, Ordinance 17-36, Parrish Lakes DRI 28 – Revised Stipulations M(5) and M(6) in strikethrough/underline format, applicant letter regarding presentation time, and revised ordinance provided to Board Records and in e-agenda.
- Item 12, PDMU-16-16(Z)(G), FLM, Inc./Parrish Lakes – Revised Stipulations P(5) and P(6) in strikethrough/underline format, applicant letter regarding presentation time, and a revised ordinance provided to Board Records and in e-agenda
- Item 14, PA-17-06/Ordinance 17-33, City of Bradenton/Evers Reservoir – Public comment letter and response from staff

Time Certain:

- Item 16, Storm Debris Update (Add-on) – 9:00 a.m.

16. **UTILITIES/UPDATE/STORM DEBRIS COLLECTION**
Private Road Collection

BC20171005DOC003

 On September 26, 2017, Mike Gore, Utilities Director, reported on storm debris removal efforts including debris removal on private roads and the Federal Emergency Management Agency (FEMA) requirements for reimbursement for collection services. There are 22 trucks


running currently and five more will be added today. Yesterday, 7,200 cubic yards of debris was removed and the average continues to increase daily. The County does not have approval from FEMA as of yet, but staff feels there are health and safety reasons to facilitate reimbursement. The cost to collect debris on private roads will be between \$3-6 million, and the costs will be covered by the Solid Waste fund.

Motion

 Commissioner Whitmore moved to approve funding to collect debris on private roads. The motion was seconded by Commissioner Trace.

Commissioner Smith questioned if debris will be removed from private roads before public roads. If so, he would not support the recommended motion.

Currently debris is being collected in zones, and Mr. Gore would like to continue to collect in this manner.

 Katharine Zamboni, Assistant County Attorney, pointed out Ordinance 09-53, provides for debris removal in private community streets to allow for public safety operations.

Commissioner DiSabatino agreed with Commissioner Smith.

Discussion ensued.

Mr. Gore reiterated that he would like to continue to collect the debris in zones, and it is his desire to not open more debris sites.

Motion – Amended

The motioner and seconder agreed that the motion is for staff to collect storm debris on private roads in accordance with the procedures staff is already utilizing by zones.


Motion – Call the Question

A motion was made by Commissioner Trace, seconded by Commissioner Whitmore and carried 6-1, with Commissioner Smith voting nay, to call the question.

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

 The motion carried 6-1, with Commissioner Smith voting nay.

Yard Waste

 Mr. Gore stated the County is behind on the collection of yard waste and it is not the responsibility of the franchise haulers to pick up storm debris. The franchise agreement does allow the County to pay haulers to assist if there is a declared storm event. He sought permission from the Board for yard waste collection outside of the normal schedules.

Motion

A motion was made by Commissioner DiSabatino and seconded by Commissioner Baugh to authorize payment to franchise haulers outside of the normal range for extraordinary collection event for Saturdays and Sundays.

Discussion took place about Waste Pro not picking up trash as they should before the storms, estimated cost is \$500,000, and garbage rates will be affected for those residents placing

yard waste in garbage bins.

Mr. Gore relayed funds would come out of the Solid Waste fund.

Motion – Call the Question

A motion was made by Commissioner Trace, seconded by Commissioner Jonsson, and carried 4-3, with Commissioners Benac, DiSabatino, and Smith voting nay, to call the question.

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



The motion carried 6-1, with Commissioner Smith voting nay.

Lena Road Landfill



Mr. Gore stated staff has received phone calls about residents being able to haul their debris to the landfill. He recommended allowing free disposal of debris at the Lena Road landfill (no tipping fees) starting next weekend (10/14/17) for three weekends. There will not be a disposal cost through the vendor with minimum staffing and operational costs. This endeavor would be paid through the Solid Waste fund with a cost of approximately \$50,000.

Motion

Commissioner Trace moved Mr. Gore’s recommendation. Commissioner DiSabatino seconded the recommendation.

Discussion proceeded about monitoring the dumping, press release will be generated to announce the free disposal, storm debris will not be accepted in plastic bags, because the debris will be burned, commend staff on their hard work, and receiving reimbursement funds from FEMA in a timely manner.

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



The motion carried 7-0.

2. CITIZEN COMMENTS (Future Agenda Items)



Tamim Choudhury, U.S. Small Business Administration (SBA), informed the Board of the services offered by the SBA to assist in the rebuilding of businesses of all sizes, private non-profits, homeowners, and renters. He expressed willingness to let the County know when a disaster recovery center opens locally. Upon question, he noted the affected parties should register with FEMA first, but it is not mandatory.

BC20171005DOC004

There being no additional citizen comments, Chairman Benac closed citizen comments for future agenda items.

(Note: Additional citizen comments on future agenda items were taken later in the meeting)

CONSENT AGENDA

3. BUILDING AND DEVELOPMENT SERVICES/STREET WAIVER REQUEST

Approved the street numbering waiver request by ZNS Engineering allowing named streets to be utilized in the Morgan/Riverside Preserve Subdivision, contingent upon approval of Zoning Ordinance PDR-17-02(Z)(P).

BC20171005DOC005

4. **BUILDING AND DEVELOPMENT SERVICES/STREET WAIVER REQUEST**

Approved the street numbering waiver request by ZNS Engineering allowing named streets to be utilized in the proposed Silverstone Subdivision, contingent upon approval of Zoning Ordinance PDR-16-21(Z)(P). BC20171005DOC006

There being no citizen comments, Chairman Benac closed citizen comments for the Consent Agenda.

MOTION - CONSENT AGENDA



A motion was made by Commissioner DiSabatino, seconded by Commissioner Trace, and carried 7-0, to approve the Consent Agenda.

