

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
April 4, 2019**

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

Present were:


Stephen R. Jonsson, Chairman
Betsy Benac, First Vice-Chairman
Misty Servia, Second Vice-Chairman
Carol Whitmore, Third Vice-Chairman
Vanessa Baugh
Reggie Bellamy
Priscilla Whisenant Trace

Also present were:

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


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

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Pastor Bill Pierson, J.O.Y. Fellowship, followed by the Pledge of Allegiance.

AGENDA

BC20190404DOC001

15. Agenda Update Memorandum:  BC20190404DOC002
 - Item 7, Amended and Restated Settlement Agreement, Lake Lincoln LLC v. Manatee County, Cases 2012-CA-3483 and 2017-CA-3071 – Additional public comment emails, and letter (4/1/19) from Patricia Petruff submitted (original letter presented during the hearing)
 - Item 12, PDR-18-10(P), Imperial Lakes Residential – Additional public comment email submitted

Time Certain:

2. Item 7, Amended and Restated Settlement Agreement, Lake Lincoln LLC v. Manatee County, Cases 2012-CA-3483 and 2017-CA-3071 – 1:30 p.m.

COMMISSIONER REQUESTS

No items were pulled by Commissioners.

CITIZEN COMMENTS (Future Agenda Items)

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

CONSENT AGENDA

5. **COUNTY ATTORNEY/RESOLUTION/APPOINTMENT OF HEARING OFFICERS**
Adopted Resolution R-19-038, setting forth an updated list of appointed County Hearing Officers to conduct quasi-judicial hearings related to due process and land use matters. BC20190404DOC003
6. **BUILDING DEVELOPMENT SERVICES/FINAL PLAT/AVIARY AT RUTLAND RANCH, PHASE IA AND IB**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Declaration of Covenants, Conditions and Restrictions for Aviary at Rutland Ranch;
- Accepted, executed and authorized recording of Maintenance Agreement for right-of-way improvements;
- Authorized the County Administrator to accept, execute and record Agreement for Public Subdivision with Public Improvements from Aviary Development Group, Inc.;
- Authorized the County Administrator to accept, execute and record Agreement for Public Subdivision with Private Improvements from Aviary Development Group, Inc.;
- Authorized the County Administrator to accept and execute Irrevocable Letter of Credit 8999013330 for required public improvements, Chemical Bank, \$4,846,853.70;
- Authorized the County Administrator to accept and execute Irrevocable Letter of Credit 8999013322 for required public improvements, Chemical Bank, \$484,615.38; and
- Authorized the County Administrator to accept and execute Irrevocable Letter of Credit 8999013371 for required public improvements, Chemical Bank, \$663,676.14

BC20190404DOC004

MOTION – CONSENT AGENDA


A motion was made by Commissioner Servia and seconded by Commissioner Baugh to approve the Consent Agenda.


4. **Citizen Comments** (Consent Agenda Items)

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

The Consent Agenda motion carried 7-0.

8. **ORDINANCE/ZONING**

 A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance PDMU-18-23(P), Morgan’s Glen/Moccasins Wallow Associates LLC. The Planning Commission recommended approval with stipulations (2/14/19). This item was continued from March 7, 2019, and to be continued to May 2, 2019.


 Commissioner Trace moved to continue the public hearing for PDMU-18-23(P) to May 2, 2019, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Building, first floor, Patricia M. Glass Chambers. The motion was seconded by Commissioner Baugh.


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

The motion carried 7-0.


BC20190404DOC005


9. **ORDINANCE/COMPREHENSIVE PLAN**

 A duly advertised public hearing was held to consider transmittal of Comprehensive Plan Large Scale Map Amendment PA-18-12/Ordinance 19-01, Lakewood Centre Addition. The Planning Commission recommended transmittal (3/14/19).

 Caleb Grimes, attorney for the applicant, made use of a slide presentation to review the project information, aerial map, proposed future land use map, and site location map. The property is part of the Lakewood Ranch Commerce Park, which consists of industrial, office and a small amount of retail, located across Lakewood Ranch Boulevard from Lakewood Ranch Business Park. The applicant is proposing to move this property into the Lakewood Centre Development of Regional Impact via amendments to the future General Development

Plan and development order. The user for the property is proposing multifamily, detached rentals, which is a growing market throughout the U.S., and would be managed like an apartment community.

 Rossina Leider, Principal Planner, agreed with the findings as presented by Mr. Grimes. The site is a vacant isolated parcel located on the southern portion of the Lakewood Ranch Commerce Park and separated from the remainder of the development by a substantial wetland system.

 Discussion ensued about how the Land Development Code (LDC) allows this type of project, and density and intensity would not increase.


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 Benac moved to transmit Plan Amendment PA-18-12/Ordinance 19-01, as recommended by the Planning Commission. The motion was seconded by Commissioner Trace.


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


The motion carried 7-0.


BC20190404DOC006

10. **ORDINANCE/COMPREHENSIVE PLAN**


 A duly advertised public hearing was held to consider transmittal of Comprehensive Plan Text Amendment PA-18-10/Ordinance 19-16, Northeast Quadrant, Schroeder-Manatee Ranch, Inc. The Planning Commission recommended transmittal (3/14/19).

 Caleb Grimes, attorney for the applicant, reported in 2008, the MU-C FLUC (Mixed-Use Community Future Land Use Category) was created, which placed a cap on the development of the subject site. Due to development and market trends, the applicant is seeking a text amendment to reduce the non-residential land uses in favor of additional residential.

 Discussion took place about what would be decreased, and this a well-planned project.

 Jamie Schindewolf, Planner I, utilized a slide presentation to review the background, the aerial map, and current entitlements versus proposed entitlements. She read Comprehensive Plan Objective 2.14.1 (Ordinance 18-04): Establish specific policies restricting the location and intensity of certain developments in order to preserve and protect neighborhoods from encroachment by incompatible uses and intensities, ensure adequate provision of infrastructure, and other reasons the Board of County Commissioners may decide warrant a specific area policy. The Northeast Quadrant is located south of S.R. 64 and north of S.R. 70 east.


