

RESOLUTION NO. R-21-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; DENYING APPLICATION NO. PDR-04-39(G)(R3) REQUESTING THE AMENDMENT OF THE STIPULATIONS IN ZONING ORDINANCE NO. PDR-04-39(G)(R3) AND DENYING APPROVAL OF A SECOND AMENDED GENERAL DEVELOPMENT PLAN; SAID APPLICATIONS PERTAIN TO APPROXIMATELY 17.04 ACRES (PHASE IV) WITHIN AN OVERALL PROJECT KNOWN AS THE CONCESSION WITH AN ACREAGE OF APPROXIMATELY 1,279± ACRES LOCATED IN THE PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL/EVERS RESERVOIR WATERSHED PROTECTION/SPECIAL TREATMENT) ZONING DISTRICT; SAID SECOND AMENDED GENERAL DEVELOPMENT PLAN DEPICTING 15 SINGLE-FAMILY LOTS, EITHER REALLOCATED OR RECOMBINED WITH LOTS FROM WITHIN THE BOUNDARIES OF THE CONCESSION PROJECT; THE PHASE IV PROPERTY IS GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROAD 70 EAST, AND EAST OF LINDRICK LANE, BRADENTON (MANATEE COUNTY); SETTING FORTH FINDINGS; SETTING FORTH CONCLUSIONS OF LAW; PROVIDING FOR A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Concession Land Development, LLC, a Florida limited liability company (the "Applicant") filed an application to amend the stipulations as proposed in Zoning Ordinance No. PDR-04-39(G)(R3) and for an Amended General Development Plan to reallocate or recombine 22 single-family lots from within the project known as the Concession to approximately 17.04 acres within Phase IV of the Concession as described in Exhibit "A" attached hereto, (the "Phase IV Property") and Exhibit "B" attached hereto, (the "Overall Concession Property"); and

WHEREAS, the Phase IV Property and the Overall Concession Property are in the PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment Zoning District); and

WHEREAS, the Amended General Development Plan showed the Phase IV component of the Overall Concession Property on the south side of State Road 70 East, east of Lindrick Lane, and east of the Future Development Area Boundary (FDAB) Line of the Comprehensive Plan; and

WHEREAS, the Manatee County Planning Commission (the "Planning Commission") has been duly designated in Section 301.1.A., Land Development Code as the Local Planning Agency of the County; and

WHEREAS, the Planning Commission, after due public notice, held public hearings on May 14, 2020 (as advertised by a corrective notice for June 11, 2020), and as the County's Local Planning Agency pursuant to Section 163.3174, Florida Statutes, found the proposed amendments to the stipulations in Zoning Ordinance PDR-04-39(G)(R3) and the Amended General Development Plan inconsistent with the Comprehensive Plan and not in compliance with the standards in the Land Development Code (LDC), and recommended denial of these applications; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida (Board) held a duly noticed public hearing on the proposed Zoning Ordinance No. PDR-04-39(G)(R3) with amended stipulations and the proposed Amended General Development Plan on June 23, 2020, and continued the deliberation portion of the public hearing to enable written findings for denial to be prepared in accordance with Section 125.022(3), Florida Statutes; and

WHEREAS, on July 22, 2020, the Board adopted Resolution No. R-20-103 to deny the Amended General Development Plan depicting 22 single-family detached residential lots within Phase IV of the Concession with related amended stipulations; and

WHEREAS, the Applicant filed a timely Petition for a mandatory mediation and dispute resolution process before a Special Magistrate pursuant to Section 70.51, Florida Statutes; and

WHEREAS, the County scheduled and provided due public notice of the mandatory mediation and dispute resolution process before a Special Magistrate in accordance with Section 70.51, Florida Statutes, as held on January 11, 2021, at the Bradenton Area Convention Center; and

WHEREAS, on January 11, 2021, during the course of the mediation phase of the dispute resolution process, the Applicant presented a conceptual site plan to serve as the basis for a revised general development plan (the "Second Amended General Development Plan") depicting approximately 15± residential single-family lots within Phase IV along with site design modifications; and

WHEREAS, the Special Magistrate has retained jurisdiction for further proceedings in order to make a recommendation to the Board as to whether the denial of the Amended General Development Plan was unreasonable or unfairly burdened the use of the Phase IV Property and the Overall Concession Property, if the County denies adoption of Ordinance PDR-04-39(G)(R3), denies approval of the Second Amended General Development Plan and the Applicant elects to proceed with the testimony phase of the dispute resolution process; in accordance with Section 70.51, Florida Statutes; and

WHEREAS, the Applicant submitted the Second Amended General Development Plan to the County with amended stipulations for completeness and

sufficiency reviews by staff in accordance with the applicable provisions of the LDC; and

WHEREAS, the Development Review Committee held a public meeting via electronic means on February 17, 2021, pursuant to a published agenda for the Second Amended Application No. PDR-04-39(G)(R3); and

WHEREAS, the Board held duly noticed public hearings on the Second Amended General Development Plan with amended stipulations as referenced within the Second Amended proposed Ordinance No. PDR-04-39(G)(R3) on May 6, 2021, said public hearing being continued and advertised for August 5, 2021.

WHEREAS, Section 125.022(3), Florida Statutes, provides that a county's denial of a development permit must be reduced to writing and given to the applicant as written notice of denial, citing the reasons therefore.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Findings of Fact. The recitals set forth above are true and correct and are hereby adopted as findings by the Board. The Board after considering the testimony, evidence, documentation, the recommendation of the Building and Development Services staff and the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing dates hereinafter referenced, hereby makes the following additional findings of fact:

- A. This Resolution pertains to the Phase IV Property as described in Exhibit A and the Overall Concession Property as described in Exhibit B, copies of which are attached hereto and made a part hereof by reference.
- B. The term "Comprehensive Plan" shall mean the version of the Manatee County Comprehensive Plan in effect as of May 14, 2020.
- C. The term "Land Development Code" or "LDC" shall mean the version of the Manatee County Land Development Code in effect as of May 14, 2020.
- D. The Phase IV Property and the Overall Concession Property are in the PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment) Zoning District.
- E. The approving authority for proposed amendments to stipulations contained in proposed Zoning Ordinance PDR-04-39(G)(R3) and the proposed amendments to the General Development Plan is the Board of County Commissioners.
- F. The Phase IV Property and the Overall Concession Property are in the AG-R (Agricultural-Rural) Future Land Use Category of the Comprehensive Plan and thus the following provisions applicable to the AG-R (Agricultural-

Rural) Future Land Use Category are relevant to the analysis of consistency of the project with the Comprehensive Plan:

1. The Phase IV Property and the Overall Concession Property are east of the Future Development Area Boundary (FDAB) Line of the Comprehensive Plan. (emphasis added.)
2. Policy 2.5.1.1, Future Land Use Element, provides: "Designate those areas in Manatee County which are suited for long-term agriculture as Agriculture/Rural on the Future Land Use Map so as to limit the degree of suburbanization of such lands and reduce uses which may displace agriculture.

Implementation Mechanism:

- (a). Maintain the Future Development Area Boundary on the adopted Future Land Use Map as the easternmost extent of categories other than Agriculture/Rural, except where described as a permitted exception in Policy 2.1.1. above."

