



MEMORANDUM

To: Margaret Tusing, Planning Section Manager
From: Bobbi Roy, Senior Planning and Zoning Technician
Date: January 8, 2020
Subject: Agenda Update for January 9, 2020 Board of County Commissioners

THIS MEMO AND THE CHANGES INDICATED BELOW ARE REFLECTED IN THE ELECTRONIC AGENDA (E-AGENDA)

ANNOUNCEMENTS:

1:30 pm time certain – LDCT-19-04/Ordinance 20-06 Land Development Code Amendment Chapters 2 and 3 Development Review Procedures and Resolution 20-004 Administrative Procedures Manual – Legislative Lisa Barrett, Planning Manager - (This item was inadvertently left off the Announcements Section of the agenda. It is Item #7)

7. 1:30 pm Time Certain LDCT-19-04/Ordinance 20-06 – Land Development Code Amendment Chapters 2 and 3 Development Review Procedures and Resolution 20-004 Administrative Procedures Manual – Legislative – Lisa Barrett, Planning Manager – Addition of Resolution R-20-016 (Agreement of Extension of Time) attached with motion as follows:

I move to ADOPT Resolution R-20-016.

10. PA-19-02/Ordinance 19-21 Our Lives/Parrish Land Investments, LLC (Large Scale Map Amendment) PLN1902-0234 – DEO19-03ESR – Legislative – Margaret Tusing, Planning Section Manager – Continued from December 5, 2019 – Public Comment letter attached

12. PDMU-14-22(P)(R2) – Trevesta/VK Trevesta, LLC PLN1906-0064 – Quasi-Judicial – Dorothy Rainey, AICP, Senior Planner – Revision to Stipulation A.1 in strikethrough/underline format (Revised Ordinance submitted to Board Records and in E-agenda but not attached):

A.1. DESIGN AND LAND USE STIPULATIONS

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions. The following language shall be included in the Notice to Buyers and also in a separate addendum to the sales contract.
 - a. Portions of the internal streets within this subdivision are privately owned and maintained by either a Homeowner's Association or other appropriate legal entity.
 - b. This project includes commercial development (maximum 100,000 square feet with a 0.14 FAR) and multi-family residential development (300 units) and these uses may be developed without notice to adjoining property owners.
 - c. Buffalo Road may be completed to four (4) lanes in the future.

- d. The property located to the north of Village A residential lots 21 – 41 is approved for commercial development.
- e. An active train track is adjacent to the southern property line.

RESOLUTION R-20-016

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; APPROVING THE FORM OF AGREEMENTS FOR THE EXTENSION OF TIME FOR APPROVAL OF DEVELOPMENT PERMITS OR DEVELOPMENT ORDERS PURSUANT TO FLORIDA STATUTE 125.022(1); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statute 125.022 (the "Act") provides that within 120 days after the County has deemed an application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the County must approve, approve with conditions, or deny an application for a development permit or development order; and

WHEREAS, the Act provides that both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance; and

WHEREAS, the Board of County Commissioners desires to authorize the County Administrator or her designee to sign such agreements with applicants pursuant to and in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, THAT:

SECTION 1. FINDINGS. The Board hereby makes the following findings:

1. The recitals set forth above are true and correct;
2. It is in the best interest of County, and furthers the public health, safety and welfare of the County, to approve the form of, and authorize the execution of, agreements in order for the County and applicants to agree to extensions of time for approval of development permits and development orders pursuant to the Act.

SECTION 2. APPROVAL OF FORM AGREEMENTS. The Board hereby approves the agreements, to be executed between the County and applicants, substantially in the form attached hereto as Exhibit "A" pursuant to and in accordance with the Act.

SECTION 3. AUTHORIZATION TO EXECUTE. The County Administrator or her designee is hereby authorized to execute such agreements pursuant to and in accordance with the Act.

SECTION 4. REPORTING. The County Administrator shall annually provide a list to the Board of County Commissioners of all agreements executed pursuant to Section 3, above.

SECTION 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting this the ____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

EXHIBIT "A"
FORM OF AGREEMENTS

**AGREEMENT FOR EXTENSION OF TIME
PURSUANT TO FLORIDA STATUTE 125.022(1)**

APPLICATION/PERMIT NO.: _____

THIS AGREEMENT (the "Agreement"), is made and entered into as of the _____ day of _____, 20__, by and between **MANATEE COUNTY**, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Bradenton, Florida 34205, hereinafter referred to as the "**County**", and _____, a _____, whose address is _____, hereinafter referred to as the "**Applicant.**"

RECITALS:

A. Applicant has filed the above referenced application (the "Application") for approval of a development permit or development order by the County, which was deemed complete by the County on _____; and

B. Florida Statute 125.022 requires that the County must approve, approve with conditions, or deny the Application on or before ____; and

C. Florida Statute 125.022(1) provides that both parties may agree to a reasonable request for an extension of time; and

D. Resolution No. R-20-016 of the Board of County Commissioners authorizes the County Administrator or her designee to execute agreements to provide for such time extensions substantially in the form approved in such resolution; and

E. The parties wish to enter into such an agreement to provide for such an extension of time pursuant to Florida Statute 125.022(1).

NOW, THEREFORE, in consideration of the mutual agreements set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

I. **Recitals.** The Recitals set forth above are true and correct and incorporated herein by reference as if fully set forth herein.

II. **Extension of Time.** Pursuant to Florida Statute 125.022(1) the parties hereby agree that the time for approval, approval with conditions, or denial of the Application shall be extended to _____.