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

 Based upon the evidence presented, comments made at the public hearing, the action of the Planning Commission, the technical support documents, and finding the request to be in compliance with the applicable portions of Chapter 163, Part II, Florida Statutes, and consistent with the Manatee County Comprehensive Plan, Commissioner Whitmore moved to


transmit Plan Amendment PA-18-10 (Ordinance 19-16), as recommended by the Planning Commission. The motion was seconded by Commissioner Trace and carried 7-0.

BC20190404DOC007


11. **ORDINANCE/ZONING**


 A duly advertised public hearing was held to consider adoption of Zoning Ordinance Z-18-16, Parrish Charter School Rezone/Alliance Parrish LLC. The Planning Commission recommended approval (3/14/19).

Commissioner Trace disclosed she visited the site, and Commissioner Benac disclosed that she drove by the site and noticed construction had begun.


 Mark Barnebey, attorney for the applicant, displayed an aerial map and future land use map from the staff report to point out the site location at the southwest corner of the intersection of Erie Road and 69th Street East and surrounding uses. The 9.19-acre site (two parcels) is zoned PDC/NCO (Planned Development Commercial/North Central Overlay District) and A/NCO (General Agriculture/NCO) and within the RES-9 FLUC (Residential, nine dwelling per acre). The applicant is seeking to unify the zoning to A-1/NCO (Suburban Agriculture/NCO), because a charter school (residential support use) cannot be placed on property zoned PDC and it would ensure zoning consistency on both parcels. Construction has begun on the parcel zoned A, and the proposed use would be appropriate for this developing area. The request is consistent with the LDC and the Comprehensive Plan. (Note: The site was previously approved for commercial under PDC-05-48(Z)(P), McIlwaine/Erie Road Villages)

 There was discussion regarding the Final Site Plan was approved, parking and proposed athletic field, and the possibility of a traffic signal due to increased area traffic.


 Dorothy Rainey, Senior Planner, used a slide presentation to review the FLUC map, zoning map, aerial maps, site information, details of the request, surrounding uses, Final Site Plan (civil plan and landscape plan), positive and negative aspects, and mitigating measures.

 Discussion took place about the lack of sidewalks and street lighting on Erie Road, traffic signal or roundabout for this section of Erie Road and its effect on the school entrance, area flooding, in the future the name of the business should not be included in the title for a straight rezone, traffic can be discussed with a straight rezone, and focusing on the rezone criteria such as a traffic analysis for the most intensive use.


Sarah Schenk, Assistant County Attorney, reported the traffic study would only evaluate trip generation from the charter school, and the traffic study is conceptual in nature, because a concurrency review is not required at this stage.

 Clarke Davis, Interim Director of Traffic Management, explained Erie Road (north-south and east-west) where it meets 69th Street East was rebuilt and reconfigured several years ago [aerial maps of former configuration (1984) and current figuration displayed]. Staff is aware of the increase in traffic due to area development and schools, and is planning to add Erie and 69th Street East to the Capital Improvement Program (CIP). Staff reviewed the traffic impacts for 400 students as opposed to the increased residential density, and the projected p.m. trips equal to approximately 130 trips, which is not enough to warrant a traffic signal. If traffic signals are necessary at the project entrance and the intersection of Erie Road and 69th Street East, they could be managed with a roundabout at one or both areas, but staff would


evaluate as the site matures. The project entrance would require turn lane improvements to manage site-related turning movements.


 There was discussion on p.m. peak trip hours (4:00 p.m.–6:00 p.m.), whether schools pay impact fee credits, whether area developers have paid proportionate share for road improvements, consideration by the applicant on purchasing land to move their entrance, and a plan is needed, because not all of the County’s roads can be built with impact fees.

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

 Thomas Gerstenberger, Stormwater Engineering Division Manager, reported two functional improvements are planned for Erie Road: (a) improvement of the north–south leg of Erie Road includes widening the roadway to provide 12-foot-wide travel lanes in both directions with shoulders, and sidewalks or a multi-use trail on one side of Erie Road; and (b) the improvement of the east–west stretch of Erie Road (69th Street East to U.S. 301) is under design and permitting. The area is split between the Buffalo Canal Watershed, Frog Creek Watershed and the Slaughter Drain Watershed. The plan and associated drainage calculations and modeling did include the 50 percent flow reduction and runoff concerning the watersheds. The project is outside of the 100-year floodplain, which is restricted to the jurisdictional limits of the wetlands along the eastern boundary line.

(Note: The abovementioned watersheds should be Wade Canal, Cedar Drain and Slaughter Drain)


 Mr. Barnebey stated the project would have had to be redesigned if the rezone was not approved.

 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 and the Manatee County LDC, Commissioner Trace moved to adopt Manatee County Zoning Ordinance Z-18-16, as recommended by the Planning Commission. The motion was seconded by Commissioner Bellamy and carried 7-0.


BC20190404DOC008

RECESS/RECONVENE: 10:17 a.m. – 10:25 a.m. All Commissioners were present.


12. **ORDINANCE/ZONING**

 A duly advertised public hearing was opened to consider adoption of Zoning Ordinance PDR-18-10(P), Imperial Lakes Residential. The Planning Commission recommended approval with stipulations (3/14/19).


Commissioner Benac disclosed that she asked Caleb Grimes about his involvement with Imperial Lakes. All Commissioners received numerous emails regarding this project.


 Clint Cuffle, agent for the applicant, utilized a slide presentation to review the staff report aerial maps, overview of the site, site history, surrounding uses and zoning, site design details, wetlands and buffers, engineering design, and the haul route for construction. The site is located south of Bobby Jones Court and west of I-75. The west parcel has been designated for 66 lots (±56 acres) and the east parcel (±15 acres) would be used solely for a floodplain compensation area. A neighborhood meeting was held March 7, 2019, and the applicant met with the property owner whose property is 1,100 square feet from the south

property line. The haul route would be established in the common area between the two parcels to prevent trucks from hauling dirt on public roadways.


