

January 31, 2023

09:00 a.m.

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
COMMISSION CHAMBER
SARASOTA, FLORIDA**

Ron Cutsinger, Chair, District 5
Nancy C. Detert, Vice Chair District 3
Michael A. Moran, District 1
Mark Smith, District 2
Joe Neunder, District 4

Also present were:

Jonathan Lewis, County Administrator
Frederick Elbrecht, County Attorney
Joshua Moye, Deputy County Attorney
Nicole Jovanovski, Clerk of the Circuit Court and County Comptroller Director of Finance
Katrina Johnson, Deputy Clerk

(09:00 a.m.)

INVOCATION

Libraries and Historical Resources Director Renee Di Pilato

(09:01 a.m.)

PLEDGE OF ALLEGIANCE

Daniel Patterson, Radioman First Class Petty Officer, United States Navy

(09:02 a.m.)

PROCLAMATION:

Lemon Bay Fest: Englewood History with Zest!

(09:05 a.m.)

RECOGNITION:

"Together We Can Help Our Waterways Wiggle" 2023 NEST Calendar - Student Artwork
Brenda Lee Hickman - Classroom on Wheels

(09:19 a.m.)

1. OPEN TO THE PUBLIC

Staff Presenter: County Attorney Frederick Elbrecht

Ray Westbrook commented on the Myakka River.

Ronald Carr commented on Vamo Park.

Margaret Smith and Pat Rounds commented on the Tree Ordinance. (See Item 49 later this meeting.)

Pam Bournival commented on Zoom meetings.

CONSENT SECTION:

09:39 a.m. Board Action: **Approved Items 2-22, as follows. Moved by Moran, seconded by Neunder, carried by a 5-0 vote.**

2. COMMISSION SERVICES

Adopted Resolution No. 2023-011, amending the Board of County Commissioners Rules of Procedure, Exhibit A to the County Administrative Code, and repealing Resolution No. 2022-113.

3. LIBRARIES AND HISTORICAL RESOURCES

Approved a Principles of Agreement with the Town of Longboat Key for the construction of a future library.

4. LIBRARIES AND HISTORICAL RESOURCES

Approved the Sarasota County Libraries and Historical Resources strategic plan for 2023 through 2025.

5. OFFICE OF FINANCIAL MANAGEMENT

Adopted Resolution No. 2023-012, approving and authorizing the execution of the First Amendment to an Interlocal Agreement with the Florida Local Government Finance Commission.

6. OFFICE OF FINANCIAL MANAGEMENT

- A. Appointed Jen Ahearn-Koch to serve a four-year term on the Tourist Development Council, as the City of Sarasota Representative, effective through December 2026;
- B. Appointed Jim Boldt to serve a four-year term on the Tourist Development Council as the City of Venice Representative, effective through March 2027;
- C. Appointed Phil Stokes to fill an unexpired four-year term on the Tourist Development Council, as the City of North Port Representative, effective through November 2025.

7. PARKS, RECREATION AND NATURAL RESOURCES

Adopted Resolution No. 2023-013, amending the Parks Advisory and Recreation Council Rules and Regulations, superseding and replacing Resolution No. 2006-085.

8. PARKS, RECREATION AND NATURAL RESOURCES

Approved the Arts and Cultural Alliance of Sarasota County Fiscal Year 2024 Tourist Development Cultural/Arts Program Grant Guidelines and Calendar as recommended by the Tourist Development Council on January 12, 2023.

9. PARKS, RECREATION AND NATURAL RESOURCES

- A. Adopted Resolution No. 2023-014, amending the Fiscal Year (FY) 2023-2027 Capital Improvement Program (Resolution No. 2022-166) to add the Warm Mineral Springs Creek - Friendship Club Property Environmentally Sensitive Lands Protection Program (ESLPP) Acquisition and Start-Up as Project No. 85668;
- B. Adopted Resolution No 2023-015, Budget Amendment No. B2023-015, amending the FY 2023 Budget to appropriate funding for the Warm Mineral Springs Creek - Friendship Club Property ESLPP Acquisition and Start-Up Project, in the amount of \$73,950.00;

- C. Adopted Resolution No. 2023-016, authorizing the acquisition of approximately 0.6 acres of real property located at Warm Mineral Springs Drive, North Port, from Friendship Club of Warm Mineral Springs, Inc., in the amount of \$57,000.00, approving Contract No. 2023-216, authorizing the execution of the Contract for Sale and Purchase, and authorizing the County Administrator, or Designee, to execute any necessary documents to effectuate the closing, and providing for applicability and an effective date.