G. Because the Phase IV Property and the Overall Concession Property are located east of the Future Development Area Boundary (FDAB) Line, the following provisions of the Comprehensive Plan regarding the Future Development Area Boundary (FDAB) are relevant to the analysis of consistency of the project with the Comprehensive Plan:

1. Objective 2.1.2. Future Land Use Element, Geographic Extent of the Future Development of the Manatee County Comprehensive Plan states: "Limit urban sprawl by accommodating future development consistent with the adopted Land Use Concept (Map N). All development, unless exempted by Policy 2.1.2.2, shall be directed to the area west of the Future Development Area Boundary (FDAB) thereby, preserving agriculture as the primary land use east of the FDAB through 2040." (emphasis added.)
2. Policy 2.1.2.2, Future Land Use Element, provides: "Limit urban sprawl by prohibiting all future development in the area east of the established FDAB (see Map N and the Potable Water/Wastewater Services Areas Map in the Wastewater Sub Element) except as follows (emphasis added.):

....

(c) Residential development in excess of 0.2 du/ga for the following:

- (1) Farm worker housing;
- (2) Residential within Myakka City;

(3) Legal lots of record prior to May 15, 1989;

(4) Redevelopment per Policy 2.9.3.2; and

(5) Cluster development intended for the protection of open space and/or agricultural operations. Such cluster development is subject to the site's future land use category and restrictions and the standards adopted in the LDC.

....

Such uses shall be allowed only if development consistent with all of the Goals, Objectives and Policies of this Comprehensive Plan."

3. Policy 2.1.2.3, Future Land Use Element, Comprehensive Plan, states: "Permit the consideration of new residential and nonresidential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development, and compatible with future areas of development."
 4. Policy 2.1.2.4, Future Land Use Element, Comprehensive Plan, states: "Limit urban sprawl through the consideration of new development and redevelopment, when deemed compatible with existing and future development, in areas which are internal to, or are a contiguous expansion of the built environment."
- H. The Staff Report states that if the property is developed, the project would be served only by private water and private sewer lines.
- I. Policy 2.1.2.7, Future Land Use Element, Comprehensive Plan, provides: "Review all proposed development for compatibility and appropriate timing of development. The analysis shall include the following:
- Consideration of existing development patterns;
 - Types of land uses;
 - Transition between land uses;
 - Density and intensity of land uses;
 - Natural features;
 - Approved development in the area;
 - Availability of adequate roadways;
 - Adequate centralized water and sewer facilities;
 - Other necessary infrastructure and services;

- Limiting urban sprawl;
- Applicable specific area plans;
- (See also policies under Objective 2.6.1 – 2.6.3)."

(emphasis added.)

- J. Policy 2.6.1.3, Future Land Use Element, Comprehensive Plan, states: "Require appropriate limits on net residential density to achieve compatibility between adjacent residential land uses. Limits on net density may reduce net density on a project, or part thereof, into less than the maximum net density associated with the future land use category or categories on the project site (see also Policy 2.6.1.1)."
- K. Policy 2.2.1.6, Future Land Use Element, Comprehensive Plan, states: "The land development regulations may restrict development potential to less than the maximum provided for in this Comprehensive Plan, to address land use compatibility, public facility and natural resource considerations as identified in this Comprehensive Plan. Furthermore, nothing in this Comprehensive Plan shall guarantee the achievement of maximum development potential, noted in this element and the Future Land Use Map."
- L. Section 200, Definitions, Land Development Code, defines "Compatibility" to mean: "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, the recommendation of the Planning Commission, the Staff Report presented and a review of the applicable provisions of the Comprehensive Plan and the LDC, the Board hereby makes the following Conclusions of Law:

- A. The Applicant has failed to meet its burden of proof to demonstrate that the proposed amendments to the stipulations contained in proposed Zoning Ordinance PDR-04-39(G)(R3) and the proposed Second Amended General Development Plan are consistent with the Comprehensive Plan and comply with the standards for approval in the applicable provisions of the LDC.
- B. The Applicant has failed to demonstrate that the level of density requested for the Phase IV Property is compatible with the density, lot sizes and the rural character of the surrounding residential uses.
- C. The Applicant has failed to demonstrate that the level of density of the proposed residential development on the Phase IV Property is consistent

with the applicable provisions of the Comprehensive Plan limiting the types, intensity and scale of development east of the Future Development Area Boundary (FDAB) Line.

- D. The Applicant has failed to demonstrate how the proposed residential development on the Phase IV Property will fall within any of the exceptions set forth in Policy 2.1.2.2. of the Future Land Use Element, Comprehensive Plan, to the prohibition of future development east of the Future Development Area Boundary (FDAB) Line.
- E. The Applicant has failed to demonstrate that the proposed residential development on the Phase IV Property is compatible with the surrounding area.
- F. The specific legal and factual authorities and rationale relied upon in reaching said conclusions are set forth in the record of the proceedings before the Planning Commission on May 14, 2020 (as advertised by a corrective notice for June 11, 2020), and before the Board on June 4, 2020, June 23, 2020, July 22, 2020, May 6, 2021, and August 5, 2021.
- G. The Board specifically denies approval of the proposed amendments contained within Zoning Ordinance No. PDR-04-39(G)(R3) and the Second Amended General Development Plan applicable to the Phase IV Property described in Exhibit A and the Overall Concession Property described in Exhibit B.
- H. Zoning Ordinance No. PDR-04-39(Z)(G) with a general development plan was adopted on December 14, 2004, and included approval for 255 residential lots, an 18-hole golf course and a clubhouse. Subsequently, Zoning Ordinance No. PDR-04-39(R) was adopted on February 5, 2009, approving a revised general development plan to add 16 multi-family residential units in 16 individual buildings amid the golf course with revised stipulations. Zoning Ordinance No. PDR-04-39(G)(R2) was adopted on February 2, 2017, to designate Tract 801 as recreation and allow a private helistop as an accessory use to serve the golf course. The above referenced zoning ordinances and general development plans, as amended, remain in full force and effect, and the Applicant retains the development rights thereunder subject to compliance with the Comprehensive Plan and LDC.

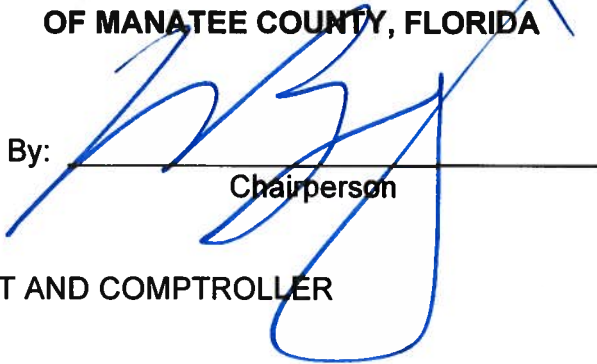
Section 3. Severability. It is hereby declared to be the intention of the Board that the phrases, clauses, sentences, paragraphs, and sections in this Resolution be deemed severable, and if any phrase, clause, sentence, paragraph or section hereof is declared unconstitutional or otherwise invalid by the valid judgement of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution.

Section 4. Effective Date. The effective date of this Resolution shall be the date of adoption of this Resolution.

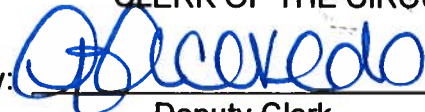
DULY ADOPTED, with a quorum present and voting, this 2nd day of September, 2021.



