Hi Guys, Good Morning,

Just throwing in my two cents on this planned development that makes no sense whatsoever to this hyper local geographical area on SR70.

I can't imagine cramming 22 homes on only 17 acres right on top of a busy highway.

Are these going to be low income housing for the Concession?

As a realtor, I cannot even imagine who would want to buy a home and live right on top of a loud and very busy highway with fruit trucks, dirt trucks, and 18 wheeler semis going 75 miles an hour down this road. What price point are we talking about for this residential development?

As a resident, this brings down the property values of The Concession and Panther Ridge considerably.

As an equestrian, which is the main reason we all purchased a home in this community, how can it be allowed to take away are designated trail system that we ride on daily. This rail trail is designated a historical landmark. How did The Concession purchase this?

I cannot be the only resident upset and baffled by this planned development. I think it would upset most of The Concession and Panther Ridge residents if they knew about this.

Don't we have enough communities along this corridor to suffice our town?
click here for: Sharon Klein's Bio-Video
Thank You For My 5-Star Award!
Voted Top 3% Real Estate Agent 8 yrs in row!
Hi everyone, my name is Dorinda Maben I reside at 6605 189th St E in Panther Ridge. My family lives in the Forest across the way from where the proposed 22 homes are supposed to be built.

I would have liked to attend the meeting this morning, however, I am feeling a little under the weather. Please consider the following. our community is home to many species of wildlife and all this building, will destroy MORE of their environment. The wildlife is already being pushed out of it place. This is an area that is supposed to be away from the hustle and bustle of more populated areas. By putting in these homes, you not only increase traffic and hurt nature, you will also hurt the resale of properties that were once considered being "in the country" so to speak.

Also, we have a trail that runs through the area proposed to build. This land does not belong to the county. It is a watershed area and is used all the time for recreational purposes such as horseback riding, bike riding, walking, just enjoying the beautiful surrounding. You have no right to take this away from us! On this said trail also lies an old railroad line, considered historic. How could you want to destroy something from the past? Part of Florida's heritage. I really hope you read my email and please take what I have said into account when deciding or planning. It is very important that the people of the community are heard! I am also attaching some more information regarding the above.

The Current Concession Plan Is More Suitable

When the Concession developer created and obtained County approval for its General Development Plan in 2004, the 17 acres which is the subject of this petition was to always be left vacant, in its natural state as is typical with many other large tracts in The Concession. That has remained to this date.

There are reasons for that. The 17 acres is in a flood zone, is heavily treed and naturally vegetated and appropriately functions for stormwater management in the Evers Watershed. It is too small for the type of housing development planned in The Concession, which is on one and one-half acre lots clustered out of the natural habitat. It is in the AG-R land used designation of the Comprehensive Plan, which has a maximum gross density of only .2 units per acre (one unit per five acres) and a maximum net density of only 2 units per acre within that portion of the parcel designated for residential lots. The Comprehensive Plan and Land Development Regulations require compatibility of the development with the 5, 10 and 15 acre homesites to the south.

Homebuyers in Foxwood at Panther Ridge bought in proper reliance upon that Plan, with respect to the 17 acres at issue, directly adjacent to Foxwood to the north.

The current General Development Plan for The Concession places 16 of its dwellings in the present development area, each a villa on a two acre lot. The proposed amendment would – with no justification -- move them from that more appropriate location onto the 17 acres at issue, add 6 more
and squeeze the 22 houses onto 17 acres of natural habitat -- at a net next to homesites of five acres and more. Rather than the minimum one acre and half-acre lots in The Concession, these lots would be less than .23 acres each.

Other factors which make the 17 acres less suitable for the proposed housing than the current Master Plan is that it is crossed at its north by an equestrian trail for which Panther Ridge residents have acquired a prescriptive easement after its use for decades, and plans by the Florida Department of Transportation to acquire much of the parcel for stormwater management in its imminent widening of State Road 70.

There is no legal obligation of Manatee County to amend the Concession General Development Plan in the manner the developer now proposes, and no one has suggested that there is. It is inappropriate to do so because it is not in the public interest. Further, it is even unlawful to do so because the proposal violates the Comprehensive Plan and Land Development Code.