10. PLANNING AND DEVELOPMENT SERVICES

Reappointed Justin Powell to serve a three-year term on the Public Facilities Financing Advisory Board as a Building and Construction Representative, effective through January 2026.

11. PLANNING AND DEVELOPMENT SERVICES

Adopted Resolution No. 2023-017, designating Avalon Road (from Mars Road to Wisteria Road), Faun Road (from Rutland Road to Hawthorne Road), and Maple Road (from Faun Road to 1991 Maple Road), Venice, as canopy roads, and superseding Resolution No. 2021-018.

12. PLANNING AND DEVELOPMENT SERVICES

Adopted Resolution No. 2023-018, approving Plat Vacation No. PV23-04 to vacate the County's interest in a portion of a Platted Utility Easement located along the rear lot line of Lot 4, Royal Tee Estates, Section 2, known as 1007 Princess Lane, Venice.

13. PLANNING AND DEVELOPMENT SERVICES

Approved Contract No. 2023-217, an Agreement with M/I Homes of Sarasota, LLC, for the purchase of Transferable Development Rights, in the amount of \$584,000.00.

14. PLANNING AND DEVELOPMENT SERVICES

Approved Contract No. 2023-218, an Agreement with Neal Communities of Southwest Florida, LLC, for the purchase of Transferable Development Rights, in the amount of \$1,600,000.00.

15. PLANNING AND DEVELOPMENT SERVICES

Adopted Resolution No. 2023-019, repealing and replacing Resolution No. 2021-244, regarding vacating a portion of a 20-foot Drainage and Utility Easement, to correct a scrivener's error.

16. PLANNING AND DEVELOPMENT SERVICES

Approved Contract No. 2023-219, granting a 396-square-foot Non-Exclusive Permanent Utility Easement to West Villages Improvement District for property located at 18800 S. West Villages Parkway, Venice, to construct underground utilities necessary for the installation of irrigation pump station infrastructure.

17. PUBLIC UTILITIES

Approved and authorized the County Administrator, or Designee, to execute Amendment No. 1 to Contract No. 2022-092 with Hach Company for laboratory testing instruments, parts, equipment, and operational services, for a three-year period, increasing the total not-to-exceed amount from \$600,000.00 to \$900,000.00.

18. PUBLIC UTILITIES

Approved Contract No. 2023-220, an Interlocal Agreement with the City of North Port for emergency interconnects and potable water service.

19. PUBLIC WORKS

Considered a presentation of the Waterways Advisory Council Annual Report.

20. PUBLIC WORKS

Approved and authorized the County Administrator, or Designee, to execute a Construction Contract with Preferred Materials, Inc., for roadway resurfacing Fiscal Year 2022, Increment 1, in an amount not to exceed \$7,646,738.59.

21. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Ratified and approved the Warrants dated January 2 through January 13, 2023, in the amount of \$45,290,211.80, as detailed in the voucher packages filed in the Finance department.

22. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Approved the Minutes of the meeting dated January 18, 2023.

DISCUSSION SECTION:

(09:39 a.m.)

23. PARKS, RECREATION AND NATURAL RESOURCES

The Board considered a presentation of the Environmentally Sensitive Lands Oversight Committee Annual Report.

Staff Presenter: Parks, Recreation and Natural Resources Director Nicole Rissler

Public Presenter: Jono Miller

(09:43 a.m.)

24. PUBLIC WORKS

The Board considered a presentation of Sarasota County I-75 Gateway opportunities.

Staff Presenter: Public Works Director Spencer Anderson

Item submitted: A copy of a presentation

09:52 a.m. Board Action: Requested that the County Administrator move forward with the County owned property for the north site, to negotiate with Florida Power and Light and/or the City of North Port for the south site, with a height up to 75 feet. Moved by Moran, seconded by Detert, carried by a 5-0 vote.