III. **Remedies.** Each party hereto shall have such remedies as are available

pursuant to applicable law for any breach or non-performance of the other party.

IV. Choice of Law. This Agreement shall be governed and construed in accordance with the laws of the State of Florida. Venue for any dispute shall be located in a civil court of competent jurisdiction of Manatee County, Florida.

V. Severability; Partial Invalidity. The provisions of this Agreement are declared by the parties to be severable. If any part of this Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect, provided that the part of this Agreement thus invalidated or declared unenforceable is not material to the intended operation of this Agreement.

COUNTY:

**MANATEE COUNTY, a political subdivision
of the State of Florida**

By: its Board of County Commissioners

By: _____
County Administrator

APPLICANT:

_____, a _____

By: _____

(Print name)

Its: _____

From: Vida Gordon

Sent: Friday, January 3, 2020 10:40 AM

To: danielsilpa@verizon.net

Cc: Debbie Bassett <debbie.bassett@mymanatee.org>; Bobbi Roy <bobbi.roy@mymanatee.org>; Betsy Benac <betsy.benac@mymanatee.org>; Carol Whitmore <carol.whitmore@mymanatee.org>; Misty Servia <misty.servia@mymanatee.org>; Priscilla WhisenantTrace <priscilla.whisenantrace@mymanatee.org>; Reggie Bellamy <reggie.bellamy@mymanatee.org>; Stephen R Jonsson <steve.jonsson@mymanatee.org>; Vanessa Baugh <vanessa.baugh@mymanatee.org>

Subject: RE: Jan. 9 Land Use meeting Our Lives/Parrish Land Investments

Mr. Silpa,

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for review.

As well as your written correspondence you are welcome to attend the meeting scheduled for **January 9, 2020**, to offer your comments and opinions.

On behalf of Chairman Benac and the other Commissioners, thank you for your interest and participation.

Vida Gordon

Executive Administrative Assistant

Board of County Commissioners

Phone: 941-745-3721

Fax: 941-745-3790

E-mail: vida.gordon@mymanatee.org



From: danielsilpa@verizon.net <danielsilpa@verizon.net>

Sent: Friday, January 03, 2020 10:25 AM

To: Priscilla WhisenantTrace <priscilla.whisenantrace@mymanatee.org>; Reggie Bellamy <reggie.bellamy@mymanatee.org>; Stephen R Jonsson <steve.jonsson@mymanatee.org>; Misty Servia <misty.servia@mymanatee.org>; vanesa.baugh@mymanatee.org; Carol Whitmore <carol.whitmore@mymanatee.org>; Betsy Benac <betsy.benac@mymanatee.org>

Subject: Jan. 9 Land Use meeting Our Lives/Parrish Land Investments

January 3, 2020

Manatee County Board of Commissioners
1112 Manatee Ave. W.
Bradenton, FL 34205

RE: PA-19-02/Ordinance 19-21 Our Lives/Parrish Land Investments, LLC. PLN 1902-0234 DE019-03ESR
Commission Meeting January 9, 2020

Dear Commissioners:

Our Lives/Parrish Land Investments propose rezoning a property in the Palmetto area from R-3 to Mixed Use.

I reside across the street from this subject property on 29TH Street East.

The 29TH Street East neighborhood is a collection of homes and a few small agricultural businesses. It is rural. The roadway is paved but barely supports current traffic. There are no allowances for pedestrians.

Land development for structures other than residences do not blend in well with the rural ambience of this district. Changing the subject property from residential zoning to Mixed Use zoning implies that businesses of some type will be constructed.

As one Commissioner has already pointed out during public debate, we have no idea what type of structure will actually be built on the subject property by the Developer once The Commission has approved Mixed Use zoning change.

Do we need another strip mall considering that there is a barely thriving one about a mile south? Do we really need another storage building or warehouse? Do we really need a light industry complex at this site? These types of enterprises might be built if Mixed Use zoning is approved by The Commission.

There appears to be a rather abusive stance of the Developers toward the County. The Developers are saying in essence to you, "Don't worry. We will figure out what is best to build. You don't need to be concerned."

The Developer will likely protest my wording, but the result of zoning change will be to turn this land into whatever makes profit regardless of its impact. The Developers clearly understand that once The Commission makes the zoning change to Mixed Use, the Developers can build just about anything. This callous attitude conflicts with the intent of The Commission to maintain planned development.

I fail to understand how a vague Mixed Use change at the subject property will be of benefit to the citizens of Manatee County or maximize the tax rolls of The County. Instead, I only foresee that there will be an undue drain on County Sheriff and North River Fire District resources in maintaining security on what I think will become an economic morass.

I implore the Developer to rescind this zoning change request. Instead I hope that the Developer will later present the County with a rather firm proposal for mixed use buildings that will enhance and not impede residential development. An example of such an integrated usage is Main Street of Lakewood Ranch where apartments are located in the same structures as shops and restaurants. It is in the Developer's economic interest to create an environment where people want to live at the subject property. Living next door to a noisy machine shop does not promote a desirable residential neighborhood.

If the Developer wishes to continue with a Mixed Use request that cannot guarantee structures that augment rather than detract from a residential neighborhood, then I respectfully urge the Commissioners to decline this zoning change petition.

Thank you for your consideration.

Daniel E. Silpa
4124 29TH Street East
Palmetto, FL 34221

cc. Ms. Margaret Tusing, Planning Section Manager (margaret.tusing@mymanatee.org)