**The Proposed Density Is Excessive**

With 22 homes on 17 acres, the Project greatly exceeds the density limits for this AG-R land use category in Section 2.2.1.8.3 of the Manatee County Comprehensive Plan, as densities are defined in Section 200 of the Land Development Code.

While the maximum gross density is .2 dwelling units per acre (one unit per five acres), this Project is over 1.29 units per acre (22 units divided by 17 acres). That’s almost six and a half times the maximum allowed gross density!

The staff report notes this inconsistency but comments that when “coupled” with the vast open acreage of the golf course and other land in The Concession across Lindrick Lane to the west, the gross density of the Project “will meet the intent” of the Comprehensive Plan. That alone is a faulty view, as the expressed intent of the Comprehensive Plan is to maintain a “Rural Residential” character in AG-R communities. In any event, however, what matters is not any intent, but instead the letter of the Comprehensive Plan which is violated by this proposal.

Even the Revised General Development Plan submitted by this developer calculates the gross density and the net density – as it must – based on the 17 acres alone (what the Code calls “the residential project” or the “residential parcel within the project.”)

The Project also greatly exceeds the maximum net density in that same section of the Comprehensive Plan. It allows a maximum of only 2 units per acre of net density, that is the number of units on the subject property which is limited to the residential lots, as net density is defined in Section 200 of the Land Development Regulations. However, the Project would cram a net density of four units per acre into the subject parcel, again in violation of the Comprehensive Plan.

**The Development is Not Compatible with Adjoining and Nearby Development**

Foxwood at Panther Ridge, directly to the south of the Project, complies with the Comprehensive Plan for the AG-R land use designation in which both are located. Its homesites are not more than one unit per five acres, as is typical in the larger Panther Ridge as a whole. Several parcels are even larger, at ten and fifteen acres. That is the “Rural Residential” density which the Comprehensive Plan requires for this area.

However, at the densities described above, the Project is extremely incompatible with its neighbors. Indeed all 22 of the Project’s homesites could almost fit within just one five acre lot at Foxwood (22 x 10,000 square feet = 220,000 square feet; five acres = 217,800 square feet).

So how is it arguable that a 645% increase in gross density over adjoining homes (1.29 units per acre divided by .2) is compatible with them?
The applicant for the developer at the initial Planning Commission hearing on May 14 did not even try. Instead, she argued in her summation that the compatibility requirements of the Manatee County Comprehensive Plan only apply to nonresidential development, such as industrial, next to residential homes. That is completely false. As just one of many potential examples, the compatibility requirements of Policy 2.6.1.1 apply to an increase in densities between properties. Density is a term which applies only to residential development (with “intensity” describing nonresidential uses).

The densely-packed houses in the Project can be up to three stories tall. There has been no demonstration, nor could there, that they would not be evident to the rural homesites to the south, and clash with the rural lifestyle sought by the residents of Panther Ridge.

To make the case that the Project reflects other densities in the area, staff had to reach many miles to the west, in Lakewood Ranch, to cite subdivisions in land use designations which allow much higher densities than in AG-R.

**The Development Would Unlawfully Destroy a Long-Time Equestrian Trail**

A major amenity of Panther Ridge is a system of connected Equestrian Trails which wind throughout the development, including to the south of State Road 70. One segment of that trail crosses over the northern portion of the 17 acres at issue. There will be uncontroverted sworn testimony at your hearing on Thursday that residents have ridden horses along that property for well more than twenty years, openly and obviously, and there is no evidence of any express grant of permission by the property owner. Foxwood at Panther Ridge even built a small bridge from its property to this to facilitate the trail, over 20 years ago, which remains in place and in use today.

As such, the residents have a prescriptive easement to the continued use of this portion of the Equestrian Trail.

Although the applicant’s agent at the May 14 hearing suggested that the developer may modify its plans to allow the riding of horses across the property to continue, that has not occurred. Even if a stipulation was added to provide for that, it would need to provide for a proper trail as exists there today (and has for decades), not something unsuitable such as riding horses on a sidewalk.

The County Attorney at the May 14 letter stated that this equestrian trail is a “private” concern which the Planning Commission should not consider. When a discretionary Plan amendment would adversely affect a substantial portion of the public, it is a public concern which the Planning Commission has a duty to address.