(09:56 a.m.)

25. PLANNING AND DEVELOPMENT SERVICES

The Board considered a letter of no objection, pursuant to Section 189.031(2)(e)4. F.S., for the proposed Three Rivers Stewardship District.

Staff Presenter: Planning and Development Services Director Matthew Osterhoudt

09:58 a.m. Board Action: Approved the Chair to sign a letter of no objection, for the proposed Three Rivers Stewardship District. Moved by Neunder, seconded by Smith, carried by a 5-0 vote.

PUBLIC HEARINGS:

PUBLIC HEARINGS - PRESENTATIONS UPON REQUEST:

(10:00 a.m.)

26. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Public hearing to consider proposed Ordinance No. 2023-001, amending Article II, Chapter 42 of the County Code, relating to court costs for use in funding of law enforcement training.

10:01 a.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

10:01 a.m. Board Action: **Adopted Ordinance No. 2023-001. Moved by Moran, seconded by Neunder, carried by a 5-0 vote.**

(10:01 a.m.)

27. GENERAL SERVICES

A. (Not a public hearing.) The Board considered a proposed Resolution, amending the Fiscal Year (FY) 2023-2027 Capital Improvement Program (CIP) (Resolution No. 2022-166) to add construction scope to Project No. 83203 - New County Administration Center - Design and Construction;

B. (Not a public hearing.) The Board considered a proposed Resolution, relating to the issuance of Capital Improvement Revenue Bonds, Series 2023, in an amount not to exceed \$28,000,000.00, for the purpose of financing construction of the County Administration Center, paying for cost of issuance, and providing certain other details;

C. Public hearing to consider a proposed Resolution, Budget Amendment No. B2023-011, amending the FY 2023 Budget for the issuance of the Capital Improvement Revenue Bonds, Series 2023, and general revenue appropriation, in the amount of \$75,105,000.00.

10:02 a.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

10:02 a.m. Board Action: **Adopted Resolution No. 2023-020, amending the FY 2023-2027 CIP (Resolution No. 2022-166) to add construction scope to Project No. 83203. Moved by Moran, seconded by Smith, carried by a 5-0 vote.**

10:02 a.m. Board Action: **Adopted Resolution No. 2023-021, relating to the issuance of Capital Improvement Revenue Bonds, Series 2023. Moved by Moran, seconded by Smith, carried by a 5-0 vote.**

10:02 a.m. Board Action: **Adopted Resolution No. 2023-022, Budget Amendment No. B2023-011. Moved by Moran, seconded by Smith, carried by a 5-0 vote.**

(10:03 a.m.)

28. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider a proposed Resolution, regarding Coastal Setback Variance No. 79-03-22-550 for demolition of an existing single-family residence and construction of a new single-family residence and accessory structures located a maximum of 68 feet seaward of the Gulf Beach Setback Line at 3761 Casey Key Road, Nokomis.

10:03 a.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

10:04 a.m. Board Action: **Adopted Resolution No. 2023-023. Moved by Smith, seconded by Neunder, carried by a 5-0 vote.**

(10:04 a.m.)

29. PLANNING AND DEVELOPMENT SERVICES

- A. Public hearing to consider proposed Ordinance No. 2022-089, approving Comprehensive Plan Amendment (CPA) No. SA-2022-09 for property located at 2049 N. Honore Avenue, Sarasota, to change the Future Land Use designation from MODR (Moderate Density, Residential) to MEDR (Medium Density Residential);
- B. Public hearing to considered proposed Ordinance No. 2022-090, approving Rezone Petition No. 22-28 for property located on 2049 N. Honore Avenue, Sarasota, from OUE-2 (Open Use Estate, 1 unit/2 acres) to RMF-2 (Residential, Multi-Family, 9 units/acre).

Staff Presenters: Planning and Development Services Planner Keaton Osborn, Deputy County Attorney Joshua Moye, and Planning and Development Services Planning Manager Todd Dary

Public Presenters: Joel Freedman and Christian Dial

10:23 a.m. Board Action: **Opened the public hearings. Opened by Cutsinger, without objection.**

10:24 a.m. Board Action: **Closed the public hearings. Closed by Cutsinger, without objection.**

10:29 a.m. Board Action: **Denied Ordinance No. 2022-089, (CPA No. SA-2022-09). Moved by Detert, seconded by Neunder, carried by a 5-0 vote.**

10:29 a.m. Board Action: **Denied Ordinance No. 2022-090, (Rezone Petition No. 22-28). Moved by Detert, seconded by Neunder, carried by a 5-0 vote.**

(See Item 52 later this meeting.)

