

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
August 2, 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
Vanessa Baugh
Stephen R. Jonsson

Also present were:

Margaret Tusing, Planning Section Manager
William Clague, Assistant County Attorney
Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court


 Chairman Trace called the meeting to order at 9:02 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1. The Invocation was delivered by Reverend Thomas Walsh, Cortez Road Baptist Church, followed by the Pledge of Allegiance. 

AGENDA

BC20180802DOC001

 Chairman announced on August 7, 2018, staff will be making a presentation on the P25 Regional Public Safety Radio System at 1:30 p.m.

Agenda Update Memorandum: 

BC20180802DOC002

- Item 5, PDC-17-32(P), Retail @ S.R. 64 & Upper Manatee River Road – Public comment letter submitted
- Item 7, Ordinance 18-29, University Park Recreation District – Public comment letters submitted
- Item 8, PDI-17-22(P), Calcutta Marine – Additional Stipulation A.4 and revised recommended motion and ordinance
- Item 9, PDR-17-17(Z)(P), TRB Development, The Grove LLC Rezone/The Grove at Grand Oak Preserve – Additional Stipulations C.6-8, and revised environmental narrative, motion and ordinance
- Item 14, LDCT-18-01/Ordinance 18-18 – Land Development Code Text Amendment/Ecoplexus, Inc., Alternative Energy Generation Facilities – Corrected typographical error in subject line

2. **Time Certain**

Item 7, Ordinance 18-29, University Park Recreation District – 9:00 a.m., followed immediately by Item 13, Updated Building Fee Schedule


Order of the agenda was further revised:

- Items 15 and 16, School Consistency Reviews, will be heard directly after Item 4, PDR-17-23(Z)(P), David M. and Melanie A. Parrish/Phillips Investments LLC – Bradenton FL Facility Series/Hollybrook of Bradenton
- Item 17, Resolution R-18-128, releasing Conservation Easement, will be heard directly after Item 10, PDI-17-33(P), SRQ Tech Park Expansion

(Court Reporter, Linda Wolfe, was present)

7. **ORDINANCE/CODE OF ORDINANCES** 

A duly advertised public hearing was held to consider adoption of proposed Ordinance 18-29, establishing the University Park Recreation District.


 William Clague, Assistant County Attorney, stated the creation of the recreation district is governed by Chapter 418, Florida Statutes, and the proposed ordinance has been reviewed by staff and the County Attorney's office. Whether or not to enact the proposed ordinance is within the County Commission's legislative discretion as long as the County Commission has a rational basis that is fairly debatable. He advised the County Commission to not interject on how the district will be operated (buying land and finances) because it could place the County in the chain of responsibility for transactions, which are legitimate under Florida law, but they do not meet the high standard of fiscally conservative financing that County's fall under.

(Depart Commissioner DiSabatino during Mr. Clague's remarks)


Mark Barnebey, attorney representing applicant, explained the request is for the establishment of the recreation district for the residents of University Park who want to protect their property values and recreational amenities. Petitions (1,180 out of 1,554 registered voters) to establish the recreation district were submitted to the Clerk of the Circuit Court.

(Enter Commissioner DiSabatino during Mr. Barnebey's presentation)


Mike Eckerd, attorney representing the applicant, reported his firm was hired to draft the charter and confirmed that the request falls under Section 418.20, Florida Statutes, which provides a vehicle for residents to vote to purchase the recreation district. There will be several opportunities for residents to provide input and/or objections following the establishment of the district, which includes an election for the board of supervisors (public officials), a vote by the residents on the issuance of the bonds for the recreation purchase, public hearing on the proposed acquisitions for the special assessments, and bond validation proceedings. The recreation district will be required to comply with municipal securities laws, have due diligence by potential bond holders and underwriters, submit annual audits and comply with government accounting regulations. Recreation districts have high collection rates for assessments for the management and maintenance of facilities, sovereign immunity, competitive bidding requirements, and no debt or maintenance responsibilities (independent district). The proposed ordinance is in compliance with Chapters 189 and 418, Florida Statutes.

 John Whyte, Bill DePaulo, Beth Bertsch, Bob Amspoker, Elaine Kulbako, University Park residents, spoke in favor of the recreation district and requested the County Commission's support of Ordinance 18-29.

Mr. Barnebey was available to address any questions and/or concerns.


 Discussion took place about the number of people who voted and how many petitions


were returned, were there any petitions not returned, the County has no say in whether or not the residents can or cannot acquire the amenities, the County Commission has not contributed or participated in the appraisals or other matters related to the recreation district, could the developer sell or develop the property, University Park residents taking control of their destiny, Trailer Estates and Bayshore Gardens have park and recreation districts, can the developer still sell or develop the property after the adoption of the ordinance, Sunshine Law requirements, similarities between a recreation district and a community development district, and maintaining a quality of life comes with a price.

 Mr. Eckerd reported petitions not returned by residents were considered not received. The Supervisor of Elections office reported 1,180 petitions were accepted as valid and 58 petitions were rejected (1,238 petition in total).


Public Comment


 Kristine Pizzi, University Park resident, voiced her support of the recreation district, which will allow residents the opportunity to preserve greenspace and the Braden River watershed.


 Dr. Patrick O'Connor, University Park resident, was not in support of the recreation district because key information was withheld from residents and development rights were built out.


 Robert Ziegler, University Park resident, opposed the recreation district because it will establish a charter government.


 Mary Leflar, University Park resident, voiced her disapproval of the recreation district due to an incorrect property appraisal.


 Kelly Reeve, University Park resident, opposed the request due to the hiring an appraiser from out of state appraiser, discrepancy in the fair market value, and the interest of all residents was not considered.


 Steven Nadeau, University Park resident, remarked on his experience during the appraisal process with the University Park Planning Group. He requested the Supervisor of Elections review the appraisal for correctness.


