

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
April 5, 2018**


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

Present were:

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

Also present were:

Nicole Knapp, Planning Section Manager
Sarah Schenk or William Clague, Assistant County Attorney
Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court

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

INVOCATION AND PLEDGE OF ALLEGIANCE 

1. The Invocation was delivered by Reverend Sam Rainer, West Bradenton Baptist Church, followed by the Pledge of Allegiance.

AGENDA

BC20180405DOC001

Agenda Update Memorandum 

BC20180405DOC002

- Item 8, PDR-17-19(Z)(P), SMR Northeast LLC/Cresswind – Revisions to staff report in strikethrough/underline format

COMMISSIONER REQUESTS


There were no pulled items by Commissioners.

CITIZEN COMMENTS (Future Agenda Items)

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

CONSENT AGENDA

Citizen Comments (Consent Agenda Items)

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

2. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/LAKEWOOD RANCH COMMERCE PARK**

- Executed and authorized recording of Final Subdivision Plat; and
- Authorized recording of Supplemental Declaration by Lakewood Ranch Commerce Park, LLC


BC20180405DOC003

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

Approved the street numbering waiver request by Morris Engineering, to allow named streets to be utilized in the proposed Cresswind Subdivision, contingent upon approval of Ordinance 17-19(Z)(P)

BC20180405DOC004

MOTION - CONSENT AGENDA

 A motion was made by Commissioner DiSabatino, seconded by Commissioner Jonsson, and carried 5-2, with Commissioners Baugh and Benac absent, to approve the Consent Agenda.


BUILDING AND DEVELOPMENT SERVICES/INTRODUCTION

 John Barnott, Building and Development Services Director, introduced Ryan Todd, Planner.


(Enter Commissioners Baugh and Benac)

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

4. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-17-06, Eurice Rezone. The Planning Commission recommended approval.

There being no public comment, Chairman Trace 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, Commissioner Whitmore moved to adopt Manatee County Zoning Ordinance Z-17-06, as recommended by the Planning Commission. The motion was seconded by Commissioner Jonsson and carried 7-0.

BC20180405DOC005

5. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-17-30(P), 423 Suwanee Avenue (fka 423 Partners LLC). The Planning Commission recommended approval with stipulations.


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

 Commissioner DiSabatino commended the applicant.

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 Ordinance PDMU-17-30(P); Approve a Preliminary Site Plan with Stipulations A.1-A.6, B.1-B.3, and C.1; and Grant Specific Approval for alternatives to the Land Development Code Sections 1001.6.A (Elimination of the requirement to construct a sidewalk along the north side of Suwanee Avenue); 700, 701, and 900 (Relief from requirement to landscape the eastern portion of the site); and 402.11.D.3 (Adjustment of front and side setbacks established for PDC zoning districts to GC zoning districts), as recommended by the Planning Commission. The motion was seconded by Commissioner Smith and carried 7-0.


BC20180405DOC006


6. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDC-17-10(G) [related to PDC-05-58(Z)(P)], Palmetto Plaza. The Planning Commission recommended approval with stipulations.

Commissioners Benac and Whitmore sought information on access and the difference between this request and the previous approval in 2009.


No ex-parte communications were disclosed.


 Robert Schmitt, agent for the applicant, utilized an aerial map from the staff report to point out the site location and surrounding uses. He confirmed the site will have fuel dispensaries for trucks, but it will not be a truck stop and overnight parking would be prohibited (applicant would agree to a stipulation to this effect). He displayed the 2009 site plan, which was completed to preliminary site standards that depicted a convenience store with gas pumps, nine office buildings, and strip retail along U.S. 41. The 2009 preliminary site plan did have an expiration date, and the parcel is zoned PDC (Planned Development Commercial). The request is not specific and uses from the schedule of uses were proffered for the site. The proposed general development plan was displayed to point out the access points on U.S. 41, Bayshore Road and Rock Payne Road. Mr. Schmitt concurred with the staff report findings and requested approval.


 Discussion took place about expiration dates for general development plans, the distribution of traffic, do the approved uses include a hotel, safety of the mobile home residents, and is Rock Payne Road a conforming road.

 Jiten Patel, applicant, stated he is not planning a hotel for the site of as today, and the design of the project will be based on community demands.