Note: Oath/Signature Cards Filed for Record.

RECESS: 10:30 a.m. - 10:44 a.m.

(10:45 a.m.)

30. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider a proposed Resolution, approving Special Exception Petition No. 1853 for approximately 14.39 acres located at 4111 Cattlemen Road, Sarasota, to allow outdoor display and storage within a Commercial Shopping Center zone.

10:45 a.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

10:45 a.m. Board Action: **Adopted Resolution No. 2023-024. Moved by Moran, seconded by Detert, carried by a 5-0 vote.**

(10:46 a.m.)

31. PLANNING AND DEVELOPMENT SERVICES

Public hearing to considered proposed Ordinance No. 2022-096, approving Rezone Petition No. 22-30 for approximately 2.55 acres located at 0 Shore Road and 716 Albee Road, Nokomis, from RSF-2 (Residential, Single-Family, 3.5 units/acre) and CN (Commercial, Neighborhood) to RSF-4/PUD (Residential, Single-Family, 5.5 units/acre/Planned Unit Development).

10:46 a.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

10:46 a.m. Board Action: **Adopted Ordinance No. 2022-096. Moved by Moran, seconded by Neunder, carried by a 5-0 vote.**

(10:47 a.m.)

32. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2022-091, approving Rezone Petition No. 22-37 for property located north of Clark Road and west of Safari Drive, Sarasota, from OUE-1 (Open Use Estate, 1 unit/5 acres) to RSF-1/PUD (Residential, Single-Family, 2.5 units/acre/Planned Unit Development).

Staff Presenter: Planning and Development Services Planning Manager Todd Dary

Public Presenters: Bolton Drackett and Brian Lichterman

10:51 a.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

10:52 a.m. Board Action: **Adopted Ordinance No. 2022-091. Moved by Smith, seconded by Detert, carried by a 5-0 vote.**

Note: Oath/Signature Cards Filed for Record.

(10:52 a.m.)

33. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2022-092, approving Rezone Petition No. 22-39 for property located north of Manasota Beach Road, approximately 1,200 feet west of S.R. 776, Englewood, from RE-1 (Residential, Estate, 1 unit/2 acres) to RMF-2 (Residential, Multi-Family, 9 units/acre).

Chair Cutsinger noted a conflict of interest and filed the appropriate documentation.

Chair Cutsinger passed the gavel to Commissioner Detert.

Note: Chair Cutsinger left the meeting at 10:52 a.m.

Staff Presenters: County Administrator Jonathan Lewis and Planning and Development Services Planner Kirk Crane

Public Presenters: Robert Medred, John McIntyre, and Stephanie Weisband

Items submitted: Form 8B - Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers filed by Chair Cutsinger, copies of e-mails, and a copy of a document entitled " Rezone 22-39 Facts and Summary"

11:13 a.m. Board Action: **Closed the public hearing. Closed by Detert, without objection.**

11:13 a.m. Board Action: **Adopted Ordinance No. 2022-092. Moved by Moran, seconded by Neunder, carried by a 4-0 vote; Cutsinger abstained.**

Note: Chair Cutsinger returned to the meeting at 11:15 a.m.

Commissioner Detert passed the gavel to Chair Cutsinger.

Note: Oath/Signature Cards Filed for Record.

(11:15 a.m.)

34. PLANNING AND DEVELOPMENT SERVICES

Sitting as the Water and Navigation Control Authority (WNCA)

Public hearing to consider a proposed Resolution, regarding WNCA Major Work Permit Application No. 2022-139916-RW, for the removal of an existing dock and construction of a new single-family dock and boat lift at 2305 Bayshore Road, Nokomis.

Item submitted: A copy of an e-mail

Chair Cutsinger recessed the Board of County Commissioners (BCC) and convened as the WNCA.

