

IN RE:

**REQUEST FOR RELIEF PURSUANT TO SECTION 70.51,
FLORIDA STATUTES**

Yort, LLC and 2351 Rye Road, LLC

_____/

I. INTRODUCTION

Yort, LLC and 2351 Rye Road, LLC (collectively, the “Property Owner”) hereby file this Request for Relief pursuant to Section 70.51 *Fla. Stat.*, cited as the “Florida Land Use and Environmental Dispute Resolution Act” (the “Act”). The Property Owner is seeking to have the Special Magistrate review the Manatee County Board of County Commissioners’ (the “Board”) denial¹ of an Application for rezone and preliminary site plan (collectively, the “Project Application”) seeking approval of a 733 residential unit development commonly known as Yort-2351, generally located on the west side of Rye Road in Manatee County, Florida (“Yort Development”).

The basis for the Property Owner’s Request for Relief is that the Board’s action was unreasonable and unfairly burdens the use of the Property Owner’s real property in accordance with Section 70.51(3) *Fla. Stat.*. Specifically, the Board’s action was contrary to Florida law as it was arbitrary and capricious as it: (1) failed to base its decision on substantial competent evidence in the record of the proceedings; and (2) failed to follow the essential requirements of law.

The Board failed to base its decision on competent substantial factual evidence contained in the official record of the proceedings in accordance with Florida law controlling quasi-judicial proceedings, as it disregarded competent substantial evidence provided into the record in support of the Property Owner’s Project Application by the Property Owner’s expert consultants and the professional staff of Manatee County Development Services. Further, Manatee County failed to follow the essential requirements of law in denying the Property Owner’s Project Application.

Accordingly, the Board’s denial of the Property Owner’s Project Application seeking approval of the Yort Development consistent with the Comprehensive Plan constitutes an unreasonable and unlawful action by Manatee County which also results in

¹ The Board hearing for the consideration of the Property Owner’s Project Application was on April 23, 2026. Subsequently, the Board adopted Resolution No. R-26-055 denying Petitioners’ Application on May 21, 2026. Said Resolution was filed with the Manatee County Clerk of Court’s office on May 22, 2026. Petitioners received a hard copy via certified mail on May 26, 2026.

an unfair burden being imposed on the Property Owner. Therefore, the Property Owner seeks a Special Magistrate designated in this proceeding to attempt to facilitate resolution of this matter through a mediated settlement conference. In the event that an acceptable resolution cannot be achieved, the Property Owner will request that the Special Magistrate consider the factual circumstances and evidence surrounding the Board's denial of the Property Owner's request for Project Application approval, and thereafter, render a determination that the Board's denial is unreasonable and results in unfair burdens being imposed on the Property Owner and as such, recommends to the Board approval of the Project Application sought by the Property Owner. In the event this process fails to resolve this matter, the Property Owner reserves the right to pursue relief against Manatee County in the Circuit Court of the Twelfth Judicial Circuit in and for Manatee County, Florida.

II. THE PARTIES

Yort, LLC and 2351 Rye Road, LLC are the owners of certain real property located in the county of Manatee, who sought and were denied an application for rezone and preliminary site plan approval by Manatee County. A legal description of the subject property owned by the Yort, LLC and 2351 Rye Road, LLC is attached hereto as **Exhibit "1"** (the "Property"). The respondent and governmental entities in this matter are the Manatee County Board of County Commissioners along with Manatee County, Florida, a political subdivision of the State of Florida.

III. JURISDICTION

On April 23, 2026, Manatee County Board of County Commissioners indicated their intention of denying the Property Owner's Project Application, with the official denial, pursuant to Resolution R-26-055 (attached hereto as **Exhibit "2"**), being approved by the Board on May 21, 2026. Said Resolution was filed with the Manatee County Clerk of Court's office on May 22, 2026, and Property Owners received a hard copy via certified mail on May 26, 2026. Specifically, the request was to allow the development of 733 single family residential units on a 464.74+/- acre tract of real property. The existing zoning for the subject property is Planned Development Residential (PDR) on 433.42 acres of the property and General Agricultural (A) for 31.32+/- acres of the property; however, the entirety of the Property has a designation of UF-3 on the future land use map (which allows up to 3 dwelling units per gross acre).

Pursuant to Section 70.51(2)(b) *Fla. Stat.*, a "development permit" is defined to include any building permit, zoning permit, subdivision approval, certification, special exception, variance or any other similar action of local government, as well as any other permit authorized to be issued under state law by state, regional, or local government which has the effect of authorizing the development of real property including, but not limited to, programs implementing chapters 125, 161, 163, 166, 187, 258, 372, 373, 378, 380, and 403, *Fla. Stat.* Section 70.51(2)(a), *Fla. Stat.* defines a "development order" to mean any order, or notice of proposed state or regional governmental agency action, which is or will have the effect of granting, denying, or granting with conditions an application

for a development permit, and includes the rezoning of a specific parcel. In addition, Section 70.51(10)(a), *Fla. Stat.* requires that prior to initiating a Special Magistrate proceeding seeking review of a local development order, the owner must exhaust all non-judicial local government administrative appeals.

Accordingly, the Property Owner has the requisite standing to petition for the relief provided for under the Act as the Property Owner's request for Project Application approval qualifies as a "development permit" and Manatee County's denial of its request for approval constitutes a "development order." Further, because the action by Manatee County in denying the request for Project Application approval is considered a final action of Manatee County, non-judicial local government administrative appeals processes are not available for the Property Owner. Therefore, because of the finality and quasi-judicial nature of Manatee County's action, the only remedy that could be sought by the Property Owner is judicial relief through the filing of a petition seeking a writ of certiorari and or declaratory relief from the circuit court.

The Property Owner has further qualified for relief under Section 70.51(3), *Fla. Stat.* of the Act by timely filing its Request For Relief within thirty (30) days of receipt of Manatee County's Order denying the request for Project Application approval, which development order was rendered by Manatee County on May 21, 2026, filed with the Manatee County Clerk of Court's office on May 22, 2026 and received by Property Owner's on May 26, 2026. In accordance with Section 70.51(10)(a), *Fla. Stat.*, the Property Owner's filing of its Request For Relief and initiation of the Special Magistrate proceedings hereunder seeking review of Manatee County's denial of the subject rezoning application effectively tolls the time for seeking judicial review by the Property Owner until such time as the Special Magistrate's recommendation is issued and acted upon by Manatee County.

IV. PROPERTY OWNER'S PROPOSED USE OF THE PROPERTY

The Property is located along Rye Road in unincorporated Manatee County, Florida, and includes Manatee County Parcel ID#s 513100209, 513100109, 513010509, 515810000, 521800003, 512000001, and 524800000. It is primarily vacant and historically utilized for agricultural uses, totaling 464.74+/- acres in size. 433.42+/- acres of the Property is zoned Planned Development Residential ("PDR"), 31.32+/- acres of the Property is zoned General Agriculture ("A"), and the entirety of the Property is designated with the Urban Fringe-3 ("UF-3") future land use designation (which allows up to 3 dwelling units per gross acre) pursuant to the land use plan map contained in the Manatee County Comprehensive Plan. The Property Owner's proposed use of the Property is to create a low-impact, low-density single-family development consisting of 733 housing units which amounts to a maximum density of 1.8 dwelling units per gross acre. The Yort Development is proposed on Property presently served, or to be served, by all necessary public facilities (i.e. sewer, water, transportation, and schools), has direct access to a major thoroughfare, is west of the future development area boundary and therefore within the area of the County to be developed, is consistent with numerous other surrounding planned development projects previously approved by the Board, and has been designated as UF-3

on the future land use map since the adoption of the Comprehensive Plan by Manatee County in 1989 (i.e. development of up to 3 dwelling units per gross acre).

V. SUMMARY OF THE BOARD'S DEVELOPMENT ORDER

In response to the Property Owner's request for Project Application approval, Manatee County issued Resolution R-26-055, which qualifies as a development order pursuant to Sections 70.51(2)(a) and (3), *Fla. Stat.*. Specifically, pursuant to the Resolution, the Board denied the Project Application based on the alleged inconsistency of the project with the Manatee County Comprehensive Plan (the "Comprehensive Plan") and supposed non-compliance with the Manatee County Land Development Code (the "LDC"). Rather than listing any specific facts, the Board instead chose to simply recite several Comprehensive Plan elements and LDC provisions. Notably, as described in great detail in the County staff's report attached hereto as **Exhibit "3"** ("Staff Report"), the County staff refuted all of these alleged inconsistencies in its recommendation to the Board that the PSP Amendment could be found consistent with the County's Comprehensive Plan and LDC.

VI. STATEMENT OF THE IMPACT OF MANATEE COUNTY'S DEVELOPMENT ORDER ON THE ABILITY OF THE PROPERTY OWNER TO ACHIEVE THE PROPOSED USE OF ITS PROPERTY

Manatee County's denial of the Property Owner's request for Project Application approval has resulted in a substantial adverse effect on the Property Owner's ability to utilize its property to develop Yort Development as planned. Because the Board's denial was not based on applicable law, the denial is clearly unreasonable and consequently has also unfairly burdened the Property Owner relative to other similarly situated property owners in Manatee County. In addition, Manatee County's denial has further resulted in substantial adverse effects on the Property Owner as it has frustrated its substantial investment backed expectations and impeded its future ability to attract qualified buyers and investors as a result of the stigma now clouding the property. Manatee County's action also impairs the Property Owner's ability to compete with other similarly situated developments in Manatee County.

VII. APPLICABLE LAW

The law to be applied in determining whether the Board's quasi-judicial action in denying the Property Owner's request for Project Application approval is unreasonable and imposes an unfair burden on the Property Owner is established under Florida caselaw, which provides that a petitioner must be afforded due process, that the essential requirements of law have been met, and that the decision maker's action was based on competent substantial evidence in the record of the proceeding. *City of Deerfield Beach v. Vaillant*, 419 So.2d 624 (Fla. 1982). In determining whether the preceding three required elements were fulfilled, the following laws, regulations and evidence are also considered in determining whether the Board's action was unreasonable or imposed an unfair burden on the Property Owner: (1) the applicable goals, objectives and policies of Manatee County's Comprehensive Plan; (2) the applicable sections of the County's Land Development Code;

and (3) Section 163.3161, et seq., *Fla. Stat.* (the “Community Planning Act”); (4) substantial competent evidence entered into the record of the proceeding, including professional staff reports and testimony; and (5) applicable Florida case law pertaining to quasi-judicial proceedings.

VIII. BURDEN OF PROOF

A decision granting or denying a development order such as the one at issue is governed by local regulations, which must be uniformly administered. *Broward County v. G.B.V. International, Ltd.*, 787 So.2d 838, 842. (Fla. 2001). The allocation of the burden of proof between the Property Owner and Manatee County concerning development plan approval is well settled under Florida law. The development plan approval process is considered quasi-judicial in nature under Florida law. *Park of Commerce Associates v. City of Delray Beach*, 636 So.2d 12 (Fla. 1994). Once the Property Owner met its burden of proving that the request for approval of the Yort Development was consistent with the LDC and the goals, objectives and policies of the Comprehensive Plan, the burden then shifted to Manatee County to show by its own competent substantial evidence in the record that the request not only failed to meet the established criteria, but would also have an adverse effect on the public interest. *Id.* See also *Irvine v. Duval County Planning Commission*, 495 So.2d 167 (Fla. 1986) (holding that once the petitioner met the initial burden of showing that his application met the criteria for granting a zoning exception, the burden was on the planning commission to demonstrate by substantial competent evidence that the request did not meet such standards). Under Florida law, quasi-judicial boards, such as the Manatee County Board of County Commissioners, cannot make decisions based on anything but the local criteria enacted to govern their actions. *Miami-Dade County v. Ominpoint Holdings, Inc.*, 863 So.2d 375 (Fla. 3rd DCA 2003).

As further explained in this Request for Relief and confirmed on the record of the proceedings in this matter, after the Property Owner established that it had met its burden of proof, the burden then shifted to Manatee County and the Board to establish based on competent substantial evidence in the record that the Property Owner failed to meet applicable LDC criteria and that granting approval of the Project Application would have an adverse effect on the public interest. As will become clear to the Special Magistrate, the Board clearly failed to meet its burden and thus, contrary to Florida law, its action was both unreasonable and unfairly burdened the use of the Property Owner’s real property in that the Board’s action departed from the essential requirements of law, and was not based on competent substantial evidence in the record of the proceedings.

IX. BACKGROUND TO THE BOARD’S DENIAL OF THE PROPERTY OWNER’S DEVELOPMENT PERMIT

ZNS Engineering, as agent for the Property Owner, submitted the initial written request for review of a proposed Yort Development and Project Application to Manatee County Development Services (the “County Staff”). In pertinent part, the Project Application seeks approval of a Preliminary Site Plan together with a rezone of 31.32+/- acres of the Property from A to PDR. Following extensive review of the Project

Application, the County Staff prepared the Staff Report which indicated, among other things, that the Project Application was consistent with the Comprehensive Plan and complied with all applicable provisions of the Land Development Code.

The Application was ultimately considered by the Board on April 23, 2026 (the “Board Hearing”). The Board Hearing began with Property Owner’s AICP certified planner, Paige Estigarribia (“Ms. Estigarribia”), providing an overview of the Yort Development and Project Application and testifying that, among other things, the Project Application: (1) is consistent with the current UF-3 Future Land Use designation and does not require any amendment to the Comprehensive Plan; (2) is consistent with existing zoning adjacent to the Property; (3) proposes density less than the maximum permitted under the UF-3 FLUC and LDC; (4) constitutes a contiguous expansion of the built environment consistent with Policy 2.1.2.3 and Policy 2.1.2.4; (5) does not contribute to the degradation of current traffic infrastructure; (6) contains enhanced buffers and setbacks in excess of LDC minimums; (7) preserves all jurisdictional wetlands with buffers exceeding SWFWMD requirements; and (8) is otherwise consistent with all applicable LDC requirements and Comprehensive Plan policies.

Following the presentation and testimony of Ms. Estigarribia, Property Owner’s environmental expert, senior scientist Michele L. Steinbaum (“Ms. Steinbaum”), testified that, among other things, the Yort Development was one of the most environmentally conscientious layouts she has seen in her 35 years of being an environmental consultant. She further testified that the Yort Development: (1) includes 266.31 acres of open space, exceeding the 140.06 acres of LDC required open space, (2) preserves 210.12 acres of native habitat, exceeding the LDC requirement, (3) preserves 100% of the 149.44 acres of wetlands on the Property (4) is designed within the large improved pasture area consisting of historically cleared, nonnative land, full of invasive species, (5) would improve water quality in wetlands through the removal of cattle from the property, and (6) would enhance the onsite wetlands through buffering, buffer enhancements, and the removal of exotic plant species.

Property Owner’s Florida Board of Professional Engineers certified civil engineer, specializing in surface water management, Adam Lyon, P.E. (“Mr. Lyon”), then provided testimony that the Yort Development mitigates floodplain impacts and all negative impacts on stormwater infrastructure in full compliance with the LDC. The engineer confirmed that the commitment to provide 50% reduction in pre-development stormwater outfall flow rates for the entirety of the Yort Development exceeds applicable regulatory requirements, that the Yort Development was designed to NOAA Atlas 14 rainfall standards exceeding County requirements, and that the advanced stormwater modeling demonstrated the Yort Development would actually reduce the floodplain adjacent to Twin Rivers by up to two inches.

Following Mr. Lyon’s testimony, Property Owner’s Florida Board of Professional Engineers certified civil engineer, specializing in transportation and traffic engineering, Steve Henry, P.E. (“Mr. Henry”) presented testimony based on the accepted Traffic Impact Statement (“TIS”) and testified that Rye Road currently operates at Level of Service C,

above its adopted Level of Service D standard. The engineer further testified that targeted intersection improvements at Mulholland Road, Golf Course Road, and County Road 675 could extend the functional life of Rye Road at or above the adopted Level of Service through 2035 to 2040, deferring the need for full four-laning by over a decade. The engineer confirmed that all approved projects' reserve trips were accounted for in the TIS, and that Petitioners' upfront impact fee prepayment commitment, combined with the \$8.4 million freed from the Mulholland CIP, provided approximately \$10.4 million in additional funding toward Rye Road intersection improvements.

The Property Owner's Attorney, Kyle Grimes, Esq. ("Mr. Grimes"), before summarizing the Project Application and previous testimony, provided a detailed analysis of the Alternative Transportation Fee Credit Agreement that accompanied the Project Application. In summary, and pursuant to the Credit Agreement, the Property Owners voluntarily proffered: (i) construction of Mulholland Road from Rye Road to Twin Rivers subdivision in exchange for Alternative Transportation Fee Credit, (ii) dedication of right-of-way needed for the future four-lane build-out of Rye Road; (iii) construction of a stormwater pond required for the Rye Road widening; and (iv) prepayment of up to \$2 million in Alternative Transportation Fees toward capacity-adding improvements to Rye Road. These commitments, combined with the \$8.4 million in existing CIP funds allocated to the Mulholland Road connection that Petitioners agreed to construct, provided up to approximately \$10.4 million in additional funding for Rye Road improvements.

Following the presentations of Property Owner's expert consultants, offering testimony on behalf of County staff were C.J. Mills, Planner, and Denise Greer, P.E.. County staff again presented the Staff Report and reiterated its recommendation that the Project Application was consistent with the Comprehensive Plan and complied with all applicable LDC standards. County staff specifically confirmed that the proposed setbacks were compatible with the LDC and well in excess of minimum requirements, and that the TIS was accepted by County Transportation Planning staff. Staff confirmed that wastewater and water capacity were not barriers at the PSP stage, as those determinations occur at the Final Site Plan stage.

Upon completion of the Property Owner's and County Staff's presentations, several Objectors testified in opposition to the Application. The lay Objectors raised generalized concerns about traffic congestion on Rye Road and State Road 64, potential flooding from stormwater runoff, water supply and drought conditions, EMS response times, and the increase in units from the 231 residential units previously approved for a portion of the Property. However, the record is clear that absolutely no qualified technical or professional consultants testified that the Application should be denied at the April 23, 2026, hearing. The only testimony offered in support of denial was that of the lay Objectors.

After closing public comment and deliberating, the Board voted to deny the Application.² During deliberations, Board members generally acknowledged positive aspects of the Yort Development's design, including its open space, environmental sensitivity, and

² The Board directed the County Attorney's Office and staff to prepare a formal written denial resolution for consideration at the May 21, 2026, Board meeting, in accordance with § 125.022(5), Florida Statutes.

stormwater improvements, but expressed concern about transportation. Commissioner McCann raised concerns about water supply, EMS response times, and traffic, and moved to deny. Chairperson Siddique, in seconding the motion, acknowledged the positive design features but stated he could not support 733 units given the lack of a funded CIP for Rye Road improvements. Commissioner Kruse, while voting to deny, stated he liked the Yort Development and hoped the Board could resolve the Rye Road funding question so the Yort Development could move forward; he expressly acknowledged that the design and approach were what he would like to see on the site. No Board member identified any provision of the Comprehensive Plan or LDC that the Application failed to satisfy, and no Board member cited to any competent evidence or expert testimony in the record to support denial. The denial passed unanimously.

As set forth below, the record before the Board contained no competent substantial evidence—from any qualified expert, technical professional, or the County’s own staff—establishing that the Application failed to satisfy the applicable standards of the Comprehensive Plan or LDC or that approval would be adverse to the public interest. On the contrary, the only competent substantial evidence in the record (i.e. the Staff Report, staff testimony, and Property Owner’s expert presentations) uniformly supported approval.

X. THE DENIAL OF THE PROJECT APPLICATION REQUEST WAS UNREASONABLE AND UNFAIRLY BURDENS THE USE OF THE PROPERTY OWNER’S PROPERTY IN THAT IT FAILED TO BASE ITS DECISION ON COMPETENT SUBSTANTIAL EVIDENCE IN THE RECORD OF THE PROCEEDINGS, FAILED TO PROVIDE DUE PROCESS, AND FAILED TO FOLLOW THE ESSENTIAL REQUIREMENTS OF LAW

A. THE BOARD FAILED TO BASE ITS DECISION ON COMPETENT SUBSTANTIAL EVIDENCE IN THE RECORD

Under Florida law, a decision making body may only base its decision on competent substantial evidence that is established in the record of the proceeding. *Metropolitan Dade County v. Martin Blumenthal*, 675 So.2d 598, 601 (Fla.3d DCA 1995). Competent substantial evidence has been described as such evidence as will establish the substantial basis of fact from which the fact at issue can be reasonably inferred. *Pollard v. Palm Beach County*, 560 So.2d 1358, 1359 (Fla. 4th DCA 1990). Once an applicant meets the initial burden of demonstrating that its application met the criteria for granting such application, the burden then shifts to the governing body to demonstrate by competent substantial evidence presented at the hearing and made part of the record that the application does not meet such standards and is, in fact, adverse to the public interest (i.e. the local government’s ruling must set out specific findings that support its decision to deny an otherwise proper application). *Irvine v. Duval County Planning Commission*, 495 So.2d 167, 167 (Fla. 1986).

In denying the Project Application, the Board fails to identify any specific facts that it relied upon in reaching its decision. However, because no staff members or other experts provided any facts that would have supported the denial of the Project Application, the Board

must have relied solely upon the testimony of the Objectors in reaching its decision. Although citizens are entitled to hold opinions and to express them at public hearings, it does not follow that those opinions constitute competent substantial evidence to support the denial of a Project Application based on technical issues requiring special expertise such as the adequacy of existing public facilities, requirements of the Comprehensive Plan and Land Development Code, or zoning trends. See *Metropolitan Dade County v. Blumenthal*, 675 So.2d 598 (Fla. 3d DCA 1995). In the absence of a showing of a relevant area of expertise, citizens are limited to fact-based testimony. *Id.* at 607; see also *Miami-Dade County v. Walberg*, 739 So.2d 115, 117 (Fla. 3d DCA 1999); *Marion County v. Priest*, 786 So.2d 623, 625 (Fla. 5th DCA 2001). Lay persons are not qualified to testify concerning zoning matters, but are competent to express an opinion as to things such as impact on natural beauty. See *Board of County Commissioners of Pinellas County v. City of Clearwater*, 440 So.2d 497, 499 (Fla. 2d DCA 1983). Citizen testimony and opinion on technical matters do not qualify as competent substantial evidence and relying on said testimony is not a sound basis for denial of a general development plan. *Pollard*, 560 So.2d at 1360. See also, *City of Apopka v. Orange County*, 299 So.2d 657, 660 (Fla. 4th DCA 1974) where the court held that the objections of a large number of residents of the affected neighborhood are not a sound basis for the denial of a permit and that the evidence in opposition to the request for the special exception was in the main layman's opinions unsubstantiated by any competent facts. Further, generalized, conclusory statements, unsupported by a “discernible factually based chain on underlying reasoning” are not entitled to any weight. *City of Hialeah Gardens v. Miami-Dade Charter Foundation, Inc.*, 2003 WL 21697415, 2 (Fla. 3d DCA 2003).