 Lorraine Buck, University Park resident, voiced opposition to the recreation district due to the fraudulent appraisal, funding options have not been disclosed, and non-confidential vote.


 Joyce Paley, University Park resident, opposed the recreation district because the University Park Planning Group stifled the rights of residents.


 Sheldon Paley, University Park resident, opposed the recreation district due to unfair representation by the University Park Planning Group and a fraudulent appraisal.

 Joan Gushiken, University Park resident, voiced concern with establishing the recreation district.

 Matt Shane, University Park resident, echoed previous comments in opposition to the recreation district.


 Sandy Silverman, University Park resident, expressed concern with actions in relation to the recreation district.

 Dick Murphy, University Park resident, opposed the recreation district due to previously stated concerns.

 Vincent Beni, University Park resident, clarified several inconsistencies expressed by previous speakers regarding strong arm tactics utilized by the University Park Planning Group. He noted establishing a recreation district is a great opportunity.


 Robert Wood, University Park resident, stated residents will have opportunities as outlined previously by Mr. Eckerd and requested adoption of Ordinance 18-29.


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


 Discussion proceeded that the County Commission is only adopting Ordinance 18-29 to establish the recreation district and elections will follow, and the Rolling Green golf course in Sarasota was public, but it was recently sold.


 Mr. Clague advised the Board to allow the applicant the opportunity to address questions/concerns expressed during public comment.


 Mr. Barnebey confirmed this ordinance is one of the many steps in the recreation district process.

 Mr. Eckerd explained the language in the ordinance states what constitutes a recreation district, and Exhibit A is the metes and bounds legal description of the boundaries of the recreation district. Florida Statute dictates the process for the community referendum and the petition process.

 Mr. Clague stated the purpose of Ordinance 18-29 is to establish the recreation district, which is an independent special district, and not the approval a land transaction.


 There was discussion about the appraiser hired by the University Park Planning Group, developer rights, the County Commission has no input in the selling of the property in question, the length of the process in the creation of the recreation district, creation of the charter government (the ordinance is the charter), residents have spoken with Commissioners, University Park is still a Development of Regional Impact (DRI) even though DRI laws have changed, and the election for the board of supervisors will take place in September 2018.


 Upon question, Hank Fishkind, economist, elaborated that golf courses are notoriously difficult to appraise. This golf course was not designed to produce net operating income, but to sell and enhance real estate. A willing seller and buyer will determine the value of this golf course.

 A motion was made by Commissioner Baugh, seconded by Commissioner DiSabatino, and carried 7-0, to adopt Ordinance 18-29, establishing the University Park Recreation District.

RECESS/RECONVENE: 11:03 a.m. – 11:14 a.m. All Commissioners were present.

LEGISLATIVE UPDATE

 Congressman Vern Buchanan gave an update on the benefits of the tax reform, unemployment (lowest percentage in years), funding for opioid crisis, oil drilling ban, red tide, citrus green, the need for an infrastructure bill, and grant funding (\$12 million) for trails in Palmetto.

 There was discussion about seeking federal funding for the Pilot Opioid Peer Program, the County is in need of funding for bridges and/or infrastructure, Congressman Buchanan if he is re-elected will be close to proposed bills, support of the Small Business Administration Program, banking industry is in dire straits, the frequency of red tide, lack of affordable housing, and homelessness.

WATER MAIN BREAK

 Cheri Corryea, Deputy County Administrator, stated there is an emergency situation that staff has to report on.

 Charlie Bishop, Property Management Director, reported there has been a water main break at the intersection of Manatee Avenue and 10th Street West, which has affected the Administration Building and the adjoining Merrill Lynch Building. He advised everyone to not drink from water fountains.

 William Clague, Assistant County Attorney, stated the meeting can be continued to another land use meeting date, but the location cannot be moved due to public notice requirements.

Discussion occurred that the meeting can continue, port-o-lets are in route, the fire suppression system is operation, and no timeline for the repairs.

 Mr. Bishop announced the Property Appraiser's office is also experiencing water issues and they are now closed.

Discussion continued about this being a public safety issue, staff will be allowed to take vacation time if they decide to go home, will the public be informed of the water issues, and staff should not be required to take vacation time.


A motion was made by Commissioner Whitmore and seconded by Commission Baugh to not stop the meeting. Following a brief discussion, the motion carried 6-1, with Commissioner Smith voting nay, due to this matter being a public safety issue.


(Note: Update provided later in the meeting)


(Depart Commissioner Smith and William Clague, Assistant County Attorney; enter Sarah Schenk, Assistant County Attorney)

3. CITIZENS' COMMENTS (Future Agenda Item)

P25 Regional Public Safety Radio System

 Gary Adams, area resident, lives 88 feet from the proposed tower location at Kinnan Park. He voiced concern with the lack of public input and improper public noticing.

 Diane Adams, area resident, asked that the proposed tower be moved to a feasible and logical location. She expressed her support of public safety staff and their needs.

 Marley Boss, area resident, voiced concern about the lack of public notice, lack of answers from County administration, and how the proposed tower location is a danger to the elementary school and area residents.

 Bryan Lowe, Crescent Lakes Subdivision, echoed previous comments.

Discussion occurred about the previous work session on this issue, a stop work order was issued on May 23, 2018, public notice requirements, need answers on this issue, concerns were not addressed at the public meeting, staff has been working with Sarasota County on this system, look at private property where 911 reception will be possible, and this is not a cell tower.

BC20180802DOC004

RECESS/RECONVENE: 12:11 p.m. – 1:30 p.m. All Commissioners were present except Commissioner Smith.

WATER MAIN BREAK – UPDATE


 Charlie Bishop, Property Management Director, reported the water suppression system is not operable, and staff does not have a timeframe for when the repairs will be completed.