11:16 a.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

11:16 a.m. Board Action: **Adopted Resolution No. 2023-025. Moved by Neunder, seconded by Detert, carried by a 5-0 vote.**

Chair Cutsinger adjourned the WNCA and reconvened as the BCC.

(11:17 a.m.)

35. PLANNING AND DEVELOPMENT SERVICES

- A. Public hearing to consider proposed Ordinance No. 2022-076, approving Unified Development Code Amendment No. 54, a publicly-initiated Amendment relating to the Master Tree List;
- B. (Not a public hearing.) Land Development Regulation Commission (LDRC) to find Ordinance No. 2022-076 to be consistent with the Comprehensive Plan. (Must be done prior to the adoption of A.)

Staff Presenter: Planning and Development Services Environmental Protection Division Environmental Planning Manager Rachel Herman

Public Presenter: Gina Brulato

11:22 a.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

Chair Cutsinger recessed the Board of County Commissioners (BCC) and convened as the LDRC.

11:23 a.m. Board Action: **Found proposed Ordinance No. 2022-076 to be consistent with the Comprehensive Plan. Moved by Detert, seconded by Smith, carried by a 5-0 vote.**

Chair Cutsinger adjourned the LDRC and reconvened as the BCC.

11:23 a.m. Board Action: **Adopted Ordinance No. 2022-076. Moved by Detert, seconded by Neunder, carried by a 5-0 vote.**

Note: Oath/Signature Cards Filed for Record.

(11:23 a.m.)

36. PLANNING AND DEVELOPMENT SERVICES

- A. Public hearing to consider a proposed Resolution, transmitting Comprehensive Plan Amendment No. 2022-H to amend Village Open Space Policy 2.1(d) in Chapter 8 of the Comprehensive Plan, to the Florida Department of Economic Opportunity for review and comment;
- B. Public hearing to consider proposed Ordinance No. 2022-104, approving Unified Development Code Amendment No. 64, relating to revising provisions contained in Article 14, Section 124-271 Sarasota 2050 Resource Management Area regulations relating to the Village Planned Development;
- C. (Not a public hearing.) Land Development Regulation Commission (LDRC) to find Ordinance No. 2022-104 to be consistent with the Comprehensive Plan. (Must be done prior to the adoption of B.)

11:25 a.m. Board Action: Closed the public hearings. Closed by Cutsinger, without objection.

Chair Cutsinger recessed the Board of County Commissioners (BCC) and convened as the LDRC.

11:25 a.m. Board Action: Found proposed Ordinance No. 2022-104 to be consistent with the Comprehensive Plan. Moved by Moran, seconded by Neunder, carried by a 5-0 vote.

Chair Cutsinger adjourned the LDRC and reconvened as the BCC.

11:26 a.m. Board Action: Adopted Resolution No. 2023-026. Moved by Detert, seconded by Smith, carried by a 5-0 vote.

11:26 a.m. Board Action: Adopted Ordinance No. 2022-104. Moved by Detert, seconded by Smith, carried by a 5-0 vote.

REPORTS SECTION:

(11:26 a.m.)

37. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

The Filed for Record list was filed.

(11:26 a.m.)

38. COUNTY ADMINISTRATOR - No Items were presented.

(11:26 a.m.)

39. COUNTY ATTORNEY

The Board considered the Final Plat approval for PALMS.

11:26 a.m. Board Action: Approved the Final Plat for PALMS. Moved by Neunder, seconded by Moran, carried by a 5-0 vote.

(11:27 a.m.)

40. COMMISSIONER MORAN

- A. The Board considered a Behavioral Health Advisory Council (BHAC) meeting update;
- B. The Board considered water usage adjustments.

Commr. Moran commented on the Criminal Justice Commission meeting.

Staff Presenter: County Administrator Jonathan Lewis

11:31 a.m. Board Action: **Noted consensus by Cutsinger requesting that the County Administrator explore scheduling a workshop on Advisory Boards.**

11:32 a.m. Board Action: **Noted consensus by Cutsinger requesting that the County Administrator bring to the Board a future presentation on water usage adjustments.**

(11:35 a.m.)

41. COMMISSIONER SMITH

Commr. Smith commented on affordable housing.