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

5. **ORDINANCE/ZONING**

A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance PDMU-16-02(P), Gulfside Homes/Bowlees Creek LLP/Blu Harbor. This item was continued from September 7, 2017, and to be continued to November 2, 2017.

There being no public comment, Chairman Benac kept public comment opened.



Commissioner Trace moved to continue the public hearing for PDMU-16-02(P) to November 2, 2017, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Building, first floor chambers. The motion was seconded by Commissioner Jonsson and carried 7-0. BC20171005DOC007

6. **ORDINANCE/LAND DEVELOPMENT CODE**



A duly advertised public hearing was opened to consider adoption of proposed LDCT-17-02/Ordinance 17-22, Land Development Code Text Amendment, Airport Zoning. The Planning Commission recommended approval. This item was continued from September 7, 2017, and to be continued to November 2, 2017.

There being no public comment, Chairman Benac kept public comment opened.

Commissioner DiSabatino moved to continue the public hearing for LDCT-17-02/Ordinance 17-22 to November 2, 2017, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Building, first floor chambers. The motion was seconded by Commissioner Trace and carried 7-0. BC20171005DOC008

7. **ORDINANCE/COMPREHENSIVE PLAN**




A duly advertised public hearing was held to consider adoption of proposed Comprehensive Plan Amendment PA-16-10/Ordinance 17-04, Port Manatee Master Plan. This item was previously recommended for transmittal by the Planning Commission and the Board of County Commissioners.



Kathleen Thompson, Planning Manager, made introductory remarks and noted the Port Manatee Master Plan consists of 400 pages.


The Board recognized Ms. Thompson on her upcoming retirement.

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


 Based upon 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 Baugh moved to adopt Plan Amendment PA-16-10/Ordinance 17-04, as recommended by the Planning Commission. The motion was seconded by Commissioner Jonsson and carried 7-0.


BC20171005DOC009


8. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-17-04(Z)(G), Ellenton Commerce Park. The Planning Commission recommended approval with stipulations.

No ex-parte communications were disclosed.


 Todd Mathes, Benderson Development LLC, submitted a revision to the staff report regarding flood zones and revised Stipulation A.1.


 Discussion took place about proposed traffic pattern for the project, 51st Avenue East and U.S. 301 is not in the CIP (Capital Improvement Program), truck traffic and drainage.


 Clarke Davis, Transportation Planning Division Manager, elucidated the applicant proposes to take access on 17th Street East (Memphis Road) where it intersects with 51st Avenue East. Staff and the applicant will work on the future location of 47th Avenue East, which will be extended from this site to 69th Street East (47th Avenue East further discussed during PDR-16-21(Z)(P), Silverstone). It is expected that most of the traffic will travel on 51st Avenue East to U.S. 301, and this intersection will be included in the reconstruction of the I-75 interchange fund for FY 20 under the Florida Department of Transportation (FDOT) work program. Any improvements that occur at 17th Street East (Memphis Road) will be completed as part of the final site plan operational analysis of this area. FDOT has accelerated funding for the I-75 interchanges (S.R. 70, S.R. 64, and U.S. 301) and the U.S. 301 interchange is funded for construction in FY 19/20.


 Thomas Gerstenberger, Stormwater Engineering Division Manager, reported drainage for the southern portion of the project where the proposed warehouse would be constructed predominately drains southward into the Manatee River whereas the northern portion of this project drains east towards Government Hammock, which is the drainage system that runs along the Ellenton Premium Outlets and 60th Avenue East.


Mr. Mathes, Christopher Hatton, and Clint Cuffle, all representing the applicant, utilized a slide presentation and an aerial map to highlight the request including the acreage, boundary, right-of-way, photographs of the Sarasota Commerce Park, transportation, drainage, and addressing public concerns.

 Discussion proceeded about the truck traffic near Pilot Travel Center and Waffle House (51st Avenue East), will there be access directly on 17th Street East (Memphis Road), illegally parked trucks on 51st Avenue East, an operational analysis was completed, other Benderson Development commerce parks do not generate high trips, the applicant did consider a residential project for this site, lighting, the applicant is not responsible for correcting traffic deficiencies, connectivity, previous study of the area, job opportunities, wish project was closer to Port Manatee, and involvement of the Sheriff's office regarding traffic in the area.

 Bernard Salmon, Building and Development Services, made use of a slide presentation to review the zoning map, future land use map, an aerial map, special approval requests, the general development plan, positive and negative aspects, and mitigating factors.


 There was discussion regarding access road on 17th Street East (Memphis Road) and FDOT interchange improvements for I-75.

 Mr. Davis clarified the access road for the project is proposed at 17th Street East (Memphis Road) and 51st Avenue East, which will connect to a thoroughfare roadway (47th Avenue East) in the future, but the exact path has not been determined. He utilized a general development plan aerial map to point out previous plans and necessary plans for a thoroughfare roadway (47th Avenue East) from 51st Avenue East through the site to Mendoza Road. An aerial map was displayed to point out the location of the Pilot Travel Center and Anna Maria Oyster Bar on 51st Avenue East.

 Gary Guerin, area resident, opposed the request due to truck traffic and its affect on Blackburn Elementary School. He questioned the applicant's choice for commercial instead of residential and expressed concern with the FDOT's proposed improvements to the I-75 and U.S. 301 interchange.

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


Motion - Denial (Withdrawn)


 Commissioner Trace moved to deny Zoning Ordinance PDMU-17-04(Z)(G). Commissioner Smith seconded the motion.

Upon question, Mr. Davis addressed comments regarding the I-75 interchange and the cueing of vehicles from U.S. 301 to 51st Avenue East.

Ms. Schenk advised that procedurally the applicant should have rebuttal time and the motion should be withdrawn.

Commissioners Trace and Smith withdrew their motion for denial.