 Matt Miller, environmental manager for the applicant, continued the slide presentation to discuss habitat, wildlife and endangered species protection (LDC Section 705).


Mr. Cuffle concluded his presentation with a summarization of the request.


 Discussion took place about the site being part of the original Imperial Lakes Subdivision, whether the applicant conducted a tree survey, buffering requirements (15-foot greenbelt buffer being proposed), the project's access would to be tied to Bobby Jones Court, and this site is known for being wet and unusable (site formerly housed fish ponds).

 Jamie Schindewolf, Planner I, utilized a slide presentation to review the site characteristics, the request, future land use map, zoning map, aerial map, Preliminary Site Plan with typical lot detail, positive and negative aspects, and mitigation measures. The site was part of the 1998 approval for PDR-98-10(P)(Z) and was depicted on the plan as REC-GC (Recreation, Golf Course). The signed Final Site Plan for the previous request shows the site as unplatted. Wetland 2 (one of two on-site wetlands) as shown with the original plat and this request, would be impacted for the proposed road that would intersect with Bobby Jones Court. The project complies with the densities allowed in the RES-6 (Residential, six dwelling units per acre) FLUC and is located partially within the Coastal Planning Area. The site is required to have one access point because less than 100 units are being proposed, and the project is in compliance with the Comprehensive Plan and LDC. The request would provide an excess of open space at 43.7 percent (LDC requires 25 percent), sidewalks on both sides of the internal streets, and a 30-foot wetland buffer. She confirmed a 15-foot greenbelt buffer is also being proposed.

Commissioner Trace inquired about the on-site uplands.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, used a slide presentation to review the Buffalo Canal/Frog Creek Watershed, photographs (I-75 Drainage Improvement Project, rain and stream gauge station, Pearce drain rainfall history), design standard versus observed (9/14/01 and Tropical Storm Hermine), Buffalo Road/Crystal Lake, Moran Road, and Imperial Lakes residential design. He reported Buffalo Canal Watershed is the only watershed in the County that was actually incorporated into the 2014 effective Floodplain Insurance Rate Maps (FIRM).


 Discussion proceeded about the past prohibition for building in the 25-year floodplain, whether staff had a copy of the site plan from the approval for PDR-98-10(Z)(P), whether or not the County Commission should be considering this request since the site is part of a previous PDR (Planned Development Residential) approval, and public notice requirements.


 Margaret Tusing, Public Hearing Section Manager, stated staff realized the site was part of a larger project, and after review of the plats, it was clear that the site in question was not platted. The associated site plan does not exist and ownership of the site changed in the midst of the application review and approval.


Discussion continued on how it is not unusual to plat open space or a golf course, but this request would not remove the buffer or land out of the PDR, it would be a terrible precedent


to allow people to sell off the land that was included in their PDR for future development, and if the applicant would consider a continuation.


Public Comment

 Deborah Monreal, Amen Corner Place resident, and Leslie Pelley, Founders Circle resident, utilized a slide presentation to review concerns regarding impacts to: wildlife and habitat, homeowners and community, and school children and safety. Ms. Monreal reported she was told that the site, which is behind her home, would be preserved.


 Harry Traylor, property owner adjacent to the southern boundary line, thanked Commissioner Trace, staff, and Mr. Cuffle for providing information to homeowners.

 Patricia Baker, Bobby Jones Court resident, commented on area flooding, lack of water pressure and possible increase in traffic due to the request.


 Patricia Cueto explained her father purchased the golf course and surrounding lands for the development of homes, not for preservation.


 Diane Harrison, Bobby Jones Court resident, concurred with previous speakers and reported she was told that the area behind her home would be preserved.

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

 There was discussion on the request not being consistent with the LDC, because is part of an overall PDR, there should have been disclaimers about the site, unsure of what the use would be for the site, whether staff has a continuation date for consideration (5/2/19, 6/6/19, and 6/20/19), the County Commission needs to understand how the 1998 approval was given, and what this land represented as in that approval.

Margaret Tusing, Public Hearing Section Manager, reported the applicant is in agreement with continuing the matter to June 6, 2019.

 A motion was made by Commissioner Trace and seconded by Commissioner Bellamy to continue the item to June 6, 2019.


 Sarah Schenk, Assistant County Attorney, clarified the public hearing would remain open on PDR-18-10(P), and the public hearing and application is continued to June 6, 2019, at 9:00 a.m., or as soon thereafter as same may be heard.

Commissioner Benac stated she received a copy of Zoning Ordinance PDR-98-10(P) and the staff report from the Clerk, which was forwarded to all Commissioners. She requested staff confirm if this site was included in the legal description.

The motion carried 7-0.

BC20190404DOC009

13. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of Zoning Ordinance PDMU-18-06(G), Villages of Amazon South/Parrish Holdings LLC/Amazon Landco LLC [related to PDMU-13-37(Z)(P)]. The Planning Commission recommended approval with stipulations (3/14/19).

There was discussion on whether this item could be heard in 30 minutes, and the Planning Commission meeting was prolonged due to comments by the School District, which have been amended, for Haval Farms (Item 14).

Ex-parte communications were disclosed as follows:

- Commissioner Trace drives by the site regularly and has knowledge of the site;
- Commissioner Whitmore visited the site;
- Commissioner Benac toured the area in order to visit the site, the Fort Hamer Road extension and the North County High School;
- Commissioners Baugh and Chairman Jonsson drove by the site;
- Commissioner Servia visited the site prior to being a commissioner; and
- Commissioner Bellamy drives by the site regularly.

All Commissioners confirmed they did not communicate with the developer and/or residents regarding the request.



Pat Neal, Neal Land and Neighborhoods, made introductory remarks.