Staff Presenter: County Administrator Jonathan Lewis

(11:38 a.m.)

42. COMMISSIONER DETERT

Commr. Detert commented on Item 47, affordable housing, and the National Association of Counties.

(See Item 47 later this meeting.)

(11:42 a.m.)

43. COMMISSIONER NEUNDER

Commr. Neunder commented on CareerSource Suncoast, the Metropolitan Planning Organization, and a new community opportunity entitled "open door Fridays with Joe".

Staff Presenter: County Administrator Jonathan Lewis

(11:44 a.m.)

44. CHAIR CUTSINGER - No Items were presented.

(11:44 a.m.)

45. ADMINISTRATION

The Board considered the Outstanding Board Assignments dated January 25, 2023.

(11:44 a.m.)

46. ADMINISTRATION

The Board considered a review of the Board Meeting Schedule.

(11:45 a.m.)

47. PLANNING AND DEVELOPMENT SERVICES

- A. Public hearing to consider proposed Ordinance No. 2022-071, amending Article VIII, Chapter 70 of the County Code, relating to Mobility, Library, and Park Impact Fees;
- B. (Not a public hearing.) Land Development Regulation Commission (LDRC) to find Ordinance No. 2022-071 to be consistent with the Comprehensive Plan. (Must be done prior to the adoption of A.)

Staff Presenter: Planning and Development Services Director Matthew Osterhoudt

11:53 a.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

Chair Cutsinger recessed the Board of County Commissioners (BCC) and convened as the LDRC.

11:54 a.m. Board Action: **Found proposed Ordinance No. 2022-071 to be consistent with the Comprehensive Plan. Moved by Moran, seconded by Smith, carried by a 5-0 vote.**

Chair Cutsinger adjourned the LDRC and reconvened as the BCC.

12:03 p.m. Board Action: **Adopted Ordinance No. 2022-071. Moved by Neunder, seconded by Moran, carried by a 5-0 vote.**

(See Item 42, earlier this meeting.)

Note: Oath/Signature Cards Filed for Record.

RECESS: 12:04 p.m. - 1:00 p.m.

PUBLIC HEARINGS: - (Continued)

PUBLIC HEARINGS - PRESENTATIONS SCHEDULED:

(01:00 p.m.)

48. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider a proposed Resolution, approving Special Exception Petition No. 1856 for property located at 5251 and 5253 Ocean Blvd, Sarasota, to allow outdoor and indoor entertainment after 10:00 p.m. in the Commercial General/Siesta Key Overlay District.

Staff Presenters: Planning and Development Services Planner Keaton Osborn, Deputy County Attorney Joshua Moye, and Planning and Development Services Director Matthew Osterhoudt

Public Presenters: Cassey Coldbriun, Mary Smarelli, Joseph Reagan, John Doherty, Catherine Luckner, Tim Haaka, Michael Holderness, and Scott Smith

Items submitted: Copies of e-mails and a copy of a document entitled "Special Exception 1856"

01:58 p.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

02:06 p.m. Board Action: **Denied Special Exception Petition No. 1856. Moved by Moran, seconded by Detert, carried by a 4-1 vote; Smith voted "No."**

(See Item 52 later this meeting.)

Note: Oath/Signature Cards Filed for Record.

(02:08 p.m.)

49. PLANNING AND DEVELOPMENT SERVICES

- A.** Public hearing to consider proposed Ordinance No. 2022-100, amending Chapter 54, Article XVIII of the County Code (Trees Code);
- B.** Public hearing to consider proposed Ordinance No. 2022-101, amending Chapter 54, Article XXII of the County Code (Coastal Setback Code);

- C. (Not a public hearing.) Land Development Regulation Commission (LDRC) to find Ordinance Nos. 2022-100 and 2022-101 to be consistent with the Comprehensive Plan. (Must be done prior to the adoption of A. and B.)

Staff Presenters: Planning and Development Services Environmental Protection Division Environmental Planning Manager Rachel Herman, Planning and Development Services Director Matthew Osterhoudt, and County Attorney Frederick Elbrecht

Public Presenters: William Merrill, Matt Brockway, John Hutchens, Gina Brulato, Joseph Medred, Leslie Harris, Jean Trapani, Pam Bournival, Robert Medred, and Marilyn Lenior

Items submitted: Copies of correspondence, copies of e-mails, and a copy of a document entitled "Proposed Language for Section 54-723(g)(10) of the Coastal Setback Code"

Chair Cutsinger recessed the Board of County Commissioners (BCC) and convened as the LDRC.

