

**RESOLUTION NO. R-21-018**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; DENYING APPROVAL OF APPLICATION NO. PDR-14-09(P)(R) REQUESTING THE AMENDMENT OF ZONING ORDINANCE NO. PDR-14-09(Z)(P) TO AMEND A PRELIMINARY SITE PLAN TO REMOVE 5.23± ACRES FROM THE BOUNDARIES OF THE PRELIMINARY SITE PLAN, WITHIN AN OVERALL PROJECT OF 304.39± ACRES KNOWN AS THE SAVANNA PROJECT LOCATED IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; THE PROPERTY IS GENERALLY LOCATED ON THE SOUTH SIDE OF SR 64 AND RYE ROAD AND IS COMMONLY KNOWN AS 4810, 4820 AND 4850 LORRAINE ROAD, 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**, Meritage Homes of Florida, Inc, a Florida corporation (the "Applicant") filed an application to amend a preliminary site plan proposed in Zoning Ordinance No. PDR-14-09(P)(R) (the "Amended Preliminary Site Plan") to remove 5.23± acres (the Savanna Property") from the boundaries of the Savanna Project, which is comprised of a total of 304.39± acres as described in Exhibit A attached hereto, and

**WHEREAS**, the Savanna Project is in the PDR (Planned Development Residential) Zoning District; and

**WHEREAS**, the requested Amended Preliminary Site Plan shows the Savanna Property as a component of the Savanna Project and the Savanna Property is located at the entrance to the Savanna Project on the south side of State Road 64, approximately 800 feet east of the intersection of State Road 64 and Rye Road; and

**WHEREAS**, the Building and Development Services Department staff prepared a staff report (the "Staff Report") and recommended approval of the Amended Preliminary Site Plan by the adoption of proposed Zoning Ordinance No. PDR-14-09(P)(R); and

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

**WHEREAS**, Section 301.1.B, LDC, authorizes the Planning Commission to hold public hearings and make recommendations as to amendments to preliminary site plans for projects zoned planned development to the Board of County Commissioners of Manatee County (the "Board") to approve, approve with modifications or deny the applications; and

**WHEREAS**, the Planning Commission, after due public notice, held a public hearing on October 8, 2020, to consider the application for the amendment to the

preliminary site plan as contained in proposed Zoning Ordinance No. PDR-14-09(P)(R), received the staff recommendation and considered the criteria in the Comprehensive Plan and the LDC; and

**WHEREAS**, the Planning Commission, as the County's Local Planning Agency pursuant to Section 163.3174, Florida Statutes, found the requested amendment to the Preliminary Site Plan proposed in Zoning Ordinance PDR-14-39(P)(R) consistent with the Comprehensive Plan and in compliance with the standards in the LDC, and recommended approval of the application; and

**WHEREAS**, the Board held a duly noticed public hearing on the proposed Zoning Ordinance No. PDR-14-09(P)(R) regarding the Amended Preliminary Site Plan on January 7, 2021; and

**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, that:

**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 Savana Project as described in Exhibit A, a copy of which is 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 October 8, 2020.
- C. The term "Land Development Code" or "LDC" shall mean the version of the Manatee County Land Development Code in effect as of October 8, 2020.
- D. The Savanna Project is in the PDR (Planned Development Residential Zoning District).
- E. The approving authority for requested amendments to the Preliminary Site Plan contained in proposed Zoning Ordinance PDR-14-09(P)(R) is the Board of County Commissioners of Manatee County.
- F. The Savanna Project is in the UF-3 (Urban Fringe-three dwelling units per acre) Future Land Use Category of the Comprehensive Plan.

G. The following provisions are relevant to the analysis of consistency of the requested Amended Preliminary Site Plan with the Comprehensive Plan:

1. 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."
2. 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."
3. Policy 2.9.1-Strong Communities.

Create and maintain communities which are characterized by their:

- Connection, integration, and compatibility with surrounding land uses;
  - Community spaces and focal points;
  - Protection of the natural environment;
  - Connection and integration of pedestrian, bicycle, and vehicular systems;
  - Usable open spaces, and public access to water features;
  - Unifying design elements and features;
  - Variety of housing stock;
  - Pedestrian oriented structures, and pedestrian friendly design; and
  - Connection to recreational facilities, schools, adjacent neighborhoods, employment opportunities and commercial uses.  
(emphasis added)
4. 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.)

5. 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."

H. 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."

I. The Savanna Property requested to be removed from the unified Preliminary Site Plan is expressly designated as: "Passive Recreational (Open Space)" on the approved Preliminary Site Plan for the Savanna Project.