**The Plan Amendment is Not Appropriate Within the Evers Watershed**

Manatee County is properly concerned about excessive development within certain portions of the County, to minimize pollution and other adverse impacts from water flows into significant bodies of surface water. As such, it has created Watershed Overlay Districts. One is the Evers Reservoir Watershed Overlay District, in which the subject 17 acre property is located. This is to protect the Evers Reservoir, a major source of drinking water.

Section 403.10 of the Manatee County Land Development Code requires measures to reduce adverse watershed impacts when development is proposed in a Watershed Overlay District. One goal is to “maximize the preservation of vegetated open areas in their natural state.” Clearly, this is not done by this proposal to clear the heavy tree canopy and other natural vegetation which now covers this flood-prone property, as is evident in any aerial photo of it, and cram in so many houses, with their driveways, streets and fertilized lawns.
The Code provides, “Maximum effort shall be made by the developer to minimize impervious surfaces within the Watershed Protection District.” Subsequent to the May 14 hearing, measures for some sort of pervious (porous) pavement have been added, apparently in response to comment at that hearing that the requirement for paver drives did not meet that requirement, together with increased detail on capturing and channeling stormwater runoff.

Even with such mitigation, the adverse impacts on the Evers Reservoir will be substantially increased compared to leaving this property in its natural state, as The Concession Master Development Plan has provided from Day One, for over 16 years.

The Project Clashes with FDOT Designs on the Property for a Stormwater Pond for the SR70 Widening

In January, 2019, the Florida Department of Transportation (FDOT) issued its Pond Siting Report for the widening of State Road 70 from Lorraine Road to County Road 675 (Waterbury Road). Pond siting is done as part of a road widening project to provide places to receive the increased stormwater runoff from the wider road and otherwise improve drainage in the area.

The location identified by FDOT in its Report as “Alternative 1” for one of the two needed ponds, is on the 17 acres proposed for the housing development. It is identified on pages 15 and 16 of the Report as Pond Site G-H, for which 5.3 acres would be acquired by a “partial take” together with a .14 acre easement. The location is preferred due to its proximity to SR 70, location in the 100-year floodplain, the absence of contamination potential or wetland impacts or any, low archaeological potential and various ground characteristics.

That “take” refers to acquisition by the state through its power of eminent domain. The law requires compensation to the landowner for the fair market value of the property.

It is entirely possible that the owner of the subject property is seeking a development entitlement in order to greatly increase the fair market value which must be paid by the state to acquire the pond for the SR 70 road widening. As such, granting that entitlement would be a disservice to the taxpayers.

Whether or not that is the landowner’s intent, Manatee County should cooperate with FDOT in its acquisition of Pond Site G-H, as a matter of intergovernmental cooperation. If this is the best site for an FDOT pond, the state should not be forced to a less suitable one by a land use change which does not make sense anyway, or to squander taxpayer money to make FDOT to pay a higher price to cover development entitlements which should not be given, for the many reasons we have described.

Thank you for your consideration.

Thank you kindly for your CONSIDERATION of what has been mentioned above. It really does mean a lot to those currently living in the area. WE MATTER..THE PEOPLE OF THIS COMMUNITY MATTER, OUR OPINIONS AND THOUGHTS ALL MATTER AND SHOULD BE TAKEN INTO CONSIDERATION! PLEASE.

Kindly,
Dorinda Maben
941-773-8831
Good morning. I look forward to seeing you soon.

The attached illustration with the Future Land Use map shows that The Concession is east of the Future Development Area Boundary.

The examples given by the applicant of other densities are west of the line, where denser subdivisions are allowed.

Such densities as proposed today - at over 4 units per acre - are simply not allowed east of the line. That is why you only have lots of more than one-half and one units per acre in The Concession today.

I will submit this at the hearing but wanted you to have it to review in case you check your emails this morning.

Again, thank you very much for your considerations.

Dan Lobeck, Esq.
Florida Bar Board Certified in
Condominium and Planned Development Law
Law Offices of Lobeck & Hanson, P.A.
2033 Main Street, Suite 403
Sarasota, FL 34237
Telephone: (941) 955-5622
Facsimile: (941) 951-1469
www.lobeckhanson.com
The Concession is East of the Future Development Area Boundary, in AG-R lands limited to “low density” “rural residential” development at a maximum .2 unit/acre gross density, 2 unit/acre net density — such as the 1/2 to 1 acre + lots at present.