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

By: 
Chairperson

ATTEST: ANGELINA COIFUMPEZO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: 
Deputy Clerk

**Exhibit A
Phase IV Property
Legal Description**

COMMENCE AT THE NORTHEAST CORNER OF CONCESSION, PHASE I, A SUBDIVISION AS RECORDED IN PLAT BOOK 44, PAGES 31 THROUGH 45, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70 AND THE EASTERLY PLATTED LINE OF SAID PLAT, FOR A POINT OF BEGINNING; THENCE RUN THE FOLLOWING THIRTEEN (13) COURSES ALONG SAID EASTERLY PLATTED LINE: (1) RUN S20°03'59"W, A DISTANCE OF 57.40 FT. TO THE POINT OF CURVATURE (P.C.) OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 270.00 FT.; (2) THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°46'19", A DISTANCE OF 149.72 FT. TO THE POINT OF COMPOUND CURVATURE (P.C.C.) OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 324.00 FT.; (3) THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°04'48", A DISTANCE OF 124.86 FT. TO THE POINT OF REVERSE CURVATURE (P.R.C.) OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 366.00 FT.; (4) THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 55°04'01", A DISTANCE OF 351.76 FT.; (5) THENCE S67°47'12"E, A DISTANCE OF 47.71 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 50.00 FT.; (6) THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 55°04'03", A DISTANCE OF 48.06 FT. TO THE POINT OF TANGENCY (P.T.) OF SAID CURVE; (7) THENCE S12°43'09"E, A DISTANCE OF 174.78 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 50.00 FT.; (8) THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 78.54 FT. TO THE P.T. OF SAID CURVE; (9) THENCE S77°16'51"W, 224.36 FT.; (10) THENCE S15°41'24"E, A DISTANCE OF 187.15 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 428.00 FT.; (11) THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°33'21", A DISTANCE OF 295.48 FT. TO THE P.R.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FT.; (12) THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 68°16'05", A DISTANCE OF 29.79 FT. TO THE P.R.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 484.00 FT.; (13) THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°25'26", A DISTANCE OF 113.40 FT. TO THE INTERSECTION WITH THE WESTERLY LINE OF A 50 FT. WIDE PLATTED RIGHT-OF-WAY, AS SHOWN ON THE PLAT OF POMELLO PARK, AS

RECORDED IN PLAT BOOK 6, PAGE 61, SAID PUBLIC RECORDS; THENCE N00°20'12"W, ALONG SAID WESTERLY LINE, A DISTANCE OF 420.49 FT. TO A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S64°27'16"W, A DISTANCE OF 525.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°13'29", A DISTANCE OF 47.87 FT. TO THE P.R.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 275.00 FT. THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°43'05", A DISTANCE OF 89.84 FT.; THENCE N76°55'30"E, 1220.13 FT.; THENCE N00°36'57"W, A DISTANCE OF 332.71 FT. TO THE INTERSECTION WITH AFORESAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70; THENCE N69°56'53"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 1215.28 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 30, TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 17.02 ACRES MORE OR LESS.

CONTAINING 17.02 ACRE MORE OR LESS.

Exhibit B
Overall Concession Property
Legal Description

DESCRIPTION: PANTHER RIDGE WESTSIDE P.D.C. SITE:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 35 SOUTH, RANGE 20 EAST; THENCE S 00°30'59"W ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 938.96 FT., TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. RIGHT-OF-WAY MAPS, SECTION 1316-102 FOR A POINT OF BEGINNING; THENCE CONTINUE S 00°30'59"W, W ALONG SAID WEST LINE, A DISTANCE OF 300.00 FT.; THENCE S°29'01"W "E, A DISTANCE OF 282.70 FT.; THENCE N S 00°30'59"W. A DISTANCE OF 199.61 FT. TO THE INTERSECTION WITH AFORESAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70; THENCE N 69°56'01"W ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 300.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 30. TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA. (±1.6 ACRES) PANTHER RIDGE WESTSIDE P.D.R SITE:

ALL OF SECTIONS 31 AND 32, TOWNSHIP 35 S., RANGE 20 E.

TOGETHER WITH:

ALL THAT PORTION OF SECTIONS 30 AND 33, TOWNSHIP 35 S., RANGE 20 E., LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70 PER F.D.O.T. RIGHT-OF-WAY MAP SECTION 13160-2506. LESS AND EXCEPT ANY PORTION OF THE FOLLOWING TWO DESCRIBED PARCELS LYING WITHIN SAID SECTIONS 30, 31, 32 AND 33, TOWNSHIP 35 S RANGE 20 E:

FOXWOOD PARCEL:

BEGIN AT THE NORTHWEST CORNER OF TRACT 2D OF PRESERVE AT PANTHER RIDGE, PHASE II A, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 34, PAGE 193, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID TRACT 2D THE FOLLOWING TWO (2) COURSES: (1) S 40°02'53" W, A DISTANCE OF 739.77 FT.; (2) S 42°38'04' W, A DISTANCE OF 731.73 FT. .; THENCE S 89°40'00"W, A DISTANCE OF 339.75 FT.; THENCE N 89°13'20"W, A DISTANCE OF 660.36 FT.; THENCE N 88°06'17" W, A DISTANCE OF 685.79 FT.; THENCE N 68°04'19" W. A DISTANCE OF 458.05 FT.; THENCE N 69°40'31' W, A DISTANCE OF 452.95 FT.; THENCE N 73°33'44" W, A DISTANCE OF 442.58 FT.; THENCE N 75°10'50" W, A DISTANCE OF 51.83 FT.; THENCE N 70°15'39" W, A DISTANCE OF 377.83 FT.; THENCE S 48°33'53" W, A DISTANCE OF 91.23 FT.; THENCE S 50°08'57" W, A DISTANCE OF 547.88

FT.;THENCE N 00°27'58"W,A DISTANCE OF 331.63 FT.;THENCE N 89°59'05" W. A DISTANCE OF 473.51 FT.; THENCE N 00°27'50"W, A DISTANCE OF 204.00 FT.; THENCE N 89°18'23" W. A DISTANCE OF 1110.13 FT.; THENCE N 05°25'46"W, A DISTANCE OF 108.52 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 575.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'27',A DISTANCE OF 445.66 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 425.00 FT.: THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°17'28". A DISTANCE OF 195.02 FT.;THENCE N 80°41'08"W, A DISTANCE OF 50.10 FT. TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 76°51'46"W, AT A DISTANCE OF 375.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41°18'48", A DISTANCE OF 270.40 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1525.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°01'23",A DISTANCE OF 878.95 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1475.00 FT.;THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°02'33", A DISTANCE OF 129.82 FT. TO A POINT OF TANGENCY;THENCE N 00°11'45"W,A DISTANCE OF 241.49 FT.;THENCE N 00°20'13"W, A DISTANCE OF 295.98 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1475.00 FT.;THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°50'32",A DISTANCE OF 150.40 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1525.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°41'04', A DISTANCE OF 311.00 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1475.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°50'32", A DISTANCE OF 150.40 FT. TO A POINT OF TANGENCY; THENCE N 00°20'12" W, A DISTANCE OF 438.63 FT.; THENCE S 88°51'08" E. A DISTANCE OF 50.02 FT.; THENCE N 00°20'12" W, A DISTANCE OF 466.18 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°25'34". A DISTANCE OF 278.79 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°42'28", A DISTANCE OF 89.79 FT.; THENCE N 76°55'19" E,A DISTANCE OF 1220.13 FT.; THENCE N 00°37'08" W. A DISTANCE OF 187.96 FT.; THENCE S 69°55'48" E, A DISTANCE OF 9.90 FT.; THENCE S 69°03'35" E. A DISTANCE OF 5003.21 FT. TO THE INTERSECTION WITH THE WESTERLY OUTLINE OF PRESERVE AT PANTHER RIDGE, PHASE I, A SUBDIVISION AS PER PLAT THERE OF RECORDED IN PLAT BOOK 33, PAGE 127 OF AFORE SAID PUBLIC RECORDS; THENCE ALONG THE SAID WESTERLY OUTLINE