J. The approved Preliminary Site Plan for the Savanna Project depicts a unified Planned Development Residential Project in accordance with Section 402, Planned Development (PD) Districts, LDC and has been planned as a whole as per Section 402.3, Planned Development, Defined, LDC. (emphasis added)

**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 requested Amended Preliminary Site Plan contained in proposed Zoning Ordinance PDR-14-09(P)(R) is consistent with the Comprehensive Plan and complies with the standards for approval in the applicable provisions of the LDC.
- B. The Applicant has failed to demonstrate that the removal of Passive Recreational (Open Space) at the entrance to the Savanna Project is compatible with the density, lot sizes and the residential character of the surrounding residential uses including the Savanna Project.
- C. 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 October 8, 2020, and before the Board on January 7, 2021.
- D. The Board specifically denies approval of the requested Amended Preliminary Site Plan contained within proposed Zoning Ordinance No. PDR-14-09(P)(R).
- E. Zoning Ordinance No. PDR-04-09(Z)(P) with a Preliminary Site Plan was adopted on September 4, 2014, and included approval for 475 single-family detached residential units. The above referenced Zoning Ordinance and Preliminary Site Plan remains in full force and effect, and the Applicant retains the development rights thereunder subject to compliance with the Comprehensive Plan and LDC.

**Section 3. Companion Development Application.** The Board held a duly noticed public hearing on January 7, 2021, on proposed Zoning Ordinance No. Z-20-06 regarding the companion application filed by Applicant to rezone the Savanna Property from PDR (Planned Development Residential) to the GC (General Commercial) Zone District. The Board took no action on proposed Zoning Ordinance No. Z-20-06 since the Board voted to have written findings prepared for the denial of proposed Zoning Ordinance No. PDR-14-09(P)R, thus making any Board action on proposed Zoning Ordinance No. Z-20-06 moot.

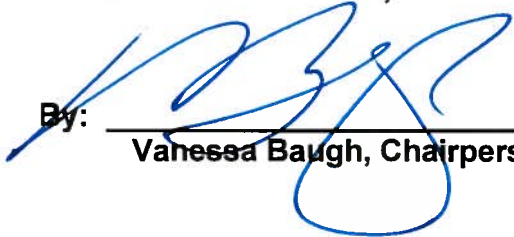
**Section 4. Severability.** It is hereby declared to be the intention of the Board that the phrases, clauses, sentences, paragraphs, and sections in this Resolution be deemed severable, and if any phrase, clause, sentence, paragraph or section hereof is declared unconstitutional or otherwise invalid 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 5. 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 4th day of February, 2021.



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

By:   
Vanessa Baugh, Chairperson

**ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By:   
Deputy Clerk

**Exhibit A**  
**Overall Savanna Project**  
**Legal Description**

DESCRIPTION TRACT 1 (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Section 33, Township 34 South, Range 19 East and Sections 3, 4 and 9, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Begin at the Southeast corner of said Section 4; thence S.90°00'00"W., a distance of 48.52 feet; thence S.00°00'00"E., a distance of 129.92 feet; thence S.90°00'00"W., a distance of 118.06 feet; thence N.42°04'16"W., a distance of 1,066.69 feet; thence N.54°43'26"W., a distance of 323.33 feet; thence N.45°50'22"W., a distance of 311.07 feet; thence N.54°35'07"W., a distance of 208.54 feet; thence N.31°02'53"W., a distance of 315.06 feet; thence N.47°32'47"W., a distance of 455.52 feet; thence N.32°42'15"E., a distance of 100.00 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 78°50'53"; thence northerly along the arc of said curve, an arc length of 137.62 feet to the point of tangency of said curve; thence N.46°08'39"W., a distance of 205.34 feet; thence S.82°21'17"W., a distance of 446.43 feet; thence N.42°39'19"W., a distance of 556.73 feet; thence N.30°03'43"W., a distance of 207.03 feet; thence N.05°48'12"W., a distance of 438.76 feet; thence N.46°24'36"W., a distance of 143.36 feet; thence N.19°17'53"W., a distance of 157.09 feet; thence N.00°42'27"E., a distance of 200.17 feet; thence N.19°52'18"E., a distance of 1,116.84 feet; thence S.32°20'32"E., a distance of 123.89 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 69°35'54"; thence southeasterly along the arc of said curve, an arc length of 121.47 feet to the point of tangency of said curve; thence N.78°03'34"E., a distance of 108.43 feet; thence N.60°30'29"E., a distance of 401.75 feet; thence N.00°42'43"E., a distance of 82.59 feet; thence N.74°43'28"W., a distance of 120.15 feet; thence N.43°32'33"W., a distance of 66.17 feet; thence N.76°50'55"W., a distance of 246.89 feet; thence N.29°37'15"E., a distance of 257.17 feet; thence S.79°30'28"E., a distance of 142.43 feet; thence N.59°38'08"E., a distance of 174.17 feet; thence N.51°43'11"E., a distance of 187.78 feet; thence N.65°28'37"E., a distance of 9.39 feet to the point of curvature of a curve to the left having a radius of 200.00 feet and a central angle of 80°29'15"; thence northerly along the arc of said curve, an arc distance of 280.96 feet to the point of tangency of said curve; thence N.15°00'39"W., a distance of 85.30 feet; thence N.33°18'24"W., a distance of 123.27 feet; thence N.24°39'12"E., a distance of 139.00 feet; thence N.45°59'34"E., a distance of 121.08 feet; thence S.57°55'46"E., a distance of 173.99 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 45°54'44"; thence easterly along the arc of said curve, an arc length of 80.13 feet to the point of tangency of said curve; thence N.76°09'30"E., a distance of 80.48 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 64°48'36"; thence northeasterly along the arc of said curve, an arc length of 113.11 feet to the point of tangency of said curve; thence N.11°20'53"E., a distance of 40.86 feet; thence N.30°41'00"W., a distance of 558.15 feet; thence N.53°51'02"W., a distance of 158.09