A subdivision with 10,000 square feet (1/4 acre) lots is NOT Allowed!
To the Manatee County Commissioners and Planning Commission,

This letter is from Linda Mustico. I own my home and live year-round in Panther Ridge at 20902 67th Avenue East, Bradenton, FL 34211. I have been a resident of Manatee County for many years, having moved here as a child in 1969.

I am alarmed regarding the proposed Concession Phase IV development. It seems very out of character for this area and specifically for the proposed site.

**The Current Concession Plan Is More Suitable**

When the Concession developer created and obtained County approval for its General Development Plan in 2004, the 17 acres which is the subject of this petition was to always be left vacant, in its natural state as is typical with many other large tracts in The Concession. That has remained to this date.

There are reasons for that. The 17 acres is in a flood zone, is heavily treed and naturally vegetated and appropriately functions for stormwater management in the Evers Watershed. Wildlife uses this land as a habitat and as a corridor to move between nearby open space. I have seen gopher tortoises, eagles, deer, rabbits, and a wide variety of birds on and near this site.

It is too small for the type of housing development planned in The Concession, which is on one and one-half acre lots clustered out of the natural habitat. The Comprehensive Plan and Land Development Regulations require compatibility of the development with the 5, 10 and 15 acre homesites to the south.

The current General Development Plan for The Concession places 16 of its dwellings in the present development area, each a villa on a two acre lot. The proposed amendment would -- with no justification -- move them from that more appropriate location onto the 17 acres at issue, add 6 more and squeeze the 22 houses onto 17 acres of natural habitat -- at a net next to homesites of five acres and more. Rather than the minimum one acre and half-acre lots in The Concession, these lots would be less than .23 acres each.

**The Proposed Density Is Excessive**
With 22 homes on 17 acres, the Project **greatly exceeds the density limits** for this AG-R land use category in Section 2.2.1.8.3 of the Manatee County Comprehensive Plan, as densities are defined in Section 200 of the Land Development Code.

**The Development is Not Compatible with Adjoining and Nearby Development**

Foxwood at Panther Ridge, directly to the south of the Project, complies with the Comprehensive Plan for the AG-R land use designation in which both are located. Its homesites are not more than one unit per five acres, as is typical in the larger Panther Ridge as a whole. Several parcels are even larger, at ten and fifteen acres. That is the “Rural Residential” density which the Comprehensive Plan requires for this area.

However, at the densities described above, the Project is extremely incompatible with its neighbors. Indeed all 22 of the Project’s homesites could almost fit within just one five acre lot at Foxwood (22 x 10,000 square feet = 220,000 square feet; five acres = 217,800 square feet).

So how is it arguable that a **645% increase in gross density** over adjoining homes (1.29 units per acre divided by .2) is compatible with them?

The densely-packed houses in the Project can be up to three stories tall. There has been no demonstration, nor could there, that they would not be evident to the rural homesites to the south, and clash with the rural lifestyle sought by the residents of Panther Ridge.

To make the case that the Project reflects other densities in the area, staff had to reach many miles to the west, in Lakewood Ranch, to cite subdivisions in land use designations which allow much higher densities than in AG-R.

**The Development Would Unlawfully Destroy a Long-Time Equestrian Trail**

A major amenity of Panther Ridge is a system of connected Equestrian Trails which wind throughout the development, including to the south of State Road 70. One segment of that trail crosses over the northern portion of the 17 acres at issue. There will be uncontroverted sworn testimony at your hearing on Thursday that residents have ridden horses along that property for well more than twenty years, openly and obviously, and there is no evidence of any express grant of permission by the property owner. Foxwood at Panther Ridge even built a small bridge from its property to this to facilitate the trail, over 20 years ago, which remains in place and in use today.

As such, the residents have a prescriptive easement to the continued use of this portion of the Equestrian Trail.