THE FOLLOWING THIRTEEN (13) COURSES:(1) S 00°22'58" W, A DISTANCE OF 451.27 FT. (2) S 37°00'00"WA DISTANCE OF 602.92 FT.; (3) S 00°28'15" E, A DISTANCE OF 733.14 FT.; (4) S 88°51'51" E. A DISTANCE OF 359.40 FT.;(5) S 00°28'15" E, A DISTANCE OF 348.71 FT.;(6) S 88°51'51" E, A DISTANCE OF 20.01 FT.;(7) S 00°28'15" E. A DISTANCE OF 342.97 FT.; (8) S 88°59'00" E, A DISTANCE OF 140.01 FT.; (9) N 01°01'00" E. A DISTANCE OF 25.00 FT.;(10) S 58°59'00" E, A DISTANCE OF 40.00 FT.; (11) S °01'00"W, A DISTANCE OF 50.00 FT.;(12) S 88°59'00" E A DISTANCE OF 461.04 FT.;(13) S 00°28'19" E,A DISTANCE OF 276.13 FT. TO THE POINT OF SEGINNING, LYING AND SEING IN SECTIONS 29, 30, 31 AND 32, TOWNSHIP 35 S. RANGE 20 E., MANATEE COUNTY, FLORIDA. AND PRESERVE PARCEL:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 35 S., RANGE 20 E., MANATEE COUNTY, FLORIDA:THENCE N 89°37'38"W,ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 2639.92 FT.; THENCE N 89°38'05" W, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 1344.96 FT.; THENCE N 00°20'36" W, A DISTANCE OF 298.33 FT.; THENCE N 36°53'30" W,A DISTANCE OF 1700.23 FT.;THENCE N 41°23'26" W.A DISTANCE OF 742.86 FT.;THENCE N 54°18'07" W.A DISTANCE OF 1062.88 FT.;THENCE N 42°38'04" E, A DISTANCE OF 845.68 FT.; THENCE N 40°02'53" E. A DISTANCE OF 739.77 FT.; THENCE N 00°28'19" W, A DISTANCE OF 276.13 FT.; THENCE N 86°59'00"W,A DISTANCE OF 461.04 FT.; THENCE N 01°01'00" E, A DISTANCE OF 50.00 FT.; THENCE N 88°59'00" W, A DISTANCE OF 40.00 FT.:THENCE S 01°01'00" W, A DISTANCE OF 25.00 FT.; THENCE N 88°59'00" W, A DISTANCE OF 140.01 FT.;THENCE N 00°28'15" W, A DISTANCE OF 342.97 FT.;THENCE N 88°51'51" W, A DISTANCE OF 20.01 FT.;THENCE N 00°28'15" W, A DISTANCE OF 348.71 FT.;THENCE N 88°51'51" W,A DISTANCE OF 359.40 FT.; THENCE N 00°28'15" W,ADISTANCE OF 733.14 FT.;THENCE N 37°00'00" E, A DISTANCE OF 602.92 FT.;THENCE N 00°22'58"E, A DISTANCE OF 673.16 FT.TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 70 AS PER F.D.O.T. RIGHT OF WAY MAP SECTION 13160-2506; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: S 69°53'52" E, A DISTANCE OF 3245.73 FT.TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5597.58 FT.; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 717.95 FT. THROUGH A CENTRAL ANGLE OF 07°20'56" TO THE P.T. OF SAID CURVE: THENCE S 62°32'57" E, A DISTANCE OF 2466.95 FT.; THENCE S 62°37'21" E, A DISTANCE OF 240.52 FT.; THENCE S 00°03'07" E. A DISTANCE OF 17.98 FT.; THENCE S 62°36'06" E, A DISTANCE OF 820.42 FT., THENCE S 61°52'07" E, A DISTANCE OF 121.37 FT.; THENCE S 63°04'14" E.A DISTANCE OF 398.98 FT.; THENCE N 00°12'17" E, A DISTANCE OF 17.96 FT.; THENCE S 62°45'41" E, A DISTANCE OF 32.95 FT. TO THE END OF SAID SOUTHERLY RIGHT OF WAY LINE; THENCE S00°07'00"W, A DISTANCE OF 3675.70 FT. TO THE SOUTHERLY LINE OF SECTION 34, TOWNSHIP 35 S., RANGE 20 E.; THENCE N 89°32'01" W, ALONG SAID SOUTH LINE, A DISTANCE OF 528.26 FT.; THENCE N 89°37'38" W, ALONG SAID SOUTH LINE, A DISTANCE OF 528.26 FT.; THENCE N 89°37'38"W, ALONG SAID SOUTH LINE, A DISTANCE OF 812.85

FT. TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 33 AND 34, TOWNSHIP 35 S., RANGE 20 E, MANATEE COUNTY, FLORIDA.

AND LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 35 SOUTH, RANGE 20 EAST; THENCE S 00°30'59"W ALONG THE WESTLINE OF SAID SECTION 30, A DISTANCE OF 938.96 FT., TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. RIGHT-OF-WAY MAPS, SECTION 1316-102, FOR A POINT BEGINNING; THENCE CONTINUE S 00°30'59"W ALONG SAID WEST LINE, A DISTANCE OF 300.00 FT.; THENCE S 89°29'01" E, A DISTANCE OF 282.70 FT.; THENCE N 00°30'59"E, A DISTANCE OF 199.61 FT., TO THE INTERSECTION WITH AFORESAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70; THENCE N 69°56'01"W ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 300.00 FT. TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 30, TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING AND LYING IN SECTIONS 30, 31, 32 AND 33, TOWNSHIP 35 S, RANGE 20E., MANATEE COUNTY, FLORIDA.

CONTAINING 1279.1 ACRES MORE OR LESS.

September 2, 2021

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA



**Board of County Commissioners
September 2, 2021 - Land Use Meeting**

SUBJECT

RESOLUTION R-21-147 - DENYING APPLICATION NO. PDR-04-39(G)(R3) TO AMEND STIPULATIONS IN A ZONING ORDINANCE AND TO DENY APPROVAL OF AN AMENDED GENERAL DEVELOPMENT PLAN.

Category

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Sarah A. Schenk, Assistant County Attorney

Action Requested

RECOMMENDED MOTION:

I move to adopt Resolution No. 21-147 to deny Application PDR-04-39(G)(R3) to amend zoning stipulations and to deny approval of an amended General Development Plan.