 Discussion ensued about Mr. Guerin suggesting that residential would help the traffic in the area, ramifications for denying the request due to compatibility concerns such as traffic, traffic signal at 51st Avenue East and 17th Street East (Memphis Road), the traffic impact statement did not include trip generation calculations for Blackburn Elementary, does staff know FDOT plans for the interchange improvements, and traffic counts for a project of this nature.

 Mr. Hatton reported the p.m. peak hour trips would be between 160-170 trips. The applicant has submitted a detailed traffic analysis and comments have been addressed.

Discussion proceeded if the I-75 and U.S. 301 interchange ramps will resemble the ramps at University Parkway and I-75, clarification on whether or not FDOT will correct any problems at the intersection of U.S. 301 and 51st Avenue East, the idea that the Pilot Travel Center will prevent the project from being developed is not reasonable, and what is allowed in the mixed-use (MU) designation.

Mr. Hatton stated FDOT will address the problems at this intersection, which is a choke point, because the I-75 and U.S. 301 interchange has to flow efficiently.

Mr. Salmon explained MU allows for residential, light industrial and commercial uses.

Chairman Benac pointed out MU is the most intense land use in the County other than the land use for Tropicana.

Nicole Knapp, Planning Section Manager, highlighted the range of potential uses for MU (staff report, page 8) including retail, wholesale, office uses, light industrial uses, research/corporate uses, warehouse/distribution, suburban or urban residential uses, and lodging places.

Chairman Benac expressed concern with proposing to deny a project because of 51st Street East and the I-75 and U.S. 301 interchange. This project would have a lower trip generation than what could be development there.

Thomas Gerstenberger, Stormwater Engineering Division Manager, requested a recess in order for staff to locate an exhibit of the I-75 and U.S. 301 interchange.

RECESS/RECONVENE: 11:26 a.m. – 11:35 a.m. All Commissioners were present.



Mr. Davis displayed a map from the PD&E study to point out 51st Street East and U.S. 301 and planned improvements for the I-75 and U.S. 301 interchange. The cueing of trucks on 51st Street East is a site-related problem.

Chairman Benac questioned which direction the majority of traffic will take when it exits the site.

Mr. Hatton stated that 62 percent of the trips will head south and 38 percent of the trips will head west. Improvements planned by the applicant will improve the efficiency of 51st Street East.

Discussion ensued regarding property rights, voting on the project, 51st Street East was poorly designed, and the status of 60th Avenue East.



Mr. Davis reported three roadway improvements for the south part of 60th Avenue East are programmed within the next three years of the CIP. These improvements will most likely coincide with the FDOT interchange improvements for I-75 and U.S. 301.



Todd Mathes, Benderson Development, spoke to concerns regarding traffic count calculations and the zoning and future land use designations of the site.

Motion – Denial



Ms. Schenk read proposed motion for denial: Motion to direct the County Attorney to work with staff to bring back findings to support denial of application PDMU-17-04(Z)(G), Ellenton Commerce Park, as being inconsistent with the Comprehensive Plan and not in compliance with the Land Development and the continuance date would be November 2, 2017.

The motion of denial as read Ms. Schenk was moved by Commissioner Trace and seconded by

Commissioner Smith.

Commissioner Smith does not support the project due to the location of the entrance, which proposed at 51st Avenue East and 17th Street East (Memphis Road).

Commissioner Whitmore stated the Planning Commission recommended approval, and she would not support the motion for denial.

Motion - Failed

The motion of denial failed 2-5, with Commissioners Smith and Trace voting in favor and Commissioners Baugh, Benac, DiSabatino, Jonsson and Whitmore voting nay.

Motion - Approval

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 Land Development Code, as conditioned herein, Commissioner DiSabatino moved to approve Manatee County Zoning Ordinance PDMU-17-04(Z)(G); Approve the General Development Plan with Stipulations A.1 (as revised by the applicant), B.1, C.1-C.6, D.1-D.3 and E.1-E.11; Grant Special Approval for: (1) a project in the MU Future Land Use Category (FLUC) (Policy 2.2.1.21.4); (2) a project adjacent to a perennial stream (Policy 3.2.2.1.); and (3) for a project in an entranceway; as recommended by the Planning Commission. The motion was seconded by Commissioner Baugh and carried 5-2, with Commissioners Smith and Trace voting nay.

BC20171005DOC010

RECESS/RECONVENE: 11:58 a.m. - 1:30 p.m. All Commissioners were present.

9. **ORDINANCE/ZONING**



A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-16-21(Z)(P), Armstrong, Len Tran, Inc./Turner, Cone and Graham, Inc./Silverstone. The Planning Commission recommended approval with stipulations.

Nicole Knapp, Planning Section Manager, submitted revised Stipulation B.6.

No ex-parte communications were disclosed.



Rachel Layton, planner representing the applicant, utilized a slide presentation to highlight the aerial map, the zoning map, the future land use map, density, a subdivision map, preliminary site plan, buffering, open space, future thoroughfares, special approvals, school capacity, and the neighborhood meeting. She requested approval of the project.



Discussion took place about project's proximity to Rubonia Terra Ceia Cemetery (cemetery), distance from the first home to the cemetery, access to the cemetery is on Sim Barco Road, area flooding, are turning lanes proposed by the applicant, access points, project build out date, size and amount of the retention ponds, and what steps has the applicant taken to ensure that the cemetery will not be impacted.

Nathan Kragt, representing the applicant, addressed the following:

- While utilizing the preliminary site plan (from the slide presentation) pointed out the drainage path, which would be away from the area to the west and north. He confirmed the project will not have an access point on Sim Barco Road and the cemetery would not drain into the project's retention pond, but bypassed around or

- through the project to its current path.
- Access points for the project are proposed on 69th Street East and 47th Avenue East, Ellenton-Gillette Road (36th Avenue East) and cross connection tie through Willow Walk. The applicant will construct an eastbound right-turn lane at Ellenton-Gillette Road (36th Avenue East) and 69th Street East and a westbound left-turn lane at U.S. 41 and Experimental Farm Road (49th Street East).
 - The applicant would like to have the first home built within 12-18 months.
 - The retention ponds are designed in a large manner, because it is desirable to live adjacent to them. The project will not have back to back lots.
 - An archaeological professional was hired to survey the land to survey the site above and below the ground, which included areas south and west of the cemetery towards the project, to ensure that the project will not adversely affect the cemetery



Ms. Knapp concurred with the applicant's presentation and noted staff recommends approval.