There was discussion that the personnel policy does not address such matters, and staff should not be penalized and have to use their vacation time.


Commissioner DiSabatino stated policy does not reflect procedures regarding the administration building closing due to unforeseen circumstances.

Discussion occurred that unneeded staff will be sent home, staff will not be penalized, and the County Administrator's office has to make the decision about staff using vacation time.

13. **BUILDING AND DEVELOPMENT SERVICES/UPDATED BUILDING FEE SCHEDULE**


 Tammy Boggs, Senior Fiscal Services Manager, reported with the inclusion of the proposed 30 percent reduction, building fees have been reduced by 52 percent in the last six years.

 Discussion proceeded about funding a part-time position for historic resources, building fees can only be used to enforce the building code, previous historical resources employee was paid by Municipal Services Taxing Unit funds, and role of the Historic Preservation Board.


 John Barnott, Director, explained the County is a certified local government and Building and Development Services staff is still involved with the Historic Preservation Board.

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


Motion – Resolution R-18-098

 A motion was made by Commissioner Benac, seconded by Commissioner Jonsson, and carried 6-0, with Commissioner Smith absent, to adopt Resolution R-18-098.

Motion – Resolution R-18-099

 A motion was made by Commissioner Benac, seconded by Commissioner Jonsson, and carried 6-0, with Commissioner Smith absent, to adopt Resolution R-18-099.


Motion – Resolution R-18-100

 A motion was made by Commissioner Benac, seconded by Commissioner Jonsson, and carried 6-0, with Commissioner Smith absent, to adopt Resolution R-18-100. BC20180802DOC005


4. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of Zoning Ordinance PDR-17-23(Z)(P), David M. and Melanie A. Parrish/Phillips Investments LLC – Bradenton FL Facility Series/Hollybrook of Bradenton. The Planning Commission recommended approval with stipulations.

No ex-parte communications were disclosed.

 Ryan Todd, Planner, while utilizing an aerial map, elucidated the request is for a preliminary site plan and a rezone from RSF 4.5 to PDR (planned development residential) for an assistant living facility. The applicant is seeking special approval to achieve the density allowed by the future land use category, and specific approval for a reduction in the greenbelt, from 15 feet to 10 feet in the PDR zoning district. Prior to the Planning Commission meeting, Mr. Todd received two telephone calls from residents in The Oaks Condominiums regarding the proposed building height. The northern half of the site abuts residential and will be single story, whereas the southern half of the site abuts medical offices and will be two stories. He displayed a 3-D model of the proposal to explain that the oak trees in the area will be taller than the assistant living facility.


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 (LDC), as conditioned herein, Commissioner moved to approve Manatee County Ordinance PDR-17-23(Z)(P); Approve a Preliminary Site Plan with Stipulations A.1, B.1, and C.1; Grant Special Approval for a project exceeding a gross density of 4.5 dwelling units per acre in the RES-6 Future Land Use Category (FLUC); Adopt the Findings for Specific Approval and Grant Specific Approval for an alternative to Land Development Code Section 402.7.D.5 (to reduce the required Greenbelt in a PDR district from 15 feet to 10 feet), as recommended by the Planning Commission. The motion was seconded by Commissioner Baugh and carried 6-0 with Commissioner Smith absent. BC20180802DOC006


15. **BUILDING AND DEVELOPMENT SERVICES/SCHOOL CONSISTENCY SITE REVIEW/K-8 SCHOOL** 

and

16. **BUILDING AND DEVELOPMENT SERVICES/SCHOOL CONSISTENCY SITE REVIEW/HIGH SCHOOL**


 Ryan Todd, Planner, reported Michael Pendley, School District Executive Planner, sent a letter (6/12/18) requesting a Comprehensive Plan consistency determination for two proposed school sites to be located in the Schroeder–Manatee Ranch Northwest Quadrant. Approval of the letters would notify the School District that the proposed school sites are consistent with the Comprehensive Plan. He displayed a need map and two aerials to point

out the pending residential approvals (shaded in pink), mixed-use projects (shaded in blue), and the location of the proposed K-8 and high school sites.


 Discussion occurred regarding the public notice requirements and the public should be made aware of the proposed school locations if they want to participate in the design or express concerns.

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


Motion - K-8 School (Item 15)

 A motion was made by Commissioner, seconded by Commissioner DiSabatino, and carried 6-0, with Commissioner Smith absent, to authorize the Chairman to sign the attached letter on behalf of the Board of County Commissioners. BC20180802DOC007


Motion - High School (Item 16)


 A motion was made by Commissioner Baugh, seconded by Commissioner DiSabatino, and carried 6-0, with Commissioner Smith absent, to authorize the Chairman to sign the attached letter on behalf of the Board of County Commissioners. BC20180802DOC008


5. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of Zoning Ordinance PDC-17-32(P), Retail @ S.R. 64 and Upper Manatee Road. The Planning Commission recommended approval with stipulations.

No ex-parte communications were disclosed.

 Rossina Leider, Principal Planner, reported that the site was rezoned to PDC (Planned Development Commercial) with the adoption of the LDC in 1990, and was approved in 2008 as part of a 2.63-acre property for two commercial lots. The 2008 preliminary site plan expired, and a Walgreens was built on one of the lots. The applicant has requested specific approval to reduce the dimensions of a required loading space and elimination of the required 15 feet wide perimeter buffer along the northern boundary. A special approval is required because the project is adjacent to a perennial stream. She received a public comment letter from the adjacent property regarding traffic concerns.