Although the applicant’s agent at the May 14 hearing suggested that the developer may modify its plans to allow the riding of horses across the property to continue, that has not occurred. Even if a stipulation was added to provide for that, it would need to provide for a proper trail as exists there today (and has for decades), not something unsuitable such as riding horses on a sidewalk.

The County Attorney at the May 14 letter stated that this equestrian trail is a “private” concern which the Planning Commission should not consider. When a discretionary Plan amendment
would adversely affect a substantial portion of the public, it is a public concern which the Planning Commission has a duty to address.

**The Plan Amendment is Not Appropriate Within the Evers Watershed**

Manatee County is properly concerned about excessive development within certain portions of the County, to minimize pollution and other adverse impacts from water flows into significant bodies of surface water. As such, it has created Watershed Overlay Districts. One is the Evers Reservoir Watershed Overlay District, in which the subject 17 acre property is located. This is to protect the Evers Reservoir, a major source of drinking water.

Even with such mitigation, the adverse impacts on the Evers Reservoir will be substantially increased compared to leaving this property in its natural state, as The Concession Master Development Plan has provided from Day One, for over 16 years.

**The Project Clashes with FDOT Designs on the Property for a Stormwater Pond for the SR70 Widening**

In January, 2019, the Florida Department of Transportation (FDOT) issued its Pond Siting Report for the widening of State Road 70 from Lorraine Road to County Road 675 (Waterbury Road). Pond siting is done as part of a road widening project to provide places to receive the increased stormwater runoff from the wider road and otherwise improve drainage in the area.

The location identified by FDOT in its Report as “Alternative 1” for one of the two needed ponds, is on the 17 acres proposed for the housing development. It is identified on pages 15 and 16 of the Report as Pond Site G-H, for which 5.3 acres would be acquired by a “partial take” together with a .14 acre easement. The location is preferred due to its proximity to SR 70, location in the 100-year floodplain, the absence of contamination potential or wetland impacts or any, low archaeological potential and various ground characteristics.

Thank you for your considerations.

Linda Mustico

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**From:** Jim McTigue <jjmctigue@gmail.com>
**Sent:** Wednesday, June 10, 2020 7:04 PM
**To:** Bill Conerly <bill.conerly@gmail.com>; Mike Rahn <rahncmichael@gmail.com>; Jedd Heap <jedd.heap@gmail.com>; Bill Smock <billsmock2@gmail.com>; John DeLesline <johnt@deleslinecon.com>; David Roth <rubyrugby@msn.com>; Paul Rutledge <paulrutledge.manateeccounty@yahoo.com>; Bobbi Roy <bobbi.roy@mymanatee.org>; Bruce Behrens <bhbehrens@att.net>
**Subject:** Objection to Amend Ordinance No.PDR-04-39(G)(R3) THE CONCESSION PLN1910-0042

James and Christiane McTigue
20008 69th Avenue East
Bradenton, Florida 34211
June 10th, 2020

Reference: Objection to Amend Ordinance No. PDR-04-39(G)(R3) THE CONCESSION PLN1910-0042
Dear Manatee County Planning Commission,

We are writing to object to the amending of the rezoning of this tract as inappropriate and detrimental to the surrounding community of Panther Ridge

- The original County approval for the Concession developer’s General Development Plan in 2004 for the 17 acres was to always leave this land vacant in its natural state.
- This is typical of other large tracts of land associated with the Concession developer.
- This tract is adjacent to SR70, heavily treed and naturally vegetated providing acoustical isolation from noise.
- It is in a flood zone serving as storm water management in the Evers Watershed.
- It is in the AG-R land used designation of the Comprehensive Plan, which has a maximum gross density of only .2 units per acre (one unit per five acres). The Project greatly exceeds the density limits for this AG-R land.
- Home buyers relied on the original zoning at the time of purchase and the proposed rezoned development is not compatible with adjoining and surrounding developments.
- There are numerous new high density developments just to the west of SR70 that better provide this type of development. No rationale has been provided to justify the need for this development. Manatee County has obviously provided ample high density residential developments in the area.
- The Development would unlawfully destroy connectivity of a long-time system of equestrian trails that wind throughout the Panther Ridge development, including to the south of State Road 70. One segment of that trail crosses over the northern portion of the 17 acres tract at issue.
- The Plan amendment will impact pollution and surface water flows in the Evers Reservoir Watershed Overlay District that provides drinking water.
- The project interferes with FDOT designs for a storm water pond associated with the SR70 widening. In addition it impacts the design of the traffic at the Lindrick Road intersection. Further delaying and increasing the cost of the SR70 widening project.
- Communities with equestrian trails are a priceless component and resource of the area. Creating dense communities that interfere with this heritage is a loss to all who live in the area and to future generations. This is directly harmful to the public good and interferes with preservation of what makes Florida such a wonderful place.