A person is qualified to render expert testimony based on knowledge, skill, experience, training or education. See §90.702 *Fla. Stat.*. Therefore, unlike citizen testimony, Florida law recognizes that the staff reports prepared by professional planning staff *are* considered competent substantial evidence, the nature of which a governing body in a quasi-judicial proceeding may rely on to support its decision. *Hillsborough County Board of County Commissioners v. Longo*, 505 So.2d 470, 471 (Fla. 2d DCA 1987).

The Board failed to base its decision on competent substantial evidence when it relied on the lay, non-expert testimony of certain citizens who were not qualified to opine on technical matters relating to zoning, transportation, or environmental impacts. The Objectors were not qualified to render an opinion concerning adequacy of traffic infrastructure, public facilities, impact on schools, drainage, consistency with the Comprehensive Plan, and compliance with the Land Development Code (i.e. the specific Comprehensive Plan elements and LDC provisions cited in the Board’s formal written denial). Instead, their testimony was admissible only as to those items to which a lay person may properly testify such as impact on natural beauty. However, none of the Comprehensive Plan elements or LDC sections cited by the Board as a “reason” for the denial can be supported by such lay persons. Where local residents have expressed speculative and generalized objections to zoning requests, such as alleged potential traffic impacts, decreased property values, impacts on future rezonings, desires to maintain the status quo, and increased potential for future changes to neighborhoods, Florida courts have consistently held this type of testimony does not rise to the level of evidence needed to sustain a county commission's quasi-judicial decision. See *Jesus Fellowship, Inc. v. Miami-Dade County*, 752 So.2d 708 (Fla. 3d DCA 2000); *ABG Real Estate v. St. Johns County*, 608 So.2d 59 (Fla. 5th DCA 1992); *Pollard v. Palm Beach County*, 560 So.2d 1358 (Fla. 4th DCA 1990); *City of*

Apopka v. Orange County, 299 So.2d 657 (Fla. 4th DCA 1974). Therefore, the Board's reliance on the cumulative, non-factual testimony of the Objectors was an incorrect application of the law and turned the hearings on the matter into nothing more than a popularity contest.

The Board, in denying the Property Owner's Project Application, failed to adhere to the minimum requirements imposed on a governing body acting in a quasi-judicial capacity, which requires the Board to base its decision on substantial competent evidence as set forth in the record of the proceedings. To the contrary, at the April 23, 2026 public hearing, the only competent substantial evidence that was entered into the record was from the County's professional planning staff reports, testimony of the professional planning staff, and the Property Owner's sworn experts. Other than the aforementioned, the only evidence submitted into the record were the non-factual opinions of lay witnesses that do not qualify as substantial competent evidence that the Board may legally rely upon in reaching a decision on the Property Owner's Project Application.

The Property Owner demonstrated by competent substantial evidence to the Board as established in the record of the proceeding that it fulfilled all requirements applicable to the Project Application approval process. This compliance with all applicable standards and criteria of Manatee County was further confirmed by the County's professional planning staff and the Property Owner's sworn experts. Therefore, at such time as the Property Owner established that its burden had been met, it was incumbent upon the Board to demonstrate, by competent substantial evidence in the record of the proceeding, that the granting of the Project Application approval did not meet County standards and that approval of the Project Application would in fact be adverse to the public interest. However, the Board failed to meet its burden.

Specifically, the record before the Board contained no competent evidence, from any qualified expert, technical professional, or the County's own planning staff, establishing that the Application failed to satisfy the applicable standards of the Comprehensive Plan or Land Development Code, that the proposed development would create adverse impacts beyond those identified and addressed by Petitioners' experts, or that approval would be adverse to the public interest. To the contrary, the County's own professional planning staff recommended approval of the Application with stipulations, confirming that the Yort Development and Project Application were consistent with the Comprehensive Plan and in compliance with all applicable LDC standards. The Board's decision to deny was unreasonable and unfairly burdens the Property in that it: (1) disregarded the affirmative recommendation of the County's professional planning staff, who concluded after a comprehensive analysis that the Application satisfied every applicable provision of the Comprehensive Plan and Land Development Code, and who further confirmed that certain stipulations would address any alleged inconsistency; (2) improperly relied upon the cumulative, speculative, and non-expert lay testimony of citizen objectors as the sole basis for denial on technical matters (including transportation infrastructure, stormwater management, and Comprehensive Plan consistency) that are beyond the competence of lay witnesses and which, as a matter of law, cannot constitute a legally sufficient basis for denial; and (3) failed to cite any competent evidence in the record supporting denial, notwithstanding that every piece of competent substantial evidence before the Board, including the County's own Staff Report and the testimony of the County's professional planning staff, uniformly supported approval.

B. THE BOARD FAILED TO FOLLOW THE ESSENTIAL REQUIREMENTS OF LAW

The Board's denial of the Project Application constituted a departure from the essential requirements of law in that it applied an incorrect evidentiary standard. Where a property owner meets its initial burden of demonstrating that an application satisfies all applicable criteria, the burden shifts to the governing body to demonstrate, by competent substantial evidence in the record, that the application does not meet applicable standards and that approval would be adverse to the public interest. The Board failed to apply this standard when it denied the Project Application, seemingly, based solely upon the generalized lay testimony of citizen objectors on technical matters beyond their competence, rather than on competent substantial evidence in the record. The application of an incorrect evidentiary standard is itself a departure from the essential requirements of law, independent of whether the underlying decision was also unsupported by competent substantial evidence.

XI. RESERVATION OF RIGHTS

The Property Owner reserves its right to supplement this Request for Relief and to provide any and all information that may be relevant to the Special Magistrate's ultimate determination in this matter.

XII. REQUEST FOR RELIEF

Based on the foregoing, Property Owner requests a hearing before a Special Magistrate to facilitate resolution of this matter through a mediated settlement conference. In the event that an acceptable resolution cannot be achieved, the Property Owner will request that the Special Magistrate determines the unreasonableness of the Board's denial of the Property Owner's Application for rezone, preliminary site plan, and the resultant unfair burdens imposed on the Property Owner's ability to utilize its property for its intended use in accordance with applicable laws, including the Manatee County Land Development Code and the Manatee County Comprehensive Plan, and thereafter, recommend to the Board that it grant approval of the Project Application and/or recommend other alternatives to the Board deemed just and equitable under the circumstances.

[CERTIFICATE OF SERVICE AND SIGNATURE FOLLOW ON NEXT PAGE]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of foregoing has been furnished via Hand Delivery to Pamela D'Agostino, Esquire, 1112 Manatee Avenue West, Suite 969, Bradenton, Florida 34205; and The Honorable Tal Sadique, Chairman of the Board of County Commissioners, Manatee County, 1112 Manatee Avenue West, 9th Floor, Bradenton, Florida 34205, this 22nd day of June, 2026.

GRIMES GALVANO, P.L.



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Attorney for Yort, LLC and 2351 Rye Road, LLC

LEGAL DESCRIPTION -2531 RYE ROAD

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 11 TOWNSHIP 34 SOUTH, RANGE 19 EAST, THENCE ALONG THE NORTH BOUNDARY LINE OF THE SOUTHEAST 1/4 OF SAID SECTION S 89°07'04" E, A DISTANCE OF 1310.99 FEET; TO THE POINT OF BEGINNING; THENCE S 89°17'45" E, A DISTANCE OF 984.69 FEET TO A POINT ON THE WESTERLY MAINTAINED RIGHT OF WAY OF NORTH RYE ROAD; THENCE S 03°25'33" E ALONG SAID MAINTAINED RIGHT OF WAY A DISTANCE OF 1323.31 FEET TO THE SOUTH BOUNDARY LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11; THENCE N 89°19'48" W, A DISTANCE OF 1082.11 FEET TO THE WEST BOUNDARY LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11; THENCE N 00°47'46" E ALONG SAID WEST BOUNDARY, A DISTANCE OF 1320.52 FEET; TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION-YORT, LLC

A PARCEL OF LAND LYING IN SECTION 10, 11, 13, 14 & 15, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 11 TOWNSHIP 34 SOUTH, RANGE 19 EAST, THENCE ALONG THE WEST BOUNDARY LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, S 00°17'19" W, A DISTANCE OF 1335.98 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE S 00°55'14" W, A DISTANCE OF 84.00 FEET; TO THE POINT OF BEGINNING; THENCE S 89°47'48" E, A DISTANCE OF 1299.94 FEET; THENCE S 89°19'48" E, A DISTANCE OF 1084.41 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF NORTH RYE ROAD, THENCE ALONG SAID WESTERLY MAINTAINED RIGHT OF WAY THE FOLLOWING FOUR (4) COURSES; 1) S 03°20'57" E, A DISTANCE OF 970.55 FEET; 2) S 06°17'25" E, A DISTANCE OF 66.08 FEET; 3) S 13°02'29" E, A DISTANCE OF 880.45 FEET; 4) S 23°49'39" W, A DISTANCE OF 15.99 FEET; THENCE N 89°48'37" W, A DISTANCE OF 2672.39 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 14 ; THENCE S 00°22'50" W ALONG SAID EAST LINE A DISTANCE OF 1687 FEET MORE OR LESS TO THE NORTH ORDINARY HIGH WATER LINE OF MANATEE RIVER; THENCE MEANDER ALONG THE SAID NORTH ORDINARY HIGH WATER LINE FOR A DISTANCE OF 4697 FEET MORE OR LESS TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 15; THENCE N 01°09'15" E, A DISTANCE OF 2624 FEET MORE OR LESS TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 10; THENCE N 00°30'55" W, A DISTANCE OF 1322.37 FEET TO THE NORTH LINE OF THE

SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE S 89°41'07" E, A DISTANCE OF 1340.48 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11; THENCE S 89°20'17" E ALONG THE NORTH LINE OF SAID SOUTH 1/2 A DISTANCE OF 2470.26 FEET; THENCE S 00°37'00" W, A DISTANCE OF 84.00 FEET; THENCE S 89°20'13" E, A DISTANCE OF 133.53 FEET; TO THE POINT OF BEGINNING.

RESOLUTION NO. R-26-055

NOTICE OF DENIAL

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; PROVIDING NOTICE OF DENIAL OF APPLICATION NO. PDR-23-48(Z)(P) REQUESTING THE REZONING OF APPROXIMATELY 31.32 ± ACRES GENERALLY LOCATED ON THE WEST SIDE OF RYE ROAD AND NORTH OF THE FUTURE EXTENSION OF MULHOLLAND ROAD, A/K/A 2351 AND 2357 NORTH RYE ROAD IN PARRISH (MANATEE COUNTY) FROM A (GENERAL AGRICULTURE) TO PDR PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT AND APPROVAL OF A PRELIMINARY SITE PLAN FOR A MAXIMUM OF 733 SINGLE FAMILY DWELLING UNITS PROPOSED ON 464.74± ACRES (INCLUDING THE 31.42± ACRES OF PROPERTY PROPOSED TO BE REZONED AND 433.42 ACRES OF PROPERTY IMMEDIATELY ADJACENT TO THE SOUTH, ALREADY ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL), SAID PROPERTY BEING PARTIALLY LOCATED WITHIN THE CEA/CHH/CPA OVERLAYS (COASTAL EVACUATION AREA, COASTAL HIGH HAZARD, AND COASTAL PLANNING AREA OVERLAYS) COMMONLY KNOWN AS 1921,1381 AND 1621 NORTH RYE ROAD IN PARRISH (MANATEE COUNTY) , PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 2351 Rye Road LLC (Owner of 31.31± acres of property requested to be rezoned) and Yort, LLC (Owner of 433.42± acres of property already zoned PDR (Planned Development Residential) (collectively the “Applicants”) filed Application No. PDR-23-48(Z)(P) to rezone approximately 31.32± acres described in **Exhibit “A”**, attached hereto, from A (General Agriculture) to PDR (Planned Development Residential) Zoning District, and to request approval a Preliminary Site Plan for a maximum of 720 single-family dwelling units (sometimes referred herein collectively as the “Application”); and,

WHEREAS, the Manatee County Planning Commission (the “Planning Commission”), held a duly noticed public hearing on January 15, 2026 on the Application, as the County’s Local Planning Agency pursuant to § 163.3174, Florida Statutes and Land Development Code (“LDC”) § 301.1.A; and,

WHEREAS, the Board of County Commissioners of Manatee County, Florida (the “Board”) held a duly noticed public hearing on the Application on February 12, 2026, March 5, 2026, as continued to April 23, 2026, and directed Staff and the County Attorney to prepare a formal written notice of the Application’s denial for the May 21, 2026 Board meeting, in accordance with § 125.022(5), Florida Statutes.

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

Section 1. Findings.

- A. The recitals set forth above are hereby incorporated into this Resolution.
- B. The Board is authorized and empowered to consider, approve, and/or deny the Application to rezone and the proposed Preliminary Site Plan pursuant to the County's Land Development Code ("LDC") §§ 200, 300, 322, 342 and 402.6, 402.7, and 531.47.
- C. The applicant[s] shall bear the burden of demonstrating by competent and substantial evidence that the application satisfies the standards and requirements of the LDC and the Comprehensive Plan. LDC § 312.8B.
- D. "In deciding whether to recommend approval, approval with modification or denial of a proposed PSP the approving authority [the Board] shall consider whether the proposed plan is consistent with the Comprehensive Plan and the LDC." See LDC § 322.2.
- E. For rezonings, the Board may deny the rezoning request if it determines "that the proposed [zoning atlas] amendment is not consistent with the Comprehensive Plan or does not promote the public health, safety or welfare...". LDC § 342.2.F.
- F. Section 163.3194(3)(a) of the Community Planning Act provides that "[a] land development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, and land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government." Fla. Stat. § 163.3194(3)(a).
- G. Section 163.3194(3)(b), of the Community Planning Act provides that "[a] development approved or undertaken by a local government shall be consistent with the comprehensive plan, if the land uses, densities or intensities, capacity or size, timing and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government." Fla. Stat. § 163.3194(3)(b).
- H. In its review of the Application, the Board considered the underlying record which consists of public hearing testimony and evidence, and the documents, records, information, etc. identified in Section 6 of the Procedures for the

Manatee County Board of County Commissioners' Meetings (collectively referred to herein as the "Record"). See Resolution No. R-25-013.

- I. The "Project", "Project Area", or the "Property" shall mean the parcel or tract of land (as described in Exhibit "A") requested to be rezoned to the PDR (Planned Development Residential) Zoning District (31.32± acres) and the total 464.74± acres for which a preliminary site plan ("PSP") approval was requested for a Project proposing a maximum of 733 single-family dwelling units. See **Exhibit B**, Site Location Map.
- J. The Property requested to be rezoned to PDR (Planned Development Residential) (31.32 ± acres) ("the Rezone Parcel") is currently in the A (General Agriculture) Zoning District.
- K. The Property (464.74± acres) is in the Urban Fringe-3 (UF-3) Future Land Use Classification).
- L. The maximum allowed density for the UF-3 FLUC is less than 3.00 DU/GA (dwelling units per gross acres). The Project proposed a density of 733 single-family dwelling units equivalent to 1.8 DU/GA; in the UF-3 FLUC. See Staff Report, page 4.
- M. The maximum height of the Project's buildings is two (2) stories (35 feet). The maximum height allowed is two (2) stories (35 feet). See Staff Report, page 7.
- N. There are 149.44 acres of wetlands within the Project comprising 32% of the Property and no wetland impacts were proposed on the PSP. See Staff Report, pages 6, 9, 10, and 16,. The wetland acreage (32% of Property) is greater than 20% of the total acreage, the maximum density allowed on the Property when accounting for wetland transfer calculations is 1,224 dwelling units (2.63 DU/GA). See Staff Report, page 18.
- O. There are 177.60 acres of existing Native Upland Habitat in the Project. 41.78 acres of Native Upland Habitat are required to be preserved. See Staff Report, pages 10, and 11.
- P. There are approximately 14 potentially occupied gopher tortoise burrows on the Project Site potentially impacted. See Staff Report, page 11. See Revised Ecological Narrative by Steinbaum and Associates, Inc. (July 21, 2025) Staff Report, page 23.
- Q. The properties to the north comprise a residential subdivision; to the south is Camp Flying Eagle (Boy Scout Camp), and residential subdivision, to the east is mixed use development (not built) and to the west, residential subdivision. See Staff Report, pages 5, and 14.

- R. The Project Area is located within a flood prone area (i.e. rainfall, riverine, storm surge) and in the Gamble Creek, Goodard Creek and Manatee River Watershed. See Staff Report, pages 7, and 10. The Project is located in the FEMA 2014 FIRM 100-year floodplain and floodway. The Project is also located in the Gamble Creek 100-year floodplain and within the Gamble Creek Watershed Study. See Staff Report, pages 7, and 16.
- S. The Project is within the Coastal Planning Area, Coastal Overlay District (238.71± acres). The southern portion of the Project is within the CPA (Coastal Planning Area), CEA (Coastal Evacuation Area) and the CHHA (Coastal High Hazard Area) Overlay Districts. The portion of the CHHA that runs along the southern boundary is within the wetland area. See Staff Report, pages 10, 11, and 16.
- T. The Project site is located on the west side of North Rye Road, north and south of the future extension of Mulholland Road, approximately 1 mile north of Upper Mantee River Road. The Rezone Parcel (31.32± acre northern portion of the Project) is adjacent to the future extension of Mulholland Road. See Staff Report, page 4.
- U. The Traffic Impact Statement prepared by Lincks & Associates, (rev. June, 2025), (the "Traffic Impact Statement" or "TIS") states the Project proposes two (2) accesses to Rye Road and the extension of 20th Street SE. See *TIS*, page 1.
- V. The Traffic Impact Statement states the Project is anticipated to generate 617 PM Peak Hour trip ends. The TIS concludes the PM peak hour volumes generated by the Project plus reserved trips exceed the capacity of Rye Road and Golf Course Road. See TIS, page 19. The widening of Rye Road from Golf Course Road to SR 64 from 2-lanes to 4-lanes is required to meet the LOS (Level-of-Service) Standard. See Staff Report, page 17, and TIS, page 19. The widening of Golf course Road from Fort Hamer Road to Jim Davis Road is required to be four (4) lanes. The widening of Golf Course Road from Jim Davis Road to Rye Road requires four (4) lanes under a generalized capacity analysis. See TIS page 19 and Staff Report, page 23.
- W. The following two (2) ordinances applied to the southern portion of the Project (433.42± acres):
- (i) Ordinance No. PDR-01-09(Z)(P) adopted by the Board on January 29, 2022 approved a privately initiated rezone application for the southern portion of the Property (433.42± acres) the A (General Agriculture) to the PDR (Planned Development Residential) Zone District with a preliminary site plan ("Initial Preliminary Site Plan") to allow a 231 lot single-family subdivision. The Initial Preliminary Site Plan was never developed. See **Exhibit C**. See Staff Report, page 5. and

- (ii) Ordinance No. PDR-05-05(P) was adopted by the Board on March 29, 2005 to approve a new preliminary site plan ("Second Preliminary Site Plan") to allow a 231 lot single-family residential subdivision, which was also not implemented (i.e. not built and the Second Preliminary Site Plan expired). See **Exhibit D**. See Staff Report, page 5.
- X. The Application requested approval a total of 733 single family dwelling units for the Project, a three-fold increase in density over the total 231 single family units requested in the expired Initial Preliminary Site Plan and expired Second Preliminary Site Plan. See Section W. above. Residents near the Property provided testimony related to density , flooding and traffic safety and circulation issues at or near the Property and the Project's compatibility. See Staff Report for the April 23, 2026 Board Land Use Meeting and testimony from the January 15, 2026 Planning Commission public hearing and April 23, 2026 BOCC public hearing.
- Y. The following provisions, in addition to those referenced above, are relevant to the analysis of the Project's consistency with the Comprehensive Plan and compliance with the LDC:
 - 1. Comprehensive Plan, Policy 2.2.1.11, UF-3: Establish the Urban Fringe-3 Future Land Use Category.
 - 2. Comprehensive Plan Policy 2.1.2.3, Future Land Use Element: "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."
 - 3. Comprehensive Plan Policy 2.1.1.4, Future Land Use Element: "Promote development in currently undeveloped areas which have the greatest level of public facility availability and investment."
 - 4. Comprehensive Plan Policy 2.1.2.4, Future Land Use Element: "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."
 - 5. Comprehensive Plan Objective 2.9.1—Strong Communities, Future Land Use Element.

6. Comprehensive Plan Policy 2.1.2.7, Future Land Use Element: "Review all proposed development for compatibility and appropriate timing of development. . .".
7. Comprehensive Plan Objective 2.6.1—Compatibility through Screening, Buffering, Setback, and Other Mitigative Measures, Future Land Use Element.
8. Comprehensive Plan Objective 2.6.2—Residential Compatibility/Transition, Future Land Use Element.
9. Comprehensive Plan Policy 2.2.1.6, Future Land Use Element: "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."
10. Comprehensive Plan Objective 2.3.3—Floodplain Management, Future Land Use Element.
11. 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."
12. LDC § 342.4.A - Review Criteria for All Zoning Map Amendments.
13. LDC § 402.6 - General Design Requirement for all Planned Development Site Plans.
14. LDC § 402.7.D. - PDR Standards.
15. LDC § 531.47. - Residential uses
16. LDC § 706.9.- Development Transfer Allowed for Wetlands and their Wetland Buffers.
17. LDC § 400.8. - Future Land Use Categories and Zoning District, Table 4-1, provides the implementing zoning district for the UF-3 FLUC:

The following table correlates individual zoning district with future land use category. Not all the zoning districts shown under a future land use category, however, are presumed to be appropriate for a site with that particular future land use designation. The factors listed in LDC § 342.3. (Rezone Criteria) need to be met in order to approve the zoning map amendment request.