 Discussion no additional access points, drainage to Gates Creek, any changes proposed on Upper Manatee River Road between S.R. 64 and Fort Hamer Bridge, proposed changes to Upper Manatee River Road, and access to the parcel will be a right in/right out onto S.R. 64

 Thomas Gerstenberger, Stormwater Engineering Division Manager, explained the applicant must comply with Stipulations C.1-C.3 with respect to floodplain mitigation for the 25- and 100-year floodplains, and provide an additional drainage easement for Gates Creek that runs along the eastern boundary. There is also a stipulation regarding encroachment to the 100-year Federal Emergency Management Agency floodway; however, the intent shown on the preliminary site plan is for there to be floodplain mitigation along the bank of Gates Creek.

 Clarke Davis, Transportation Planning Division Manager, reported a developer is working in Parcel 35 of the Heritage Harbour DRI to extend Port Harbour Parkway to Upper Manatee River Road. The project will have a right in/right out onto S.R. 64, and cross connection to


the Walgreens, which also has a right in/right out connection onto Upper Manatee River Road.


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 LDC, as conditioned herein, Commissioner Jonsson moved to approve Manatee County Zoning Ordinance PDC-17-32(P); Approve the Preliminary Site Plan with Stipulations A.1-A.8, B.1, C.1-C.3, and D.1-D.6; Grant Special Approval for: (1) a project adjacent to perennial stream; and (2) project within the County 25-year floodplain; Adopt the Findings for Specific Approval; and Grant Specific Approval of alternatives to the LDC Sections 1006.8.A (allow a reduction of the loading space dimensions), and 701.3.B.3.b (eliminate the required 15 feet wide perimeter buffer along north boundary), as recommended by the Planning Commission. The motion was seconded by Commissioner Benac and carried 6-0, with Commissioner Smith absent. BC20180802DOC009

6. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of Zoning Ordinance Z-18-09, 301 and 70 LLC/AP Greensboro Limited Partnership Rezone. The Planning Commission recommended adoption.

 Jamie Schindewolf, Planner, stated the request is for approval of a rezone to general commercial (GC) for property located on S.R. 70 near the intersection of U.S. 301 and S.R. 70. The site is bordered by AMC Bradenton 20 (fka Carmike Royal Palm 20) movie theater to the north and consists of two parcels (Lots 3 and 4) located in the PDC (planned development commercial) and RSF-4.5 (residential single-family 4.5 units/acre) zoning districts. Lot 4 was designated as PDC with the approval of Zoning Ordinance PDC-06-54(P), and according to the preliminary site plan, a two-story, 20,800-square-foot building for retail and office use was shown for Lot 4. The site is located in the R/O/R (retail, office, residential) future land use category. The proposed GC zoning district is intended to provide areas for a variety of retail use and services in free-standing parcels and shopping centers. The GC zoning district also allows duplexes and the site is located on an urban corridor. Ms. Schindewolf did not receive any public comment regarding the project.

 Discussion took place about the State would have to approve new access points on S.R. 70, and will the County require a cross-access easement if the site is developed into two separate parcels.

 Clarke Davis, Transportation Planning Division Manager, reported the site has access to 24th Street East and a right in/right out on 26th Street East. If the applicant wanted additional access points it would be a State process, but it is unlikely that the State would allow more. If the applicant proposes to have two separate developments, staff would encourage interconnection between the developments. Between 24th Street East and 26th Street is 25th Street East, which interconnects the site and the movie theater.


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 LDC, Commissioner DiSabatino moved to adopt Manatee County Zoning Ordinance Z-18-09, as recommended by the Planning

Commission. The motion was seconded by Commissioner Benac and carried 6-0, with Commissioner Smith absent.

BC20180802DOC010

12. **ORDINANCE/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was held to consider adoption of proposed Land Development Code Text Amendment LDCT-18-01/Ordinance 18-18, Ecoplexus, Inc., Alternative Energy Generation Facilities (Privately-Initiated). The Planning Commission recommended approval.

Margaret Tusing, Planning Section Manager, reported a privately-initiated Comprehensive Plan Amendment PA-18-02/Ordinance 18-17 was adopted by the County Commission on June 7, 2018, and became effective on July 14, 2018. This LDC amendment is necessary to implement the Comprehensive Plan Amendment. The revisions include: (a) adding specific definitions for Alternative Energy Generation Facility, Low-Temperature Thermal Power, Photovoltaic (PV) Solar Power, Solar Array and Solar Field and to revised the existing definitions for Utility Use and Utility Use, Heavy; (b) Include Alternative Energy Generation Facility as a Permitted (P) use in A, LM, HM, PDI, PDPI and PDEZ zoning districts (Tables 4-1, 4-2, and 4-9); and (c) Updating LDC Section 521.54, Utility Uses, to more clearly define utility uses as light or heavy and to provide specific criteria for an alternative energy generation facility.


 Josh Philpott, representing the applicant, stated Ecoplexus, Inc. is requesting a LDC amendment to adopt the design standards and permitted uses of solar in agricultural, manufacturing areas, and limited planned development. He noted there are landscaping requirements along rights-of-way adjacent to residential areas, and increased setbacks to address compatible concerns that may arise.

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


No action was necessary; this is the first of two required public hearings. The second public hearing is scheduled for August 23, 2018.

BC20180802DOC011

14. **ORDINANCE/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was held to request holding a second public hearing prior to 5:00 p.m., for Land Development Code Text Amendment LDCT-18-01/Ordinance 18-18, Ecoplexus, Inc., Alternative Energy Generation Facilities.

Margaret Tusing, Planning Section Manager, was available to address questions.

 Commissioner DiSabatino moved to hold the second public hearing to adopt proposed Ordinance 18-18 (LDCT-18-01) on August 23, 2018, at 9:00 am or as soon thereafter as same may be heard (in lieu of after 5:00 pm) pursuant to Section 125.66(4)(b)1, Florida Statutes. The motion was seconded by Commissioner Baugh.


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

The motion carried 6-0, with Commissioner Smith absent.