Mr. Schmitt explained the project uses will be oriented towards U.S. 41, and the frontal appearance of the project will not be on Bayshore Road.


 Andy Allison, engineer for the applicant, stated the applicant met with the Florida Department of Transportation before the general development plan submittal and the primary access point will be from U.S. 41 with a 450-foot deceleration lane. He noted once an entrance is provided to Rock Payne Road it would have to be conforming.

 Mr. Schmitt pointed out the applicant is required to install an external sidewalk on Bayshore Road.


 Nicole Knapp, Planning Section Manager, stated Section 321.5 of the Land Development Code addresses expirations and extensions of a general development plan. While the 2009 request was not a general development plan, general development plans in effect as of January 1, 2012, do not expire notwithstanding any stipulations to the contrary of any ordinance approving the general development plan.


Chairman Trace clarified a resident will not be able to head north unless they use the Bayshore Road access point.


 Ms. Leider utilized a slide presentation to review the request, aerial map, future land use map, special approvals required, zoning map, history, photographs of the area, positive aspects, negative aspects, and mitigating measures.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, displayed a highlighted site plan to point out the existing two access points on Bayshore Road, and


proposed access points (Bayshore Road, Rock Payne Road, and U.S. 41). He read Note 23 from the general development plan (see staff report).

 There was discussion about full access to U.S. 41, planned improvements to U.S. 41, the U.S. 41 access will be under the authority of the Florida Department of Transportation (FDOT), condition of Rock Payne Road, is an acceleration lane proposed for U.S. 41, no plans to widen U.S. 41 in the future, will Rock Payne Road be able to accommodate trucks, lighting, and hours of operation (dictated by the Land Development Code).

 Clarke Davis, Transportation Planning Division Manager, reported no major improvements are programmed for this section of U.S. 41. Recently, U.S. 41 was resurfaced from I-275 to just south of Port Manatee and it was reconstructed adjacent to Port Manatee. Rock Payne Road is a narrow, milled road that should be properly paved to withstand commercial traffic (photograph displayed). FDOT and the applicant had a preliminary meeting to discuss access and FDOT does not always require acceleration lanes on high speed facilities. Staff does expect U.S. 41 to be widened to six lanes sometime in the future. Trucks will have to swing wide to turn in and to exit Rock Payne Road, which is a common issue for trucks turning onto local roads.


 Ms. Leider explained the lighting plan will be reviewed at final site plan, and the Land Development Code regulates the height and distance of lighting when adjacent to residential use.

Chairman Trace relayed Bayshore Road was U.S. 41 until U.S. 41 and DeSoto Bridge were built.


 Discussion continued about cross access through the parcels, the site is zoned PDC, and the site proximity to the Dollar General Store.


Mr. Schmitt confirmed all of the parcels will be have cross access and the Rock Payne Road access point may be deferred.

Mr. Clarke elucidated that a general development plan does not typically require an amendment unless the modifications are radical.

 Ms. Knapp elaborated when a developer brings forward a change to their plans staff has administrative review criteria, and if the change(s) do not cross the threshold level, then the plans are deemed to not have substantial change(s).

There being no public comment, Chairman Trace 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 Smith moved to adopt Manatee County Ordinance PDC-17-10(G); Approve a General Development Plan with Stipulations A.1-A.8, B.1-B.5, C.1-C.2, and D.1; and Grant Special Approval for a project adjacent to a Perennial Stream; as recommended by the Planning Commission. The motion was seconded by Commissioner DiSabatino.


 Sarah Schenk, Assistant County Attorney, read new Stipulation A.9: The applicant shall enforce a parking limitation so as to prohibit the overnight parking of trucks on the project site.

The motioner and seconder agreed to amend the recommended motion to include new Stipulation A.9, and the motion carried 7-0.

BC20180405DOC007

7. **ORDINANCES/CODE OF ORDINANCES**

A duly advertised public hearing was held to consider adoption of proposed Ordinance 18-08, North River Ranch Community Development District.


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


 A motion was made by Commissioner DiSabatino, seconded by Commissioner Benac, and carried 7-0, to adopt Ordinance 18-08, establishing the North River Ranch Community Development District.