Enabling/Regulating Authority

Section 125.022(3), Florida Statutes

Background Discussion

- The Concession Land Development, LLC, A Florida limited liability company (The Applicant) filed an application to amend the stipulations as proposed in Zoning Ordinance No. PDR-04-39(G)(R3) and for an Amended General Development Plan to reallocate or recombine 22 single-family lots from within the project known as the Concession to approximately 17.02 acres within Phase IV of the Overall Concession Property (approximately 1,279.1 acres).
- The Planning Commission held public hearings on May 14, 2020 (as advertised by a correct notice for June 11, 2020) and found the proposed amendments inconsistent with the Comprehensive Plan and not in compliance with the standards in the Land Development Code and recommended denial of these applications.

ITEM 3

- The Board of County Commissioners held a public hearing on the amendments on June 23, 2020 and continued the deliberation portion of the public hearing to enable written findings for denial.
- On July 22, 2020, the Board of County Commissioners adopted Resolution No. R-20-103 to deny the Amended General Development Plan depicting 22 single-family detached residential lots within Phase IV of the Concession with related amended stipulations.
- The Applicant filed a timely Petition for a mandatory mediation and dispute resolution process before a Special Magistrate which the County scheduled and provided public notice before a Special Magistrate held on January 11, 2021.
- During the course of mediation, the Applicant presented a conceptual site plan to serve as basis for a revised General Development Plan depicting approximately 15 residential single-family lots.
- The Board of County Commissioners held duly noticed public hearings on the Second Amended General Development Plan with amended stipulations on May 6, 2021, said public hearing being continued and advertised for August 5, 2021.
- On August 5, 2021, the Board of County Commissioners continued the deliberation portion of the public hearing to September 2, 2021, for Findings of Denial.
- Attached Resolution 21-147 contains the written finding of fact and conclusions of law to support denial of the Applications.

Attorney Review

Other (Requires explanation in field below)

Other (if applicable)

Sarah Schenk drafted and provided Resolution R-21-147.

Reviewing Attorney

Schenk

Instructions to Board Records 9/2/21 QA emailed to Bobbi, Sarah Schenk and CAO Office
Please forward a copy of the executed document to Bobbi.roy@mymanatee.org.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

RESOLUTION NO. R-21-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; DENYING APPLICATION NO. PDR-04-39(G)(R3) REQUESTING THE AMENDMENT OF THE STIPULATIONS IN ZONING ORDINANCE NO. PDR-04-39(G)(R3) AND DENYING APPROVAL OF A SECOND AMENDED GENERAL DEVELOPMENT PLAN; SAID APPLICATIONS PERTAIN TO APPROXIMATELY 17.04 ACRES (PHASE IV) WITHIN AN OVERALL PROJECT KNOWN AS THE CONCESSION WITH AN ACREAGE OF APPROXIMATELY 1,279± ACRES LOCATED IN THE PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL/EVERS RESERVOIR WATERSHED PROTECTION/SPECIAL TREATMENT) ZONING DISTRICT; SAID SECOND AMENDED GENERAL DEVELOPMENT PLAN DEPICTING 15 SINGLE-FAMILY LOTS, EITHER REALLOCATED OR RECOMBINED WITH LOTS FROM WITHIN THE BOUNDARIES OF THE CONCESSION PROJECT; THE PHASE IV PROPERTY IS GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROAD 70 EAST, AND EAST OF LINDRICK LANE, BRADENTON (MANATEE COUNTY); SETTING FORTH FINDINGS; SETTING FORTH CONCLUSIONS OF LAW; PROVIDING FOR A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Concession Land Development, LLC, a Florida limited liability company (the "Applicant") filed an application to amend the stipulations as proposed in Zoning Ordinance No. PDR-04-39(G)(R3) and for an Amended General Development Plan to reallocate or recombine 22 single-family lots from within the project known as the Concession to approximately 17.04 acres within Phase IV of the Concession as described in Exhibit "A" attached hereto, (the "Phase IV Property") and Exhibit "B" attached hereto, (the "Overall Concession Property"); and

WHEREAS, the Phase IV Property and the Overall Concession Property are in the PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment Zoning District); and

WHEREAS, the Amended General Development Plan showed the Phase IV component of the Overall Concession Property on the south side of State Road 70 East, east of Lindrick Lane, and east of the Future Development Area Boundary (FDAB) Line of the Comprehensive Plan; and

WHEREAS, the Manatee County Planning Commission (the "Planning Commission") has been duly designated in Section 301.1.A., Land Development Code as the Local Planning Agency of the County; and

WHEREAS, the Planning Commission, after due public notice, held public hearings on May 14, 2020 (as advertised by a corrective notice for June 11, 2020), and as the County's Local Planning Agency pursuant to Section 163.3174, Florida Statutes, found the proposed amendments to the stipulations in Zoning Ordinance PDR-04-39(G)(R3) and the Amended General Development Plan inconsistent with the Comprehensive Plan and not in compliance with the standards in the Land Development Code (LDC), and recommended denial of these applications; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida (Board) held a duly noticed public hearing on the proposed Zoning Ordinance No. PDR-04-39(G)(R3) with amended stipulations and the proposed Amended General Development Plan on June 23, 2020, and continued the deliberation portion of the public hearing to enable written findings for denial to be prepared in accordance with Section 125.022(3), Florida Statutes; and

WHEREAS, on July 22, 2020, the Board adopted Resolution No. R-20-103 to deny the Amended General Development Plan depicting 22 single-family detached residential lots within Phase IV of the Concession with related amended stipulations; and

WHEREAS, the Applicant filed a timely Petition for a mandatory mediation and dispute resolution process before a Special Magistrate pursuant to Section 70.51, Florida Statutes; and

WHEREAS, the County scheduled and provided due public notice of the mandatory mediation and dispute resolution process before a Special Magistrate in accordance with Section 70.51, Florida Statutes, as held on January 11, 2021, at the Bradenton Area Convention Center; and

WHEREAS, on January 11, 2021, during the course of the mediation phase of the dispute resolution process, the Applicant presented a conceptual site plan to serve as the basis for a revised general development plan (the "Second Amended General Development Plan") depicting approximately 15± residential single-family lots within Phase IV along with site design modifications; and

WHEREAS, the Special Magistrate has retained jurisdiction for further proceedings in order to make a recommendation to the Board as to whether the denial of the Amended General Development Plan was unreasonable or unfairly burdened the use of the Phase IV Property and the Overall Concession Property, if the County denies adoption of Ordinance PDR-04-39(G)(R3), denies approval of the Second Amended General Development Plan and the Applicant elects to proceed with the testimony phase of the dispute resolution process; in accordance with Section 70.51, Florida Statutes; and

WHEREAS, the Applicant submitted the Second Amended General Development Plan to the County with amended stipulations for completeness and

sufficiency reviews by staff in accordance with the applicable provisions of the LDC; and

WHEREAS, the Development Review Committee held a public meeting via electronic means on February 17, 2021, pursuant to a published agenda for the Second Amended Application No. PDR-04-39(G)(R3); and

WHEREAS, the Board held duly noticed public hearings on the Second Amended General Development Plan with amended stipulations as referenced within the Second Amended proposed Ordinance No. PDR-04-39(G)(R3) on May 6, 2021, said public hearing being continued and advertised for August 5, 2021.