Planned Development (PD) Districts are allowed within all Comprehensive Plan Future Land Use map categories, provided the rezoning request meets the requirements of LDC § 342.4. and is consistent with the Comprehensive Plan and corresponding Future Land Use designation. See **Exhibit D**, Table 4-12: Schedule of Uses for PD Districts.

UF-3 (Urban Fringe-3) FLUC: CON, A-1, RSF-1, RSF-2, RSF-3, RVP, RDD-3., MP-1, NC-S, NC-M, PR-S, PR-M, GC, RES-1 (Residential): CON, A, A-1, RSF-1, RVP, MP-1, NC-S, NC-M, PR-S, PR-M, and GC, subject to compliance with the Comprehensive Plan and LDC.

Section 2. Conclusions. Based upon the above findings, the Record, the Comprehensive Plan, and the LDC, the Board hereby makes the following conclusions:

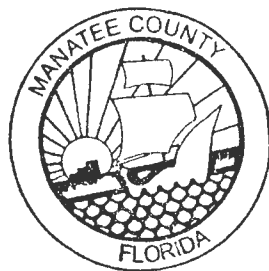
- A. The Applicants failed to meet their burden of proving and demonstrating that the proposed rezone and the Project described in the Preliminary Site Plan, as contained in the Application are consistent with the Comprehensive Plan, and comply with the standards for approval in the applicable provisions of the LDC.
- B. The Applicants failed to demonstrate changed circumstances supporting a finding of compatibility for a three-fold increase in density over the expired preliminary site plans described in Section 1.W. herein The Applicants failed to demonstrate how the Project would promote safe traffic circulation patterns and not create any external impacts that would adversely affect surrounding development, uses, and zoning.
- C. The Applicants failed to include residential support uses, as defined in the LDC, to serve the proposed residential uses, as depicted in the Preliminary Site Plan to enhance trip capture rates and serve the surrounding area.
- D. Due to the above findings, the Record, the Comprehensive Plan and LDC, the Board finds that maintaining the existing A (General Agriculture) Zoning District for the 31.32±acres and PDR (Planned Development Residential) Zoning District (for the 433.42± acres) accomplishes a legitimate public purpose, and promotes the health, safety, and welfare of the public.

- E. The Board specifically denies the Application—specifically, Applicants' proposed rezone request and the Project described in the Preliminary Site Plan applicable to the Property described in the legal description in **Exhibit A**.
- F. The existing A (General Agriculture) Zoning District of the 31.32± acres remains in full force and effect, and the Applicant may opt to request a change in use consistent with those listed under the A Zoning District, as detailed in LDC § 401.2: Uses in Agriculture and Residential District, LDC (See **Exhibit E**) subject to compliance with the Comprehensive Plan and LDC.
- G. The existing PDR (Planned Development Residential) Zoning District 433.42± acres remains in full force and effect, and the Applicant may opt to submit a general development plan, preliminary site plan or final site plan, as applicable, for a change in use consistent with those listed under the PDR Zoning District as detailed in Table 4-12: Schedule of Uses for PD Districts. (**Exhibit F**).

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 21st day of May, 2026.



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

By: _____

J.M.

Chairperson

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

By: _____

Angelina Colonnese

Deputy Clerk

EXHIBIT A

LEGAL DESCRIPTION – 2531 RYE ROAD

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 11 TOWNSHIP 34 SOUTH, RANGE 19 EAST, THENCE ALONG THE NORTH BOUNDARY LINE OF THE SOUTHEAST 1/4 OF SAID SECTION S 89°07'04" E, A DISTANCE OF 1310.99 FEET; TO THE **POINT OF BEGINNING**; THENCE S 89°17'45" E, A DISTANCE OF 984.69 FEET TO A POINT ON THE WESTERLY MAINTAINED RIGHT OF WAY OF NORTH RYE ROAD; THENCE S 03°25'33" E ALONG SAID MAINTAINED RIGHT OF WAY A DISTANCE OF 1323.31 FEET TO THE SOUTH BOUNDARY LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11; THENCE N 89°19'48" W, A DISTANCE OF 1082.11 FEET TO THE WEST BOUNDARY LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11; THENCE N 00°47'46" E ALONG SAID WEST BOUNDARY, A DISTANCE OF 1320.52 FEET; TO THE **POINT OF BEGINNING**.

LEGAL DESCRIPTION – YORT, LLC

A PARCEL OF LAND LYING IN SECTION 10, 11, 13, 14 & 15, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 11 TOWNSHIP 34 SOUTH, RANGE 19 EAST, THENCE ALONG THE WEST BOUNDARY LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, S 00°17'19" W, A DISTANCE OF 1335.98 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE S 00°55'14" W, A DISTANCE OF 84.00 FEET; TO THE **POINT OF BEGINNING**; THENCE S 89°47'48" E, A DISTANCE OF 1299.94 FEET; THENCE S 89°19'48" E, A DISTANCE OF 1084.41 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF NORTH RYE ROAD, THENCE ALONG SAID WESTERLY MAINTAINED RIGHT OF WAY THE FOLLOWING FOUR (4) COURSES; 1) S 03°20'57" E, A DISTANCE OF 970.55 FEET; 2) S 06°17'25" E, A DISTANCE OF 66.08 FEET; 3) S 13°02'29" E, A DISTANCE OF 880.45 FEET; 4) S 23°49'39" W, A DISTANCE OF 15.99 FEET; THENCE N 89°48'37" W, A DISTANCE OF 2672.39 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 14 ; THENCE S 00°22'50" W ALONG SAID EAST LINE A DISTANCE OF 1687 FEET MORE OR LESS TO THE NORTH ORDINARY HIGH WATER LINE OF MANATEE RIVER; THENCE MEANDER ALONG THE SAID NORTH ORDINARY HIGH WATER LINE FOR A DISTANCE OF 4697 FEET MORE OR LESS TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 15; THENCE N 01°09'15" E, A DISTANCE OF 2624 FEET MORE OR LESS TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 10; THENCE N 00°30'55" W, A DISTANCE OF 1322.37 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION

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EXHIBIT B

Site Location Map

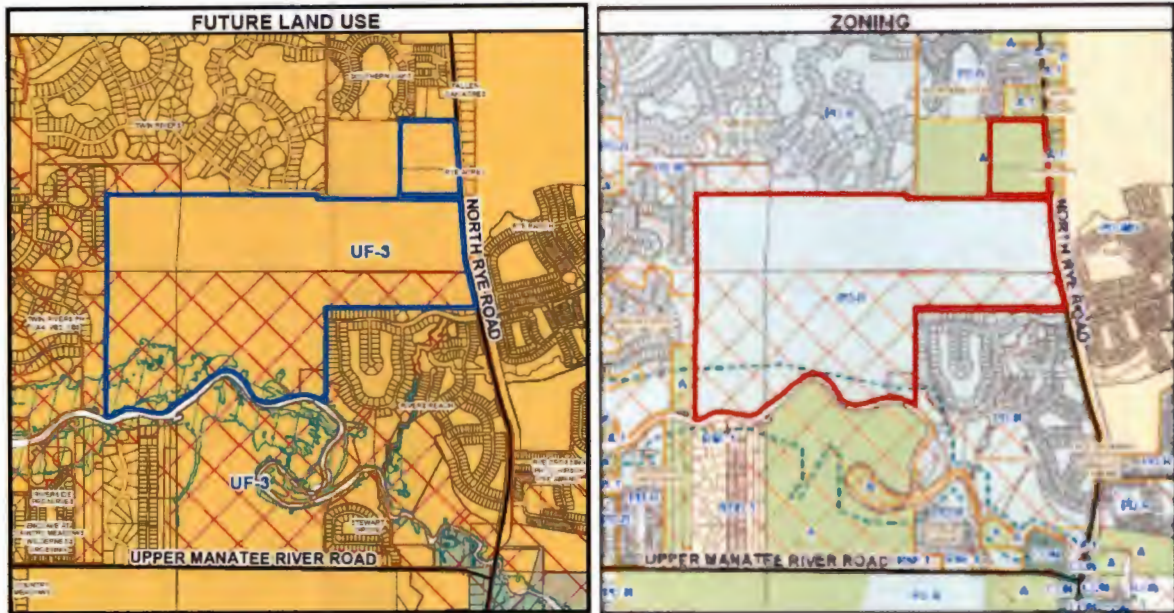


EXHIBIT C

MANATEE COUNTY ZONING ORDINANCE PDR-01-09(Z)(P) - RUTLAND RANCH/RIVER CHASE

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER FIVE ACRES) AND A/CH (GENERAL AGRICULTURE, 1 DWELLING UNIT PER FIVE ACRES/COASTAL HIGH HAZARD OVERLAY) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL) RETAINING THE CH (COASTAL HIGH HAZARD) OVERLAY; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 231 LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION AND GRANTING SPECIAL APPROVAL FOR A PROJECT: 1) ADJACENT TO A PERENNIAL STREAM; 2) LOCATED WITHIN THE COASTAL EVACUATION AREA OVERLAY DISTRICT; 3) LOCATED WITHIN THE COASTAL PLANNING AREA; 4) LOCATED PARTIALLY WITHIN THE COASTAL HIGH HAZARD AREA; 5) LOCATED PARTIALLY IN THE COASTAL STORM VULNERABILITY AREA, AND 6) LOCATED PARTIALLY IN THE 25-YEAR FLOODPLAIN.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of said County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from A (General Agriculture, 1 dwelling unit per five acres) and A/CH (General Agriculture, 1 dwelling unit per five acres/Coastal High Hazard Overlay) to PDR (Planned Development Residential) retaining the CH (Coastal High Hazard) Overlay.

B. The Board of County Commissioners held a public hearing on January 29, 2002 regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow a 231 lot single-family residential subdivision, and GRANTING Special Approval for a project: 1) adjacent to a perennial stream; 2) located within the Coastal Evacuation Area Overlay District; 3) located within the Coastal Planning Area; 4) located partially within the Coastal High Hazard Area; 5)

located partially in the Coastal Storm Vulnerability Area, and 6) located partially in the 25-year floodplain subject to the following stipulations and specific approvals:

STIPULATIONS

A. FLOODPLAIN MANAGEMENT AND DRAINAGE CONDITIONS:

- A.1 No lots shall be platted through the pre-development 25-year floodplain or the regulatory floodway. The area south of the 25-year floodplain, along with what the Preliminary Site Plan identifies as Ranch Lots 42 thru 51, shall be dedicated to the County as a conservation easement. This area may be used for passive recreation. A conservation easement in a form acceptable to the County Attorney's Office, shall be submitted for review and approval prior to Final Plat approval. The Final Site Plan shall reflect the relocation of proposed lots in the pre-development 25-year floodplain to an area outside of the pre-development 25-year floodplain. These revisions may include the shifting of lots to maintain the approved total number of lots and any necessary changes to roadways, which do not affect the external access points. Said revisions may be made administratively and will not require an amendment to the Preliminary Site Plan. No floodplain compensation areas shall be located within the FEMA floodway.
- A.2 The project shall not increase the FEMA 100-year floodplain, or base flood elevations; and shall meet all FEMA requirements and guidelines, where applicable. Additionally, there shall be a "No Rise Certification" on the regulatory floodway.
- A.3 Any roadway construction within the 100-year floodplain be elevated above the 100 year contour elevation.
- A.4 Any fill within the 25-year or 100-year floodplains of the Manatee River shall be compensated by creation of an equal or greater storage volume above the seasonal high water table.
- A.5 All wastewater lift stations, service cleanouts, and manhole rims shall be set 12 inches above the 25-year floodplain or 4 inches above the 100-year flood elevation, whichever is higher. However, the Project Management Department may approve service cleanouts and manhole rims installed no lower than 4" above the 25 year flood elevation. Design drawings must demonstrate tamper proof water tight manholes and cleanouts. Lift stations hatches shall be at least 4" above the 100-year elevation or 12" above the 25-year flood elevation, whichever is higher.
- A.6 This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into the Gamble Creek. Modeling shall be used to determine pre- and post- development flows.
- A.7 Drainage at the Rye Road (Goddard Branch) crossing and additional right-of-way or drainage easements for the road side ditches will be addressed at construction plan review.
- A.8 Final engineering drainage design shall be approved with the Final Site Plan.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

- A.9 A conservation easement, in a form acceptable to the County Attorney's Office, shall be provided to the County prior to Final Plat approvals for any floodplain compensation areas on non-common property. The easement shall prohibit the alteration of these floodplain compensation areas.
- B. INFRASTRUCTURE CONDITIONS:
- B.1 The applicant shall be responsible for bringing County water and sewer to the site. This approval is contingent upon the site being served by public utilities.
- B.2 The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
- B.3 The applicant shall install dry lines for hook-up to future reuse lines and shall be provided for the entire subdivision, for both common area irrigation and single lot irrigation. At such time that reclaimed lines become available, use of stormwater or groundwater for irrigation shall be converted to reclaimed lines.
- B.4 The Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow per Section 9.6.14 of the Comprehensive Plan prior to Final Site Plan approval.
- C. ENVIRONMENTAL CONDITIONS:
- C.1 The section of the trail located north of Ranch Lot 51 shall be relocated outside of the wetland. EMD will approve the final location with the Final Site Plan.
- C.2 An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides and herbicides shall be submitted to the EMD for review and approval prior to Final Site Plan approval. Where practicable, native, xeriscape landscape materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowner's to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
- C.3 Prior to Final Plat approval, the applicant shall remove all nuisance exotic plant species from upland portions of the project site, as required pursuant to Comprehensive Plan Policy 4.1.2.3.
- C.4 The applicant shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area." The type and location of such signs will be approved by the EMD prior to Final Site Plan approval.
- C.5 A minimum fifteen foot building setback shall be provided between the upland edge of the wetland buffer and any adjacent structures in accordance with Section 702.6.10 of the LDC, unless otherwise approved by EMD.
- C.6 Prior to development related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and/or branches is

THIS IS A CONTROLLED DOCUMENT

required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans/Construction Plans are approved.

- C.7 Any significant historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.
- C.8 The applicant shall preserve a minimum of 7% of each native upland habitat found on-site. This shall be reviewed and approved by the EMD prior to Final Site Plan approval.
- C.9 The following lots, as identified on the Preliminary Site Plan, shall be redesigned so as not to be platted thru wetlands or wetland buffers:
- Ranch Lots 19 thru 22, 31 and 32, and the rear of Ranch Lots 29 and 30,
 - Estate Lot 14 and 32
 - Executive Lots 13 thru 20, 25 thru 31
- C.10 No docks shall be permitted within this development.
- C.11 Prior to Final Site Plan approval, the applicant shall submit a Well Management Plan. The applicant should contact the EMD Water Well Permitting Program for additional information required in the plan.
- C.12 An application for Fugitive Particulate abatement must be submitted to the Environmental Management Department at the time of Final Site Plan submittal and approved with the Final Site Plan.
- D. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:
- D.1 Prior to Final Site Plan Approval, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety. The plan shall ensure delivery of the Manatee County "All-Hazard Guide" and Red Cross brochure "Your Family Disaster Plan" to each homeowner, and assure of receipt or posting of an evacuation zone map. The Homeowner's Association shall ensure that all subsequent purchasers receive copies of these documents.
- D.2 The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee or special assessment for emergency shelter facilities shall be required if such a fee is adopted by the Board of County Commissioners prior to Certificate of Occupancy.

- D.3 The Notice to Buyers, disclosure statements, and Final Site Plan shall include language to inform homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project.
- D.4 Prior to the final plat approval for the 100th unit, the following site related improvements are required:
- A. Provide an additional northbound left-turn lane at the intersection of SR 64 and Lakewood Ranch Boulevard/Upper Manatee River Road.
 - B. Signalize the intersection of SR 64 and Rye Road. If at the time of Final Plat Approval the signal does not meet warrants, then the Developer will contribute a proportionate share for the future construction of this signal.
 - C. All improvements must be shown on the construction plans. State Road improvements are subject to FDOT approval.
- D.5 Prior to the first Final Plat approval, the following site related improvements are required:
- a. Provide a northbound left-turn lane at the project main access on Rye Road.
 - b. The Final Site Plan and Construction Plans shall include right-turn refuge lanes, in-bound and out-bound, at the project entrance at Rye Road.
- D.6 All traffic control signage and pavement markings, if warranted, shall conform to FDOT and MUTCD standards.
- D.7 Dedication of additional right-of-way along Rye Road to Manatee County to provide a 60 foot half-width right-of-way shall be made with the first Final Plat.
- D.8 Notices to Buyers, Disclosure Statements, and Final Site Plans shall include language to inform homeowners in the project that this project is downstream of the Lake Manatee Dam, and that the dam is not designed or intended to be operated as a flood control device. Manatee County routinely releases water from the reservoir in anticipation of and during heavy rain events. In the worst case scenario, waters released from the dam, when combined with waters from storm events, may exceed the mapped 25-year and 100-year floodplains. This project has been designed to account for the 100-year storm event. In the worst case scenario, your property, similar to other properties in Manatee County, may flood.
- E. DESIGN AND LAND USE CONDITIONS:
- E.1 At time of Final Site Plan, the northern inter-neighborhood tie may be shifted to the east, along the north boundary of the site, as approved by the Planning and Transportation Departments, to provide a proper alignment with the future extension of Mulholland Road.
- E.2 The pavement and sidewalk for the northern inter-neighborhood tie shall be extended to the north boundary line of the project and shall be depicted as such on all future site plans.
- E.3 A non-ingress egress easement shall be recorded along the frontage of all lots along North Rye Road, except for Ranch Lot 21, prior to first Final Plat approval.

- E.4 The 20 foot greenbelt along the north and southeast boundary lines shall be planted with two offset rows of canopy trees placed 40 feet on center. The two rows will be offset from each other to give the appearance of trees located 20 feet on center.
- E.5 The 30 foot roadway buffer along North Rye Road shall be planted with three rows of trees (first row planted with canopy trees, second row may be planted with understory trees and the third row planted with canopy trees) spaced 40 feet on center, with 33 shrubs per 100 linear feet.
- E.6 Existing native vegetation shall be preserved to meet screening requirements, unless otherwise approved by the Environmental Management Department (EMD).
- E.7 An interneighborhood tie shall be provided to the south, in the vicinity of Ranch Lots 27 and 28. The final location shall be reviewed and approved by staff with the Final Site Plan.
- E.8 The recreational amenities within the 4.8 acre park (the tot lot, basketball court, soccer or baseball field, benches, and bike rack) and the nature trail (path, boardwalks, benches and educational signs) shall be constructed or bonded prior to Final Plat approval of the second phase.
- E.9 The tot lot shall contain commercial grade playground equipment.
- E.10 The Notice-to-Buyers, along with a note on any Final Subdivision Plat which includes these area, shall inform all lot owners of the presence of inter-neighborhood ties and the possible future extension of Mulholland Road along

the north property line extending to North Rye Road, and that traffic from the surrounding properties, when developed, may use the roads within this development.
- E.11 The Notice to Buyers and the Final Site Plan shall include language to inform homeowners of the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
- E.12 The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required when and if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.
- E.13 The 15 foot wide common area landscape buffer located along the boulevard entrance shall be extended to the west property line of Estate Lot 32, as identified on the Preliminary Site Plan.
- E.14 Prior to Final Plat approval for each phase all existing barbed-wire fencing must be removed.
- E.15 Pedestrian and equestrian trail facilities shall be provided along Rye Road for the length of the project. The type of construction and construction details shall be determined at Final Site Plan.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 907.9.4.1 of the Manatee County Land Development Code to allow the northern most cu-de-sac, near Ranch Lots 5 and 6, to be longer than 800 feet.
2. Specific Approval of an alternative to Section 907.9.4.1 of the Manatee County Land Development Code to allow the southern most cu-de-sac, near Ranch Lots 18 - 23, to be longer than 800 feet.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A (General Agriculture, 1 dwelling unit per five acres) and A/CH (General Agriculture, 1 dwelling unit per five acres/Coastal High Hazard Overlay) to PDR (Planned Development Residential) retaining the CH (Coastal High Hazard) Overlay, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

ALL THAT PORTION OF THE FOLLOWING DESCRIBED IN TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT-OF-WAY OF RYE ROAD:

IN SECTION 10:
THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4

IN SECTION 11:
THE SOUTH 1/4, LESS THE FOLLOWING DESCRIBED PROPERTY:
THE NORTH 84 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 LYING WEST OF RYE ROAD, AND THE NORTH 84 FEET OF THE EAST 134 FEET OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 34 SOUTH, RANGE 19 EAST.

IN SECTION 13:
THE NORTHWEST 1/4 LESS THAT PART DESCRIBED AS: BEGIN AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4, RUN THENCE S 00° 07' 49" W, ALONG THE WEST LINE THEREOF 665.05 FEET TO THE POINT OF BEGINNING, CONTINUE THENCE SOUTH ALONG THE WEST LINE OF THE NORTHWEST 1/4 TO THE SOUTHWEST CORNER THEREOF, THENCE EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 TO THE WESTERLY RIGHT-OF-WAY LINE OF THE COUNTY ROAD (KNOWN AS RYE ROAD), THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT N 89° 25' 27" E, OF THE POINT OF BEGINNING, THENCE S 89° 25' 27" W 50.48 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

IN SECTION 14:
THE NORTH 1/4 OF NORTHEAST 1/4, AND THAT PART OF THE NORTHWEST 1/4 LYING NORTH OF THE MANATEE RIVER.

IN SECTION 15:
THAT PART OF THE EAST 1/4 LYING NORTH OF THE MANATEE RIVER.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 29th day of January, 2002.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Guy Stein*
Chairman 3-12-02

ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: *Justin Romero*




STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 14th day of

March 2002

R.B. SHORE
Clerk of Circuit Court

By: *Kent H. H. H. H.*

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

March 19, 2002

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 14, 2002 and certified copy of Manatee County Ordinance No. PDR-01-09(Z)(P), which was filed in this office on March 19, 2002.