Tom Panaseny, Neal Land and Neighborhoods, reported North River Ranch is proposed to encompass residential, commercial, office, medical, educational and recreational amenities. The residential portion will include a diverse product type such as town homes, villas, front porch living, alley homes, and conventional homes with diverse builders. The cornerstone of North River Ranch will be the trail system (Emerald Trail), bicycle parks and fitness stations. Emerald Trail will have soft (shell) and hard (boardwalks and paved) surfaces that will connect the natural areas externally to the commercial sites (area schools) and to the future east-west connector Road FF and Fort Hamer Road.


(Note: North River Ranch consists of Haval Farms, Villages of Amazon South, Morgan's Glen and an unnamed project)





Katie LaBarr, agent for Neal Land and Neighborhoods, used a slide presentation to review the preliminary concept, an aerial map, future land use map, zoning map, and General Development Plan. In 2014, the site was rezoned from PDR to PDMU (Planned Development Mixed-Use), and a Preliminary Site Plan was approved for 1,999 single-family residential units, 40,000 square feet of commercial, and 20,000 square feet of office space (site consists of 1,032.23 acres). The project has an approved Local Development Agreement (LDA) and Certificate Level of Service (CLOS) that are valid and current. Per the LDC, this site is considered to be a large project, because more than 800 units have been proposed or approved. Two primary reasons for the request involved confirming that the unit counts can be allocated across different phases of development, and to amend the project boundary to transfer Phase IV (northwest quadrant) from this project to Haval Farms (contiguous property to the north). The decision to develop Phase IV within Haval Farms was based on promoting interconnectivity between neighborhoods, and to alleviate challenges related to the 660-foot Florida Power and Light (FPL) corridor that bisected the property. Phases I, II and III are actively being developed and 499 units have been approved with the Final Site/Construction Plans. Phase I, Grande Reserve, was approved for 200 units and Phase III, Bella Lago, was approved for 299 detached units. The site is located near the intersection of Moccasin Wallow Road and U.S. 301, and the underlying FLUC is UF-3 (Urban Fringe, three dwelling units per acre). The General Development Plan identifies Fort Hamer Road as constructed from Moccasin Wallow Road to the southernmost entrance into Phase III, and the site would also have access along U.S. 301.

 Edward Vogler, attorney for the applicant, reiterated the primary reasons for the request, which is the removal/transfer of Phase IV, and confirmation that the unit types can be moved throughout the various neighborhoods in the project. The applicant has planned infrastructure, which includes the construction of a sewer line south to Erie Road to the treatment facility and Reimbursement Agreement with the County for the construction of three segments of Fort Hamer Road from U.S. 301 to Moccasin Wallow Road. The applicant is in agreement with the stipulations and the staff report.

 Discussion took place on how the project would be draining into Buffalo Canal and dumping traffic onto Moccasin Wallow Road, which is an interstate access where cars travel at high speeds, Buckeye Road is not in good condition, the County Commission has to evaluate how projects could affect infrastructure, Road FF is an east-west connector road that would be moved off-site to Haval Farms, the Fort Hamer Road extension is planned to be a four-lane roadway (two lanes have been built), whether there are improvement plans for Moccasin Wallow Road where it intersects with Fort Hamer Road and U.S. 301, and Commissioners have received emails about the infrastructure in the Parrish area.

 Frank Domingo, traffic engineer for the applicant, stated the applicant is designing the Fort Hamer Road extension from U.S. 301 north through the Villages of Amazon South. The segment between Erie Road and 69th Street East is currently under construction to serve the North County High School. The other two segments are in different permitting stages, and a contractor has been hired to build these segments at the appropriate time. The first section of the Fort Hamer Road extension within the Villages of Amazon South started as two outside lanes of a four-lane divided road, but it has evolved to four lanes through Morgan's Glen Subdivision. Coordination efforts are being made for Moccasin Wallow Road between 115th Avenue East and Fort Hamer Road with seamless turn lanes and widening in order to accommodate traffic. Traffic signals are also being designed and placed at 115th Avenue East/Moccasin Wallow Road, Fort Hamer Road/Moccasin Wallow Road and Fort Hamer/Erie Road with modifications at U.S. 301. The Fort Hamer Road extension has a ten-foot multi-use path on the west side and a five-foot sidewalk on the east. Connection of the multimodal systems would provide interconnections between neighborhoods, sidewalks to schools, and capacity. The Villages of Amazon South has an existing LDA and a fair share contribution was made for improvements to the intersection of Moccasin Wallow Road and U.S. 301.


 Discussion continued about how the interneighborhood connections could alleviate traffic off of the main thoroughfares, Road FF relocation from U.S. 301 to the project border in order to line up with the next parcel and extend to Sawgrass Road, the LDA would have to be amended to reflect the deletion of Phase IV and the relocation of Road FF, the well-designed intersections would be connected to an unimproved Moccasin Wallow Road, the County does not own the appropriate right-of-way it is hard to build roads, safety of residents who travel Moccasin Wallow Road and Erie Road, the expense associated with the building of 44th Avenue East extension, and consideration of a public/private partnership for Moccasin Wallow Road since private developers can build roads cheaper.


 Rossina Leider, Principal Planner, summarized the request: (a) The moving of Phase IV to Haval Farms, which would reduce the project area by 171.60 acres, but the 60,000 square feet of non-residential units and 1,999 dwelling units would be maintained; (b) The gross density would be increased from 1.66 to 1.94 dwelling units per acre; (c) Reduction of the single-family, semi-detached units from 4,320 to 4,200 square feet; (d) Relocation of Road FF to outside of the project's boundaries to lie entirely within the boundaries of Haval Farms; (e)

Relocation of the commercial/office parcel previously located at the northeast corner of the site to two, potential locations on the southeast portion of the site; and (f) multi-family is being introduced with a 45-foot building height (height analysis submitted by the applicant).

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

There were no staff or applicant closing comments.

 Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County LDC, as conditioned herein, Commissioner Trace moved to Approve Manatee County Zoning Ordinance PDMU-18-06(G); Approve a General Development Plan with Stipulations A.1- A.14, B.1-B.9, C.1-C.4, D.1-D.3, and E.1; Make Specific Findings that the proposed multi-family residential buildings exceeding 35 feet in height are consistent with LDC Section 402.7.D.9; Adopt the Findings for Specific Approval; and Grant Specific Approval of an alternative to LDC Sections 403.12.D.3.k (reduction of the setback for pool cages, and accessory structures in the NCO, and 402.7.D.7 (reduction of the single-family front yard setback for front loaded garages), as recommended by the Planning Commission. The motion was seconded by Commissioner Servia.


 Pat Neal reported he would be making a presentation during the public hearing for Haval Farms on how to build Moccasin Wallow Road and interneighborhood connections.


The motion carried 7-0.


BC20190404DOC010


RECESS/RECONVENE: 12:16 p.m. – 1:30 p.m. All Commissioners were present. Depart Sarah Schenk, Assistant County Attorney; enter William Clague, Chief Assistant County Attorney.

7. **ATTORNEY/AMENDED AND RESTATED SETTLEMENT AGREEMENT/LAKE LINCOLN**


 A duly advertised public hearing was held to consider approving proposed Amended and Restated Settlement Agreement, Lake Lincoln LLC v. Manatee County, Cases 2012-CA-3483 and 2017-CA-3071. This matter was continued from March 7, 2019.
(Note: Speakers were previously sworn)


 William Clague, Chief Assistant County Attorney, explained public comment was concluded at the prior hearing for the Amended and Restated Settlement Agreement for Lake Lincoln, and this would be the appropriate time for rebuttal from the property owner, who was previously granted 30 minutes.


 Patricia Petruff, attorney for Lake Lincoln LLC and Tara-Manatee Inc., stated she submitted a rebuttal letter (4/2/17) with attachments.

 Clayton Robertson, environmental scientist for Lake Lincoln LLC and Tara-Manatee Inc., elucidated on the quality and functions of the subject wetland. The wetland is of marginal value primarily because of its location and the presence of invasive and exotic species. It is hydrologically and biologically isolated and has an altered hydroperiod. The area to be developed is the most impacted portion of this marginal wetland. The one-acre of impact would be subject to regulatory scrutiny of permitting from the U.S. Army Corps of Engineers, Southwest Florida Water Management District (SWFWMD) and the County, and mitigation and any functional loss would be offset by that mitigation. The wetland provides ample

opportunity for enhancement both hydrologically and by removal of the invasive and exotic species plus enhancement of the hydroperiod. Additional mitigation, if needed, is available through purchase of mitigation bank credits and wetland and upland preservation such as a 45-acre parcel in the Braden River.

 Susan Joel, traffic expert for Lake Lincoln LLC and Tara-Manatee Inc., used a slide presentation to discuss the traffic analysis regarding safety, level of service and access for Tara Boulevard. She noted that in order to make a southbound U-turn at Stone River Road, the northeast corner would require widening.


 Robert Lombardo, engineer for Lake Lincoln LLC and Tara-Manatee Inc., noted Tara residents expressed concern with significant rainfall on August 26, 2017, and subsequent flooding in the area. He obtained rainfall information from the U.S. Geological Survey rainfall gauge, which indicated on this day 13.26 inches of rain fell in 24 hours. This amount is 5 inches more than the design used for all stormwater management systems as required by SWFWMD and the County (25-year, 24-hour storm with 8 inches of rainfall). The 13.26 inches is 3.26 inches greater than 100-year, 24-hour storm, which is used in designing minimum housing levels. There was extensive flooding in many areas of the County including Tara, which was expected with such drastic event (there was rain prior to and after 8/26/17). There was no way that the Tara stormwater management system or any other system could have handled that type of rainfall in that time period without flooding occurring. The 10.33 acres (includes Subphase III-BB) were designed to flow south into the portion of the stormwater management system that drains under Stone River Road and eventually flows into stormwater ponds. If and when Subphase III-BB is proposed for development, it would have to be designed to meet County and State stormwater runoff regulations, and development would not be allowed unless these regulations are met. He displayed the aerial map as presented by Mr. Depew to address previous comments that the property is not in accordance with the Comprehensive Plan and incompatible with the surrounding residential uses. The staff reports supports the analysis that the property is compatible, because it is within the R/O/R (Retail/Office/Residential) FLUC and the proposed distances are well in excess from the residential land uses and Subphase III-BB.


 Ms. Petruff stated the County Commission has to make a decision on whether or not the settlement is consistent with the Comprehensive Plan. Exhibit D of proposed Ordinance 19-13, which is Exhibit A-1 to the Settlement Agreement, lists the permitted uses for Subphase III-BB including commercial, residential, retail and office. Efforts were made to research the uses that would be allowed in the PDC (Planned Development Commercial) zoning district and compatible for this commercial corner. The opposition has requested that the property be restricted to residential uses, which is not compatible based on traffic noise from S.R. 70 and the noise contour from 1980. If a noise contour was performed today it would prohibit any residential development, because of the noise abatement language in the DRI (Development of Regional Impact) since its initial approval. As pointed out by Mr. Lombardo, the property is located within the R/O/R FLUC and on the corner of an arterial and major collector within a commercial node. The developer has both the available square footage to transfer from other parcels within the development and an approved CLOS (valid until the year 2023). The approved site plan depicts a 54,000 square-foot personal service establishment adjacent to the golf course, wetlands and a portion of Parcel III-S, which was conveyed to the Tara Master Association and designated for no development.