feet; thence N.74°00'47"W., a distance of 173.28 feet; thence N.01°48'43"E., a distance of 170.75 feet to a point on the south line of a gas line easement as recorded in Official Records Book 27, Page 220 of the Public Records of Manatee County, Florida; thence N.59°16'03"E. along said south line of a gas line easement, a distance of 416.60 feet; thence N.59°57'07"E., along said south line of a gas line easement, a distance of 92.00 feet to a point on the southerly right-of-way line of State Road 64 (a public right-of-way, 208.00-foot-wide in this location), also being the point of curvature of a non-tangent curve to the right, having a radius of 2,706.79 feet and a central angle of 1°22'03"; (the following 3 calls are along said southerly right-of-way line of State Road 64): (1) thence southeasterly along the arc of said curve, an arc length of 64.61 feet, said curve having a chord bearing and distance of S.30°12'54"E., 64.61 feet, to the point of tangency of said curve; (2) thence S.29°31'52"E., a distance of 704.31 feet to the point of curvature of a curve to the left having a radius of 2,306.59 feet and a central angle of 30°00'43"; (3) thence southeasterly along the arc of said curve, an arc length of 1,208.21 feet to the end of said curve, also being a point on the east line of Section 33; thence S.00°26'52"W. along said east line of Section 33, non-tangent to the last described curve, a distance of 144.61 feet to a point on the north line of Section 4; thence N.89°09'03"W. along said north line of Section 4, a distance of 901.50 feet to the northwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 4; thence S.00°10'07"E. along the west line of said Northeast 1/4 of the Northeast 1/4 of Section 4, a distance of 1,341.59 feet to the southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 4; thence S.89°19'12"E. along the south line of said Northeast 1/4 of the Northeast 1/4 of Section 4, a distance of 1,339.63 feet to the northwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 3; thence S.89°22'06"E. along the north line of said Southwest 1/4 of the Northwest 1/4 of Section 3, a distance of 1,281.77 feet to the maintained right-of-way line of Lorraine Road; thence S.00°01'32"E. along said maintained right-of-way line, a distance of 1,334.91 feet to a point on the south line of said Southwest 1/4 of the Northwest 1/4 of Section 3; thence N.88°56'01"W. along said south line of the Southwest 1/4 of the Northwest 1/4 of Section 3, a distance of 1,274.05 feet to the East 1/4 corner of said Section 4; thence S.00°08'20"E. along said east line of the Southeast 1/4 of Section 4, a distance of 2,653.09 feet to the POINT OF BEGINNING.

Said tract contains 13,163,294 square feet or 302.1876 acres, more or less. Together with:

#### DESCRIPTION TRACT 2 (Prepared by the Signing Surveyor & Mapper)

A tract of land lying in Section 33, Township 34 South, Range 19 East, Manatee County, Florida, being more particularly described as follows:

Commence at the southwest corner of Peoples Gas System Parcel, described in Official Records Book 1576, Page 4158 of the Public Records of Manatee County, Florida, thence S.59°16'03"W., a distance of 215.60 feet to the POINT OF BEGINNING; thence continue S.59°16'03"W, a distance of 344.36 feet; thence N.30°35'45"W., a distance of 426.19 feet to the southerly line of the proposed right-of-way line of White Eagle Boulevard (formerly Pope Road), said point being the point of curvature of a non-tangent curve to the left,



having a radius of 962.52 feet and a central angle of  $10^{\circ}53'13''$ ; thence northeasterly along said southerly line and the arc of said curve, a distance of 182.89 feet, said curve having a chord bearing and distance of  $N.57^{\circ}31'41''E.$ , 182.61 feet, to the end of said curve; thence  $S.32^{\circ}43'08''E.$ , a distance of 228.41 feet; thence  $S.67^{\circ}39'23''E.$ , a distance of 254.51 feet to the POINT OF BEGINNING.

Said tract containing 96,054 square feet or 2.2051 acres, more or less.