Please be advised that the Florida County Ordinance Data Retrieval System (CODRS) Coding Form was not received for the above mentioned ordinance.

As requested, the original date stamped copy is being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

BUREAU OF ADMINISTRATIVE CODE
The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us

R002534

EXHIBIT D

PRELIMINARY SITE PLAN
PDR-05-05(P) – YORT, LLC/RIVER CHASE

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, having specifically considered the recommendation of the Planning Commission, the criteria set forth in Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code); and finding PDR-05-05(P) consistent with Manatee County Ordinance No. 89-01 (the 2020 Manatee County Comprehensive Plan), PRELIMINARY SITE PLAN PDR-05-05(P) – YORT, LCC/RIVER CHASE is hereby approved to allow 231 lot single-family residential subdivision, and GRANTING Special Approval for a project: 1) adjacent to a perennial stream; 2) within the Coastal Evacuation Area Overlay District; 3) partially within the Coastal High Hazard Area; 4) partially in the Coastal Storm Vulnerability Area, and 5) partially in the 25-year floodplain subject to the following stipulations and specific approval:

STIPULATIONS:

A. FLOODPLAIN MANAGEMENT AND DRAINAGE CONDITIONS:

A.1 No lots shall be platted through the pre-development 25-year floodplain or the regulatory floodway. The area south of the 25-year floodplain, along with what the Preliminary Site Plan identifies as Ranch Lots 42 through 51, shall be dedicated to the County as a conservation easement. This area may be used for passive recreation. A conservation easement in a form acceptable to the County Attorney's Office shall be submitted for review and approval prior to Final Plat approval. The Final Site Plan shall reflect the relocation of proposed lots in the pre-development 25-year floodplain to an area outside of the pre-development 25-year floodplain. These revisions may include the shifting of lots to maintain the approved total number of lots and any necessary changes to roadways, which do not affect the external access points. Said revisions may be made administratively and will not require an amendment to the Preliminary Site Plan. No floodplain compensation areas shall be located within the FEMA floodway.

A.2 The project shall not increase the FEMA 100-year floodplain, or base flood elevations; and shall meet all FEMA requirements and guidelines, where applicable. Additionally, there shall be a "No Rise Certification" on the regulatory floodway.

A.3 Any roadway construction within the 100-year floodplain be elevated above the 100 year contour elevation.

A.4 Any fill within the 25-year or 100-year floodplains of the Manatee River shall be compensated by creation of an equal or greater storage volume above the seasonal high water table.

A.5 All wastewater lift stations, service cleanouts, and manhole rims shall be set 12 inches above the 25-year floodplain or 4 inches above the 100-year flood elevation, whichever is higher. However, the Project Management Department may approve service cleanouts and manhole rims installed no lower than 4" above the 25 year flood elevation. Design drawings must demonstrate tamper proof water tight manholes and cleanouts. Lift stations hatches shall be at least 4" above the 100-year elevation or 12" above the 25-year flood elevation, whichever is higher.

A.6 This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into the Gamble Creek. Modeling shall be used to determine pre- and post- development flows.

A.7 Drainage at the Rye Road (Goddard Branch) crossing and additional right-of-way or drainage easements for the road side ditches will be addressed at Construction Plan review.

A.8 Final engineering drainage design shall be approved with the Final Site Plan.

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A.9 A conservation easement, in a form acceptable to the County Attorney's Office, shall be provided to the County prior to Final Plat approvals for any floodplain compensation areas on non-common property. The easement shall prohibit the alteration of these floodplain compensation areas.

A.10 There shall be a full 25-year flood attenuation on all stormwater ponds within the development.

A.11 The existing 25-year flood elevation along the Manatee River shall be utilized as tailwater condition.

A.12 The Drainage Model and Construction Plan shall demonstrate that no adverse impacts be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.

A.13 A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along Goddard Creek within the project boundaries. In addition, a 25 feet wide Drainage Maintenance and Access Easement shall be dedicated on at least on side of Goddard Creek. The developer shall include in the Notice to Buyers that Manatee County has no obligation relative to Goddard Creek to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of the stream bed.

B. INFRASTRUCTURE CONDITIONS:

B.1 The applicant shall be responsible for bringing County water and sewer to the site. This approval is contingent upon the site being served by public utilities.

B.2 The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.

B.3 The applicant shall install dry lines for hook-up to future reuse lines and shall be provided for the entire subdivision, for both common area irrigation and single lot irrigation. At such time that reclaimed lines become available, use of stormwater or groundwater for irrigation shall be converted to reclaimed lines.

B.4 The Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow per Section 9.6.14 of the Comprehensive Plan prior to Final Site Plan approval.

C. ENVIRONMENTAL CONDITIONS:

C.1 The section of the trail located north of Ranch Lot 51 shall be relocated outside of the wetland. The Natural Resource Division (NRD) of the Planning Department will approve the final location with the Final Site Plan.

C.2 An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides and herbicides shall be submitted to the NRD for review and approval prior to Final Site Plan approval. Where practicable, native, xeriscape landscape materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowner's to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.

C.3 Prior to Final Plat approval, the applicant shall remove all nuisance exotic plant species from upland portions of the project site, as required pursuant to Comprehensive Plan Policy 4.1.2.3.

C.4 The applicant shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area." The type and location of such signs will be approved by the NRD prior to Final Site Plan approval.

C.5 A minimum fifteen foot building setback shall be provided between the upland edge of the wetland buffer and any adjacent structures in accordance with Section 702.6.10 of the LDC, unless otherwise approved by NRD.

C.6 Prior to development related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and/or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans/Construction Plans are approved.

C.7 Any significant historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.

C.8 The applicant shall preserve a minimum of 7% of each native upland habitat found on-site. This shall be reviewed and approved by the NRD prior to Final Site Plan approval.

C.9 The following lots, as identified on the Preliminary Site Plan, shall be redesigned so as not to be platted through wetlands or wetland buffers:

- Ranch Lots 19 through 22, 31 and 32, and the rear of Ranch Lots 29 and 30,
- Estate Lot 14 and 32
- Executive Lots 13 through 20, 25 through 31

C.10 No docks shall be permitted within this development.

C.11 Prior to Final Site Plan approval, the applicant shall submit a Well Management Plan. The applicant should contact the EMD Water Well Permitting Program for additional information required in the plan.

C.12 An application for Fugitive Particulate abatement must be submitted to the Environmental Management Department at the time of Final Site Plan submittal and approved with the Final Site Plan.

D. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:

D.1 Prior to Final Site Plan Approval, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety. The plan shall ensure delivery of the Manatee County "All-Hazard Guide" and Red Cross brochure "Your Family Disaster Plan" to each homeowner, and assure of receipt or posting of an evacuation zone map. The Homeowner's Association shall ensure that all subsequent purchasers receive copies of these documents.

D.2 The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee or special assessment for emergency shelter facilities shall be required if such a fee is adopted by the Board of County Commissioners prior to Certificate of Occupancy.

D.3 The Notices to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan and shall include language to inform homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project.

D.4 Dedication of additional right-of-way along Rye Road to Manatee County to provide a 60 foot half-width right-of-way shall be made with the first Final Plat.

D.5 The Notices to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan and shall include language to inform homeowners in the project that this project is downstream of the Lake Manatee Dam, and that the dam is not designed or intended to be operated as a flood control device. Manatee County routinely releases water from the reservoir in anticipation of and during heavy rain events. In the worst case scenario, waters released from the dam, when combined with waters from storm events, may exceed the mapped 25-year and 100-year floodplains. This project has been designed to account for the 100-year storm event. In the worst case scenario, your property, similar to other properties in Manatee County, may flood.

E. DESIGN AND LAND USE CONDITIONS:

E.1 At time of Final Site Plan, the northern inter-neighborhood tie may be shifted to the east, along the north boundary of the site, as approved by the Planning and Transportation Departments, to provide a proper alignment with the future extension of Mulholland Road.

E.2 The pavement and sidewalk for the northern inter-neighborhood tie shall be extended to the north boundary line of the project and shall be depicted as such on all future site plans.

E.3 A non-ingress egress easement shall be recorded along the frontage of all lots along North Rye Road, except for Ranch Lot 21, prior to first Final Plat approval.

E.4 The 20 foot greenbelt along the north and southeast boundary lines shall be planted with two offset rows of canopy trees placed 40 feet on center, with 33 shrubs per 100 linear feet. The two rows will be offset from each other to give the appearance of trees located 20 feet on center. The NRD of the Planning Department shall review the design with the Final Site Plan, if found appropriate by NRD, the type or quantity of trees may be revised.

E.5 The 30 foot roadway buffer along North Rye Road shall be planted with three rows of trees (first row planted with under story trees, second row planted with canopy trees and the third row planted with understory trees) spaced 40 feet on center, with 33 shrubs per 100 linear feet. The NRD of the Planning Department shall review the design with the Final Site Plan, if found appropriate by NRD, the type or quantity of trees may be revised.

E.6 Existing native vegetation shall be preserved to meet screening requirements, unless otherwise approved by the NRD.

E.7 An interneighborhood tie shall be provided to the south, in the vicinity of Ranch Lot 25, and to the east, in the vicinity of Ranch Lot 38. The final locations shall be reviewed and approved by staff with the Final Site Plan. The ties shall connect with the proposed ties in the Water's Edge Subdivision to the south and east.

E.8 The recreational amenities within the 4.8 acre park (the tot lot, basketball court, soccer or baseball field, benches, and bike rack) and the nature trail (path, boardwalks, benches and educational signs) shall be constructed or bonded prior to Final Plat approval of the second phase.

E.9 The tot lot shall contain commercial grade playground equipment and five shade trees.

E.10 The Notices to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan and shall include language to inform homeowners of the presence of inter-neighborhood ties and the possible future extension of Mulholland Road along the north property line extending to North Rye Road, and that traffic from the surrounding properties, when developed, may use the roads within this development.

E.11 The Notices to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan and shall include language to inform homeowners of the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.

E.12 The 15 foot wide common area landscape buffer located along the boulevard entrance shall be extended to the west property line of Estate Lot 32, as identified on the Preliminary Site Plan.

E.13 Prior to Final Plat approval for each phase all existing barbed-wire fencing must be removed.

E.14 Pedestrian and equestrian trail facilities shall be provided along Rye Road for the length of the project. The type of construction and construction details shall be determined at Final Site Plan.

E.15 No lots shall be platted through the greenbelt or roadway buffers. The rear yard building setback for Ranch Lots 3 through 13 shall be 30 feet. The rear yard building setback for Ranch Lots 14, 15, 18, and 19 shall be 20 feet.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 907.9.4.1 of the Manatee County Land Development Code to allow: (1) the northern most cul-de-sac to be 1,150 feet in length, with an inter-neighborhood tie to connect to the future extension of Mulholland Road; and (2) the southern most cul-de-sac to be 1,200 feet in length, with a hammerhead turnaround provided at 800 feet until the inter-neighborhood tie is constructed to the subdivision to the south (Water's Edge).

APPROVED AND HEREBY GRANTED, by the Board of County Commissioners of Manatee County, Florida this 29th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

ATTEST: R. B. SHORE
Clerk of the Circuit Court



BY:


Chairman

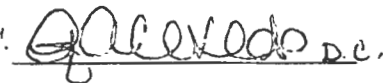
By:  D.C.

EXHIBIT E

Table 4-2: Uses in Agriculture and Residential Districts

Land Use	See Sec. #	CON	R/O S	A	A-1	RS F	RSM H	RD D	RMF	VIL
AGRICULTURAL USES										
Agricultural Research Facilities	—	X	X	P	P	X	X	X	X	P
Agricultural Uses	531.1	SP	SP	P	P	SP	SP	SP	SP	P
Agricultural Products Processing Plants	531.1	X	X	P	X	X	X	X	X	SP
Animal Products Processing Facility	531.1	X	X	SP	X	X	X	X	X	SP
Short Term Agricultural Uses	531.1	X	X	P	P	P	P	P	P	P
Stables or Equestrian Centers: Private	531.41	X	X	P	P	X	X	X	X	P
Stables or Equestrian Centers: Public	531.41	X	X	P	P	X	X	X	X	P
Tree Farm	531.1	P	P	P	P	P	P	P	P	P
Animal Services (Wild and Exotic)	531.5	P	P	P	P	P	P	P	P	P
Breeding Facility (Non-Wild & Exotic)	531.8	X	X	P	SP	X	X	X	X	P
Farming Service Establishments	531.18	X	X	P	SP	X	X	X	X	P
Farm Worker Housing	531.19	X	X	P	SP	X	X	X	X	SP
Pet Service (Kennel) Establishments	531.38	X	X	P	SP	X	X	X	X	SP
Sawmills	531.1	X	X	P	X	X	X	X	X	SP
Slaughterhouses	531.1	X	X	SP	X	X	X	X	X	X
Stockyards and Feedlots	531.1	X	X	SP	X	X	X	X	X	SP
Veterinary Hospitals	531.58	X	X	P	SP	X	X	X	X	P
COMMERCIAL - RETAIL										
Alcoholic Beverage Establishment	531.4	X	X	X	X	X	X	X	X	X
Alcoholic Beverage Establishment - 2 COP License	531.4	X	X	X	X	X	X	X	X	X
Auction Houses, Enclosed	—	X	X	X	X	X	X	X	X	X
Auction Houses, Open	531.6	X	X	X	X	X	X	X	X	X
Building Materials Sales Establishment	531.9	X	X	X	X	X	X	X	X	SP
Lumberyard	531.9	X	X	P	X	X	X	X	X	X

Drive-Through Establishments	531.16	X	X	X	X	X	X	X	X	P
Food Truck Park	531.64	X	X	X	X	X	X	X	X	P
Gas Pumps	531.51	X	X	X	X	X	X	X	X	P
Mobile Vending Park	531.65	X	X	X	X	X	X	X	X	P
Recreational Vehicle/Mobile Home Sales, Rental & Leasing	531.43	X	X	X	X	X	X	X	X	SP
Restaurant	531.48	X	X	X	X	X	X	X	X	P
Retail Sales, Neighborhood Convenience	531.49	X	X	X	X	X	X	X	X/P ¹	P
Retail Sales, General	531.49	X	X	X	X	X	X	X	X	P/SP
Service Station	531.51	X	X	X	X	X	X	X	X	SP
Vehicle Sales, Rental, Leasing	531.57	X	X	X	X	X	X	X	X	SP
COMMERCIAL - SERVICES										
Banking: Bank	—	X	X	X	X	X	X	X	X	P
Banking: Bank/Drive-through	531.16	X	X	X	X	X	X	X	X	P
Bed and Breakfast	531.7	X	X	P	SP	SP	X	P	P	P
Business Services	—	X	X	X	X	X	X	X	X	P
Printing, Medium	—	X	X	X	X	X	X	X	X	P
Printing, Small	—	X	X	X	X	X	X	X	X	P
Car Wash: Full Service	531.10	X	X	X	X	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	X	X	X	X	X	X	SP
Car Wash: Self-Service	531.10	X	X	X	X	X	X	X	X	P
Clinics	—	X	X	X	X	X	X	X	X	P
Equipment sales, rental, leasing, storing and repair - heavy	531.18	X	X	P	SP	X	X	X	X	P
Construction equipment	531.18	X	X	X	X	X	X	X	X	SP
Equipment Sales, rental, leasing, storage and repair - light	—	X	X	P	SP	X	X	X	X	P
Food Catering Service Establishment	531.21	X	X	X	X	X	X	X	X	X
Free Standing Emergency Department (FSED) ³	531.62	X	X	X	X	X	X	X	X	X
Funeral Chapel	531.22	X	X	P	P	SP	SP	SP	SP	P
Funeral Home	531.22	X	X	SP	SP	SP	SP	SP	SP	SP
Hospital ²	—	X	X	X	X	X	X	X	X	X
Intensive Services: All Others	531.26	X	X	X	X	X	X	X	X	P

Intensive Services: Exterminating and Pest Control	531.26	X	X	X	X	X	X	X	X	P
Intensive Services: Printing, Heavy	—	X	X	X	X	X	X	X	X	X
Intensive Services: Industrial Service Establishment	531.26	X	X	X	X	X	X	X	X	P
Intensive Services: Sign Painting Service	531.26	X	X	X	X	X	X	X	X	P
Intensive Services: Taxi-Cab, Limousine Service	531.26	X	X	X	X	X	X	X	X	X
Laboratories, Medical and Dental	—	X	X	X	X	X	X	X	X	P
Lodging Places: Boarding House	531.28	X	X	X	X	X	X	X	P	X
Lodging Places: Boatel	531.28	X	X	X	X	X	X	X	X	X
Lodging Places: Dormitories	531.28	X	X	X	X	X	X	X	P	X
Lodging Places: Hospital Guest House	531.28	X	X	X	X	X	X	X	SP	X
Lodging Places: Hotel/motel	531.28	X	X	X	X	X	X	X	X	SP
Office	531.61	X	X	P	P	P	P	P	P	P
Personal Service Establishment	—	X	X	X	X	X	X	X	X	P
Dry Cleaners: Pick-up	—	X	X	X	X	X	X	X	X	P
Rental Service Establishment	—	X	X	X	X	X	X	X	X	P
Repair Service Establishment	—	X	X	X	X	X	X	X	X	P
Recreational Vehicle Parks and subdivisions	531.42	X	X	X	X	X	X	X	X	SP
Vehicle Repair: Major	531.56	X	X	X	X	X	X	X	X	X
Vehicle Repair: Community Serving	—	X	X	X	X	X	X	X	X	SP
Vehicle Repair: Neighborhood Serving	—	X	X	X	X	X	X	X	X	SP
Veterinary Clinic	531.58	X	X	P	SP	X	X	X	X	P
Wholesale Trade Establishment	—	X	X	X	X	X	X	X	X	X
INDUSTRIAL										
Industrial, Heavy	531.25	X	X	X	X	X	X	X	X	X
Firework/Sparkler Manufacture	531.25	X	X	X	X	X	X	X	X	X
Industrial, Light	531.25	X	X	X	X	X	X	X	X	X

Research and Development Activities	—	X	X	X	X	X	X	X	X	X
COMMUNITY SERVICE USES										
Civic, Social, and Fraternal Organizations/Clubs	531.14	X	X	P	P/SP	P/S P	P/ SP	P/S P	P/SP	P
Correctional Facilities: Community	—	X	X	SP	X	X	X	X	X	X
Correctional Facilities: Major	—	X	X	SP	X	X	X	X	X	X
Cultural Facilities	531.15	X	X	P	P	SP	SP	SP	SP	SP
Emergency Shelters	531.45	X	X	P/S P	P/SP	P/S P	P/ SP	P/S P	P/SP	P
Emergency Shelter Home	531.45	X	X	P	P	P	P	P	P	X
Personal Wireless Service Facilities	531.37	See Section 531.37								
Public Community Uses	531.39	X	X	P	P/SP	P/S P	P/ SP	P/S P	P/SP	P
Public Use Facilities	531.40	X	X	P	P	P	P	P	P	P
Post Offices	—	X	X	P	P	P	P	P	P	P
Radio, TV, Communications, Microwave Facilities	—	SP	SP	P/S P	SP	SP	SP	SP	SP	X
Rehabilitation Center	531.44	X	X	SP	SP	SP	SP	SP	SP	SP
Utility Use	531.54	SP	SP	P	P	P	P	P	P	P
Alternative Energy Generation Facility	531.54	X	X	P	X	X	X	X	X	X
Utility Use, Heavy	531.54	X	X	X	X	X	X	X	X	X
MISCELLANEOUS USES										
Flea Markets: Enclosed	531.20	X	X	X	X	X	X	X	X	X
Flea Markets: Open	531.20	X	X	X	X	X	X	X	X	X
Intensive Services: Towing Service and Storage Establishment	531.26	X	X	X	X	X	X	X	X	X
Outdoor Advertising Signs	—	X	X	X	X	X	X	X	X	X
Outdoor Storage (Principal Use)	531.36	X	X	X	X	X	X	X	X	X
Parking, Commercial (Principal Use)	—	X	X	X	X	X	X	X	X	X
Sexually Oriented Businesses	531.52	See 531.52								
Water Dependent Uses	531.60	X	X	X	X	X	X	X	X	X
OPEN USE OF LAND - LIGHT										

Cemetery: Human and Pet	531.11	X	X	SP	SP	SP	SP	SP	SP	P
Earthmoving, Minor	702	X	X	P	P	P	P	P	P	P
Game Preserve	—	P	SP	P	SP	X	X	X	X	P
OPEN USE OF LAND - HEAVY										
Earthmoving, Major	702	X	X	SP	SP	X	X	X	X	SP
Junkyards	531.27	X	X	X	X	X	X	X	X	X
Mining	531.30	X	X	X	X	X	X	X	X	X
Solid Waste Management Facilities	531.53	X	X	SP	X	X	X	X	X	X
Landfills	531.53	X	X	SP	X	X	X	X	X	X
RECREATION USES										
Environmental Land Preserves, Public and Private	531.17	P	P	P	P	P	P	P	P	P
Recreation, High Intensity	531.41	X	P	SP	X	X	X	X	X	X
Recreation, Low Intensity	531.41	X	P	P	P	P	P	P	P	P
Recreation, Medium Intensity	531.41	X	P	SP	X	X	X	X	X	X
Recreation, Passive	531.41	P	P	P	P	P	P	P	P	P
Recreation, Rural	531.41	X	X	SP	SP	X	X	X	X	X
RESIDENTIAL USES										
Accessory Dwelling Unit	511.18	X	X	P	P	P	X	X	X	P
Assisted Living Facility, Large ²	531.45	X	X	SP	SP	SP	SP	SP	SP	SP
Assisted Living Facility, Small ²	531.45	X	X	SP	P	P	P	P	P	P
Community Residential Homes	531.45	X	X	P	P	P	P	P	P	P
Group Housing	531.23	X	X	SP	SP	X	X	X	P	SP
Mobile Homes, Individual	531.32	X	X	P/S P	X	X	P	X	X	P/SP
Mobile Home Parks	531.32	X	X	X	X	X	P	X	X	X
Mobile Home Subdivisions	531.32	X	X	X	X	X	P	X	X	X
Nursing Homes ²	531.35	X	X	X	X	SP	X	SP	SP	P
Recovery Home, Large	531.45	X	X	SP	X	X	X	X	SP	X
Recovery Home, Small	531.45	X	X	SP	SP	SP	SP	SP	SP	SP
Residential Treatment Facilities	531.46	X	X	SP	SP	SP	SP	SP	SP	SP
Residential Use: Duplexes	531.47	X	X	X	X	X	X	P	P	SP
Residential Use: Multiple Family Dwellings	531.47	X	X	X	X	X	X	X	P	SP
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	531.47	X	X	X	X	X	X	X	P	SP