02:29 p.m. Board Action: **Found proposed Ordinance No. 2022-101 to be consistent with the Comprehensive Plan. Moved by Detert, seconded by Smith, carried by a 5-0 vote.**

Chair Cutsinger adjourned the LDRC and reconvened as the BCC.

02:30 p.m. Board Action: **Adopted Ordinance No. 2022-101 amending Chapter 54, Article XXII of the County Code (Coastal Setback Code). Moved by Detert, seconded by Smith, carried by a 5-0 vote.**

RECESS: 2:37 p.m. - 2:47 p.m.

03:29 p.m. Board Action: **Closed the public hearing. Closed by Cutsinger, without objection.**

Chair Cutsinger recessed the BCC and convened as the LDRC.

03:30 p.m. Board Action: **Found proposed Ordinance No. 2022-100, as amended this date, to be consistent with the Comprehensive Plan. Moved by Moran, seconded by Detert, carried by a 5-0 vote.**

Chair Cutsinger adjourned the LDRC and reconvened as the BCC.

03:33 p.m. Board Action: **Adopted Ordinance No. 2022-100, as amended this date, amending Chapter 54, Article XVIII of the County Code (Trees Code). Moved by Moran, seconded by Detert, carried by a 5-0 vote.**

(See Item 1 earlier this meeting.)

Note: Oath/Signature Cards Filed for Record.

(03:37 p.m.)

50. PLANNING AND DEVELOPMENT SERVICES

- A. Public hearing to consider a proposed Resolution, transmitting Comprehensive Plan Amendment (CPA) No. 2022-E for property located west of North River Road, south of East Venice Avenue, and east of Lee Road, Venice, to change

the future land use designation of approximately 51.52 acres from MODR to Village II Commercial Center, to the Florida Department of Economic Opportunity for review and comment;

- B. Public hearing to consider proposed Ordinance No. 2022-098, adopting Critical Area Plan (CAP) No. 2021-01-SP (The North River Marketplace Area Plan) for property located west of North River Road, south of East Venice Avenue, and east of Lee Road, Venice, to allow the creation of a mixed-use development with commercial, office, and residential uses;
- C. (Not a public hearing.) Land Development Regulation Commission (LDRC) to find Ordinance No. 2022-098 to be consistent with the Comprehensive Plan (Must be done prior to the adoption of B);
- D. Public hearing to consider proposed Ordinance No. 2022-099, approving Rezone Petition No. 22-25 for approximately 51.52 acres located west of North River Road, south of East Venice Avenue, and east of Lee Road, Venice, from OUE-1 (Open Use Estate, 1 unit/5 acres) to CG (Commercial, General).

Staff Presenters: Planning and Development Services Planner Everett Farrell and Deputy County Attorney Joshua Moye

Public Presenters: Kelley Klepper, Ray Westbrook, John Solarino, Louis Canaveral, Cindy Casserly, Charlie Bailey, Jeffery Boone, and William Merrill

Items submitted: Copies of correspondence, a copy of amended proposed Ordinance Nos. 2022-098 and 2022-099, and a copy of a Binding Development Concept Plan

04:38 p.m. Board Action: **Closed the public hearings. Closed by Cutsinger, without objection.**

04:39 p.m. Board Action: **Adopted Resolution No. 2023-027. Moved by Moran, seconded by Neunder, carried by a 4-1 vote; Smith voted "No."**

04:43 p.m. Board Action: **Opened the public hearings. Opened by Cutsinger, without objection.**

04:46 p.m. Board Action: **Closed the public hearings. Closed by Cutsinger, without objection.**

Chair Cutsinger recessed the Board of County Commissioners (BCC) and convened as the LDRC.