BC20180405DOC008


ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)

8. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-17-19(Z)(P), SMR Northeast LLC/Cresswind. The Planning Commission recommended approval with stipulations.


 Don Neu and Darena Marvin, representing the applicant, utilized a slide presentation to review the request, project site location, history of the area (Northeast Quadrant), Comprehensive Plan consistency, existing aerial map, zoning map, planned development(s) in close proximity, surrounding density, future land use designation, preliminary site plan, open space and buffers, project construction phasing plan, typical entryway, home, clubhouse, positive aspects of master planning, and conclusion points.

 Discussion proceeded about school planning and how this site will coordinate with future surrounding developments (residential, commercial, and school sites).

 Rossina Leider, Building and Development Services, displayed the preliminary site plan from the slide presentation to discuss buffering, and access.

No ex-parte communications were disclosed.


There being no public comment, Chairman Trace 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 Baugh moved to approve Manatee County Zoning Ordinance PDR-17-19(Z)(P); Approve a Preliminary Site Plan with Stipulations A.1-A.6, B.1-B.3, C.1-C.6 and D.1-D.3; Grant Special Approval for a project: (1) exceeding a gross density of 1.0 dwelling unit per acre in the MU-C/AC-3 and the MU-C/R FLUCs; (2) adjacent to a perennial stream; (3) partially within the Watershed Protection Evers Overlay District;, and (4) partially within the Special Treatment Overlay District; Adopt the Findings for Specific Approval; and Grant Specific Approval of an alternative to Land Development Code Section


402.7.D.7 (to allow a reduction of the front yard setback); as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore and carried 7-0.

BC20180405DOC009


9. **ORDINANCE/COMPREHENSIVE PLAN**


 A duly advertised public hearing was held to consider transmittal of Plan Amendment PA-18-02/Ordinance 18-17, Exoplexus, Inc., Alternative Energy Generation Facility. The Planning Commission recommended transmittal.

 Margaret Tusing, Planning Manager, reviewed the background discussion as outlined on the agenda memorandum. There is not a specific site, because it is a text amendment and staff recommends transmittal.

 Discussion proceeded about where would these type of uses be permitted uses, consideration of standards for these types of uses, information about Ecoplexus, Inc., and other solar companies.


Ms. Tusing stated staff is proposing to have them as permitted uses in the agricultural district, "A" zoning and industrial.

 Pete Parkinson, Ecoplexus, Inc., reported Ecoplexus is a solar developer and operator across the U.S. There are two things that make an alternative energy generation facility viable: interconnections (allows Ecoplexus to plug in) and the power purchase agreement (allows Ecoplexus to sell).

 Ms. Tusing explained this text amendment is not related to any one company or individual property but is setting the framework for development and the Land Development Code will determine where they will be permitted to happen.


There was discussion on how Babcock Ranch is a sustainable city, solar energy will reduce the County's dependency on coal, oil and gas.


There being no public comment, Chairman Trace 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 Whitmore moved to Transmit PA-18-02, as recommended by the Planning Commission. The motion was seconded by Commissioner Baugh.

Josh Philpott, agent for the applicant, stated he has prepared a slide presentation to present to the Board for consideration of the request.

Sarah Schenk, Assistant County Attorney, advised that public comment should remain open, because this is a public hearing.

 Mr. Philpott made use of slide presentation to review the details of the request, benefits of solar energy, current regulatory structure, proposed language, and the next steps.

 Commissioner DiSabatino pointed out the solar fields are placed on agricultural lands, and would this affect their agriculture exemption.

The motion carried 7-0.

BC20180405DOC010

COMMISSIONERS' COMMENTS

Commissioner Whitmore 

- Read a statement from Mike Thrasher regarding the installation of solar photovoltaic panels on his roof and the storing of sun energy into Tesla PowerWalls (batteries)

Discussion continued about utilizing Tesla PowerWalls for units in the Hunters Point Resort and Marina (approved 1/11/18), and the permitting process for the storage of solar energy.