Upon question, Mr. Gerstenberger relayed the distance of the retention pond to the cemetery is a minimum of 50 feet. He displayed an overall stormwater conveyance and drainage basin map to discuss drainage flow patterns in the area.



Commissioner Trace inquired if: (a) Ellenton-Gillette Road (36th Street East) will be a four-lane road; (b) Palm View Road (61st Street East) is a private to the east side of Ellenton-Gillette Road (36th Street East); and (c) Mendoza Road (37th Street East) will be a four-lane road.

Clarke Davis, Transportation Planning Division Manager, reported Ellenton-Gillette Road (36th Avenue East) has programmed improvements in the CIP for wider travel lanes, shoulders, intersection improvements. Ellenton-Gillette Road as a four-lane road is a planned improvement (Comprehensive Plan). A small part of Palm View Road (61st Street East) east of Ellenton-Gillette Road (37th Street East) is public and a portion that is just driveways on private property between the end of the road today and the edge of the project. The applicant is providing a future right of way setback on the preliminary site plan, which is not needed to support the project or provide access but will be available to expand Palm View Road (61st Street East) in the future. He reported traffic from the project will not connect to Mendoza Road (37th Street East), because access will be via 47th Avenue East to Experimental Farm Road (49th Street East) to 69th Street East and directly to Ellenton-Gillette Road from Street "A." The project will have cross connections to Willow Walk and Willow Hammock.

Chairman Benac questioned the location of 47th Avenue East.


Commissioner Trace explained 47th Avenue East is proposed to extend from 69th Street East, southward along I-75 to Mendoza Road (37th Street East). She expressed concern with drainage in the area (8 inches over 10 hours).





Mr. Gerstenberger stated the project area is split into three watersheds: (a) the northern portion drains into Buffalo Canal/Frog Creek; (b) the middle portion is the headwaters of McMullen Creek; (c) and the southern portion is in the Government Hammock drain.


Commissioner Trace elaborated that her concern is for the areas of Rubonia and Palmetto Point due to flooding, and the County is not prepared for traffic impacts.

Mr. Gerstenberger stated for Buffalo Canal/Frog Creek and McMullen Creek, Stipulation C.1 requires the 50 percent reduction and the allowable runoff rate that would be for an 8-inch rainfall event within a 24-hour period. This project would also be required to provide floodplain mitigation for the 25- and 100-year floodplains, which are associated with all of the aforementioned watersheds.

 There was discussion about the location of the cemetery, whether or not the cemetery is actively utilized, 47th Avenue East, importance of having north-south connector roads, and is the 50 percent reduction being imposed on this project.


 Edward Vogler, attorney representing the applicant, used an aerial exhibit to point out the location of the cemetery, which is to the east of the future County right-of-way. The applicant investigated if the cemetery was a historical, cultural resource and discovered the cemetery had recently been visited by the State Historic Preservation Officer (he made reference to the Cultural Resource Assessment Survey).


 Mr. Davis utilized the aerial exhibit (presented by Mr. Vogler) and the County's geographic information system to point out 47th Avenue East north of 69th Street East southward where it is proposed to end on 51st Street East and 17th Avenue East through Ellenton Commerce Park [PDMU-17-04(Z)(G)]. Staff will work with the applicant for the Ellenton Commerce Park on the exact path of 47th Avenue East. He explained 47th Avenue East will be a two-lane road from Mendoza Road to the Ellenton Commerce Park project.


 Mr. Gerstenberger stated the 50 percent reduction allowable runoff is being imposed on the portion of the project, which drains into McMullen Creek and also on the portion of the project that drains into Buffalo Canal/Frog Creek watershed. Upon request from Chairman Benac, he elucidated that the 50 percent reduction and runoff is basically looking at a comparison of the existing runoff rate and predevelopment condition versus the post-development condition (from pastureland and forest to development). This particular project actually is approving 35 acres of retention ponds and approximately 20 acres that would be utilized with the existing wetlands.


Discussion continued about making sure to not overburden established developments with new developments, work session is being scheduled to discuss August 2017 storm event, number of random storm events, and who owns the cemetery.

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

 Ms. Schenk pointed out the Cultural Resource Assessment Survey was not included with the agenda materials, which was promptly submitted by Ms. Layton.

 Mr. Vogler rebutted on drainage (overall stormwater conveyance and drainage basin map displayed), the cemetery (Stipulation A.5) and the traffic study, which has been approved. He requested approval of the project.

 Discussion took place about drainage percentages, denial of a project because of historic flooding in the area, proper noticing of adjacent property owners including the Rubonia Terra Ceia Cemetery Association, how old are the drainage models referenced in Stipulation C.2, purpose of retention pond (stormwater facilities) is to capture the water, to slow the rate of release.


 Ms. Schenk reported Land Development Code Section 402.6 addresses factors for reviewing proposed site plans in regards to traffic and drainage deficiencies. She acknowledged not hearing any testimony that this project would adversely impact the surrounding area.

Commissioner Smith expressed concern about the Rubonia Terra Ceia Cemetery Association being properly noticed.

Ms. Knapp noted older associations listed their address as the Historic Courthouse.


Motion - Denial

Commissioner Trace moved to continue PDR-16-21(Z)(P), Armstrong, Len Tran, Inc./Turner, Cone and Graham, Inc./Silverstone for denial. The motion was seconded by Commissioner Smith.