WHEREAS, Section 125.022(3), Florida Statutes, provides that a county's denial of a development permit must be reduced to writing and given to the applicant as written notice of denial, citing the reasons therefore.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Findings of Fact. The recitals set forth above are true and correct and are hereby adopted as findings by the Board. The Board after considering the testimony, evidence, documentation, the recommendation of the Building and Development Services staff and the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing dates hereinafter referenced, hereby makes the following additional findings of fact:

- A. This Resolution pertains to the Phase IV Property as described in Exhibit A and the Overall Concession Property as described in Exhibit B, copies of which are attached hereto and made a part hereof by reference.
- B. The term "Comprehensive Plan" shall mean the version of the Manatee County Comprehensive Plan in effect as of May 14, 2020.
- C. The term "Land Development Code" or "LDC" shall mean the version of the Manatee County Land Development Code in effect as of May 14, 2020.
- D. The Phase IV Property and the Overall Concession Property are in the PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment) Zoning District.
- E. The approving authority for proposed amendments to stipulations contained in proposed Zoning Ordinance PDR-04-39(G)(R3) and the proposed amendments to the General Development Plan is the Board of County Commissioners.
- F. The Phase IV Property and the Overall Concession Property are in the AG-R (Agricultural-Rural) Future Land Use Category of the Comprehensive Plan and thus the following provisions applicable to the AG-R (Agricultural-

Rural) Future Land Use Category are relevant to the analysis of consistency of the project with the Comprehensive Plan:

1. The Phase IV Property and the Overall Concession Property are east of the Future Development Area Boundary (FDAB) Line of the Comprehensive Plan. (emphasis added.)
2. Policy 2.5.1.1, Future Land Use Element, provides: "Designate those areas in Manatee County which are suited for long-term agriculture as Agriculture/Rural on the Future Land Use Map so as to limit the degree of suburbanization of such lands and reduce uses which may displace agriculture.

Implementation Mechanism:

- (a). Maintain the Future Development Area Boundary on the adopted Future Land Use Map as the easternmost extent of categories other than Agriculture/Rural, except where described as a permitted exception in Policy 2.1.1. above."

G. Because the Phase IV Property and the Overall Concession Property are located east of the Future Development Area Boundary (FDAB) Line, the following provisions of the Comprehensive Plan regarding the Future Development Area Boundary (FDAB) are relevant to the analysis of consistency of the project with the Comprehensive Plan:

1. Objective 2.1.2. Future Land Use Element, Geographic Extent of the Future Development of the Manatee County Comprehensive Plan states: "Limit urban sprawl by accommodating future development consistent with the adopted Land Use Concept (Map N). All development, unless exempted by Policy 2.1.2.2, shall be directed to the area west of the Future Development Area Boundary (FDAB) thereby, preserving agriculture as the primary land use east of the FDAB through 2040." (emphasis added.)
2. Policy 2.1.2.2, Future Land Use Element, provides: "Limit urban sprawl by prohibiting all future development in the area east of the established FDAB (see Map N and the Potable Water/Wastewater Services Areas Map in the Wastewater Sub Element) except as follows (emphasis added.):

....

(c) Residential development in excess of 0.2 du/ga for the following:

- (1) Farm worker housing;
- (2) Residential within Myakka City;

(3) Legal lots of record prior to May 15, 1989;

(4) Redevelopment per Policy 2.9.3.2; and

(5) Cluster development intended for the protection of open space and/or agricultural operations. Such cluster development is subject to the site's future land use category and restrictions and the standards adopted in the LDC.

....

Such uses shall be allowed only if development consistent with all of the Goals, Objectives and Policies of this Comprehensive Plan."

3. Policy 2.1.2.3, Future Land Use Element, Comprehensive Plan, states: "Permit the consideration of new residential and nonresidential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development, and compatible with future areas of development."
4. Policy 2.1.2.4, Future Land Use Element, Comprehensive Plan, states: "Limit urban sprawl through the consideration of new development and redevelopment, when deemed compatible with existing and future development, in areas which are internal to, or are a contiguous expansion of the built environment."

H. The Staff Report states that if the property is developed, the project would be served only by private water and private sewer lines.

I. Policy 2.1.2.7, Future Land Use Element, Comprehensive Plan, provides: "Review all proposed development for compatibility and appropriate timing of development. The analysis shall include the following:

- Consideration of existing development patterns;
- Types of land uses;
- Transition between land uses;
- Density and intensity of land uses;
- Natural features;
- Approved development in the area;
- Availability of adequate roadways;
- Adequate centralized water and sewer facilities;
- Other necessary infrastructure and services;

- Limiting urban sprawl;
- Applicable specific area plans;
- (See also policies under Objective 2.6.1 – 2.6.3)."

(emphasis added.)

- J. Policy 2.6.1.3, Future Land Use Element, Comprehensive Plan, states: "Require appropriate limits on net residential density to achieve compatibility between adjacent residential land uses. Limits on net density may reduce net density on a project, or part thereof, into less than the maximum net density associated with the future land use category or categories on the project site (see also Policy 2.6.1.1)."
- K. Policy 2.2.1.6, Future Land Use Element, Comprehensive Plan, states: "The land development regulations may restrict development potential to less than the maximum provided for in this Comprehensive Plan, to address land use compatibility, public facility and natural resource considerations as identified in this Comprehensive Plan. Furthermore, nothing in this Comprehensive Plan shall guarantee the achievement of maximum development potential, noted in this element and the Future Land Use Map."
- L. Section 200, Definitions, Land Development Code, defines "Compatibility" to mean: "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, the recommendation of the Planning Commission, the Staff Report presented and a review of the applicable provisions of the Comprehensive Plan and the LDC, the Board hereby makes the following Conclusions of Law:

- A. The Applicant has failed to meet its burden of proof to demonstrate that the proposed amendments to the stipulations contained in proposed Zoning Ordinance PDR-04-39(G)(R3) and the proposed Second Amended General Development Plan are consistent with the Comprehensive Plan and comply with the standards for approval in the applicable provisions of the LDC.
- B. The Applicant has failed to demonstrate that the level of density requested for the Phase IV Property is compatible with the density, lot sizes and the rural character of the surrounding residential uses.
- C. The Applicant has failed to demonstrate that the level of density of the proposed residential development on the Phase IV Property is consistent

with the applicable provisions of the Comprehensive Plan limiting the types, intensity and scale of development east of the Future Development Area Boundary (FDAB) Line.

- D. The Applicant has failed to demonstrate how the proposed residential development on the Phase IV Property will fall within any of the exceptions set forth in Policy 2.1.2.2. of the Future Land Use Element, Comprehensive Plan, to the prohibition of future development east of the Future Development Area Boundary (FDAB) Line.
- E. The Applicant has failed to demonstrate that the proposed residential development on the Phase IV Property is compatible with the surrounding area.
- F. The specific legal and factual authorities and rationale relied upon in reaching said conclusions are set forth in the record of the proceedings before the Planning Commission on May 14, 2020 (as advertised by a corrective notice for June 11, 2020), and before the Board on June 4, 2020, June 23, 2020, July 22, 2020, May 6, 2021, and August 5, 2021.
- G. The Board specifically denies approval of the proposed amendments contained within Zoning Ordinance No. PDR-04-39(G)(R3) and the Second Amended General Development Plan applicable to the Phase IV Property described in Exhibit A and the Overall Concession Property described in Exhibit B.
- H. Zoning Ordinance No. PDR-04-39(Z)(G) with a general development plan was adopted on December 14, 2004, and included approval for 255 residential lots, an 18-hole golf course and a clubhouse. Subsequently, Zoning Ordinance No. PDR-04-39(R) was adopted on February 5, 2009, approving a revised general development plan to add 16 multi-family residential units in 16 individual buildings amid the golf course with revised stipulations. Zoning Ordinance No. PDR-04-39(G)(R2) was adopted on February 2, 2017, to designate Tract 801 as recreation and allow a private helistop as an accessory use to serve the golf course. The above referenced zoning ordinances and general development plans, as amended, remain in full force and effect, and the Applicant retains the development rights thereunder subject to compliance with the Comprehensive Plan and LDC.