BC20180802DOC012


(Court Reporter, Linda Wolfe, was present)


8. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of Zoning Ordinance PDI-

17-22(P), Calcutta Marine. The Planning Commission recommended adoption with stipulations.

 Chairman Trace disclosed she is familiar with site.

 Stephanie Moreland, Senior Planner, submitted a revised preliminary site plan.

 Hugh McGuire, attorney representing Steven E. Ellis, requested approval of a preliminary site plan for a 9,900-square-foot building that will be used for storage. Currently, Mr. Ellis has boat molds stored outside and he would like to them stored inside to prevent further damage. Mr. Ellis is not proposing to increase the number of employees (currently 12), generate additional traffic, or increase the number of boat orders (approximately 12 boats per year). Mr. McGuire displayed the aerial map from the staff report to point out the property location (outlined in blue), railroad tracks, Bayshore Road, and I-275 ramp. The property was purchased in 1998 after Mr. Ellis received a zoning verification letter (8/10/98) from the County stating his proposed use PDI (planned development industrial) was a permitted use for the site. Mr. Ellis has not been cited for any violations and in 20 years only received two complaints for speeding. The letter in opposition is from adjacent property owner, James Read, who purchased his property in 2009 from the District Court in Tampa, and Mr. Read has not filed a complaint. Planning staff visited the site (6/29/18) and did not notice any noxious odors. At the request of Mr. Read, the Florida Department of Environmental Protection (FDEP) visited the site and found no violations. Staff from the Manatee County Environmental Protection Division visited the site and recommended labeling two barrels, but no violations were found.


 Robert Schmitt, agent for the applicant, stated the request is compliant with Comprehensive Plan Policy 2.6.3.1, consideration of performance standards or other measures to distinguish between light and heavy industries. PDI zoning was imposed upon the site with the adoption of the Comprehensive Plan in 1989 and entranceway requirements because the interstate was built. Prior to the PDI zoning, the site was zoned M-1 (light industrial district), which would have been converted to LM (light manufacturing), but not in the entranceway. The applicant started this process by seeking a building permit or a site approval with a building permit in order to store the boat molds.

Mr. Schmitt read and summarized the distinguishing parameters for Comprehensive Plan Policy 2.6.3.1 in relation to the request. Calcutta Marine operates below the emission levels that require a permit from FDEP and does not discharge any pollutants. Mr. Ellis does not utilize materials in bulk amounts. The building addition will be air-conditioned and is necessary to store the boat molds that are currently subject to the elements. No additional traffic will be generated outside of the current deliveries. Mr. Ellis replaced his well, which received a clean bill of health from the Department of Health, and it exceeds the water quality for drinking water. Code Enforcement Officer Stephanie Prince conducted readings from the property line closest to the business, and the loudest noise came from the trucks on U.S. 41. Smoke stacks are not present on the property nor are they proposed. During the site visit with County staff (6/29/18), no odor was detected offsite, but onsite a scent was detected near the garage. No dust, vibration, or glare was detected offsite during the site visit with County staff. FDEP, Manatee County Environmental Protection Division, the North River Fire District and Code Enforcement have no reported violations regarding the business.


While utilizing aerial maps, Mr. Schmitt pointed out the location of the proposed building addition, 1984 view of the site prior to the completion of I-275 (it was owned by Great

American Circus and zoned M-1), and zoomed out views of the site in relation to Frog Echo Road, Bayshore Road and the surrounding neighborhood. He concurred with the staff report findings and requested approval.

Mr. McGuire submitted a letter (7/18/18) explaining how the applicant has complied with the Comprehensive Plan and the Land Development Code.


 Discussion occurred regarding the proposed use sought by Mr. Ellis in 1998, the property was zoned PDI in 1998, and it is the applicant's opinion that due to the small nature of Mr. Ellis' business, it is light manufacturing.

Mr. Schmitt stated in 1998, Mr. Ellis sought to use the property for boat manufacturing.


 Ms. Moreland used a slide presentation to review the request, history of the site, location, future land use category, special approval requirements, Comprehensive Plan definition for industrial uses, zoning district, LDC definition for industrial-light, site characteristics, preliminary site plan, specific approvals, minimum required setbacks, photographs of the site, positive and negative aspects, and mitigating aspects. During her presentation, Ms. Moreland noted the Comprehensive Plan does not define manufacturing or boat manufacturing and the small odor detected near the northern boundary was similar to paint.

Discussion took place about something in writing from the applicant stating the building addition will only be used for storage, will there be additional stormwater facilities constructed for the new building, will the applicant be able to comply with the stipulation that requires the post-development rate reduction and runoff, and can Code Enforcement clarify the reason for the site visit.


Ms. Moreland explained the cover sheet for the preliminary site plan reflects the proposed building addition being only for industrial-light.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, reported the preliminary site plan does reflect supplementary stormwater facilities at the northeast end of the project for the additional impervious area associated with the building addition. The site design would need be compliant with the 50 percent reduction and allowable runoff, and also provide floodplain mitigation for the 100-year floodplain.


Ms. Moreland clarified Code Enforcement was onsite with Planning staff to only verify noise levels.

 Stephanie Prince, Code Enforcement Officer, confirmed she was called to the property for a noise reading and no noise extended off the property above the County's allowable limits.