Residential Use: Single Family, Detached Dwellings	531.47	X	X	P	P	P	X	P	P	P
Residential Use: Single Family, Semi-Detached Dwellings	531.47	X	X	X	X	X	X	P	P	SP
Residential Use: Triplex and Quadruplex Dwellings (Multifamily, four (4) units maximum)	531.47	X	X	X	X	X	X	X	P	SP
Residential Use: Waterfront Structures (Residential other than multi-family)	531.47	X	X	P	P	P	P	P	P	P
Residential Use: Waterfront Structures (Multi-Family)	531.47	X	X	X	X	X	X	X	P	P
RESIDENTIAL SUPPORT USES										
Adult Day Care Center	—	X	X	P	P	P	P	P	P	X
Child Care Center, Accessory	511.2	X	X	P/S P	P/SP	SP	X	P/S P	P/SP	P
Child Care Center, Small	531.12	X	X	P/S P	P/SP	P/S P	X	P/S P	P/SP	P
			X							
Child Care Center, Large	531.12	X	X	P/S P	P/SP	X	X	X	P/SP	P/SP
Churches/Places of Worship	531.13	X	X	P/S P	P/SP	P/S P	P/ SP	P/S P	P/SP	P
Environmental Education Facilities	—	P	P	P	P	P	X	P	X	P
Family Day Care Home	—	X	X	P	P	P	P	P	P	P
Schools, College/Universities	531.50	X	X	X	X	X	X	X	X	X
Schools, Elementary	531.50	X	X	P	P	P	P	P	P	P
Schools, High and Middle	531.50	X	X	SP	SP	SP	SP	SP	SP	SP
Schools of Special Education	531.50	X	X	P	P	P	P	P	P	SP
Schools, Public	531.50	X	X	P	P	P	P	P	P	P
TRANSPORTATION USES										
Aircraft Landing Field	531.2	X	X	P	X	X	X	X	X	X
Airport, Commercial	531.3	X	X	X	X	X	X	X	X	X
Airport, Private or Public	531.3	X	X	SP	X	X	X	X	X	X
Bus and Train Passenger Station	—	X	X	P	P	X	X	X	P	P
Hazardous Waste Transfer Facility	—	X	X	X	X	X	X	X	X	X
Heliport	531.24	X	X	X	X	X	X	X	X	X
Helistop	531.24	X	X	SP	X	X	X	X	X	SP

Intensive Services: Motor Pool Facilities	531.26	X	X	X	X	X	X	X	X	X
Intermodal Terminal	—	X	X	X	X	X	X	X	X	X
Motor Freight Terminal/Maintenance	531.34	X	X	X	X	X	X	X	X	X
Bus RR/Maintenance Facility		X	X	SP	X	X	X	X	X	SP
Railroad Switching/Classification Yard	—	X	X	X	X	X	X	X	X	X
WAREHOUSING										
Mini Warehouses, Self-storage	531.31	X	X	X	X	X	X	X	X	SP
Warehouses	531.59	X	X	X	X	X	X	X	X	X

EXHIBIT F

Table 4-12: Schedule of Uses for PD Districts

Land Use		PD R	PD O	PD C	PDR P	P DI	PD PI	PD W	PDM U	PD RV	PDM H	PD GC	PD A	PD EZ
AGRICULTURAL USES														
Agricultural Research Facilities	—	X	X	P	P	X	P	X	P	X	X		P	P
Agricultural Uses	531.1	P	P	P	P	P	P	P	P	P	P	X	P	P
Agricultural Products Processing Plants	531.1	X	X	X	X	P	X	X	P	X	X	X	P	P
Animal Products Processing Facility	531.1	X	X	X	X	P	X	X	SP	X	X	X	P	P
Short Term Agricultural Uses	531.1	P	X	P	X	X	X	X	P	X	X	X	P	P
Stables or Equestrian Centers: Private	531.1	P	X	X	X	X	X	X	P	P	P	X	P	X
Stables or Equestrian Centers: Public	531.1	X	X	P	X	X	P	X	P	X	X	X	P	X
Tree Farm	531.1	X	X	X	X	X	P	X	P	X	X	X	P	X
Animal Services (Wild and Exotic)	531.5	P	P	P	P	P	P	P	P	P	P	P	P	P
Breeding Facility (Non-Wild & Exotic)	531.8	X	X	P	P	P	P	X	P	X	X	X	P	X
Farming Service Establishments	531.1 8	X	X	P	X	X	X	X	P	X	X	X	P	P
Farm Worker Housing	531.1 9	X	X	X	X	X	X	X	X	X	X	X	X	X
Pet Service (Kennel) Establishments	531.3 8	X	X	P	P	X	X	X	P	X	X	X	P	X

Sawmills	531.1	X	X	X	X	P	X	X	P	X	X	X	X	P
Slaughterhouses	531.1	X	X	X	X	P	X	X	P	X	X	X	X	X
Stockyards and Feedlots ⁴	531.1	X	X	X	X	P	P	X	P	X	X	X	X	X
Veterinary Hospitals	531.58	X	X	P	X	P	P	X	P	X	X	X	X	X
COMMERCIAL - RETAIL														
Alcoholic Beverage Establishment	531.4	X	X	SP	X	SP	X	SP	SP	X	X	X	X	X
Alcoholic Beverage Establishment - 2 COP License	531.4	X	X	P	X	X	X	X	P	X	X	X	X	X
Auction Houses, Enclosed	—	X	X	P	X	P	X	X	P	X	X	X	X	X
Auction Houses, Open	531.6	X	X	P	X	P	X	X	P	X	X	X	X	X
Building Materials Sales Establishment	531.9	X	X	P	X	X	X	X	P	X	X	X	X	X
Lumberyard	531.9	X	X	X	X	P	X	X	P	X	X	X	X	P
Drive-Through Establishments	531.16	X	X	P	P	P	X	X	P	X	X	X	X	P
Food Truck Park	531.64	X	P	P	P	P	X	P	P	X	X	X	X	P
Gas Pumps	531.51	X	X	P	P	P	P	P	P	P	X	X	X	P
Recreational Vehicle/Mobile Home Sales, Rental & Leasing	531.43	X	X	P	X	X	X	X	P	P	X	X	X	X
Restaurant	531.48	X	P	P	P	P	X	P	P	X	X	X	X	P
Retail Sales, Neighborhood Convenience	531.49	X	P	P	P	P	X	P	P	P	P	X	P	X
Medical Marijuana Treatment Center	531.49	X	P	P	P	P	X	P	P	P	P	X	P	X

Dispensing Facility														
Retail Sales, General	531.49	X	P	P	P	P	X	P	P	P	P	X	P	X
Service Station	531.51	X	X	P	X	P	X	X	P	X	X	X	X	P
Vehicle Sales, Rental, Leasing	531.57	X	X	P	X	P	X	X	P	X	X	X	X	X
COMMERCIAL - SERVICES														
Bed and Breakfast	531.7	P	X	P	X	X	X	P	P	X	X	X	P	X
Business Services	—	X	P	P	P	P	P	X	P	X	X	X	X	X
Printing, Medium	—	X	X	P	X	P	X	X	P	X	X	X	X	X
Printing, Small	—	X	P	P	X	P	X	X	P	X	X	X	X	X
Car Wash: Full Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Self-Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Clinics	—	X	P	P	X	X	P	X	P	X	X	X	X	X
Equipment sales, rental, leasing, storing and repair - heavy	531.18	X	X	P	X	P	X	X	P	X	X	X	X	P
Construction equipment	531.18	X	X	P	X	P	P	X	P	X	X	X	X	X
Equipment sales, rental, leasing, storing and repair - light	—	X	X	P	X	P	X	X	P	X	X	X	X	
Food Catering Service Establishment	531.21	X	X	P	X	P	X	X	P	X	X	X	X	X
Free Standing Emergency Department (FSED) ⁵	531.62	X	X	P	X	X	X	X	P	X	X	X	X	X
Funeral Chapel	531.22	P	P	P	X	X	X	X	P	X	X	X	P	X

Funeral Home	531.2 2	X	P	P	X	X	X	X	P	X	X	X	X	X
Hospital ¹		X	X	X	X	X	P	X	P	X	X	X	X	X
Intensive Services: Exterminating and Pest Control	531.2 6	X	X	X	X	X	X	X	P	P	X	P	X	P
Intensive Services: Printing, Heavy	—	X	X	X	X	P	X	X	X	X	X	X	X	P
Intensive Services: Industrial Service Establishment	531.2 6	X	X	P	P	P	X	X	P	X	X	X	X	P
Intensive Services: Sign Painting Service	531.2 6	X	X	P	X	P	P	X	P	X	X	X	X	X
Intensive Services: Taxi- Cab, Limousine Service	531.2 6	X	X	P	X	P	X	X	P	X	X	X	X	X
Intensive Services: All others	531.2 6	X	X	P	X	P	P	X	P	X	X	X	X	P
Laboratories, Medical and Dental	—	X	P	P	P	P	P	X	P	X	X	X	X	X
Lodging Places: Boarding House	531.2 8	P	X	X	X	X	X	X	P	X	X	X	X	X
Lodging Places: Boatel	531.2 8	X	X	X	X	X	X	P	P	X	X	X	X	X
Lodging Places: Dormitories	531.2 8	P	X	X	X	X	P	X	P	X	X	X	X	X
Lodging Places: Hospital Guest House	531.2 8	X	X	P	X	X	P	X	P	X	X	X	X	X

Lodging Places: Hotel/motel	531.28	X	X	P	P	P ²	P	P	P	X	X	X	X	P
Office, Medical or Professional	531.61	P	P	P	P	P	P	P	P	P	X	X	X	X
Miscellaneous Services: Office	—	X	P	P	P	P	P	P	P	X	X	X	P	X
Banking: Bank	—	X	P	P	P	P	X	X	P	X	X	X	X	X
Banking: Bank/Drive-through	531.16	X	P	P	P	P	X	X	P	X	X	X	X	P
Personal Service Establishment	—	P	P	P	P	P	P	X	P	P	P	X	P	X
Dry Cleaners: General	—	X	P ³	P	P ³	P	P	X	P	X	X	X	X	X
Dry Cleaners: Pick-up	—	X	P	P	P	P	P	X	P	X	X	X	P	P
Rental Service Establishment	—	X	X	P	P	P	X	X	P	X	X	X	X	
Repair Service Establishment	—	X	X	P	P	X	P	X	P	X	X	X	X	X
Recreational Vehicle Parks and Subdivisions	531.42	X	X	P	X	X	X	X	P	P	X	X	X	X
Rehabilitation Center	531.44	P	P	P	P	P	P	P	P	P	P	X	P	X
Vehicle Repair: Major	531.56	X	X	P	X	P	X	X	P	X	X	X	X	P
Vehicle Repair: Community Serving	—	X	X	P	X	P	X	X	P	X	X	X	X	X
Vehicle Repair: Neighborhood Serving	—	X	X	P	X	P	X	X	P	X	X	X	X	X
Veterinary Clinic	531.58	X	P	P	P	X	X	X	P	X	X	X	P	X
Wholesale Trade Establishment		X	X	P	P	P	X	X	P	X	X	X	X	X

INDUSTRIAL														
Asphalt/Concrete Processing, Manufacturing, or Recycling Plants ⁴	—	X	X	X	X	P	X	X	X	X	X	X	X	X
Industrial, Heavy	531.25	X	X	X	X	P	X	X	P	X	X	X	X	P
Firework/Sparkler Manufacture	531.25	X	X	X	X	P	X	X	X	X	X	X	X	X
Industrial, Light	531.25	X	X	X	P	P	P	X	P	X	X	X	X	P
Research and Development Activities	—	X	X	X	P	P	P	X	P	X	X	X	X	P
COMMUNITY SERVICE USES														
Civic, Social, and Fraternal Organizations/Clubs	531.14	P/S P	P	X	X	X	X	P	P	P	P	X	P	X
Correctional Facilities: Community	—	X	X	X	X	X	P	X	P	X	X	X	X	X
Correctional Facilities: Major	—	X	X	X	X	X	P	X	P	X	X	X	X	X
Cultural Facilities	531.15	P	P	P	P	P	P	P	P	X	X	X	P	P
Emergency Shelters	531.44	P	P	P	X	X	X	P	P	X	P	X	P	X
Emergency Shelter Home	531.44	P	P	P	X	X	X	P	P	X	P	X	P	X
Personal Wireless Service Facilities	531.37	See Section 531.37												
Public Community Uses	531.39	P	P	P	P	P	P	P	P	P	P	X	P	P
Public Use Facilities	531.40	P	P	P	P	P	P	P	P	P	P	X	P	P
Post Offices	—	P	P	P	P	P	P	P	P	P	P	X	P	P
Radio, TV, Communication	—	X	X	P	P	P	P	X	P	X	X	X	X	P

s, Microwave Facilities														
Utility Use	531.54	P	P	P	P	P	P	P	P	P	P	P	P	P
Alternative Energy Generation Facility	531.54	X	X	X	X	P	P	X	X	X	X	X	X	P
Utility Use, Heavy	531.54	X	X	X	X	P	X	X	P	X	X	X	X	X
MISCELLANEOUS USES														
Flea Markets: Enclosed	531.20	X	X	P	X	X	X	X	P	X	X	X	X	X
Flea Markets: Open	531.20	X	X	P	X	X	X	X	P	X	X	X	X	X
Intensive Services: Towing Service and Storage Establishment	531.26	X	X	P	X	P	X	X	P	X	X	X	X	P
Outdoor Advertising Signs	—	X	X	P	X	P	X	X	X	P	X	X	X	P
Outdoor Storage (Principal Use)	531.36	X	X	P	X	P	X	X	P	X	X	X	X	P
Parking, Commercial (Principal Use)	—	X	P	P	P	P	P	P	P	X	X	X	X	X
Sexually Oriented Businesses	531.52	See Section 531.52												
Water Dependent Uses	531.60	X	X	X	X	X	X	P	P	X	X	X	X	X
OPEN USE OF LAND - LIGHT														
Cemetery: Human and Pet	531.11	X	X	P	X	X	P	X	P	X	X	X	X	X
Earthmoving, Minor	702	P	P	P	P	P	P	P	P	P	P	X	P	P
Game Preserve	—	X	X	P	X	X	P	X	P	X	X	X	X	X
OPEN USE OF LAND - HEAVY														
Earthmoving, Major	702	X	X	X	X	X	X	X	X	X	X	X	X	P

Junkyards	531.2 7	X	X	X	X	X	X	X	P	X	X	X	X	X
Mining	531.3 0	X	X	X	X	X	P	X	X	X	X	X	X	X
Solid Waste Management Facilities	531.5 3	X	X	P	X	P	P	X	P	X	X	X	X	X
Landfills	531.5 3	X	X	X	X	X	P	X	X	X	X	X	X	X

RECREATION USES

Environmental Land Preserves, Public and Private	531.1 7	P	P	P	P	P	P	P	P	P	X	X	P	X
Recreation, High Intensity	531.4 1	X	X	P	X	X	P	P	P	X	X	X	X	X
Recreation, Low Intensity	531.4 1	P	P	P	P	P	P	P	P	P	P	P	P	X
Recreation, Medium Intensity	531.4 1	X	X	P	X	X	P	P	P	X	X	X	X	X
Recreation, Passive	531.4 1	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation, Rural	531.4 1	X	X	X	X	P	P	X	X	X	X	X	X	X

RESIDENTIAL USES

Accessory Dwelling Unit ⁶	511.1 8	P	X	X	X	X	X	X	P	X	X	X	P	X
Assisted Living Facility, Large ¹	531.4 5	P	P	P	X	X	P	X	P	X	X	X	P	X
Assisted Living Facility, Small ¹	531.4 5	P	P	P	X	X	P	X	P	X	X	X	P	X
Community Residential Homes	531.4 4	P	X	X	X	X	P	X	P	P	P	X	P	X
Group Housing	531.2 3	X	X	X	X	X	P	X	P	X	X	X	X	X
Mobile Homes, Individual	531.3 2	X	X	X	X	X	X	X	X	X	P	X	X	X
Mobile Home Parks	—	X	X	X	X	X	X	X	P	X	P	X	X	X
Mobile Home Subdivisions	—	X	X	X	X	X	X	X	P	X	P	X	X	X

Nursing Homes ¹	531.3 5	X	P	P	X	X	P	X	P	X	X	X	X	X
Recovery Home, Large	531.4 5	X	P	P	X	X	P	X	P	X	X	X	X	X
Recovery Home, Small	531.4 5	P	P	P	X	X	P	X	P	P	P	X	P	X
Residential Treatment Facilities	531.4 6	P	X	X	X	X	P	X	P	X	X	X	P	X
Residential Use: Duplexes	531.4 7	P	X	X	X	X	P	X	P	X	X	X	X	X
Residential Use: Multiple Family Dwellings	531.4 7	P	X	X	X	X	P	P	P	X	X	X	X	X
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	531.4 7	P	X	X	X	X	P	P	P	X	X	X	X	X
Residential Use: Single Family, Detached Dwellings	531.4 7	P	X	X	X	X	P	P	P	X	X	X	P	X
Residential Use: Single Family, Semi-Detached Dwellings	531.4 7	P	X	X	X	X	P	X	P	X	X	X	X	X
Residential Use: Triplex and Quadruplex Dwellings (Multifamily, four (4) units maximum)	531.4 7	P	X	X	X	X	X	P	P	X	X	X	X	X
Residential Use: Waterfront Structures (Residential)	531.4 7	P	X	X	X	X	X	P	P	P	P	X	P	X

Residential Use: Waterfront Structures, Multi-Family	531.4 7	P	X	X	X	X	X	P	P	X	X	X	P	X
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RESIDENTIAL SUPPORT USES

Adult Day Care Center	—	P	P	P	X	X	X	P	P	X	P	X	P	X
Child Care Center, Accessory	531.1 2	P	P	P	P	P	P	P	P	P	P	X	P	P
Child Care Center, Large	531.1 2	P	P	P	P	P	P	X	P	X	X	X	P	X
Child Care Center, Small	531.1 2	P	P	P	X	P	P	X	P	P	P	X	P	X
Churches/Places of Worship	531.1 3	P	P	P	X	X	X	X	P	P	P	X	P	X
Environmental Education Facilities	—	P	X	X	X	X	P	X	P	X	X	X	P	X
Family Day Care Home	—	P	X	X	X	X	P	X	P	P	P	X	P	X
Schools, College/Universities	531.5 0	X	X	X	X	X	P	X	P	X	X	X	X	X
Schools, Elementary	531.5 0	P	P	X	P	X	P	X	P	X	X	X	P	X
Schools, High and Middle	531.5 0	P	P	X	P	X	P	X	P	X	X	X	P	X
Schools of Special Education	531.5 0	P	P	P	P	X	P	X	P	X	X	X	P	X
Schools, Public	531.5 0	P	P	P	P	P	P	P	P	P	P	P	P	P

TRANSPORTATION USES

Aircraft Landing Field	531.2	X	X	X	X	X	P	X	P	X	X	X	X	X
Airport, Commercial	531.3	X	X	X	X	X	P	X	P	X	X	X	X	X
Airport, Private or Public	531.3	X	X	X	X	P	P	X	P	X	X	X	X	P
Bus and Train Passenger Station	—	P	X	P	P	P	P	X	P	X	X	X	P	P

Hazardous Waste Transfer Facility	—	X	X	X	X	P	P	X	P	X	X	X	X	X
Heliport	531.24	X	X	P	X	P	P	X	P	X	X	X	X	P
Helistop	531.24	P	P	P	P	P	P	P	P	X	X	X	P	P
Intensive Services: Motor Pool Facilities	531.26	X	X	X	X	P	P	X	P	X	X	X	X	P
Intermodal Terminal	—	X	X	X	X	P	P	X	P	X	X	X	X	P
Motor Freight Terminal/Maintenance	531.34	X	X	X	X	P	X	X	P	X	X	X	X	P
Bus RR/Maintenance Facility	531.34	X	X	X	X	P	P	X	P	X	X	X	X	X
Railroad Switching/Classification Yard	—	X	X	X	X	P	P	X	X	X	X	X	X	P
WAREHOUSING														
Mini Warehouses, Self-storage	531.31	X	X	P	X	P	X	X	P	X	X	X	X	X
Warehouses	531.59	X	X	X	P	P	P	X	P	X	X	X	P	P

Board of County Commissioners: 04/23/2026

PDR-23-48(Z)(P) – YORT- 2351 - 2351 RYE ROAD LLC AND YORT, LLC. (OWNERS) – PLN2309-0137

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the Official Zoning Atlas (Ordinance 15-17, as amended, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 31.32 acres on the west side of Rye Road and north of the future extension of Mulholland Road, also known as 2351 and 2357 North Rye Road in Parrish (Manatee County), from A (General Agriculture) to PDR (Planned Development Residential) Zoning District; approving a Preliminary Site Plan for a total of 733 single family units on 464.74 acres, which includes the 31.32 acres subject to be rezoned and 433.417 acres immediately adjacent to the south, already zoned PDR (Planned Development Residential), partially located within the CEA/CHH/CPA Overlays (Coastal Evacuation Area, Coastal High Hazard, and Coastal Planning Area Overlays), commonly known as 1921, 1381, and 1621 North Rye Road in Parrish (Manatee County); subject to voluntarily proffered conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

Planning Commission: 1/15/2026
Board of County Commissioners: 2/12/2026, 03/05/2026 and 04/23/2026

ALTERNATIVE MOTIONS:

APPROVAL

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be **CONSISTENT** with the Manatee County Comprehensive Plan and in compliance with the applicable standards for review in the Land Development Code, as conditioned herein, I move to **ADOPT** Manatee County Zoning Ordinance No. PDR-23-48(Z)(P); **APPROVE** the Preliminary Site Plan with Stipulations A.1-A.5; B.1-B.8; C.1-C.12 and D.1.