Section 3. Severability. It is hereby declared to be the intention of the Board that the phrases, clauses, sentences, paragraphs, and sections in this Resolution be deemed severable, and if any phrase, clause, sentence, paragraph or section hereof is declared unconstitutional or otherwise invalid by the valid judgement of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution.

Section 4. Effective Date. The effective date of this Resolution shall be the date of adoption of this Resolution.

DULY ADOPTED, with a quorum present and voting, this _____ day of _____, 2021.

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

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

Exhibit A
Phase IV Property
Legal Description

COMMENCE AT THE NORTHEAST CORNER OF CONCESSION, PHASE I, A SUBDIVISION AS RECORDED IN PLAT BOOK 44, PAGES 31 THROUGH 45, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70 AND THE EASTERLY PLATTED LINE OF SAID PLAT, FOR A POINT OF BEGINNING; THENCE RUN THE FOLLOWING THIRTEEN (13) COURSES ALONG SAID EASTERLY PLATTED LINE: (1) RUN S20°03'59"W, A DISTANCE OF 57.40 FT. TO THE POINT OF CURVATURE (P.C.) OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 270.00 FT.; (2) THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°46'19", A DISTANCE OF 149.72 FT. TO THE POINT OF COMPOUND CURVATURE (P.C.C.) OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 324.00 FT.; (3) THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°04'48", A DISTANCE OF 124.86 FT. TO THE POINT OF REVERSE CURVATURE (P.R.C.) OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 366.00 FT.; (4) THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 55°04'01", A DISTANCE OF 351.76 FT.; (5) THENCE S67°47'12"E, A DISTANCE OF 47.71 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 50.00 FT.; (6) THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 55°04'03", A DISTANCE OF 48.06 FT. TO THE POINT OF TANGENCY (P.T.) OF SAID CURVE; (7) THENCE S12°43'09"E, A DISTANCE OF 174.78 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 50.00 FT.; (8) THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 78.54 FT. TO THE P.T. OF SAID CURVE; (9) THENCE S77°16'51"W, 224.36 FT.; (10) THENCE S15°41'24"E, A DISTANCE OF 187.15 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 428.00 FT.; (11) THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°33'21", A DISTANCE OF 295.48 FT. TO THE P.R.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FT.; (12) THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 68°16'05", A DISTANCE OF 29.79 FT. TO THE P.R.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 484.00 FT.; (13) THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°25'26", A DISTANCE OF 113.40 FT. TO THE INTERSECTION WITH THE WESTERLY LINE OF A 50 FT. WIDE PLATTED RIGHT-OF-WAY, AS SHOWN ON THE PLAT OF POMELLO PARK, AS

RECORDED IN PLAT BOOK 6, PAGE 61, SAID PUBLIC RECORDS; THENCE N00°20'12"W, ALONG SAID WESTERLY LINE, A DISTANCE OF 420.49 FT. TO A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S64°27'16"W, A DISTANCE OF 525.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°13'29", A DISTANCE OF 47.87 FT. TO THE P.R.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 275.00 FT. THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°43'05", A DISTANCE OF 89.84 FT.; THENCE N76°55'30"E, 1220.13 FT.; THENCE N00°36'57"W, A DISTANCE OF 332.71 FT. TO THE INTERSECTION WITH AFORESAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70; THENCE N69°56'53"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 1215.28 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 30, TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 17.02 ACRES MORE OR LESS.

CONTAINING 17.02 ACRE MORE OR LESS.

Exhibit B
Overall Concession Property
Legal Description

DESCRIPTION: PANTHER RIDGE WESTSIDE P.D.C. SITE:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 35 SOUTH, RANGE 20 EAST; THENCE S 00°30'59"W ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 938.96 FT., TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. RIGHT-OF-WAY MAPS, SECTION 1316-102 FOR A POINT OF BEGINNING; THENCE CONTINUE S 00°30'59"W, W ALONG SAID WEST LINE, A DISTANCE OF 300.00 FT.; THENCE S°29'01"W "E, A DISTANCE OF 282.70 FT.; THENCE N S 00°30'59"W. A DISTANCE OF 199.61 FT. TO THE INTERSECTION WITH AFORESAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70; THENCE N 69°56'01"W ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 300.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 30. TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA. (±1.6 ACRES) PANTHER RIDGE WESTSIDE P.D.R SITE:

ALL OF SECTIONS 31 AND 32, TOWNSHIP 35 S., RANGE 20 E.

TOGETHER WITH:

ALL THAT PORTION OF SECTIONS 30 AND 33, TOWNSHIP 35 S., RANGE 20 E., LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70 PER F.D.O.T. RIGHT-OF-WAY MAP SECTION 13160-2506. LESS AND EXCEPT ANY PORTION OF THE FOLLOWING TWO DESCRIBED PARCELS LYING WITHIN SAID SECTIONS 30, 31, 32 AND 33, TOWNSHIP 35 S RANGE 20 E:

FOXWOOD PARCEL:

BEGIN AT THE NORTHWEST CORNER OF TRACT 2D OF PRESERVE AT PANTHER RIDGE, PHASE II A, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 34, PAGE 193, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID TRACT 2D THE FOLLOWING TWO (2) COURSES: (1) S 40°02'53" W, A DISTANCE OF 739.77 FT.; (2) S 42°38'04' W, A DISTANCE OF 731.73 FT. .; THENCE S 89°40'00"W, A DISTANCE OF 339.75 FT.; THENCE N 89°13'20"W, A DISTANCE OF 660.36 FT.; THENCE N 88°06'17" W, A DISTANCE OF 685.79 FT.; THENCE N 68°04'19" W. A DISTANCE OF 458.05 FT.; THENCE N 69°40'31' W, A DISTANCE OF 452.95 FT.; THENCE N 73°33'44" W, A DISTANCE OF 442.58 FT.; THENCE N 75°10'50" W, A DISTANCE OF 51.83 FT.; THENCE N 70°15'39" W, A DISTANCE OF 377.83 FT.; THENCE S 48°33'53" W, A DISTANCE OF 91.23 FT.; THENCE S 50°08'57" W, A DISTANCE OF 547.88