Public Comment

 Mark Barnebey, attorney representing James Read, requested a copy of the zoning verification letter submitted by Mr. McGuire. Mr. Barnebey displayed a map to point out the site (outlined in red), Mr. Read's property (outlined in blue) and the property owners opposed to the Calcutta Marine location (outlined in green). Submitted for the record were copies of the petition in opposition to Calcutta Marine, an Assessment of VOC Emissions from Fiberglass Boat Manufacturing from the U.S. Environmental Protection Agency (EPA), an informational cd, LDC definition for manufacturing and industrial-heavy, and American Planning Association dictionary definition for heavy manufacturing. Mr. Read and the other


property owners are not against Calcutta Marine, just the location of the business. Industrial-heavy uses are not allowed in the mixed-use future land use category. Light manufacturing is an allowed use, but Calcutta Marine is not light manufacturing based on the submitted definitions. Calcutta Marine is not compatible with the area because noise can be heard offsite, large trucks use the residential streets due to the lack of access from the site directly to U.S. 41 (photographs displayed) and odors that are omitted.


 James Read owns three parcels that surround Calcutta Marine. He opposed the location of Calcutta Marine due to the smells and noise omitted from the site, the height of the proposed building addition, and truck traffic. It was clarified that his property on Frog Echo Road was not purchased in foreclosure as reported by Mr. McGuire.

Mr. Barnebey requested the County Commission consider proffered stipulations and pointed out Mr. Schmitt wrote the zoning verification letter.

 Dr. Nicki Rutkowski, adjacent property owner, stated Calcutta Marine is incompatible with the surrounding uses and inconsistent with the Comprehensive Plan. She voiced concern with improper access, truck traffic, and air pollution and was opposed to the request.


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


 There was discussion regarding the building of boats on this site for 20 years, validity of the petition submitted by Mr. Barnebey, can the County Commission stop Calcutta Marine from operating, FDEP permit requirement, there will be no new boat manufacturing occurring in the building addition, the applicant can still have an industrial use on the site without this approval, and the traffic study.


 Sarah Schenk, Assistant County Attorney, explained the County Commission can only consider the preliminary site plan expansion and the zoning verification letter states that boat manufacturing is in compliance with PDI, which has been upheld by staff during today's hearing.

Mr. Barnebey disagreed with Mr. Schmitt's determination in 1998 zoning verification letter and suggested the County Commission limit Calcutta Marine's use to current operations.

Ms. Moreland stated the proposed use is for storage of the boat molds and miscellaneous materials.


 Mr. McGuire reported Mr. Ellis is in the process of switching to injection molding, which will reduce odors. He defended his earlier statement that Mr. Read purchased his property from the District Court in Tampa by submitting a copy of the United States Special Warranty Deed (1/14/09). It was reiterated that Mr. Read contacted FDEP who visited the site and did not find any violations. FDEP requested the Manatee County Environmental Protection Division visit the site, who suggested labeling two barrels.


 Clarke Davis, Transportation Planning Division Manager, reported the traffic study focused on impact to Bayshore Road. Staff reviewed the project as a warehouse use, which is lower in intensity, and a small amount of additional traffic is expected from a project this size. The traffic study did not reflect that additional capacity or operational improvements were necessary for the project.


 Discussion continued about a portion of Mr. Read's property being zoned PDI (zoning map from staff report was referenced), process to challenge the zoning verification letter, and whether the applicant would be willing to stipulate to the number of boats being manufactured annually (approximately 13).

Mr. Schmitt clarified Mr. Read's property is not zoned PDI.

Ms. Schenk explained in order to challenge the zoning verification letter, there is an appeal period of 30 days and it must take place in Circuit Court. She expressed concern with asking the applicant to stipulate to limiting the number of boats that he will manufacture because this is a site plan approval. The County Commission cannot involve themselves in the operation of the business, hours of operation, the number of axles on the delivery trucks, and the number of boats being manufactured. Staff can decide the necessity of a stipulation limiting the building addition to storage.

 Mr. McGuire stated the applicant is willing to stipulate limiting the building addition to storage. He emphasized the request is not an expansion of the business, staff, hours of operation, or number of boat being manufactured.


 Discussion proceeded about lack of project access to U.S. 41, past industrial uses in the area, whether the neighbors utilize septic and well, if the area wells are tested regularly, and whether or not the health department should be involved due to the building addition.

 Mr. Davis explained there is no access to U.S. 41 due to the railroad tracks limiting traffic circulation between Bayshore Road and U.S. 41, and the I-275 interchange, which severed the Frog Echo Road connection to U.S. 41. He displayed aerial maps to point out I-75, U.S. 41, and Frog Echo Road.

Mr. Read reported his well is approximately 50 feet from the applicant's existing building and he has not had his onsite well tested recently.

Mr. McGuire reported Mr. Ellis' onsite well has been tested and is deemed drinkable and a bathroom will not be included with the building addition.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, as conditioned herein, Commissioner Baugh moved to adopt Manatee County Zoning Ordinance PDI-17-22(P); and Approve the Preliminary Site Plan with Stipulations A.1-A.4, B.1-B.3, and C.1-C.2; Grant Special Approval for a project: (1) in the mixed-use FLUC; and (2) in the 25-year floodplain; Adopt the Findings for Specific Approval and Grant Specific Approval for an alternative to LDC Section 701.3.B.3 (elimination of perimeter buffer), 900.6.A.2 (reduction in small segment of roadway buffer width), and 1005.3.A (Table 10-2, Parking Ratio - reduced parking), as recommended by the Planning Commission. The motion was seconded by Commissioner Jonsson.

 Ms. Tusing read proposed Stipulation A.4: The 9,900 -square-foot addition approved by PDI-17-22(P) shall be limited to storage of materials. No light industrial production use is permitted within this structure.

Mr. McGuire agreed to Stipulation A.4 as read by Ms. Tusing.

The motioner and seconder agreed to amend the motion to include Stipulation A.4 as read by Ms. Tusing.

Quantana Acevedo, Deputy Clerk, clarified the stipulation as read by Ms. Tusing would be Stipulation A.5 because the agenda update memorandum references new Stipulation A.4.

Mr. Schmitt disclosed he was not aware that he had signed the zoning verification letter.

The motion carried 6-0, with Commissioner Smith absent.