DENIAL

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be **INCONSISTENT** with the Manatee County Comprehensive Plan and not in compliance with the applicable standards for review in the Land Development Code, I move to **DENY** Manatee County Zoning Ordinance Number PDR-23-48(Z)(P), and **DENY** the Preliminary Site Plan, as recommended by the Planning Commission, and direct the County Attorney's Office along with staff to prepare written Findings of Denial and to bring back before the Board of County Commissioners on the _____ day of _____, 2026.

PLANNING COMMISSION ACTION:

On January 15, 2026, by a vote of 6-0, Planning Commission voted to recommend Denial with one seat vacant. The concerns were compatibility, density, traffic concerns, peak hour trips, Rye Road expansion, and lack of Emergency Medical Services (EMS) in the surrounding area.

BOARD OF COUNTY COMMISSIONERS LAND USE MEETING ACTION:

On February 12, 2026, by a vote of 7-0, the Board of County Commissioners voted to continue the public hearing to March 5, 2026, Board of County Commissioners Land Use Meeting with one seat vacant.

On March 5, 2026, by a vote of 6-0, the Board of County Commissioners voted to continue the public hearing to April 23, 2026, Board of County Commissioners Land Use Meeting. One seat is vacant.

PUBLIC COMMENT AND CORRESPONDENCE:

January 15, 2026 – Planning Commission

Public Comments:

- Andra Griffin raised concerns about funding for Rye Road widening and safety near the proposed project.
- Glen Gibellina expressed concern regarding increasing density and linking affordability requirements to reduce development costs.
- Tim Richey addresses concerns regarding housing affordability across the State of Florida.
- The item was moved to Presentation Scheduled. Revised Stormwater Stipulations and an alternative Motion for Approval in strikethrough/underline format in staff report and public comments were entered into the record.

February 12, 2026 – Board of County Commissioners

- There were no public comments.
- Additional Public comment, item moved to Presentations Upon Request, and the letter from Applicant requesting continuance to March 5, 2026, were entered into the record.

March 5, 2026 – Board of County Commissioners

- There were no public comments.
- Applicant requested continuance to April 23, 2026, entered into the record, and item moved to presentations upon request.

APPLICATION REQUEST

The applicant is requesting approve a rezoning of 31.32 acres from A (General Agriculture) to PDR (Planned Development Residential) with a Preliminary Site Plan (PSP) for up to 733 dwelling units on 464.74 acres, which includes two parcels to the north with a total of 31.32 acres subject to be rezoned and 433.417 acres immediately adjacent to the south, already zoned PDR.

Section	
1	Project Summary
2	Maps & Discussion
3	Project Details
4	Compliance with the Land Development Code
5	Compliance with the Comprehensive Plan
6	Positive/Negative Aspects and Mitigating Measures
7	Conditions of Approval

SECTION 1	
PROJECT SUMMARY	
Case Number	PDR-23-48(Z)(P)/ PLN2309-0137
Project Name	Yort 2351
Section/ Township/ Range(s)	10 / 34S / 19E 11 / 34S / 19E 13 / 34S / 19E 14 / 34S / 19E 15 / 34S / 19E
Parcels and Address <i>See aerial images on Page 4</i>	513010509 (1921 North Rye Rd, Parrish) 512000001 (1381 North Rye Rd, Parrish) 513100109 (2351 North Rye Rd, Parrish) 513100209 (2357 North Rye Rd, Parrish) 513510159 (Not assigned address/ North Rye Rd, Parrish) 515810000 (1621 North Rye Rd, Parrish) 521800003 (Not assigned address/ Hickory View Cir) 524800000 (Not assigned address/ Boston Ln)
Site and Project Acreage	Site and Project: 464.74 acres (per Boundary Survey) 31.32 acres (Subject to rezoning to PDR) 433.42 acres (Remaining acreage, retaining PDR zoning and overlays)
General Location	West side of North Rye Road, approximately 1 mile north of Upper Manatee River Road
Owners	2351 Rye Road LLC (parcels to be rezoned) Yort, LLC (remaining acreage)
Applicant(S) / Agent	ZNS Engineering
Future Land Use Category	Existing: UF-3 (Urban Fringe-three dwelling units per acre) Proposed: No changes
Zoning	Existing: - A (General Agriculture): 31.32 acres - PDR (Planned Development Residential): 433.42 Proposed: PDR (Planned Development Residential) for the entire development
Use of Property	Existing: Vacant Proposed: Single family residential subdivision

DENSITY <i>Dwelling Units Per Gross Acre (DU/GA)</i>	Permitted: ≤ 3 DU/GA, site total* 1,224 DU or ≤ 9 DU/GA with Affordable Housing/Mixed Use Bonus, site total* 3,674 DU Proposed: 1.8 DU/GA, site total* 733 DU *408.25 acres considering wetland transfer
Affordable Housing Component	Not applicable
Intensity <i>Floor Area Ratio (FAR)</i>	Permitted: ≤ 0.35 /0.5 at activity nodes Proposed: Not applicable
Overlays / Special Areas	Southern portion of the property* is within: • CEA (Coastal Evacuation Area Overlay) • CHH (Coastal High Hazard Area Overlay) • CPA (Coastal Planning Area Overlay) *PIDs 524800000, 51810000, 521800003 and 513510159
Specific Approval Request(s)	None
Neighborhood Workshop <i>Refer to Page 11</i>	First virtual workshop held 6/11/2024 Second virtual workshop held 9/25/2025
Planner/Case Manager	Laura Gonzalez, Principal Planner

SECTION 2

MAPS & DISCUSSION

2. MAPS & DISCUSSION

The project site consists of 464.74 acres, located on the west side of North Rye Road, north and south of the future extension of Mulhollan Road, approximately 1 mile north of Upper Manatee River Road. The 31.32-acre northern portion, adjacent to the future extension of Mulhollan Road, is proposed to be rezoned from A to PDR, consolidating this zoning district for the entire site to PDR, as this already is the current zone of the southern portion. The applicant also seeks approval of a Preliminary Site Plan (PSP) for a residential subdivision with a total of 733 residential single-family detached dwelling units on the total extension of the property.

Aerial Map

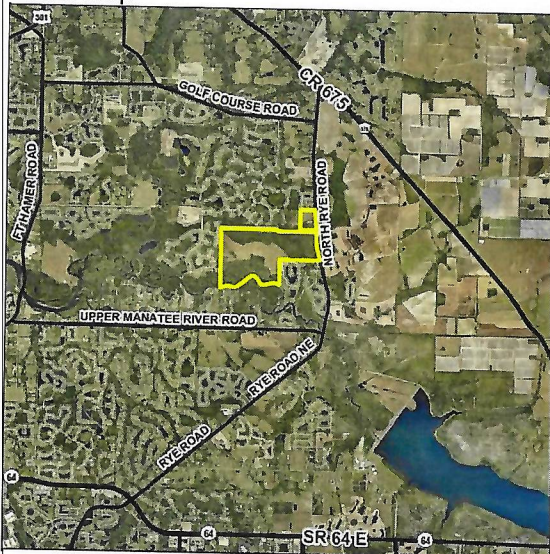


Image Source: Manatee County GIS

Aerial Reference

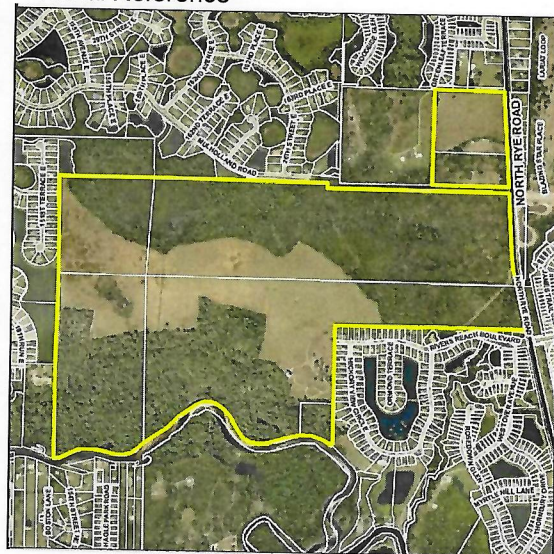


Image Source: Manatee County GIS

The entire site is within the UF-3 Future Land Use Category (FLUC) which is projected to develop following a logical expansion of the urban environment growing from west to east, consistent with the availability of services. The proposed residential subdivision with a density of 1.8 DU/GA is consistent with the UF-3 range of permitted uses, which allows low density residential use.

In 1990, with the adoption of the Land Development Code (LDC), the property was zoned A. However, in 2002 the southern portion was rezoned to PDR, under PDR-01-09, and a PSP was approved for Rutland Ranch/ River Chase development with a total of 231 single family lots. This PSP was never developed, and a new PSP for Yort LLC/River Chase was approved by the BCC in 2005, which was also not implemented. During these years, the northern portion was never rezoned.

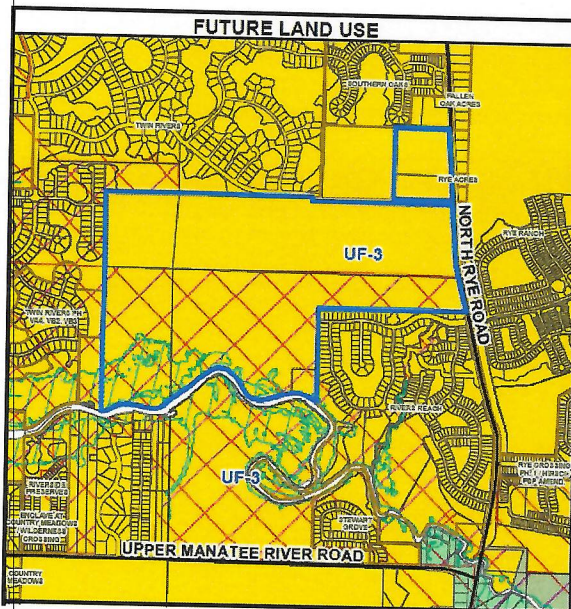


Image Source: Manatee County GIS

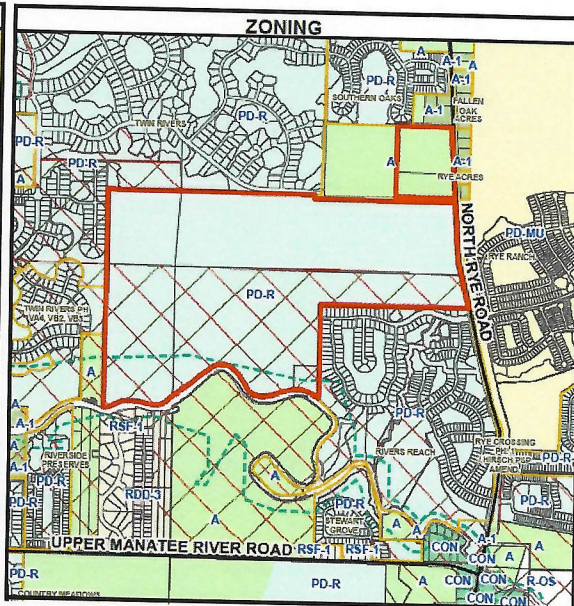


Image Source: Manatee County GIS

SURROUNDING USES AND ZONING		
Direction	Use	Zoning
North	Residential subdivision Single family units	Planned Development Residential General Agriculture
South	Camp Flying Eagle (Historical Boy Scout Camp) Single family units Residential subdivision	General Agriculture Residential Single Family-1 Planned Development Residential
East (across North Rye Road)	Mixed-use development not built but partially platted	Planned Development Mixed Use
West	Residential subdivision Single family units	Planned Development Residential General Agriculture

3. PROJECT DETAILS

Preliminary Site Plan

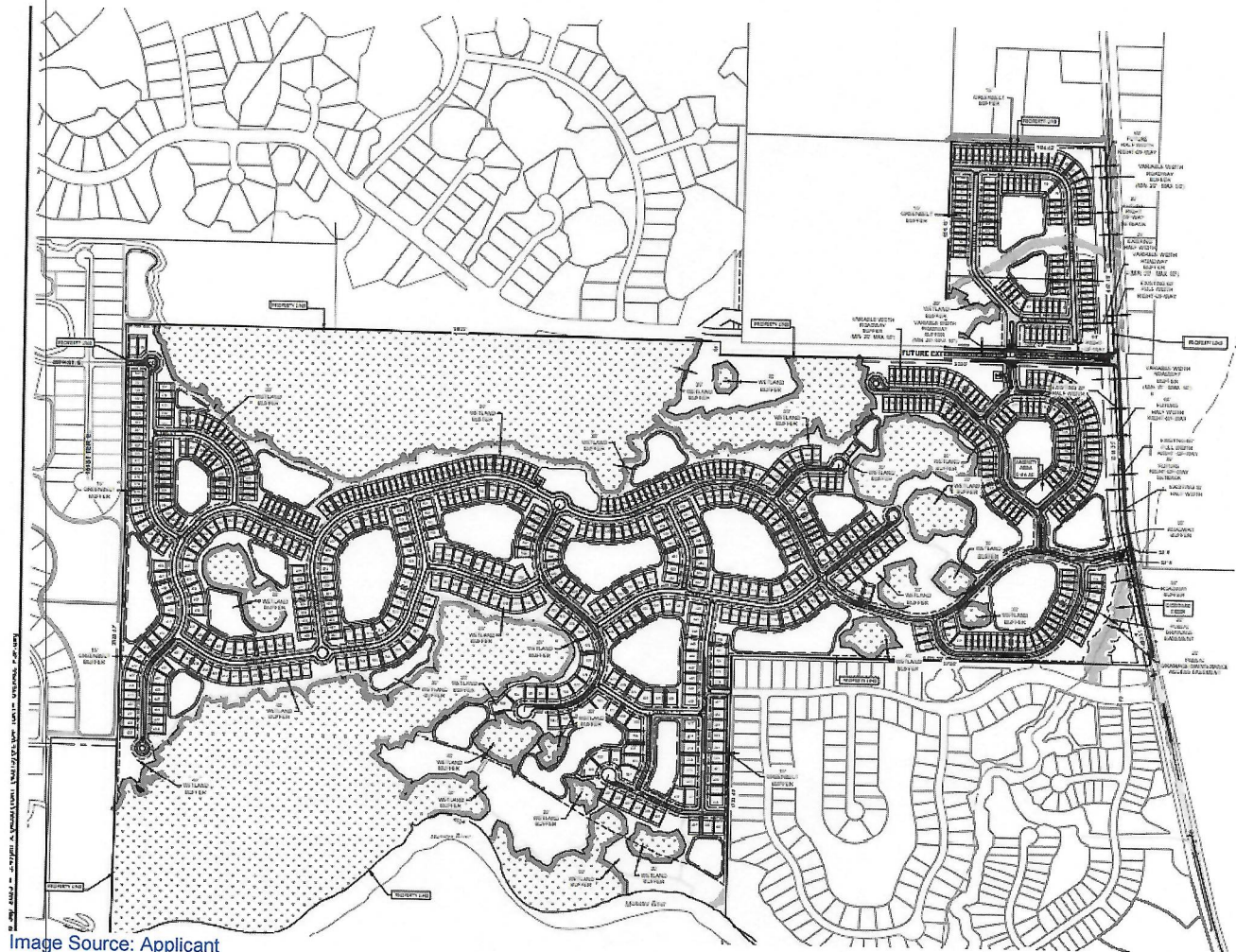


Image Source: Applicant

The PSP for the proposed residential subdivision includes:

- 733 lots for single-family detached units
- 149.44 acres of wetlands (not impacted)
- Two designated amenity areas (1.99 acres), plus additional trails and passive parks totaling 7.72 acres
- 56.87 acres of stormwater facilities distributed in 26 ponds
- Two access points off North Rye Road
- Two existing inter-neighborhood ties: one to 20th Street East and the other to River Reach Subdivision for Emergency access only
- 266.31 acres of open space
- Variable width roadway buffers (20-foot minimum and 50-foot maximum) along North Rye Road and the future extension of Mulholland Road – Existing 84-foot right-of-way (ROW)
- 15-foot greenbelt buffer along the other property lot lines

SITE DESIGN DETAILS	
Setbacks (Required (*) and Proposed) (*) Minimum if project-specific setbacks are not proposed.	Front Yard: 25 feet / 25 feet (front loaded garages) 20 feet / 20 feet (side loaded garages/ secondary front) Side Yard: 8 feet / 5 feet Rear: 15 feet / 15 feet 5 feet accessory structure Wetland buffer setback: 15 feet / 15 feet
MINIMUM LOT SIZE(S) / LOT TYPE(S)	Single-family detached: 4,800 square feet (width 40 feet x length 120 feet) 6,000 square feet (width 50 feet x length 120 feet) 7,200 square feet (width 60 feet x length 120 feet) 8,400 square feet (width 70 feet x length 120 feet)
HEIGHT	Two stories
OPEN SPACE	Required: 140.06 acres - Coastal Overlay District - 35% (83.55 acres) - Outside of Coastal Overlay District – 25% (56.51 acres) Provided: 58% or 272.98 acres
ACCESS	- Two main access points on North Rye Road (one of them being the future extension of Mulholland Road) - Existing inter-neighborhood tie at 20th Street East within the Twin Rivers Subdivision Phase V - Existing inter-neighborhood tie on Rivers Reach Boulevard for emergency access only
FLOOD ZONE(S)	FLOODWAY, AE-Zone with a Base Flood elevation of 15.5' NAVD thru 16.6' NAVD, A-Zone, X-Zone, Panel#12081C0195F & 12081C0215F, 8/10/2021
AREA OF KNOWN FLOODING	Project Located in Flood Prone Area: Yes Type of Flooding (i.e. rainfall, riverine, storm surge, etc): Rainfall Project Subject to flow reduction: Yes, 50% reduction in allowable pre-development runoff rate for Gamble Creek Watershed. Project subject to OFW: NA. Watershed/Basin: Gamble Creek, Goddard Creek and Manatee River Watershed. Project located within Floodplain and/or Floodway (Present FIRM): Project is located in the FEMA 2014 FIRM 100-year floodplain and floodway. Project is also located in the Gamble Creek Watershed 100-year floodplain. Note that the FEMA FIRM will be updated in the near future (effective August 2021) to reflect the Gamble Creek Watershed Study 100-year floodplain <u>FEMA 1% annual chance flood hazard area</u>. The preliminary FEMA FIRM showing the change is available from FEMA and Manatee County upon request. Applicable Watershed Studies: Gamble Creek Watershed. The associated Watershed Study is available from Stormwater Engineering staff upon request. Methodology Meeting: A methodology meeting is recommended with respect to drainage design (attenuation, floodplain impacts, tailwater, water quality, etc.). Drainage Easements/Access Easements required for existing system(s): Refer to Comments below. Impairment: Gamble Creek Watershed (WBID 1819) appears impaired for fecal coliform. Please verify with FDEP and SWFWMD and provide required net improvement where applicable.

UTILITIES	POTABLE WATER INFRASTRUCTURE			
	• Existing County 30-inch water main on the west side of Rye Road ROW with 8-inch stub to site			
	WASTEWATER INFRASTRUCTURE			
	• Existing County 6-inch force main on the east side of Rye Road ROW.			
	RECLAIMED WATER INFRASTRUCTURE			
	• Existing County 30-inch reclaim main on the east side of Rye Road OW			
	• Existing private 8-inch reclaim on the north side of 20th Street East			
COMPLIANCE WITH LAND DEVELOPMENT CODE STANDARDS				
Standard(s) Required		Design Proposal	Compliance	Comments
BUFFERS				
20-foot roadway buffer (Rye Road)	roadway buffer (Rye Road)	Min. 20 feet – Max. 50 feet	Yes	LDC Section 402.7.D.1
20-foot roadway buffer (Future Mulholland Road Extension)	roadway buffer (Future Mulholland Road Extension)	Min. 20 feet – Max. 50 feet	Yes	LDC Section 402.7.D.1
15-foot greenbelt buffer	greenbelt buffer	15 feet	Yes	LDC Section 402.7.D.5
SIDEWALKS				
5-foot sidewalks	5-foot sidewalks	5-foot both sides of the development roadways	Yes	LDC Section 1001.6.A
DRIVEWAYS, ROADS AND RIGHTS-OF-WAY				
Access Points		Access driveways and driveway separation designed to Public Works Standards, Part 3. Highway & Traffic Standards Manual	N/A	To be reviewed at time of Final Site Plan
Internal Roadways		Internal drive aisles designed to Public Works Standards, Part 3. Highway & Traffic Standards Manual	N/A	To be reviewed at time of Preliminary and Final Site Plan
TRANSPORTATION				
Major Transportation Facilities				
The site is located on the west side of Rye Road, approximately 1.0 mile north of Upper Manatee River Road. The project will impact the following roadways, adjacent to and near the project site:				
• Rye Road is an existing two-lane road with a 45-mph posted speed. It is designated as a four-lane arterial roadway with a planned ROW width of 120 feet in the Comprehensive Plan's Future Traffic Circulation Plan. • Upper Manatee River Road is an existing two-lane road with a 45-mph posted speed. It is designated as a two-lane arterial roadway with a planned ROW width of 84 feet in the Comprehensive Plan's Future Traffic Circulation Plan. • Mulholland Road is an existing two-lane road with a 30-mph posted speed. It is designated as a two-lane collector roadway with a planned ROW width of 84 feet in the Comprehensive Plan's Future Traffic Circulation Plan.				
Transportation Link Capacity Analysis				
The application includes a proposed Rezone with a Preliminary Site Plan (PSP). The application has been reviewed by the Transportation Planning and Traffic Engineering Division, and it has been determined that the impacted roadway segment is expected to operate at or above the level of service (LOS) performance standards.				

NEAREST THOROUGHFARE	LINK	ADOPTED LOS	EXISTING LOS	FUTURE LOS (W/O PROJECT)	FUTURE LOS (W/PROJECT)
Rye Road	2921	D	C	F/D*	F/D*

*With Rye Road widening from 2 lanes to 4 lanes according to CIP Project ID: PJ6118362.