FT.;THENCE N 00°27'58"W,A DISTANCE OF 331.63 FT.;THENCE N 89°59'05" W. A DISTANCE OF 473.51 FT.; THENCE N 00°27'50"W, A DISTANCE OF 204.00 FT.; THENCE N 89°18'23" W. A DISTANCE OF 1110.13 FT.; THENCE N 05°25'46"W, A DISTANCE OF 108.52 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 575.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'27',A DISTANCE OF 445.66 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 425.00 FT.: THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°17'28". A DISTANCE OF 195.02 FT.;THENCE N 80°41'08"W, A DISTANCE OF 50.10 FT. TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 76°51'46"W, AT A DISTANCE OF 375.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41°18'48", A DISTANCE OF 270.40 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1525.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°01'23",A DISTANCE OF 878.95 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1475.00 FT.;THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°02'33", A DISTANCE OF 129.82 FT. TO A POINT OF TANGENCY;THENCE N 00°11'45"W,A DISTANCE OF 241.49 FT.;THENCE N 00°20'13"W, A DISTANCE OF 295.98 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1475.00 FT.;THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°50'32",A DISTANCE OF 150.40 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1525.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°41'04', A DISTANCE OF 311.00 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1475.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°50'32", A DISTANCE OF 150.40 FT. TO A POINT OF TANGENCY; THENCE N 00°20'12" W, A DISTANCE OF 438.63 FT.; THENCE S 88°51'08" E. A DISTANCE OF 50.02 FT.; THENCE N 00°20'12" W, A DISTANCE OF 466.18 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°25'34". A DISTANCE OF 278.79 FT. TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FT.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°42'28", A DISTANCE OF 89.79 FT.; THENCE N 76°55'19" E, A DISTANCE OF 1220.13 FT.; THENCE N 00°37'08" W. A DISTANCE OF 187.96 FT.; THENCE S 69°55'48" E, A DISTANCE OF 9.90 FT.; THENCE S 69°03'35" E. A DISTANCE OF 5003.21 FT. TO THE INTERSECTION WITH THE WESTERLY OUTLINE OF PRESERVE AT PANTHER RIDGE, PHASE I, A SUBDIVISION AS PER PLAT THERE OF RECORDED IN PLAT BOOK 33, PAGE 127 OF AFORE SAID PUBLIC RECORDS; THENCE ALONG THE SAID WESTERLY OUTLINE

THE FOLLOWING THIRTEEN (13) COURSES:(1) S 00°22'58" W, A DISTANCE OF 451.27 FT. (2) S 37°00'00" W, A DISTANCE OF 602.92 FT.; (3) S 00°28'15" E, A DISTANCE OF 733.14 FT.; (4) S 88°51'51" E, A DISTANCE OF 359.40 FT.; (5) S 00°28'15" E, A DISTANCE OF 348.71 FT.; (6) S 88°51'51" E, A DISTANCE OF 20.01 FT.; (7) S 00°28'15" E, A DISTANCE OF 342.97 FT.; (8) S 88°59'00" E, A DISTANCE OF 140.01 FT.; (9) N 01°01'00" E, A DISTANCE OF 25.00 FT.; (10) S 58°59'00" E, A DISTANCE OF 40.00 FT.; (11) S 01°00'00" W, A DISTANCE OF 50.00 FT.; (12) S 88°59'00" E, A DISTANCE OF 461.04 FT.; (13) S 00°28'19" E, A DISTANCE OF 276.13 FT. TO THE POINT OF BEGINNING, LYING AND BEING IN SECTIONS 29, 30, 31 AND 32, TOWNSHIP 35 S. RANGE 20 E., MANATEE COUNTY, FLORIDA. AND PRESERVE PARCEL:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 35 S., RANGE 20 E., MANATEE COUNTY, FLORIDA: THENCE N 89°37'38" W, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 2639.92 FT.; THENCE N 89°38'05" W, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 1344.96 FT.; THENCE N 00°20'36" W, A DISTANCE OF 298.33 FT.; THENCE N 36°53'30" W, A DISTANCE OF 1700.23 FT.; THENCE N 41°23'26" W, A DISTANCE OF 742.86 FT.; THENCE N 54°18'07" W, A DISTANCE OF 1062.88 FT.; THENCE N 42°38'04" E, A DISTANCE OF 845.68 FT.; THENCE N 40°02'53" E, A DISTANCE OF 739.77 FT.; THENCE N 00°28'19" W, A DISTANCE OF 276.13 FT.; THENCE N 86°59'00" W, A DISTANCE OF 461.04 FT.; THENCE N 01°01'00" E, A DISTANCE OF 50.00 FT.; THENCE N 88°59'00" W, A DISTANCE OF 40.00 FT.; THENCE S 01°01'00" W, A DISTANCE OF 25.00 FT.; THENCE N 88°59'00" W, A DISTANCE OF 140.01 FT.; THENCE N 00°28'15" W, A DISTANCE OF 342.97 FT.; THENCE N 88°51'51" W, A DISTANCE OF 20.01 FT.; THENCE N 00°28'15" W, A DISTANCE OF 348.71 FT.; THENCE N 88°51'51" W, A DISTANCE OF 359.40 FT.; THENCE N 00°28'15" W, A DISTANCE OF 733.14 FT.; THENCE N 37°00'00" E, A DISTANCE OF 602.92 FT.; THENCE N 00°22'58" E, A DISTANCE OF 673.16 FT. TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 70 AS PER F.D.O.T. RIGHT OF WAY MAP SECTION 13160-2506; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: S 69°53'52" E, A DISTANCE OF 3245.73 FT. TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5597.58 FT.; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 717.95 FT. THROUGH A CENTRAL ANGLE OF 07°20'56" TO THE P.T. OF SAID CURVE: THENCE S 62°32'57" E, A DISTANCE OF 2466.95 FT.; THENCE S 62°37'21" E, A DISTANCE OF 240.52 FT.; THENCE S 00°03'07" E, A DISTANCE OF 17.98 FT.; THENCE S 62°36'06" E, A DISTANCE OF 820.42 FT.; THENCE S 61°52'07" E, A DISTANCE OF 121.37 FT.; THENCE S 63°04'14" E, A DISTANCE OF 398.98 FT.; THENCE N 00°12'17" E, A DISTANCE OF 17.96 FT.; THENCE S 62°45'41" E, A DISTANCE OF 32.95 FT. TO THE END OF SAID SOUTHERLY RIGHT OF WAY LINE; THENCE S 00°07'00" W, A DISTANCE OF 3675.70 FT. TO THE SOUTHERLY LINE OF SECTION 34, TOWNSHIP 35 S., RANGE 20 E.; THENCE N 89°32'01" W, ALONG SAID SOUTH LINE, A DISTANCE OF 528.26 FT.; THENCE N 89°37'38" W, ALONG SAID SOUTH LINE, A DISTANCE OF 528.26 FT.; THENCE N 89°37'38" W, ALONG SAID SOUTH LINE, A DISTANCE OF 812.85

FT.TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 33 AND 34, TOWNSHIP 35 S., RANGE 20 E, MANATEE COUNTY, FLORIDA.

AND LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 35 SOUTH, RANGE 20 EAST; THENCE S 00°30'59"W ALONG THE WESTLINE OF SAID SECTION 30, A DISTANCE OF 938.96 FT., TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. RIGHT-OF-WAY MAPS, SECTION 1316-102, FOR A POINT BEGINNING; THENCE CONTINUE S 00°30'59"W ALONG SAID WEST LINE, A DISTANCE OF 300.00 FT.; THENCE S 89°29'01" E, A DISTANCE OF 282.70 FT.; THENCE N 00°30'59"E, A DISTANCE OF 199.61 FT., TO THE INTERSECTION WITH AFORESAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO.70; THENCE N 69°56'01"W ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 300.00 FT. TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 30, TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING AND LYING IN SECTIONS 30, 31, 32 AND 33, TOWNSHIP 35 S, RANGE 20E., MANATEE COUNTY, FLORIDA.

CONTAINING 1279.1 ACRES MORE OR LESS.