BC20180802DOC013


RECESS/RECONVENE: 3:22 p.m. – 3:45 p.m. All Commissioners present except Commissioner Smith.

9. **ORDINANCE/ZONING**

A duly advertised public hearing was opened to consider adoption of Zoning Ordinance PDR-17-17(Z)(P), TRB Development, The Grove LLC Rezone/The Grove at Grand Oak Preserve. The Planning Commission recommended adoption with stipulations.

Commissioner Baugh and Chairman Trace were contacted by residents, but they did not discuss this matter.

Patricia Petruff, attorney representing the applicant, agreed to all of the stipulations as recommended by staff including new Stipulations C.6-C.8.

 Donald Neu, agent for the applicant, used a slide presentation to review the request, project site location, parcel location, project site plan, zoning designation, surrounding uses and zoning, future land use designation, planned development in close proximity, surrounding density, future land use designation, master site plan, open space, special and specific approvals, floodplain mitigation, master site plan, public notice (submitted copies of the mailing labels, notification letter and photographs of the public hearing signs), and changes since the Planning Commission.

Ms. Petruff concluded their presentation.


Discussion took place about the lack of onsite wetlands, will the applicant grant the County an easement once Slaughter Drain is cleared, 87 percent of property is in the 25-year floodplain, floodplain compensation, the Federal Emergency Management Agency 100-year floodplain, how much fill will be needed to elevate the site out of the 25-year floodplain, Fiddler's Creek Subdivision, maintenance of County creeks and ditches, concerned about flooding in this area, requirement of open space not under water, Erie Court is owned by the County and maintained by residents, which agency would issue a permit for clearing the ditches, does the County have responsibility for clearing ditches, whether the applicant is the same owner as Grand Oak Preserve (fka The Ponds), what is located behind lots 37, 38 and 40, base flood elevation for property and surrounding properties, and the purpose of installing a water main on Erie Court is to prevent water quality issues.


Matt Norris, engineer for the applicant, displayed a floodplain mitigation map to point out the retention ponds and the drainage conveyance ditch along the eastern boundary.


Discussion continued about density of the project, Matt Norris' professional background, sidewalks on Erie Court (Stipulation F.1), school bus pick-up will take place within the project boundaries, one of the specific approval requests eliminates the second means of access

requirement, and the meaning of required space is under water (part of reason why David Roth, Planning Commission, voted nay on 7/12/18).

Mr. Neu elucidated that the onsite ponds represent 43 percent of open space, and existing ditches and recreation area represent 57 percent of open space (sheet 4 of the preliminary site plan).


 Stephanie Moreland, Senior Planner, utilized a slide presentation to highlight specific and special approval requirements, zoning district, site characteristics, preliminary site plan, access, minimum setbacks, photographs, positive and negative aspects, mitigating aspects, public concerns (Erie Court and area flooding), and staff's recommendation.

 Thomas Gerstenberger displayed aerial maps of Slaughter Drain, 100-year floodplain exhibit, 25-year floodplain exhibit, an aerial of the County maintained drainage systems, and an aerial of The Grove at Grand Oak Preserve to give an overview of the Slaughter Drain watershed. It was emphasized that the County does not routinely maintain Slaughter Drain, but portions are maintained privately (e.g. in Colony Cove Mobile Home Park and Terra Siesta Co-Op). Following comments at the Planning Commission meeting, Public Works received a request for staff to investigate Slaughter Drain drainage system (he acknowledged County staff that visited the site with him). Areas of Slaughter Drain were identified as blocked in flow line and a service request has been made for County staff or road service gangs to remove the blockages. The staff report includes Stipulations C.1-C.8, which addresses stormwater conditions. He emphasized the County is only responsible for maintaining the free flow of drainage through Slaughter Drain and the tributary drainage systems (Stipulation C.3). It was confirmed that the installation of the proposed water main for Erie Court is to provide a loop necessary to maintain required pressure in the water mains for fire flow and sanitization disinfecting of potable water. Erie Court and Erie Lane are both identified on the Tamiami Farms Plat as 30 feet right-of-way. The boundaries of this particular right-of-way would need to be verified during the final site plan construction plan review by the applicant in regards to the water main installation.


 Discussion proceeded about the stacking of water in the area, the site is 26 or 27 feet above sea level, water historically collects in this area before eventually draining to the Manatee River, Erie Court is a platted roadway, how would Emergency Medical Services gain access to the project site, number of approved lots between Grand Oak Preserve and The Grove at Grand Oak Preserve, stub-out on Erie Court, turn lanes on 96th Avenue East, can the applicant provide more information since the project site is dissected and surrounded by water, and cannot support the specific approval request for the second means of access.


Ms. Moreland reported Grand Oak Preserve was approved for 97 lots and The Grove at Grand Oak Preserve is proposing 83 lots.


Public Comment

 George Johnson read and submitted his comments regarding the condition of Slaughter Drain, which floods and affects neighboring properties. Mr. Johnson toured the flooded areas with Mr. Gerstenberger and County staff, and asked for the decision to be delayed until concerns could be addressed.


 Phil Swanson, Erie Court resident, displayed photographs to discuss Erie Court being a private road, the condition of Erie Court, if Erie Road is widened would it still be considered agricultural, and how the pond on his property runs under Erie Court.


 Judie Carr, Erie Court resident, thanked Michael Pendley, School District Executive Planner, for listening to their concerns regarding the proposed school bus stop on Erie Court. She voiced concerns with access to Erie Court from the project and public notice requirements (photographs displayed).


 Larry Smith, Erie Lane resident, presented photographs as he expressed concern with area flooding.

 Pete Newcombe, Erie Lane resident, lives 12 feet from Slaughter Drain and his property repeatedly floods.