 Ms. Schenk read proposed motion for continuance: Motion to continue deliberations on application PDR-16-21(Z)(P), Armstrong, Len Tran, Inc./Turner, Cone and Graham, Inc./Silverstone, to November 2, 2017, in order to enable the County Attorney's office and staff to be directed to prepare findings to support denial.

The motion of denial failed 2-5, with Commissioners Smith and Trace voting in favor and Commissioners Baugh, Benac, DiSabatino, Jonsson and Whitmore voting nay.


Motion - Approval

 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 Land Development Code, as conditioned herein, Commissioner DiSabatino moved to adopt Manatee County Zoning Ordinance PDR-16-21(Z)(P); and Approve the Preliminary Site Plan with Stipulations A.1-A.5, B.1-B.6 (B.6 as added at the hearing), C.1-C.5, and D.1; Grant Special Approval for a project: (1) exceeding a gross density of two dwelling units per acre in RES-3 FLUC; (2) adjacent to a perennial stream; and (3) a project partially in the 25-year floodplain, as recommended by the Planning Commission. The motion was seconded by Commissioner Jonsson and carried 5-2, with Commissioners Smith and Trace voting nay.

BC20171005DOC011


RECESS/RECONVENE: 3:01 p.m. - 3:08 p.m. All Commissioners were present.


10. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-17-04, Dacas Rezone. The Planning Commission recommended approval.

No ex-parte communications were disclosed.

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

 Commissioner DiSabatino sought clarification on the number of units.

 Tia Boyd, Planner, explained the maximum duplexes that the applicant can build is 8 on the larger parcel and if they choose one single-family residence.

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 Land Development Code, Commissioner Smith moved to adopt Manatee County Zoning Ordinance Z-17-04, as recommended by the Planning Commission. The motion was seconded by Commissioner Trace.

Commissioner Smith asked staff to monitor duplexes in the County and Chairman Benac agreed.



The motion carried 7-0.

BC20171005DOC012

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

11. **ORDINANCE/DRI**



A duly advertised public hearing was held to consider adoption of proposed Ordinance 17-36, Parrish Lakes DRI 28. This item was continued from September 7, 2017. The Planning Commission recommended approval.

and

12. **ORDINANCE/ZONING**



A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-16-16(Z)(G), FLM, Inc./Parrish Lakes. This item was continued from September 7, 2017. The Planning Commission recommended approval.

No ex-parte communications were disclosed.



Rossina Leider, Building and Development Services, submitted audio from the Tampa Bay Regional Planning Council (TBRPC) meeting on June 12, 2017, revised motion for Ordinance 17-36, and revised Stipulations P(5) and P(6), which pertain to affordable housing fees.





Diane Chadwick, representing the applicant, utilized a slide presentation to review Map H, Comprehensive Plan for office/commercial and townhome/duplex, development totals, project boundary, general development plan, student generation rate, school service areas, and school impact fees. The applicant agreed with the staff report, draft Ordinance 17-36, and draft Zoning Ordinance PDMU-16-16(Z)(G) but not Stipulations P(5) and P(6) as submitted by staff at the hearing.




Patricia Petruff, attorney representing the applicant, explained the applicant has voluntarily agreed to designate 10 percent of the overall residential units as affordable or workforce housing and pay a fee up to \$2,000 per unit if the units were not built. The \$2,000 is the dollar amount normally used throughout the Tampa Bay region and was stipulated by the Board in the Robinson Gateway DRI (Development of Regional Impact) approval (Ordinance 15-14). She submitted a letter (10/4/17) with exhibits relaying correspondence with staff regarding the applicant's concern with the affordable housing fees. Resolution R-16-117, Affordable Housing (payment in lieu of construction) states the fees are \$3,899 per bonus unit not constructed or per removed unit not replaced, plus 3 percent administrative surcharge. The applicant is not removing any units, because the site is being used for agriculture and bonus units were not requested. It is inappropriate for staff to take a number that was put in the fee schedule for a different purpose and apply it to this project. Section 545 of the Land Development Code clearly states it is a fee if the developer fails to replace affordable housing units that have been removed or if the bonus units that the Board gave as a gift for building affordable housing units. She respectively requested the Board use


the \$2,000 per unit fee and not approve Stipulations P(5) and P(6) as submitted by staff at the hearing.

 Discussion took place on clarifying the difference between Stipulations P(5) and P(6), the Robinson Gateway DRI has affordable housing, affordable housing fee is not included with large projects, because it does not follow DRI rules, 330 homes (10 percent of homes will be affordable or workforce housing), the development order for the DRI stays with the land if it is sold, affordable housing rules for a DRI, the project has met the TBRPC standards, school site is being surplus (Harrison Ranch Boulevard and Moccasin Wallow Road), length of Road EE (from Carter Road to Sawgrass Road), and details on Willow-Ellenton Trail, which is along Erie Road.

 Ms. Leider agreed with the applicant's presentation. She pointed out on page 3 of Zoning Ordinance PDMU-16-16(Z)(G), Stipulation A(1), Table 1, Development Totals, the word "attached" for single-family residential units should be deleted.

 Clarke Davis, Transportation Planning Division Manager, stated the internal connection between Carter Road and Sawgrass Road is limited to Road EE on the future thoroughfare road. Road EE is a planned collector road designed for circulation in this general area. In the future Road EE will be renamed, built to collector road standards, and the applicant could possibly utilize complete streets standards. If the applicant builds a trail and it requires additional right-of-way then the County has to acquire the needed right-of-way.

Ms. Chadwick stated the applicant did proffer a trail along Erie Road and Carter Road, outside or within the right-of-way.