When the commercial square footage was moved from the west of Tara Boulevard to the east side, Subphase III-BB was not designated as open space or preservation, and it kept the

zoning designation remained. The developer is seeking approval of a Settlement Agreement that allows a variety of uses on this parcel that are consistent and compatible. A pharmacy is a possible use, but is not the only potential use. As defined in the LDC, residential support uses consistent of daycares, churches and schools. Limiting the parcel to these uses is inappropriate due to the location, landscape distances from adjoining residential, and the development on other corners for the S.R. 70 and Tara Boulevard/Creekwood Boulevard intersection. The Settlement Agreement is consistent with Comprehensive Plan and should be approved by the County Commission as submitted and recommended by the County Attorney's office. The developer owns a 45-acre parcel, which contains submerged lands in the Evers Reservoir along with uplands, and is willing to convey this parcel to the County.


Factual Errors

 Mr. Clague read language from Resolution R-16-068, Section 5.5.3.10, Factual Errors: Any person(s) who believe that the rebuttal presentation includes an error of fact may be allowed an opportunity to point out such error of fact. This relates to a demonstrable falsehood or misstatement of objective fact. It is not an opportunity to argue the merits of a proposal.


 Robert Lincoln, attorney representing the Tara Golf and Country Club, Inc., Tara Master Association, Inc., and Fairway Gardens II at Tara Condominium Association, Inc. (Intervenors), pointed out approximately 20 homes were flooded on August 26, 2017. The community is a golf course community with a longstanding ordinance that authorizes the use of golf carts in the community.

 David Woodhouse reported he measured 20 inches of rainwater after the event on August 26, 2017.

Mr. Clague stated the Factual Errors portion was not intended for the type of comment presented by Mr. Woodhouse.

 John Leone, Fairways resident, stated Subphase III-S belongs to the Tara Golf and Country Club, not the Tara Masters Association.

Mr. Clague advised County staff not be called to testify, because the matter most certainly would go back to court. The County Commission could ask questions of the applicant or others, and proceed to deliberations.


 Discussion ensued on the property being designated as open space or preservation (page 2 of the rebuttal letter), suitability of residential on Subphase III-BB, Mr. Lincoln's proposal for general commercial development on Subphase III-BB (page 4 of the rebuttal letter), access to Subphase III-B would be a right-in from S.R. 70 and a right-out on Tara Boulevard, wetland location on Map K, the number of wetlands that were destroyed (the impacted wetlands in Phase I were non-jurisdictional in 1980), this matter has been in litigation for seven years, page 5 of the rebuttal letter references a limitation on wetland impact and U-Turn improvements to Tara Boulevard (improvements should be included in the Settlement Agreement), limiting the square footage of the pharmacy to 15,000 square feet in the Settlement Agreement (page 7 of the rebuttal letter), location of loading facilities to be incorporated, conveyance of the 45-acre parcel to the County, the Tara entranceway is protected by a sign easement (Conceptual Plan displayed, there is an existing easement connecting the golf course to Stone River Road, and staff did not opine on the golf carts because of the uncertainty of the use, the date of the most recent commercial approval for

Tara, the letter (2/8/96) to Carol Clarke regarding a Notice of Proposed Change was for the relocation of commercial from the west side of Tara Boulevard to the east side, the amount of square footage built to date, the Bert J. Harris Act, reason on why condominiums cannot be built on the 10.33 acres, the property was rezoned from PDR to PDC in 2010, residential has to be mitigated from noise impacts if noise is measured at 70 decibels, settlement offers, this process has consumed staff resources, Commissioner Servia was the staff planner who worked on the Tara DRI, old DRIs were approved with the entitlements that could not be built, the building of residential on Subphase III-BB, the County Commission in 2010 found the commercial use to be inconsistent with Comprehensive Plan, 15,000-square-foot commercial building would be a less impactful use than a residential development, and do not want to send this matter back to the courts.


Mr. Lincoln spoke on the history of the settlement offers.

Mr. Clague stated this is a decision on a lawsuit, and advised the County Commission to make a decision.

Motion


 Commissioner Baugh moved to ask Lake Lincoln and Tara residents to sit down and negotiate a residential compromise on the land. The motion was seconded by Commissioner Servia.

Mr. Clague explained the motion on the floor would take the matter back to the 2010 decision. There is an option to accept the Intervenor's proposal for residential, because both parties have already sat down.

 Mr. Clague **read** suggested motion language as proffered by Mr. Lincoln: I move to reject the Amended and Restated Settlement Agreement recommended by the County Attorney's Office, direct the County Attorney's Office to send notice of termination of same to Lake Lincoln LLC, direct the County Attorney's Office and staff to prepare County-Initiated amendments to the Tara DRI development order and zoning ordinance to approve residential and residential support uses for a new Subphase III-BB consistent with the settlement proposal submitted by the Tara Associations with such changes that are recommended by the County Attorney's Office and staff, and schedule future public hearings before the Planning Commission and the Board of County Commissioners accordingly.

Motion - Amended

Commissioners Baugh and Servia amended their motion to reflect the language as read by Mr. Clague.

 Discussion proceeded regarding the process from herein.


 The motion carried 4-3, with Commissioners Benac, Jonsson and Trace voting nay.


Commissioner Whitmore explained to residents that the County Commission cannot discuss this matter, because it will be litigated.

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RECESS/RECONVENE: 3:14 a.m. – 3:22 p.m. All Commissioners were present. Depart William Clague, Chief Assistant County Attorney; enter Sarah Schenk, Assistant County Attorney.


14. **ORDINANCE/ZONING**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDMU-17-26(Z)(G), Haval Farms/North Manatee Investment LLC and Haval Farms LLC. The Planning Commission recommended approval with stipulations (3/14/19).


 Margaret Tusing, Public Hearing Section Manager, read language from the amended School Report: School District staff has expected that there may be a need for a future school site within the development. The County Attorney has opined that approving a stipulation requiring a school site would place the County in legal jeopardy. Based on that information, the School District requests that the applicant meet with the School District to review the possibility of entering into an agreement for a future school site within the development.