Access

As the County has repealed transportation concurrency and implemented an Alternative Transportation System (ATS), at the time of future site plan submittal and accompanying Trip Reservation Report (TRR) and Operational Analysis (OA) review, all proposed access points will be evaluated to determine if any site and safety related improvements will be required for the site.

CONCURRENCY

CLOS APPLIED FOR: No, the applicant has elected to defer concurrency.

Solid waste landfill capacity and preliminary drainage intent will be reviewed at the time of application for concurrency. Potable water, wastewater, and school facilities will be reviewed at the time of Final Site Plan (FSP).

ENVIRONMENTAL INFORMATION

Minimum Open Space Requirements:

Required Open Space

- Total Required Open Space – 140.06 acres
 - Coastal Overlay District - 35% (83.55 acres) (LDC Section 403.8.D.8)
 - Outside of Coastal Overlay District – 25% (56.51 acres) (LDC Section 402.7.D.2)

Provided Open Space: 57% (266.31 acres)

Wetlands:

Overall Wetland Acreage:		149.44				
Proposed Impact Acreage:		0.00				
Wetland I.D.	Wetland Acreage	Acres Impacted	Classification (FLUCFCS)	Quality (UMAM Score)	Reason for Impact	Explanation
A	62.807	0.00	Forested Wetland (FLUCFCS 610) / Mixed Wetland Hardwoods (FLUCFCS 617) / Freshwater Marsh (FLUCFCS 641)	N/A	N/A	No Impact Proposed
B	0.486	0.00	Freshwater Marsh (FLUCFCS 641)	N/A	N/A	No Impact Proposed
C	0.888	0.00	Mixed Wetland Hardwoods (FLUCFCS 617) / Freshwater Marsh (FLUCFCS 641)	N/A	N/A	No Impact Proposed
D	0.285	0.00	Freshwater Marsh (FLUCFCS 641)	N/A	N/A	No Impact Proposed
E	0.871	0.00	Mixed Wetland Hardwoods (FLUCFCS 617)	N/A	N/A	No Impact Proposed
F	5.960	0.00	Mixed Wetland Hardwoods	N/A	N/A	No Impact Proposed

				(FLUCFCS 617) / Freshwater Marsh (FLUCFCS 641)			
G		65.437	0.00	Forested Wetland (FLUCFCS 610) / Mixed Wetland Hardwoods (FLUCFCS 617) / Freshwater Marsh (FLUCFCS 641)	N/A	N/A	No Impact Proposed
H		1.344	0.00	Mixed Wetland Hardwoods (FLUCFCS 617)	N/A	N/A	No Impact Proposed
I		0.241	0.00	Mixed Wetland Hardwoods (FLUCFCS 617)	N/A	N/A	No Impact Proposed
J		2.210	0.00	Freshwater Marsh (FLUCFCS 641)	N/A	N/A	No Impact Proposed
K		0.875	0.00	Mixed Wetland Hardwoods (FLUCFCS 617)	N/A	N/A	No Impact Proposed
L		0.317	0.00	Mixed Wetland Hardwoods (FLUCFCS 617)	N/A	N/A	No Impact Proposed
M		0.810	0.00	Mixed Wetland Hardwoods (FLUCFCS 617)	N/A	N/A	No Impact Proposed
N		1.742	0.00	Mixed Wetland Hardwoods (FLUCFCS 617)	N/A	N/A	No Impact Proposed
O		4.905	0.00	Mixed Wetland Hardwoods (FLUCFCS 617)	N/A	N/A	No Impact Proposed
AA		0.262	0.00	Freshwater Marsh (FLUCFCS 641)	N/A	N/A	No Impact Proposed
TOTAL		149.44	0.00				

Wetland Buffers: Wetland Buffers are proposed as an average 30 feet, 15-foot minimum, exceeding the SWFWMD ERP A.H. Volume 1 10.2.7 which requires an average 25 feet. The PSP demonstrates the 30-foot average and 15-foot minimum wetland buffers.

A Wetland Buffer Enhancement Plan has been proposed, which in addition to the required nuisance, exotic plant removal, demonstrates enhancement plantings based on the pre-development conditions of the wetland buffers. This plan is detailed in the Wetland Buffer Enhancement Plan provided by Steinbaum and Associates, Inc. (July 21, 2025).

Uplands:

Per the Revised Ecological Narrative provided by Steinbaum and Associates, Inc. (July 21, 2025) the subject site is comprised of Open Lands (FLUCFCS 190; 3.039 acres), Improved Pasture (FLUCFCS 211; 154.034 acres), Abandoned Groves (FLUCFCS 224; 9.926 acres), Shrubs and Brushland (FLUCFCS 320; 5.141 acres), Shrubs and Brushland/Disturbed Land (FLUCFCS 320 & 740; 35.573 acres), Pine Flatwoods (FLUCFCS 411; 6.316 acres), Mixed Pine (FLUCFCS 415; 3.675 acres), and Mixed Hardwoods (FLUCFCS 438; 87.634 acres).

Approximately 238.71 acres of this project is located within the Coastal Planning Area, Coastal Overlay District. Fifty percent of the required minimum open space exclusive of areas used for surface water retention/detention shall be retained in the natural vegetation of native upland communities including understory vegetation. If the/ native upland community areas are less than 50% of the required minimum open space exclusive of surface water

retention/detention areas, then all of the vegetation shall be retained (LDC Sec. 403.8.F.2). The applicant is required to preserve 41.78 acres of Native Upland Communities which is being provided as 60.68 acres of Mixed Hardwoods (FLUCCS 438) and Pine Flatwoods (FLUCCS 411).

Preservation of Existing Plant Communities:

Per LDC Section 402.6.T.3.b., when existing native plant communities occur on a parcel of land and are located within planned open spaces, 35% of the required open space or 75% of the existing native plant communities, whichever is less, shall be in the form of preserved native plant communities. The applicant is required to preserve 49.02 acres of native plant communities which is being exceeded with 210.12 acres total (149.44 acres wetland and 60.68 acres of upland habitat).

Endangered Species:

Per the Revised Ecological Narrative provided by Steinbaum and Associates, Inc. (July 21, 2025) an on-site assessment was conducted August 22, 23, and 27, 2023 for listed floral and faunal species. The survey entailed systematically walking (or driving) transects in open pasture and walking remaining transects (e.g., upland vegetation associations, wetlands) and observing both understory, tree canopies/constituents for listed species or signs of species that are considered endangered, threatened, or species of special concern by the FWC or afforded other protection. The result of the August 2023 listed species survey is that 13 potentially occupied gopher tortoise burrows were the only sign of listed species observed. The Preliminary Survey exceeded 15% of upland habitat. An additional potentially occupied burrow was observed on January 22, 2024 during wetland delineation field work. Ninety days prior to construction and land clearing, a 100% survey of suitable habitat for gopher tortoises shall be conducted as recommended. If evidence of gopher tortoises is found, a FWC permit will be obtained for relocation and/or management of tortoises.

Trees and Landscaping:

Tree Removal and Replacement will be reviewed with Preliminary Site Plan and Final Site Plan, in accordance with LDC Section 700 & 701.

LANDSCAPE BUFFERS			
	Required	Provided	LDC Section
Roadway Buffer (Rye Road)	20 feet	Min. 20 – Max. 50 feet	LDC Section 402.7.D.1
Roadway Buffer (Future Mulholland Rd Extension)	20 feet	Min. 20 – Max. 50 feet	LDC Section 402.7.D.1
Greenbelt Buffer	15 feet	15 feet	LDC Section 402.7.D.5

Landscaping will be reviewed with FSP, in accordance with LDC Section 701.

LOCATION MAP



SECTION 4

COMPLIANCE WITH THE LAND DEVELOPMENT CODE

Section 312.6-Neighborhood Workshop

Section 322.2 – Preliminary Site Plan Review Criteria

Section 342 – Amendments to Official Zoning Atlas

Section 402.6 – General Design Requirements for All Planned Development Site Plans

Section 402.7 – Planned Development Residential

Section 403.8 Coastal Overlay Districts (CHHA, CEA and CPA)

Compliance with the LDC Sections 312.6, 342, 322.2, 402.6 and 402.7 was analyzed and demonstrated for the entire site.

SECTION 312.6 – NEIGHBORHOOD WORKSHOP

Neighborhood Workshop Details*		
Required Documents	Requirement Met	
Date and Time of Workshop	June 11, 2024	September 25, 2025, 5:30 pm
Workshop Format	Virtual	Virtual
Workshop Requirement	- Application received before July 2025 - Neighborhood Workshop was recommended during the Completeness Review process	- Application received before July 2025 - Neighborhood Workshop was recommended during the Completeness Review process
Citizen Attendees	50 attendees including applicant's team	41 members of the public attended
Sign-In Sheet	Provided	Provided
Summary	Provided	Provided
Issues, Suggestions, and Concerns	Provided	Included in the Summary.
Mail Notice	- Copy of mail notice provided - Notice mailed to 194 addresses - Mailing distance/radius: Information not provided	- Copy of mail notice provided - No information on the number of notices that were mailed - Mailing distance/radius: 1,400 feet in all directions (per Department Director instructions). Map provided
Workshop Signage	Information not provided	2 signs posted on Rye Road - Signage photos provided

*For further details, please see attachments for the Neighborhood Workshop Summaries.

SECTION 322.2 – PRELIMINARY SITE PLAN REVIEW CRITERIA

A. Previous Approvals.

Analysis: In 2002 the southern portion was rezoned to PDR, under PDR-01-09 - Rutland Ranch/ River Chase, with a PSP for 231 single family lots. This PSP expired and in 2005; a new PSP, under PDR-05-05(P)- Yort LLC/River Chase, was approved for 231 single family residential subdivision. This PSP also expired. During these years, the northern portion was never rezoned, keeping the original A Zoning District.

B. Comprehensive Plan.

Analysis: Please see following *Compliance with the Comprehensive Plan* Section for a detailed analysis on how the proposed PSP complies with the applicable policies of the Comprehensive Plan, including Policy 2.2.1.11, regarding the UF-3 FLUC.

C. Land Development Code.

Analysis: Please see following *Compliance with the Land Development Code* Section for a detailed analysis on how the proposed PSP complies with the LDC Sections 312.6- Neighborhood Workshop, 402.6 – General Requirements for All Planned Development Site Plans, and Section 402.7. – PDR – Planned Development Residential.

D. Use and District Requirements.

Analysis: The proposed single-family residential use is the same use contained in previous approvals, permitted in the PDR Zoning District.

E. Environment.

Analysis: Please see the analysis provided in the environmental information section of the staff report.

F. Circulation.

Analysis: Main access points are proposed on North Rye Road and the extension of Mulholland Road. Existing inter-neighborhood ties at 20th Street East within the Twin Rivers Subdivision and on River Reach Boulevard will remain with the second one as emergency access only. Internal circulation throughout the project is shown on the PSP. In addition to vehicular connectivity, there is also pedestrian connectivity. Sidewalks and nature trails provide access to the various amenity centers and natural features within the project. Roadways will be designed to meet the minimum criteria for access in the event of a natural disaster or medical or fire emergency.

G. Concurrency.

Analysis: Applicant has submitted a Concurrency Deferral application with this PSP and will apply for a Certificate of Level of Service at time of the FSP/ Construction Drawing submittal.

LDC SECTION 342.4 – REVIEW CRITERIA FOR ZONING MAP AMENDMENTS

1. Compatibility with the Existing Development Pattern and the Zoning of Nearby Properties.

Analysis: This request seeks to unify the project's site under the PDR Zoning District by rezoning the 31.32-acre northern portion from A to PDR, the existing zoning district of the southern portion. The site is surrounded by the PDR Zoning District to the north, southeast, and west. To the east, across North Rye Road, a Planned Development Mixed Use project, Rye Ranch, has been approved for residential, commercial, and public use facility. The residential Phases IIA, IIB, and IIC, adjacent to North Rye Road, have been platted.

2. Changes in Land Use or Conditions Upon Which the Original Zoning Designation was Based.

Analysis: The nearby area has experienced changes in the conditions upon which the original A Zoning District designation was based, as rezoning to the planned development zoning districts have been approved in the last twenty years.

3. Consistency with the Current Comprehensive Plan.

Analysis: This request for 1.8 DU/GA is in compliance with the UF-3 Future Land Use Category, which allows for low density residential and medium density clustered development with a maximum 3 DU/GA. Please see following Section Compliance with Comprehensive Plan for a detailed analysis on how the proposed PSP complies with other policies of the Comprehensive Plan.

4. Conflicts with Existing or Planned Public Improvements.

Analysis: There are no existing or planned public improvements which will conflict with the proposed development.

5. Availability of Public Facilities.

(a) Impact on the Traffic Characteristics – Specifically Trip Generation Potential.

Analysis: It is estimated that the proposed project will generate approximately 617 PM Peak Trips ends. Based on the traffic study, the project PM peak hour volumes plus reserved trips exceed the capacity of Rye Road and Golf Course Road. Required improvements have been identified in the Traffic Study, consistent with the 2045 Future Traffic Circulation Number of Lanes. Although, it is important to note that a generalized capacity analysis shows that 4-lanes would be required on Golf Course Road from Jim Davis Road to Rye Road to meet Level of Service (LOS) Standard, exceeding the Comprehensive Plan provisions; however, a detailed arterial analysis demonstrates that only 2-lanes will be adequate and consistent with the projected 2045 Map. However, the widening of Rye Road from 2-lanes to 4-lanes is required to meet the LOS Standard

The project proposes to build the Mulholland Road extension with the existing 84-foot ROW, along the frontage of the adjacent parcel to the north providing an entrance area connected to North Rye Road to the east, but not all the way to Twin Rivers.

(b) Impact on Population Density or Development Intensity Demand for Schools, Sewers, Streets, Recreational Areas and Facilities and Other Public Facilities.

Analysis: Staff has evaluated the impact of the proposed density on the current availability of infrastructure and services and found that they can support the proposed number of dwelling units.

- The Utilities Section of the Site Design Table identifies the available potable water, wastewater, and reclaimed water infrastructure in the area. Note 22 of the PSP indicates that the project is planning to connect into County utilities in accordance with the most recent County Master Plan for this area; and Note 25 that water main and force main connections will extend from Rye Road to the project site.
- Recreational areas in the vicinity of the project: Fort Hamer Park, Fort Hamer Rowing Facility, Buffalo Creek Park, Buffalo Creek Golf Course, Ola Mae Sims Park, and Rye Preserve.
- The subject property is served by existing elementary, middle, and high schools. The current school year attendance zones are Williams Elementary, Buffalo Creek Middle School, and Parrish Community High School. The School Board has provided a preliminary report, which states that School capacity is available or expected to be available within the School Service Area (SSA) or contiguous SSA, but it is not reserved at this time. When the final site plan is submitted, a School Concurrency Analysis will be required, and the final analysis may differ from this preliminary analysis.

(c) Impact on Public Facilities Planned and Funded to Support Any Change in Density or Intensity

Analysis: There is CIP Project ID: PJ6118362 which consist of "Evaluate, design, permit, and construct: (i) four-lane widening of North Rye Road from south of Rosedown Glen to County Road 675". Approximate completion date December 2029.

The Applicant shall be required to pay the cost of or design and construct their proportionate share of the improvements required due to the off-site impacts of the Project, in accordance with a written agreement

6. Health, Safety or Welfare of the Neighborhood and County.

Analysis: The proposed change is not expected to have a negative impact on the health, safety, or welfare of the neighborhood or County. Although the site is in the floodway, lots are not proposed on this area and the project shall comply with County regulations not adding adverse flooding impacts. The applicant has submitted an Emergency Preparedness Plan that will be reviewed in detail at time of the FSP submittal.

7. Conformance with All Applicable Requirements of this Code.

Analysis: Please see following Section Compliance with the LDC for a detailed analysis on how the proposed PSP complies with Sections 402.6 General Design Requirements for All Planned Development Section and 402.7 Planned Development Residential.

8. Consistency with the Development Patterns in the Area.

Analysis: The property is located in an area transitioning from agricultural lands to residential subdivisions and supporting non-residential developments. Development and planned development zoning approvals have been approved for properties surrounding the site. The proposed residential development with a density of 1.8 DU/GA is consistent with this pattern.

9. Logical Expansion of Adjacent Zoning Districts.

Analysis: As noted above, the requested rezoning of a 31.32-acre portion is intended to unify the zoning of the entire property to PDR as the southern portion of the site, as well as the surrounding properties to north, southeast, and west.

10. Impact on Historic Resources.

Analysis: There are no known historic resources associated with this site. If any historic resources are found at time of development, the applicant will be required to immediately report discoveries of historical or archaeological resources to the Florida Division of Historical Resources.

11. Environmental Impacts.

Analysis: 144.49 acres, representing 32% of the property, consist of wetland areas that will be preserved (no impacts are proposed). More detailed information on Environmental Impacts is provided in the Environmental Information presented in the Site Design Details Section.

12. Types of Allowable Uses and Impact of those on Surrounding Residential Areas.

Analysis: The project comprises single-family detached residential units, similar to the residential units in the surrounding area. Four minimum lot sizes are proposed, ranging from 4,800 square feet to 8,400 square feet.

13. Relocation of Mobile Homeowners.

Analysis: Not Applicable.

14. Consistency with the Planned Development District Standards.

Analysis: Please see following Compliance with the LDC Section for a detailed analysis on how the project complies with the LDC Sections 402.6 – General Requirements for All Planned Development Site Plans and Section 402.11. – PDC – Planned Development Commercial.

15. Any Other Matters Which May Be Appropriate.

Analysis: None.

16. Transportation Impact Review pursuant to Section 343.

Analysis: Refer to Section 342.3.5(a) Impact on the Traffic Characteristics – Specifically Trip Generation Potential and to the accepted Traffic Study for more details.

LDC SECTION 402.6 – GENERAL REQUIREMENTS FOR ALL PLANNED DEVELOPMENT SITE PLANS

A. Physical Characteristics of the Site; Relation to Surrounding Property.

Analysis: The proposed development appears to account for the sensitive physical characteristics of the site. Although the property is located within the floodway, no lots are proposed within this area. Compliance with County regulations will be required at the time of FSP approval to ensure the project does not result in adverse flooding impacts. The site plan includes approximately 54 acres of stormwater facilities distributed throughout the site to address drainage needs. Wetlands comprise 144.49 acres, equivalent to 32% of the property; wetland buffers are proposed as an average 30 feet in width with a 15-foot minimum width, exceeding the SWFWMD requirements and a Wetland Buffer Enhancement Plan has been proposed. An Emergency Preparedness Plan has also been submitted and will be subject to detailed review during the FSP process.

B. Relation to Public Utilities, Facilities and Services.

Analysis: The project is in an area of the County where municipal utilities are available. The above Sections Site Design Details and E, Availability of Public Facilities, provides more details on the services that will be available for the future nonresidential activities. See following Section discussing the impact of the project on the transportation network.

EMS will be provided by Manatee County Department of Public Safety, Fire Protection by the Parrish Fire District, and policing by the Sheriff's Department.

C. Relation to Major Transportation Facilities.

Analysis: First impacted thoroughfares are Mulholland Road from the existing eastern terminus to Rye Road, and Rye Road from Golf Course Road to Upper Manatee River Road. Rye Road is projected to be deficient due to the background traffic. The Traffic Study has identified the required improvements for this road segment to operate at an acceptable level of service. The project proposes to build the Mulholland Road extension within 84-foot ROW, along the frontage of the adjacent parcel to the north, to provide an entrance area connected to North Rye Road to the east, but not all the way to Twin Rivers.

D. Compatibility.

Analysis: The request to rezone the northern portion of 31.32 acres to PDR will unify the project site under the PDR Zoning District, the current zoning district of the remaining area to the south. The site is surrounded by the PDR Zoning District to the north, southeast, and west, which corresponds to the transition from agricultural land to planned development subdivisions that has occurred from west to east in this part of the county over the past two decades.

E. Transitions.

Analysis: The proposed development is in eastern Manatee County which is transitioning away from suburban residential and agricultural uses to medium density residential, mixed-use, and neighborhood serving commercial uses. This transition is evident through the approval of several surrounding planned development residential and mixed-use projects. The proposed lots are for single family detached units as surrounding subdivisions. As required by Code, buffers will separate the proposed lots from adjacent uses.

F. Design Quality. (Section 402.7.D.1; Section 402.7.D.4; Section 402.7.5; Section 402.7.D.8)

Analysis: The PSP outlines the proposed 733-unit single-family residential subdivision, which includes variable-width roadway buffers and 15-foot greenbelt buffer as required by Code, two access points from North River Road, and two existing inter-neighborhood connections, one designated for emergency use only. The site plan also shows 43 acres of stormwater ponds, two amenity areas, and additional parks and trails totaling 7.72 acres. These are integrated with a circulation network designed for both vehicle and pedestrian movement. Despite the extensive presence of wetlands (144.49 acres), no wetland impacts have been proposed.

G. Relationship to Adjacent Property.

Analysis: As mentioned above, the project includes variable roadway buffers widths ranging from 20 to 50 feet, and 15-foot greenbelt buffers along the remaining property lines, which separate the development from adjacent properties. The project also incorporates two existing inter neighborhood ties to connect and facilitate circulation to the surrounding communities.

H. Access. (Section 402.7.D.6)

Analysis: The project is proposed to have two full access points to Rye Road, which is collector road, separated by a distance of approximately 1,240 feet. This configuration complies with LDC Section 1001.C.2, which allows two means of access on the same street when no alternative access to another street is available, provided that the primary street is a public bi-directional thoroughfare, and both access points are separated by a minimum of 300 feet. The northern access point will be via the future extension of Mulholland Road.

The project also incorporates the existing two inter neighborhood ties: one full access on 20th Street East SE to the west, and another on Rivers Reach Boulevard which will be for emergency access only.

I. Streets, Drives, Parking and Service Areas. (Section 402.7.D.3; 402.7.D.6)

Analysis: Internal streets are depicted on the PSP. Minimum 5-foot wide sidewalk provides internal access to the lots, amenities, and open spaces. As required by Code, two parking spaces will be provided for each lot. More information shall be provided with the FSP and Construction Drawings application to demonstrate compliance with all Manatee County requirements. As per School Board request, at the time of the FSP submittal, the developer shall request a meeting with the School District to discuss the establishment of one or more centralized bus stops serving the development. The proposed Amenity Center(s) shall be considered as preferred locations for such bus stops. These locations shall include a bus shelter, bicycle racks, lighting, and designated parking areas to accommodate students and parents waiting for school transportation.