 Geri Lopez, Director of Redevelopment and Economic Opportunity, stated the County's preference is for the developers to construct affordable housing, but if not, she requested the fees in the development order and the zoning ordinance be the 2016 fees contained within Resolution R-16-117, Affordable Housing (payment in lieu of construction) for consistency. Market conditions have changed significantly since 2010 and the \$2,000 fee established by the TBRPC has not kept up with the market conditions.


Discussion took place about the origin of the \$2,000 fee, no more DRIs so may not have this issue in the future, if the Board supports the \$2,000 fee there will not be legal ramifications, and developers tend to pay the \$2,000 fee rather than building affordable housing.

Ms. Schenk explained DRIs are mandated under the Florida Administrative Code to construct affordable housing.


Chairman Benac elucidated that a study is required to show if this application meets its requirements for affordable. A study can be conducted to show what the supply of affordable housing is or they offer the \$2,000 fee. The applicant has to do something and paying the \$2,000 fee is acceptable to the TBRPC.


Discussion continued regarding flooding in the area, roads are inadequate, work session on affordable housing, affordable housing is a voluntary option, is the applicant meeting Land Development Code requirements for drainage, floodplain, base flood elevation, what is the customary distance for building from Buffalo Canal, width and depth of Buffalo Canal, fencing or barriers between adjacent communities, and interneighborhood ties.

 Mr. Gerstenberger stated the staff report includes the flood reduction requirements for Buffalo Canal as far as providing 50 percent reduction in allowable runoff rate. The project has to meet requirements of Sections 801 (stormwater) and 802 (floodplain) of the Land Development Code, the Floodplain Ordinance, and the Florida Administrative Code (through the Southwest Florida Water Management District for stormwater design). He emphasized stormwater facilities are designed up to a certain threshold, and discussed base flood elevations. Building from Buffalo Canal depends on whether or not the canal is considered a jurisdictional wetland; however, as part of stormwater requirements, a drainage easement for Buffalo Canal would be required and an associated 20-25-foot maintenance access easement on a least one side or bank of the canal.

 Dorothy Rainey, Building and Development Services, reported if the Buffalo Canal is considered to be a jurisdictional wetland and required to have a wetland buffer, staff usually coordinates with the applicant to allow the plantings that are necessary in the buffer and the use of the easement for stormwater purposes.


Mr. Gerstenberger stated Buffalo Canal is approximately 50 feet in width with a depth of 6-8 feet.

 Andrew Ryland, engineer representing the applicant, reported there are many LDC requirements and engineering standards that dictate that the project will have to be higher than the banks of Buffalo Canal. The project will not be designed to be lower than the flood elevation in the Buffalo Canal even if it is on the back side of a berm nor rely on a manmade berm to be only the barrier from the water elevations in the Buffalo Canal from getting into the development.


 Ms. Petruff noted a 20-foot buffer is proposed along the project perimeter boundaries and where there is a roadway, the buffer will be a 50-foot thoroughfare buffer. Copperstone and Floridian at Moccasin were not permitted to have interneighborhood ties or connections but there will be appropriate roads and connections, within the project.


Mr. Ryland confirmed base flood elevations vary across the site and all new development will be elevated above the flood elevation.

Public Comment

 Tonya Byerley read a letter of concern about ongoing flooding on her property.

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

 Mr. Ryland explained classic regulations limited a developer to a peak rate of discharge equal to that of the property before it is developed. The 50 percent reduction is the fastest rate the water can level a site, which is above and beyond the classic regulation. He elaborated the best tools will be utilized in conjunction with the 50 percent reduction including the watershed study.

 Mr. Gerstenberger stated staff does not disagree with using best available information, but there are only three watersheds in the County that have available data. He expressed concern with models utilizing the watershed study, which can produce thousands of nodes, and non-adverse impacts. Staff recommends a flow reduction in the water prone areas and mitigation of the floodplain impacts.

Discussion took place about the location of Ms. Byerley's property, drainage from the proposed project and Ms. Byerley's property (County Maintained Drainage System Map and an aerial map were displayed), base flood elevation for Ms. Byerley's property, and any street lights proposed.



Mr. Davis noted there are development order conditions for intersections that are within the impact area, which have been identified as needing signalization or roundabout control when warranted.

Mr. Gerstenberger elaborated that staff is cognizant of the steep gradient upstream, but there is very little gradient to play with from Ms. Byerley's home to Buffalo Canal. The vacant School Board property (60 acres) located on Erie Road north of Harrison Ranch Boulevard would be an ideal site for a retention pond.

Discussion continued that the School District sent a letter announcing its plan to dispose of the 60 acres, the idea behind a study is to identify needed improvements, planned improvements for Erie Road, existing flooding problem in the area, additional stormwater facilities, and make a motion to have staff look at scheduling a meeting with the School Board to discuss purchasing the 60 acres.

Mr. Davis stated there is planned improvement for Erie Road to increase lanes from two to four and there is a partial programmed improvement for functional improvements (wider shoulders, improved pedestrian facilities, and sidewalks). Section 5, Development Condition A.(1) addresses the applicant's commitments for intersection improvements including signalizations.

Motion - Ordinance 17-36



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, the Manatee County Land Development Code, and Section 380.06, Florida Statutes, and Section 73C-40.025, Florida Administrative Code, subject to the conditions of approval established in the Development Order, Commissioner Whitmore moved approval of DRI 28 and adoption of Ordinance 17-36 (without the recommended payment changes to M(5) and M(6) and with the recommended name change as presented on the agenda update memorandum), as recommended by staff. The motion was seconded by Commissioner Smith and carried 7-0.