BC20180405DOC011


Commissioner Jonsson

- Announced he was cleared by the Florida Commission on Ethics regarding a voting conflict

BC20180405DOC012


(Note: Commissioners' Comments were continued later in the meeting)


BUILDING AND DEVELOPMENT SERVICES/WAIVER OF APPLICATION FEES


 Commissioner Benac reported Habitat for Humanity is intending to build an affordable housing subdivision (Poling Gardens) in Samoset with small lot sizes (smaller than what is allowed in the Comprehensive Plan). The County should grant Habitat for Humanity a fee waiver, because a Land Development Code amendment to allow small lots without having to rezone to planned development has not been approved as of yet.

Discussion took place about needing a motion to direct staff, the Board being briefed before making a decision, and the Board cannot waive fees but could do a County-initiated rezone for the property.

Motion

 A motion was made by Commissioner Baugh and seconded by Commissioner DiSabatino to have the administration add this matter to a work session.

 Nicole Knapp, Planning Section Manager, reported the Building and Development Services fee schedule states that unique situations or projects may be adjusted at the discretion of the department director.


 Margaret Tusing, Planning Manager, stated the process improvements for the Land Development Code will not be adopted until December 2018. There is a process established where the fee could be reduced, and she referenced Section 500 of the Land Development Code, Affordable Housing.

Sarah Schenk, Assistant County Attorney, questioned the purpose of the work session and noted there could be legal issues. She inquired if there is an application currently pending.

Commissioner Benac stated an application is not pending, and she is not in favor of another work session. If the application fee for planned development is charged, it will cause the cost of housing to be increased. Her preference is for the motion to read: for staff to look at this and bring back options.

Commissioner Whitmore surmised if the Building and Development Services Director can waive fees then this action is a mute point.


Motion - Amended

 Commissioner Baugh moved to amend the motion to have the Building and Development Services Director move to remove the fees and not consider a work session.

Motion -Withdrawn

Commissioner Baugh withdrew her motion.

Motion

 A motion was made by Commissioner Benac to have staff tell the Board how the fee could be reduced and staff's plan to accommodate Habitat for Humanity's application with a reduced fee. The motion was seconded by Commissioner Smith.

Commissioner Whitmore stated the motion should be to waive the fees for this project.

Ms. Schenk advised Commissioner Benac's motion is appropriate.

Chairman Trace reopened public comment. There being no public comment, Chairman Trace closed public comment.

Motion - Carried

 The motion carried 7-0.

COMMISSIONERS' COMMENTS (Continued)

Commissioner Smith 

- Reported today marks the 50th anniversary of the death of Dr. Martin Luther King, Jr. He encouraged everyone to remember Dr. King's efforts.

Commissioner Baugh 

- Stated Lakewood Ranch residents are concerned with the increased traffic and speeding on Lakewood Ranch Boulevard. She has spoken with staff regarding possible solutions that will be brought forward on a future agenda.


Commissioner DiSabatino 


- Relayed she has been meeting with companies regarding affordable housing needs in collaboration with Michael Gallen, Edward Pinto, and Dave Gustafson. Brief discussion ensued about an increase in population, residence requirements should be included in the hiring process, and free enterprise.


Chairman Trace

- Noted Upper Manatee River Road has seen in increase in traffic

PDR/PDMU-15-10(Z)(G), LONG BAR POINTE LLLP & CARGOR PARTNERS VIII, LONG BAR POINTE LLLP REZONE/AQUA BY THE BAY

 Commissioner Benac stated Commissioners received an email (dated 4/5/18) about Aqua by the Bay (see also PDR-03-32(P) and PDR-13-28(P), Long Bar Pointe). The Board approved the general development plan on October 3, 2017. She inquired if the County Attorney's office could compose a written response that Commissioners could send out when they receive correspondence about this matter.

 A motion was made by Commissioner Benac and seconded by Commissioner Smith to direct the County Attorney's to prepare a response to inquiries pertaining to Aqua by the Bay (Long Bar Pointe).

 Upon question, Mitchell O. Palmer, County Attorney, stated the issue pertaining to Aqua by the Bay (Long Bar Pointe) involve the creation of a wetland mitigation bank that is being permitted by the Florida Department of Environmental Protection (FDEP) and it does not involve Manatee County.

The motion carried 7-0.

BC20180405DOC013

ADJOURN

There being no further business, Chairman Trace adjourned the meeting at 11:13 a.m.

Minutes Approved: _____