04:49 p.m. Board Action: **Found proposed Ordinance No. 2022-098, as amended this date, to be consistent with the Comprehensive Plan. Moved by Moran, seconded by Neunder, carried by a 5-0 vote.**

04:50 p.m. Board Action: **Adopted Ordinance No. 2022-098, as amended this date, adopting CAP No. 2021-01-SP. Moved by Moran, seconded by Neunder, carried by a 5-0 vote.**

04:50 p.m. Board Action: **Adopted Ordinance No. 2022-099, as amended this date, approving Rezone Petition No. 22-25. Moved by Moran, seconded by Neunder, carried by a 5-0 vote.**

Note: Oath/Signature Cards Filed for Record.

RECESS: 4:50 p.m. - 5:03 p.m.

(05:03 p.m.)

51. PLANNING AND DEVELOPMENT SERVICES

(05:46 p.m.)

- A. Public hearing to consider proposed Ordinance No. 2022-094, amending the Winchester Ranch at Wellen Park Critical Area Plan (CAP) No. 18-01-SP adopted by Ordinance No. 2021-014;
- B. (Not a public hearing.) Land Development Regulation Commission (LDRC) to find Ordinance No. 2022-094 to be consistent with the Comprehensive Plan (Must be done prior to the adoption of A);
- C. Public hearing to consider proposed Ordinance No. 2022-095, approving Rezone Petition No. 21-25 for property located east of State Road 776, south of the North Port city limits, and west of River Road, Englewood, from OUR (Open Use, Rural, 1 unit/10 acres) and OUE-1 (Open Use Estate, 1 unit/5 acres) to RSF-1/PUD (Residential, Single-Family, 2.5 units/acre/Planned Unit Development).

Staff Presenter: Planning and Development Services Planner Hannah Sowinski

Public Presenters: Pat Neal, Kelley Klepper, Frank Domingo, Ed Vogler, Jayne Dean, Louis Grammas, Lou-Ann Grammas, Linda Reed, Carol Magnant, Pete Magnant, John Catterson, Aria Catterson, Mark DeCell, Joanne Sniegon, Robert Sloboda, Joanne Agostarola, Darlene Koszick, Myrna Uhlich, Geoff Domenico, Christine Ford, Chris Cross, Ronald Watts, Pamela Merkle, John Flynn, Gary Smith, Denise Whitty, Steve Fleming, James Budinetz, Charlie Woodruff, Frank Lugo, Karen Weinstein, Conni Bruni, Jorge Dominguez, and Stephen Rees

Items submitted: Copies of e-mails and copies of correspondence

RECESS: 6:26 p.m. - 6:37 p.m.

07:17 p.m. Board Action: **Closed the public hearings. Closed by Cutsinger, without objection.**

Chair Cutsinger recessed the Board of County Commissioners (BCC) and convened as the LDRC.

07:18 p.m. Board Action: **Found proposed Ordinance No. 2022-094 to be consistent with the Comprehensive Plan. Moved by Neunder, seconded by Moran, carried by a 5-0 vote.**

Chair Cutsinger adjourned the LDRC and reconvened as the BCC.

07:18 p.m. Board Action: **Adopted Ordinance No. 2022-094, amending the Winchester Ranch at Wellen Park CAP No. 18-01-SP. Moved by Neunder, seconded by Moran, carried by a 5-0 vote.**

07:18 p.m. Board Action: **Adopted Ordinance No. 2022-095, approving Rezone Petition No. 21-25. Moved by Neunder, seconded by Moran, carried by a 5-0 vote.**

Note: Oath/Signature Cards Filed for Record.

(07:30 p.m.)

52. OPEN TO THE PUBLIC

Joel Freedman and Christian Dial commented on Item 29, requesting that the Board reconsider their vote of denial to a continuance. (See Item 29 earlier this meeting.)

Chintan Patel commented on a new car wash construction.

Cassey Coldbriun commented on Item 48, requesting that the Board reconsider their vote of denial to a continuance. (See Item 48 earlier this meeting.)

Staff Presenter: Deputy County Attorney Joshua Moye

07:42 p.m. Board Action: **Moved to reconsider Item 48. Moved by Detert, seconded by Smith, failed by a 2-3 vote; Cutsinger, Moran, and Neunder voted "No."**

53. OTHER BUSINESS

MEETING ADJOURNED: 7:49 p.m.

MINUTES APPROVED: 2/22/2023



Chair