BC20171005DOC013


Motion - PDMU-16-16(Z)(G)




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, the action of the Planning Commission, and the Manatee County Land Development Code, as conditioned herein, and making a determination that the proposed buildings exceeding 35 feet in height are consistent with Land Development Code Section 402.7.D.9, Commissioner Smith moved to adopt Manatee County Zoning Ordinance PDMU-16-16(Z)(G); Approve the General Development Plan with Stipulations (without the recommended payment changes to P(5) and P(6) and with recommended the name change as presented on the agenda update memorandum); Grant Special Approval for a project: (1) in the Mixed-Use FLUC; (2) adjacent to a perennial stream; and (3) partially in the 25-year floodplain; Adopt the Findings for Specific Approval; and Grant Specific Approval for an alternative to Land Development Code, Section 403.12.D.3(k) [reduction of rear yard setbacks for accessory structures in North Central Overlay District], as recommended by the Planning Commission. The motion was seconded by Commissioner Jonsson and carried 7-0.

BC20171005DOC014

Motion – Surplus Property

 A motion was made by Commissioner Whitmore to ask staff to look at surplus property (60 acres) that the School District has on Erie Road (north of Harrison Ranch Boulevard) to assist in the drainage in the area only. The motion was seconded by Commissioner Trace.

 John Barnott, Building and Development Services Director, reported staff is researching surplus property owned by the School Board and/or the County to provide relief for stormwater throughout the County, which will be addressed at a work session (10/17/17).

Commissioner Baugh amended the motion to read: for staff to come back to this Board to give a presentation on the possibility of looking to purchase this land (60 acres) for drainage. The motioner and seconder agreed to the change.


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


The motion carried 7-0.


BC20171005DOC015


RECESS/RECONVENE: 5:21 p.m. – 5:29 p.m. All Commissioners were present.


13. **ORDINANCE/COMPREHENSIVE PLAN**


 A duly advertised public hearing was held to consider adoption of proposed Comprehensive Plan Amendment PA-17-04/Ordinance 17-18, Myara Property Joint Venture LLC. This item was previously not recommended for transmittal by the Planning Commission and recommended for transmittal by the Board of County Commissioners.

 Rossina Leider, Building and Development Services, stated this is the adoption hearing for PA-17-04/Ordinance 17-18, and staff does not have any new evidence to present.


 Edward Vogler, attorney for the applicant, noted there were no comments from the 17 review agencies and submitted a recommended motion. A slide presentation was utilized to review the aerial map, build out conditions, update since the transmittal hearing (8/3/17), 1989 future land use map, 2017 future land use map, prior decision of the Board, no public benefit, and reasons to approve the amendment.


 Pat Neal, Neal Communities LLC, explained the elimination of the Linger Lodge Road Extension from the Comprehensive Plan will allow the preservation of the property. He requested approval of the amendment.

 Discussion took place about Neal Communities working with Save Our Woods and neighbors partnering with the County on a resolution.


 Based upon the evidence presented, comments made at the public hearing, the technical support documents 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 Baugh moved to adopt Plan Amendment PA-17-04/Ordinance 17-18, as recommended by the Planning Commission. The motion was seconded by Commissioner DiSabatino.

Public Comment

 Gary Hebert, Friends of Keep Woods, remarked on preserving the property, the Linger Lodge Road Extension, and option agreement with Neal Communities LLC.

 Katherine Edwards stated it is refreshing to see the connectivity of wetlands and natural ecosystems being considered.


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

 Chairman Benac stated she is not in support of the request for connectivity reasons but will support those wanting to purchase the property.


Commissioner DiSabatino thanked Neal Communities LLC.


 The motion carried 5-2, with Commissioners Benac and Trace voting nay. BC20171005DOC016


14. **ORDINANCE/COMPREHENSIVE PLAN**

 A duly advertised public hearing was opened to consider transmittal of proposed Comprehensive Plan Amendment PA-17-06/Ordinance 17-33, City of Bradenton/Evers Reservoir. The Planning Commission recommended transmittal.

 Rossina Leider, Building and Development Services, made introductory comments.

 Darenda Marvin, representing the City of Bradenton and Taylor Morrison of Florida, reported in 2010 the Board approved a future land use map amendment (PA-10-17/Ord. 10-17) from RES-6 to P/SP 1 (Public/Semi-Public 1) on the western parcel of the site to accommodate an off-line water reservoir, which was a declaration of use. The off-line water reservoir was going to be a large earthen berm on site filled with water. With the approval of PA-17-06/Ordinance 17-33, which is a map and tax amendment, the action from 2010 (change from P/SP 1 back to RES-6) would be undone and the declaration of use would be repealed. The City of Bradenton has determined the most cost efficient way to provide additional is water is through the "Aquifer Storage and Recovery (ASR)" system. The surrounding area is designated RES-6 and RES-9 and RES-6 was determined to be appropriate for residential. With a Comprehensive Plan amendment public facilities have to be scrutinized and must depict no determinant to these facilities, which means a report on traffic, potable water, sanitary sewer, schools, mass transit and parks has to be completed.


 Discussion ensued regarding connecting Natalie Way to Honore Avenue, location of Natalie Way on a map, property in question will not be annexed, the need for another north-south connector road, and the Board would have to approve a Comprehensive Plan amendment to include the Natalie Way extension.



 Clarke Davis, Transportation Planning Division Manager, reported the land use is not sufficiently intense and does not prompt staff to think about adding more roads to the Comprehensive Plan. A Natalie Way connection between Honore Avenue and S.R. 70 from a circulation and network connectivity perspective for the area would be a good thing, but not necessary to support this development.

Discussion continued about once the property is rezoned will it be developed (pending rezone application will be forthcoming from Taylor Morrison, contract purchaser), there will not be deficiencies to public facilities with the approval of this amendment, and will the contract

purchaser be obligated to close on the property within a certain timeframe after the rezone approval.


Caleb Grimes, attorney representing the City of Bradenton, stated this request is not zoning related but changing the future land use category from P/SP 1 to RES-6 that would allow a rezone discussion. Following this transmittal, an adoption hearing will be scheduled. He confirmed that Carl Callahan, City Administrator, City of Bradenton, acknowledged there are challenges involved in developing a road on the City of Bradenton property.