 Robert W. Topp, Erie Lane resident, opposed the request due to the condition of Slaughter Drain.


 J. Brooks Waddington, Erie Lane resident, noted there are retention issues in Ancient Oaks and when Grand Oak Preserve was built a culvert was covered. His property is usually covered in water for two months during the summer.

 Kenneth McClain, area resident, submitted a recorded Affidavit (also included with the staff report), legal description for 8690 Erie Court, recorded Dedication from M. P. Tindall and Martha P. Tindall to the County, recorded Resolution accepting dedication, and two recorded Warranty Deeds by M. P. Tindall and Martha P. Tindall to Merle R. and Iris L. McClain to explain that he generated the Affidavit in order to satisfy the mortgage/title company and to question ownership of the easements for Erie Court.

 Louis Berlanti, Erie Court resident, explained the drainage ditch located on the western boundary of the project site catches most of the water that drains from Erie Court. He pointed out the Tamiami Farms Plat was not signed.

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

RECESS/RECONVENE: 5:43 p.m. – 5:52 p.m. All Commissioners were present except Commissioner Smith.

 Ms. Schenk read a proposed motion for continuance: I moved to continue the public hearing, which shall remain open and the deliberation portion of the public hearing, for Zoning Ordinance PDR-17-17(Z)(P) to the land use meeting on October 4, 2018, at 9:00 a.m., or as soon after as same may be heard, to enable the applicant to submit the additional information requested by the Board at the August 2nd public hearing on the proposed zoning ordinance. The additional information relates to drainage and access questions on Erie Court including who is responsible for maintenance and ownership.

Ms. Schenk explained on October 4th the public will be allowed to speak, but all comments made on the record at today are part of the public record and it is their decision whether or not to attend.

The motion as read by Ms. Schenk was moved by Commissioner Baugh and seconded by Commission Jonsson.

There being public comment on the continuance, Chairman Trace closed public comment.

Ms. Petruff agreed to the continuance with the request that staff meet with applicant in order to address concerns regarding Erie Court and Ancient Oaks Subdivision. She elaborated that not signing plats was an allowable practice in the past.


Trevor Burgess, property owner, explained he has an understanding of flooding due to ownership of Neptune Flood Insurance and being a real estate developer in the County. His goal is to bring back a program that will take care of the site and the surrounding land owners. His first goal is to remove the blocked pipe on his property to reduce flooding.

Discussion occurred regarding filling in the pond at Grand Oak Preserve, the item will not be re-advertised, certain lands should not be developed, and rain water in Parrish flows to this property.

The motion carried 6-0, with Commissioner Smith absent.


BC20180802DOC014

10. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of Zoning Ordinance PDI-17-33(P), SRQ Tech Park Expansion. The Planning Commission recommended approval with stipulations.

No ex-parte communications were disclosed.

 Todd Mathes and Matt Miller, both representing the applicant, made use of a slide presentation to review the site history, wetland history, ditch history, wetland condition photographs, County wetland policy, wetland mitigation area context comparison, and a summary.


 Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, as conditioned herein, Commissioner Benac moved to approve revised Zoning Ordinance PDI-17-33(P); Approve Preliminary Site Plan [PDI-17-33(P)] with Stipulations A.1-A.3, B.1-B.2, C.1 and D.1-D.4; and Grant Special Approval for a project exceeding a Floor Area Ratio (FAR) of 0.35 in the IL (industrial-light) FLUC; Adopt the Findings for Specific Approval; and Grant Specific Approval for an alternative to Land Development Code Section 402.13.D.2 (reduction of open space from 25 percent to 23 percent; as recommended by the Planning Commission, subject to release of Conservation Easement V-18-502 (Item 17, Resolution R-18-128). The motion was seconded by Commissioner Baugh.


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

The motion carried 6-0, with Commissioner Smith absent.

BC20180802DOC015

17. **PROPERTY MANAGEMENT/RESOLUTION/DEED AND EASEMENT**


 Joy Leggett-Murphy, Property Acquisition Division Manager, was available to answer questions regarding Resolution R-18-128.


 A motion was made by Commissioner Whitmore, seconded by Commissioner DiSabatino, and carried 6-0, with Commissioner Smith absent, to adopt Resolution R-18-128, releasing

Conservation Easement for property located at the southeast intersection of U.S. 301 and Tallevast Road.

There being no public comment, Chairman Trace closed public comment. BC20180802DOC016

11. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of Zoning Ordinance PDPI-09-11(G)(R), Manatee County Southwest Water Reclamation Facility. The Planning Commission recommended approval with stipulations.

 Commissioner Whitmore disclosed she received numerous emails on this matter.

Barney Salmon, Planner, was available for questions.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, Commissioner Whitmore moved to approve Manatee County Zoning Ordinance PDPI-09-11(G)(R); and Approve a General Development Plan on property in the PDPI (planned development public interest) zoning district with Stipulations A.1-A.4 and B.1-B.2; as recommended by the Planning Commission. The motion was seconded by Commissioner DiSabatino.


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

The motion carried 6-0, with Commissioner Smith absent. BC20180802DOC017


COMMISSIONERS' COMMENTS

Chairman Trace

- Requested that The Grove at Grand Oak Preserve be scheduled for a time certain on October 4, 2018

Commissioner Baugh 

- Stated the previously referenced work session for the P25 Regional Public Safety Radio System was held on February 16, 2016, and there should have been a public meeting held. She requested staff look at public notice requirements.

 John Barnott, Building and Development Services Director, reported staff is working on public notice requirements.

Commissioner DiSabatino 

- Inquired if the Accela program could be utilized for electronic public comment sheets

Mr. Barnott stated he will forward information to the County Commission on this matter.

ADJOURN

There being no further business, Chairman Trace adjourned the meeting at 6:33 p.m.

Minutes Approved: _____