Ex-parte communications were disclosed as follows: Commissioner Trace drives by the site regularly; Commissioner Benac toured the area in order to visit the site, the Fort Hamer Road extension and the North County High School; and Commissioner Jonsson has driven by the site numerous times.


 Edward Vogler, attorney for the applicant, made introductory remarks. Haval Farms has an approved traffic study and has a pending application for a LDA. The project does not extend north to Buckeye Road, because there is a different property owner from the project boundary to Buckeye Road.


 Katie LaBarr, agent for Neal Land and Neighborhoods, utilized a slide presentation to review the preliminary concept, aerial map, future land use map, zoning map and the General Development Plan. Haval Farms is a large project comprising 1,295.51 acres located north of the Villages of Amazon South, north of Moccasin Wallow Road, and east of U.S. 301. The site is within the UF-3 FLUC, and 1,123.91 acres of the project area are currently zoned A (General Agriculture), and 171.60 acres in the southwest portion of the site are zoned Planned Development Mixed-Use (PDMU). The 171.60 acres (fka Phase IV) are being relocated from the Villages of Amazon to Haval Farms in order to create a cohesive project design without bisecting the FPL corridor that runs east to west along the southern property line. The project would be bisected north to south by the future Fort Hamer Road and east to west by Road FF, which would connect U.S. 301 to Sawgrass Road. The site would comply with all applicable site access requirements with access to be provided from the future Fort Hamer Road, U.S. 301, and future Road FF. Landscape buffers are proposed in compliance with the NCO including a 20-foot-wide perimeter greenbelt buffer and 50-foot-wide roadway buffers.


The site design criteria includes an allowance to increase the building height from 35 feet to 45 feet. The applicant has submitted exhibits that present alternative development styles that must be complied with for multi-family development if greater height is sought during the Final Site Plan stage. The applicant is requesting Specific Approval for an alternative to LDC Sections: (a) 403.12.D.3.k for the reduction of the setback for pool cages and accessory structures from a 15-foot building setback to a 5-foot setback; and (b) 402.7.D.7 for the reduction of the single-family residential front-yard setback for front-loaded garages from 25 to 23 feet. The General Development Plan contemplates 323.21 acres of open space, which represents 25 percent of the project area. The site has historically been used for agricultural purposes with no signs of existing native habitat, and no wetland impacts are proposed. [Note: The request seeks to rezone the 1,123.91 acres from A (Agricultural) to PDMU]

 Frank Domingo, traffic engineer for the applicant, reported the County reviewed and approved the traffic study, which makes the project compliant from a transportation

standpoint. He displayed the Missing Link slide from the applicant's slide presentation to point out portions of Fort Hamer Road from U.S. 301 through the middle of the project site. Once built, the Fort Hamer Road extension would be a multimodal facility that would make all the right connections.


 Rob Engel, civil engineer for applicant, reported the first section of the Fort Hamer Road extension that is outside of the public/private partnership is north of Moccasin Wallow Road, which has been constructed with some portions at two or four lanes with bicycle lanes and 10-foot sidewalks on one side of the road (\$8 million). The next section under construction is between Erie Road and 69th Street East and would serve the North River High School (\$5-6 million in cost and the contractor has been hired). The section from Erie Road to Moccasin Wallow Road is close to being contracted for \$5-6 million with impact fee credits. The last section from 69th Street East to U.S. 301 may be constructed later in the year or early next year, because right-of-way acquisition and design is currently underway. Also included in the costs are two traffic signals, \$500,000 each, at the intersections of Moccasin Wallow Road at Erie Road and U.S. 301. There is a traffic signal being designed for the Barbara Harvey Elementary School on Moccasin Wallow Road and 115th Avenue East, and turn lanes are being designed for the intersecting roads in conjunction with eight-foot shoulders, resurfacing, and sidewalks (Moccasin Wallow Road and Erie Road). With the construction of the roads, utilities are being extended and stormwater permits are required from the State and the County. The Buffalo Canal Watershed has been used in the design of the Haval Farms and Villages of Amazon South projects. He noted all of the improvements would be completed prior to one rooftop being constructed.

 Pat Neal, Neal Land and Neighborhoods, concluded the slide presentation by discussing the significant public investment that has been made, Fort Hamer Road extension as it exists and associated transportation, and six major road construction projects.

 Discussion ensued that the Reimbursement Agreement does not include Fort Hamer Road being extended to Buckeye Road, the property drains appropriately (Little Manatee to Gamble Creek and ending at the Buffalo Canal), Parrish does not have any buildings with significant height and not sure how buildings above 35 feet would be received by residents, Fort Hamer Bridge was built for two lanes because of funding, need to look at more public/private partnerships to build roads, there is a need to widen Upper Manatee River Road and the Fort Hamer Bridge, the commercial locational criteria, a lot of commercial does not exist in this area, whether or not there are plans to expand U.S. 301 in this area, and Moccasin Wallow Road needs to be improved, but it is not in the CIP.

Rossina Leider, Principal Planner, pointed out Stipulation A.13 states that the commercial parcel shall be in compliance with the commercial locational criteria.

Mr. Vogler confirmed the commercial parcel has to meet commercial locational criteria, which can be accomplished various ways.

 Mr. Domingo stated the Florida Department of Transportation has long-range plans to widen U.S. 301 north to Hillsborough County.

Discussion continued as to this request being a large project, neo-traditional standards, the height is part of the specific findings (Stipulation A.11 also included with the Villages of Amazon South), has the applicant spoken to the property owner to the west, whether there

are plans for a public park in this area, and some businesses/homes still cannot connect to sewer to the east of the project.



Mr. Vogler reported the North River Ranch Community Development District (CDD) would encompass parks and amenities. Any amenities funded by public funds such as bond issuances would be considered public.

(Note: North River Ranch CDD was approved by Ordinance 18-08 on 4/5/18)

Mr. Neal explained the County is changing the area booster pump to a lift station, and he has been working with staff on County-owned property for a public park.