J. Pedestrian Systems.

Analysis: Sidewalks are shown on both sides of the development roadways as well as northern and southern nature trails throughout the development. Development sidewalks and the nature trails provide access to the various amenity centers, pocket parks, and natural features within the project.

K. Natural and Historic Features, Conservation and Preservation Areas.

Analysis: There are no historic resources or natural habitats on the site. Please refer to Environmental narrative submitted with this application.

L. Density/Intensity.

Analysis: The proposal is for a maximum density of 1.8 DU/GA. This number is below the maximum density permitted under the UF-3 FLUC, which allows up to 3 DU/GA. It is also below the maximum density allowed when accounting for wetland transfer calculations, as demonstrated below:

Wetland Transfer Calculations:

Gross Residential Acreage: 464.74 acres

Wetlands: 149.44 acres (32% > 20% of the total acreage)

Uplands: 315.3 acres

Maximum acreage to calculate number of dwelling units: 315.3 acres + (464.74 acres * 20%) = 408.25 acres
 408.25 acres * 3 DU/GA = **1224 dwelling units**

Total Units allowed: 1,224 dwelling units, representing a maximum of 2.63 dwelling units

The proposed density of 1.8 DU/GA represents 68% of the maximum 2.63 DU/GA.

M. Height. (Section 402.7.D.9)

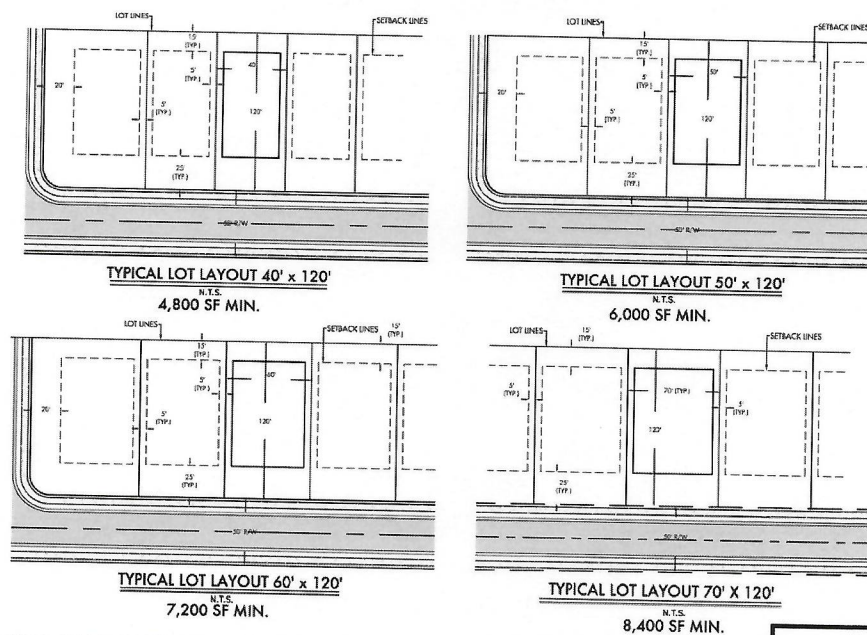
Analysis: The project proposes a maximum height of 2-stories.

N. Fences and Screening.

Analysis: 15-foot greenbelt buffers are proposed along the perimeters of the development. A variable-width 50-foot roadway buffer is proposed adjacent to North Rye Road and the extension of Mulholland Road, with a minimum width of 20 feet.

O. Yards and Setbacks. (Section 402.7.D.7)

Analysis: The proposed setbacks are indicated in the Site Design Table and complemented with the following Lot Layout included in the PSP:



P. Trash and Utility Plant Screens.

Analysis: Note 18 of the GDP states that solid waste disposal will be provided by individual can pick up provided by Manatee County.

Q. Signs.

Analysis: All signs will be determined at time of the FPS and will comply with the requirements of Chapter 6 of the LDC.

R. Landscaping (Section 402.7.D.2; 402.7.D.5)

Analysis: Detailed landscaping plans will be provided with the FSP and shall meet the standards in Section 701.

S. Special Guidelines for Review of Projects with Mixed Used Plan Designations and Projects at Designated Entranceways.

Analysis: Not applicable

T. Environmental Factors.

Water Conservation.

Analysis: Water conservation methods will be provided as a part of FSP construction drawings.

Minimum Open Space Requirements. (Section 402.7.D.2)

Analysis: Site design provides 58% open space, or 272.98 acres, exceeding the required 25% (Non-CPA Overlay) and 35% (CPA Overlay).

Preservation of Existing Plant Communities.

Analysis: Preservation areas in the amount of 204.53 acres exceeds the minimum requirement of 49.02 acres.

U. Rights-of-Way and Utility Standards.

Analysis: All ROWs and utilities improvements will be constructed in accordance with the requirements of the Manatee County Development Standards and will be reviewed with the PSP/FSP submittal.

V. Stormwater Management.

Analysis: Stormwater and floodplain management design and engineering shall be in accordance with Section 801 of the LDC, Manatee County Floodplain Ordinance (Chapter 2-10 - Drainage and Flood Control), the Public Works Standards Manual and the project specific stipulations.

W. Consistency with Comprehensive Plan.

Analysis: The project is consistent with the Comprehensive Plan, as discussed in Section "Compliance with the Comprehensive Plan".

X. Other Factors.

Analysis: None.

LDC SECTION 402.7. – PDR – PLANNED DEVELOPMENT RESIDENTIAL

1. **Site Planning.** Refer to Section 402.6.F- Design Quality.
2. **Landscaped Open Space and Pervious Area Requirements.** Refer to Section 402.6.R. Landscaping and 402.6.T. Environmental Factors.
3. **Frontage and Accessibility.** Refer to Sections 402.6.H. **Access** and 402.6.I **Streets, Drives, Parking and Service Areas.**
4. **Neighborhoods.** The proposed residential subdivision is designed with wetland preservation, amenity centers, pocket parks, and a nature trail system as the focal points for the development.

5. **Greenbelts.** Refer to Sections 402.6.F **Design Quality.**
6. **Traffic Circulation.** Refer to Sections 402.6.H **Access.**
7. **Yards and Setbacks.** Refer to Site Design Table and Section 402.6.O, which includes lot layouts.
8. **Minimum Lot Width.** Refer to Site Design Table.
9. **Building Height.** Refer to Site Design Table and Section 402.6.M. Height

LDC SECTION 403.8.- Coastal Overlay Districts (CHHA, CEA and CPA).

The southern portion lies within the CPA (Coastal Planning Area), CEA(Costal Evacuation Area) and the CHHA (Coastal High Hazard Area) overlays, affecting the following parcels: PIDs 524800000, 51810000, 521800003 and 513510159. However, the portion of CHHA that runs along the southern boundary is within the wetland area.

Analysis:

- The project does not propose any uses prohibited in the CPA and CHHA Overlays.
- As stated in the Environmental Section, approximately 238.71 acres of this project is located within the Coastal Planning Area, Coastal Overlay District. The applicant is required to preserve 41.78 acres of Native Upland Communities which is being provided as 60.68 acres of Mixed Hardwoods (FLUCCS 438) and Pine Flatwoods (FLUCCS 411).
- The project exceeds required 35% of open space for residential development within the CPA.
- The applicant has submitted an Emergency Preparedness Plan that will be reviewed in detail at time of the FSP submittal.

SECTION 5

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the UF-3 Future Land Use Category. This project was specifically reviewed for compliance with the following objectives and policies:

Policy 2.1.2.2 Limit urban sprawl by prohibiting all future development in the area east of the established Future Development Area Boundary (FDAB).

Analysis: The site of the proposed project is located approximately 1.0 to 1.5 miles west of the FDAB

Policy 2.1.2.4. Limit urban sprawl through consideration of new and redevelopment when deemed compatible with existing and future development, in areas which are internal to, or are contiguous expansions of the built environment.

Analysis: This project may be considered as a contiguous expansion of the built environment, between two approved planned developments currently under construction: Twin Rivers to the west and Rye Ranch to the east, as well as the existing residential subdivisions of Southern Oaks to the north and Rivers Reach to the south.

Policy 2.1.2.7. Review all proposed development for compatibility and appropriate timing of development.

Analysis: As previously noted, the proposed residential subdivision is compatible with the surrounding residential neighborhoods. The proposed density remains below the maximum permitted under the UF-3 FLUC, even after adjustment by wetland transfer calculations. The development pattern is responsive to the site's environmental constraints, and the area is currently supported by existing utility infrastructure.

However, transportation impacts must be carefully considered. Please refer to the responses provided for Section 342.3.5(a) *Impact on Traffic Characteristics* and Section 402.6.C *Relation to Major Transportation Facilities*, which address how the current road network is affected by this project. These impacts may influence the timing of development and its compliance with this policy.

Objective 2.6.1 Compatibility through Screening, Buffering, Setbacks, and Other Mitigative Measures.

Analysis: The project complies with buffers and landscape requirements of the Code and provide adequate separation from the adjacent residential uses. Preserved wetland areas provide additional separation to the north and south.

Policy 2.2.1.6. 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 guarantees the achievement of maximum development potential, noted in this element and the Future Land Use Map.

Analysis: The proposed density of 1.8 DU/GA is below the maximum density allowed in the UF-3 FLUC, including adjustment for wetland transfer calculation (2.63 DU/GA). See LDC 402.6. L Density/Intensity for details.

Policy 2.2.1.11. UF-3: Establish the Urban Fringe-3 future land use category as follows:

Policy 2.2.1.11.1. Intent: To identify, textually, in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas limited to the urban fringe within which future low density residential and support uses are projected to develop following a logical expansion of the urban environment growing from west to east, consistent with the availability of services. The nature, extent, location of development, and availability of services shall be reviewed to ensure the development of these lands is conducted consistent with the intent of this policy. The UF-3 land use category includes areas of low density urban residential development, generally developed through an integrated master plan approach. The UF-3 category also provides for a complement of residential support uses normally utilized during the daily activities of residents of these low density environments, and in limited circumstances nonresidential uses of a community serving nature to allow for a variety of uses within these areas which serve more than the day to day needs of the community. (See further policies under Policy 2.2.1.11.4)

Policy 2.2.1.11.2. Range of Potential Uses (see Policies 2.1.2.3—2.1.2.7, 2.2.1.5): Low density residential and medium-density clustered residential uses, short-term agriculture, neighborhood and community-serving commercial and office uses, and public/semi-public uses, recreation and schools. See Objectives 4.2.1 and 2.10.4.

Policy 2.2.1.11.3. Range of Potential Density/Intensity:

Maximum gross residential density:

Three (3) dwelling units per acre.

Nine (9) dwelling units per acre at activity nodes (see Policy 2.2.1.11.4).

Nine (9) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the total dwelling units as "Affordable Housing."

Properties within the CEA and CHHA are not eligible for the additional density offered for activity nodes and affordable housing.

Maximum net residential density:

Nine (9) dwelling units per acre.

Twelve (12) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.11.4).

12 dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the total dwelling units as "Affordable Housing."

Clustered developments in the WO or CHHA Overlay Districts may exceed the maximum net density pursuant to Policies 2.3.1.5 and 4.3.1.5.

Maximum floor area ratio:

0.35.

0.5 at activity nodes (see Policy 2.2.1.11.4).

Maximum Square Footage for Neighborhood Commercial Uses:

Medium (150,000 sf), subject to the Commercial Locational Criteria (see Policy 2.2.1.11.4).
 Large (300,000 sf), subject to the Commercial Locational Criteria (see Policy 2.2.1.11.4).

Analysis: The proposed density remains below the maximum permitted under the UF-3 FLUC, even after adjustment by wetland transfer calculations (2.63 DU/GA). See Section 402.6.L Density/Intensity.

Policy 2.2.1.11.4. Other Information:

- (a) Schools in the UF-3 future land use category may only be permitted in areas where residential development has created demand or is projected to create demand within a reasonable planning timeframe.
- (b) In order to serve more than day to day needs within the UF-3 suburban environment, activity nodes with neighborhood and community-serving commercial uses may be permitted if consistent with the Commercial Locational Criteria (see Objective 2.10.4 and Land Use Operative Provisions chapter). Residential uses may also be permitted at nodes, but the higher densities noted in Table 2-1 and Policy 2.2.1.11.3 are only allowed in conjunction with a mixed-use development that includes a commercial component.
- (c) Professional office uses within this category are exempt from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, and detailed in the Land Use Operative Provisions provided such office is located on a roadway classified as a minor or principal arterial (not including interstates) and it meets all other commercial development standards and the goals, objectives, and policies in this Comprehensive Plan.

Analysis: Not applicable. Only residential uses are proposed.

6. POSITIVE/ NEGATIVE ASPECTS AND MITIGATING MEASURES

POSITIVE ASPECTS

- The proposed rezone is within a suburban area of the County characterized by existing and planned residential development, transitioning agricultural uses, and vacant land. The proposed land use is consistent with the existing land use in the vicinity.
- The proposed density remains below the maximum permitted under the UF-3 FLUC, even after adjustments through wetland transfer calculations. This supports land use compatibility and ensures that natural resource considerations are addressed in accordance with the Comprehensive Plan.
- The area is currently supported by existing utility infrastructure.
- Site design provides 58% open space, or 272.98 acres, exceeding the required 25% (Non-CPA) and 35% (CPA).
- There are no wetland impacts proposed with this project.
- 30 foot Wetland Buffers are being provided, exceeding the minimum required 25 feet
- A Wetland Buffer Enhancement Plan is provided.
- The site design provides a Min. 20 – Max. 50-foot roadway buffer, exceeding the required 20-foot roadway buffer.
- The site design provides a total of 210.12 acres of Preserved Native Plant Communities through 60.68 acres of Upland Native Plant Communities and 149.44 acres of Wetland Native Plant Communities. The minimum required amount is 49.02 acres.
- Two inter neighborhood ties have been incorporated into the design: one full access on 20th Street East SE to the west, and another on Rivers Reach Boulevard which will be for emergency access only.
- The project site is located west of the FDAB.

NEGATIVE ASPECTS	
• There were 14 potentially occupied Gopher Tortoise burrows identified during the Preliminary Listed Species Survey. • The proposed project is located in an auto-dependent area. The inexistence of sidewalks, bicycle lanes, and transit facilities creates auto dependency which limits the ability of the residents to bike and walk to the community. • The project, by adding 599 pm peak hour trips, will impact link 2921 (Rye Road from Golf Course Road to Upper Manatee River Road Road) that is projected to be deficient in terms of level of service due to vested trips. The projected deficiency will require Rye Road to be widened to 4 lanes to meet the adopted LOS standard according to CIP Project ID: PJ6118362.	
MITIGATING MEASURES	
• Gopher Tortoise Relocation Permit required with Florida Fish and Wildlife Conservation Commission (FWC). • The applicant has voluntarily proffered to pay all impact fees upfront to help mitigate costs for Rye Road improvements.	

SECTION 7	
CONDITIONS OF APPROVAL	
A. DESIGN AND LAND USE	
1. The site plan submitted with this application shall be part of the approval. 2. Any new or temporary use proposed at this property, other than those approved with this application, shall be required to apply for a new permit through Development Services-Planning & Zoning, as required by the Land Development Code. 3. Prior to Final Site Plan Approval, the applicant shall gain approval of the Emergency Preparedness Plan. The Homeowner's Association will be responsible for its implementation, taking over from the developer. The plan will continue to be updated annually or as circumstances warrant, with relevant information distributed at the yearly HOA meeting and prior to hurricane season. Affected residents or users will be informed annually, prior to hurricane season or as needed, of relevant emergency preparedness details, including hurricane evacuation routes and shelter information. 4. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions. The following language shall be included in the Notice to Buyers and also in a separate addendum to the sales contract. a) Property is located in a Flood Prone Area, the Coastal Planning, Coastal High Hazard, and Coastal Evacuation Areas b) An Emergency Preparedness Plan will be implemented by the Homeowner's Association, responsible for distributing relevant information at the yearly HOA meeting and prior to hurricane season—or as needed, including hurricane evacuation routes and shelter information c) There are two inter neighborhood ties: one full access on 20th Street East SE to the west, and another on Rivers Reach Boulevard which will be for emergency access only. 5. Any significant historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offences Concerning Dead Bodies and Graves) shall be followed.	

B. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands being approved by the adoption of this Ordinance.
3. No lots shall be platted through post-development wetlands, wetland buffers, or upland preservation areas.
4. Pursuant to the Environmental Narrative prepared by Steinbaum and Associates (July 21, 2025), 90 days prior to construction and land clearing, a 100% survey of suitable habitat for gopher tortoises shall be conducted as recommended. If evidence of gopher tortoises is found, a FWC permit will be obtained for relocation and/or management of tortoises.
5. A Wetland Buffer Enhancement Plan shall be provided at time of Final Site Plan in accordance with the Wetland Buffer Enhancement Plan Narrative prepared by Steinbaum and Associates (July 21, 2025). Plantings shall be provided in all wetland buffer areas where there is nuisance, exotic plant removal, gaps in native vegetation, temporary wetland buffer impacts, and buffer compensation areas based on the pre-development conditions as outlined in the Narrative.
6. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 353.3 of the Land Development Code.
7. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. The Well Management Plan shall include the following information:
 - (a) Digital photographs of the well along with nearby reference structures (if existing);
 - (b) GPS coordinates (latitude/longitude) of the well;
 - (c) The methodology used to secure the well during construction (e.g. fence, tape); &
 - (d) The final disposition of the well - used, capped, or plugged.
8. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

C. STORMWATER

1. Any fill within the ~~100-year floodplain~~ FEMA 1% annual chance flood hazard area shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. ~~100-year floodplain~~ FEMA 1% annual chance flood hazard area compensation (utilizing cup-for-cup methodology) shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). 100-year floodplain compensation utilizing combination of cup-for-cup and/or storage in the master drainage system (drainage modeling approach) shall utilize drainage modeling and demonstration of no adverse impacts (no-rise) for design storms up to the 100 year 24 hour storm event including the mean annual, 10 year and 25 year storm events.
2. The following stormwater and floodplain information shall be provided:
 - Identify the 25 and 100-year Base Flood Elevation(s) for the project area.
 - Identify the 25-year and 100-year flood stage(s) for the project area.
 - Identify the area and percentage of the project area within the 25 and 100-year floodplain.
 - Identify the proposed retention/detention pond and floodplain compensation area associated with this project area.
 - Identify the 25 and 100-year floodplain impact and compensation area.

3. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Construction Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the FEMA 2014 FIRM ~~100-year floodplain~~ 1% annual chance flood hazard area and post-development discharge of runoff. The following storm frequency events, corresponding cumulative rainfall, and rainfall distribution shall be provided as a comparison of the existing pre-development condition versus the proposed post-development development condition:

The following storm frequency events, corresponding cumulative rainfall, and rainfall distribution shall be provided as a comparison of the existing pre-development condition versus the proposed post-development development condition:

Storm Frequency	Cumulative Rainfall	Rainfall Distribution
10-year/24-hour	NOAA Atlas 14	FLMOD
25-year/24-hour	NOAA Atlas 14	FLMOD
50-year/24 hour	NOAA Atlas 14	FLMOD
100-year/24-hour	NOAA Atlas 14	FLMOD
100-year/72-hour	18 inches	FDOT-72

50-year storm event modeling applies to thoroughfare drainage systems only.

The comparison of existing pre-development condition versus the proposed post-development condition shall include results in terms of runoff and staging. Drainage Modeling shall be submitted to demonstrate compliance prior to commencement of construction.

4. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along the drainage conveyances associated with the Gamble Creek, Goddard Creek the Manatee River and their tributaries within the project boundaries. In addition, a Drainage-Maintenance Access Easement shall be provided along this conveyance. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Drainage easement widths are to be in accordance with Appendix A of the Manatee County Stormwater Management Design Manual. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
- A Flowage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat for the Manatee River and Goddard Creek within the project boundaries. In addition, a Drainage-Maintenance Access Easement shall be provided along the top-of-bank of this drainage system. Manatee County is only responsible for maintaining the free flow of drainage through these systems. Drainage easement widths are to be in accordance with Appendix A of the Manatee County Stormwater Management Design Manual. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
5. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Gamble Creek Watershed. Modeling shall be used to determine pre- and post- development flows.
6. Drainage design should maximize available storage in the master drainage system where possible and maintain existing historic basin storage. This may include for example evaluation of SHWT so that stormwater ponds and floodplain compensation ponds (historic storage areas) SHWT are set as low as practical to maximize available storage in the system. Access to the floodplain compensation areas should be such that immediate and unrestricted access is provide as well as means to immediately recover the required compensation volume after the storm event. Such design shall accommodate maintenance. We recommend methodology meeting separately with stormwater engineering staff regarding this matter.
7. Drainage Flowage and Maintenance Access Easements shall be provided for existing drainage system which runoff from public ROW. Manatee County is only responsible for maintaining the free flow of drainage within these systems.

8. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
9. All residential lots shall be located outside of the post-development 25-year floodplain.
10. A no-rise permit will be required for all encroachment within the FEMA ~~100-year floodway~~ 1% annual chance flood hazard area of the Manatee River. Any existing or proposed structures within the floodway shall be modeled.
11. There shall be a full 25-year attenuation on all stormwater ponds within the development.
12. Drainage modeling shall utilize the Gamble Creek Watershed Study (attenuation, water quality and floodplain analysis).

D. UTILITIES

1. Connection to the County water and wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the applicable County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the Development Services review process for the project.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

No remaining issues.

Attachments

1. Staff Report Maps/Aerials
2. Preliminary Site Plan
3. Accepted Traffic Study
4. Concurrency Deferral Form
5. Environmental Narrative
6. School Report
7. Zoning Disclosure Affidavit
8. Emergency Preparedness Plan
9. Neighborhood Workshop Summary
10. Affidavit of Publishing
11. Public Comment
12. Ordinance PDR-23-48(Z)(P)