 Ms. Leider agreed with Ms. Marvin's presentation. Staff analyzed the general context of the application and the potential development of the site. The application complied with regulations, and the change is compatible with development trends and densities and uses in the area. Staff normally analyzes regulations with the Land Development Code for rezone applications, but at this stage staff will not perform an analysis. Staff is recommending transmittal.

 Discussion continued about drainage and flooding issues in the area.  Mr. Gerstenberger noted drainage and flooding cannot be addressed for a Comprehensive Plan amendment.


Public Comment


 Stephen Brown, area resident, sought clarification on a misprint in the Herald Tribune regarding Tara Bridge being included in this Comprehensive Plan amendment.

 David Woodhouse submitted newspaper articles and commented on the Evers Reservoir Watershed District, the ASR system, and flooding in the area.


 Cathy Woolley commented on the lack of public participation because of a lack of time management. She emphasized the need for a north-south connector road and for the City of Bradenton and the County to collaborate on this issue.


 Katherine Edwards displayed a poster regarding arsenic and the ASR system.


 Brooke Adler opposed the request due to the overburdened infrastructure and density.

 Don Baron, area resident, commented on traffic counts, flooding, and safety of Lockwood Ridge Road.

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


 Ms. Leider clarified the request is not for a rezone, and the majority of the site is already zoned PDR (Planned Development Residential).

 Mr. Davis explained if and when a rezone application is brought forward then traffic improvements and traffic patterns for Lockwood Ridge Road and Honore Avenue will be discussed at that time.

 Mr. Grimes, during his rebuttal, spoke on the watershed protection overlay not being altered, the ASR system currently in place north of the site, the request is for transmittal of a Comprehensive Plan amendment to change the future land use category to RES-6, and the site

cannot be annexed into the City of Bradenton, because there is no adjacent land. He requested transmittal.

Discussion took place about Section 403.10 (Watershed Protection Overlay Districts) of the Land Development Code, can flow from the site go into the watershed, would prefer to preserve this land, would like to have Mayor Wayne Poston present in order to discuss the matter, and great infill project, but the land was used for reservoir.

 Mr. Gerstenberger reviewed provisions in the Watershed Protection Overlay, which includes the use of reclaimed water for irrigation

Motion – Continuance

A motion was made by Commissioner DiSabatino and seconded by Commissioner Baugh to continue PA-17-06/Ordinance 17-33 to next the Board meeting.


Ms. Schenk stated this item should be continued to a date certain and the next land use meeting is scheduled for November 2, 2017, at 9:00 a.m., or as soon thereafter as same may be heard.


Chairman Benac reported Peace River Manasota Water Supply Authority met on October 4, 2017, and long-range water supplies were discussed. The Southwest Florida Water Management District was also in attendance. She mentioned this project at the meeting because of the progress being made with the ASR system, which led to a discussion.


Discussion ensued regarding the possibility of a road, and on November 2nd further discussion can be held.

Motion – Call the Question

A motion was made by Commissioner Trace, seconded by Commissioner Jonsson, and carried 7-0, to call the question.


 Ms. Schenk acknowledged public comment will remain open.

 Mr. Grimes requested this item be scheduled first on the November 2nd agenda for scheduling reasons.

 The motion carried 5-2, with Chairman Benac and Commissioner Jonsson voting nay. BC20171005DOC017

RECESS/RECONVENE: 6:58 p.m. – 7:04 p.m. All Commissioners were present.


15. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-17-02(Z)(P), Morgan/Riverside Preserve. The Planning Commission recommended approval with stipulations.


Nicole Knapp, Planning Section Manager, made introductory comments.

No ex-parte communications were disclosed.


 Caleb Grimes, attorney for the applicant, was available for questions.

 Commissioner Trace questioned the results of water being released from the dam.

Mr. Grimes stated the applicant will identify the floodway and floodplains (25-and 100-year) and the homes will be designed away from the river.


 Ms. Knapp pointed out the Planning Commission approved a stipulation regarding construction traffic. The project is consistent with the Comprehensive Plan and the Land Development, thus staff recommends approval of the project.

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

 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 Land Development Code, as conditioned herein, Commissioner Trace moved to adopt Manatee County Zoning Ordinance PDR-17-02(Z)(P); and Approve the Preliminary Site Plan with Stipulations A.1-A.5, B.1-B.10, C.1-C.3, and D.1; Granting Special Approval for a project: (1) exceeding a gross density of one dwelling unit per acre in UF-3 Future Land Use Category; (2) adjacent to a perennial stream; (3) partially in the CHHA Overlay District; and (4) a project partially in the 25-year floodplain, as recommended by the Planning Commission. The motion was seconded by Commissioner Jonsson and carried 7-0.

BC20171005DOC018

MEETING SCHEDULE


 Chairman Benac stated per Board rules and procedures a motion is necessary in order to cancel the meeting for October 24, 2017.

A motion was made by Commissioner Trace and seconded by Commissioner DiSabatino to cancel the meeting scheduled for October 24, 2017.


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

The motion carried 7-0.

CITIZEN COMMENTS (Future Agenda Item)

 Ralph Hoene purchased property near the airport and would like to use it as the previous owner. He sought assistance in navigating through the permitting process.

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


 John Barnott, Building and Development Services Director, stated staff is working with Mr. Hoene, but there are rules that must be followed.

COMMISSIONER COMMENT

 Commissioner Whitmore watched the news report on Shadybrook and Bowlees Creek and wondered if stormwater utility fees could address their issues.

Commissioner Whitmore moved to have a discussion on stormwater utility fees at an upcoming work session. The motion was seconded by Commissioner Smith and carried 7-0.

ADJOURN

 There being no further business, Chairman Benac adjourned the meeting at 7:17 p.m.
Minutes Approved: _____