Discussion took place about interneighborhood connections, Moccasin Wallow Road is not included in the CIP, almost all roads are built after projects are developed, the proposed LDA would address water and sewer capacity, and the property to the west is zoned PDR without a plan.

Mr. Vogler elucidated the applicant cannot stub-out roads to the west, because the use for this property is unknown.



Ms. LaBarr reported as the projects in North River Ranch are developed, the neighborhoods are intended to be interconnected from within. It is hard to show this level of detail on a General Development Plan, and connections are proposed along Road FF for connectivity.

Mr. Vogler elaborated a CLOS requires the applicant to demonstrate that sufficient capacity is available to support the project at every stage of development. Capacity includes water, sewer, reclaimed water lines and schools. The requirements for a large project application are equally as demanding as DRI requirements, but they do not require approval by State agencies.



Ms. Leider noted the gross density is proposed to be 2.99 dwelling units per acre with a maximum Floor Area Ratio (FAR) of 0.13, which is below the maximum 0.35 FAR allowed within the UF-3 FLUC. She reported the property to the west was zoned PDR, which was assigned with the adoption of the LDC in 1990, and an approved plan does not exist. The request complies with all the requirements for large project application (LDC Section 349.2) and no wetland impacts are proposed.

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





Discussion took place about Stipulation A.13 (there are three potential commercial locations), Stipulation A.8 (want all gates to be accessible to Emergency Services), public roadways are not gated, and people cannot be denied access to gated roads in CDDs.

Sarah Schenk, Assistant County Attorney, explained the LDC regulates gate access.


Discussion continued on front-yard setbacks, if this item is approved it would include building heights at 45 feet for multifamily and commercial, transportation improvements for Moccasin Wallow Road, right-of-way needs (dedication of right-of-way is a component of the proposed LDA), millennials would like more commercial uses, demographics of the Parrish area, farming is a dying tradition, and stormwater.


Ms. Tusing elucidated the minimum setback for front-loaded attached or detached garage or carport is 25 feet (Ordinance 09-09). The ordinance did not differentiate between standard zoning districts and planned development districts. Mr. Neal is proposing the front-yard setback for the single-family residences be 23 feet to the garage with a two-foot separation between the lot and the internal edge of the sidewalk.


 Clarke Davis, Interim Deputy Director of Traffic Management, reported it would cost approximately \$15-20 million to improve Moccasin Wallow Road from 115th Avenue East to U.S. 301. There are improvements being made with area developments to key intersections. The requirements for a large project application triggered the traffic analysis, which identified required mitigation, and made the project eligible for a CLOS. The proposed LDA is currently being negotiated and has to be modified because of the relocation of Road FF.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, explained acreage from Haval Farms is within the Gamble Creek (205.8 acres) and Little Manatee River (1,089.7) Watersheds. Drainage/discharge from this particular area would eventually impact the watersheds as a whole.

There were no staff closing comments.

 Mr. Vogler remarked that there is more than one way to satisfy commercial locational criteria (Stipulation A.13).

 Ms. LaBarr reiterated the 45-foot building height would be limited to multi-family and commercial development. There are provisions in the LDC that would require any buildings to be set back and be in compliance with the height criteria. The NCO standards were created to preserve the character of Parrish. She concurred with stipulations and conditions as recommended by staff.

 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 and the Manatee County LDC, as conditioned herein, Commissioner Trace moved to recommend approval of Manatee County Zoning Ordinance PDMU-17-26(Z)(G); Approval of a General Development Plan with Stipulations A.1-A.14, B.1-B.7, C.1-C.4, D.1, and E.1; Making Specific Findings that the proposed multi-family residential buildings exceeding 35 feet in height are consistent with LDC Section 402.7.D.9; Adoption of the Findings for Specific Approval; and Granting Specific Approval of an alternative to LDC Sections 403.12.D.3.k (reduction of the setback for pool cages, and accessory structures in the NCO), and 402.7.D.7 (reduction of the single-family front-yard setback for front-loaded garages), as recommended by staff. The motion was seconded by Commissioner Servia.

Deliberations took place about road capacity, the relocation of commercial nodes within a large project application, and clarification of Stipulation A.13.


Sarah Schenk, Assistant County Attorney, suggested revising Stipulation A.13: The final location of proposed 14-acre commercial parcel shall be in compliance with the "Commercial Location Criteria" of the Comprehensive Plan (~~i.e. within a maximum of 1,500 feet of two functionally classified roadways~~).

The motioner and seconder agreed with the modification to Stipulation A.13, and Mr. Neal was also in agreement. The motion carried 7-0.


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COMMISSIONERS' COMMENTS


Commissioner Baugh

-  Stated she was looking forward to going to Washington D.C. on Tuesday, April 9, 2019

Commissioner Servia


-  Stated she would like to have a future discussion on the Panhandling Ordinance (18-12)

Discussion ensued about the Panhandling Ordinance being unconstitutional, Commissioner Servia should speak to the County Attorney, and the County Attorney is planning to obtain a copy of Sarasota County's Panhandling Ordinance.

-  Noted at the Council of Governments Meeting (4/2/19) she discussed (a) the collaboration of the County, Cities and School Board on the purchase of commodities or services that all governments use in order to gain the benefit of the same or lower price of these items; and (b) the preservation of roadway capacity

Discussion proceeded on purchasing powers, the municipalities were not in favor of this suggestion, scheduling a briefing from the Procurement Department, and there was discussion on social media as to why parents do not let their children ride school buses (bus tardiness was the main reason)


Commissioner Benac

-  Announced the U.S. 41 Study would be presented at an upcoming Port Authority meeting


Commissioner Trace

-  Conveyed she has millennials working on a presentation regarding the Parrish area

Commissioner Bellamy

-  Reported he met with Mayors to discuss collective efforts/matters to take before legislative delegation

ADJOURN

 There being no further business, Chairman Jonsson adjourned the meeting at 5:04 p.m.

Minutes Approved: _____