Thank you for your consideration.

Sincerely,

James McTigue, (650) 279-1621

Christiane McTigue

From: angela@familymarkus.com <angela@familymarkus.com>
Sent: Wednesday, June 10, 2020 6:39 PM
To: 'Bill Conerly' <bill.conerly@gmail.com>; 'Mike Rahn' <rahncmichael@gmail.com>; 'Jedd Heap' <jedd.heap@gmail.com>; 'Bill Smock' <billsmock2@gmail.com>; 'John DeLesline' <johnt@deleslinecon.com>; 'David Roth' <rubyrugby@msn.com>; 'Paul Rutledge'
Dear Commissioners,

My husband and I (James and Angela Markus) are recent home buyers in the Panther Ridge community. We moved to our new home in The Forest at Panther Ridge last September, 19007 65th Ave E.

One of the main reasons we fell in love with Panther Ridge and the surrounding area was the rural feel that still accommodated modern amenities without encroaching on the relatively “old Florida” feeling. Yes, our homes are large and modern, but on lots big enough (and far away from SR 70) to retain that wide open feeling. We have watched with growing anxiety as Lakewood Ranch development comes closer and closer with cookie cutter neighborhoods on small lots, but were comforted by the fact that Panther Ridge properties cannot be divided into small plots.

We were horrified to learn of the proposed change to the Concessions development right across the street from our entrance. And when our neighbors told us that this was not the original plan, we felt compelled to speak out forcefully against such a change.

We would never have considered moving here if there was a cookie cutter, small lot development so near to the neighborhood. It just destroys that old Florida, living in the country feeling that we thought we were getting. Add to that the fact that a riding trail, a cherished amenity and one of the selling points for Panther Ridge, would be destroyed. The Panther Ridge trail system is the envy of similar communities throughout Florida -- increasing our property value -- and you want to let some greedy developer destroy one of the only trails on that side of SR 70? That might put money in the developer’s pocket, but would take it out of the residents’ (and the county’s), whose property values will decline. Who wants to buy a large house and property next door to a suburban zero lot subdivision?

Although I hope you have received similar emails to mine with more detailed reasoning for our opposition to the proposed change, here are excerpts from what was distributed to the community in an effort to STOP this development plan change. I plan to attend the meeting tomorrow morning.

**The Current Concession Plan Is More Suitable**

When the Concession developer created and obtained County approval for its General Development Plan in 2004, the 17 acres which is the subject of the petition before the Commission was to always be left vacant, in its natural state as is typical with many other large tracts in The Concession. That has remained to this date.

There are reasons for that. The 17 acres is in a flood zone, is heavily treed and naturally vegetated and appropriately functions for stormwater management in the Evers Watershed. It is too small for the type of housing development planned in The Concession, which is on one and one-half acre lots clustered out of the natural habitat. It is in the AG-R land used designation of the Comprehensive Plan, which has a maximum gross density of only .2 units per acre (one unit per five acres) and a maximum net density of only 2 units per acre within that portion of the parcel designated for residential lots. The
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I look forward to the hearing tomorrow morning. Thank you for your consideration.

*Angela Bond Markus*

**From:** Jennie Andress <jenniebowl@hotmail.com>
**Sent:** Wednesday, June 10, 2020 5:04 PM
**To:** Bill Conerly <bill.conerly@gmail.com>; Mike Rahn <rahncmichael@gmail.com>; Jedd Heap <jedd.heap@gmail.com>; Bill Smock <billsmock2@gmail.com>; John DeLesline <johnt@deleslinecon.com>; David Roth <rubyruby@msn.com>; Paul Rutledge <paulrutledge.manateecounty@yahoo.com>; Bobbi Roy <bobbioroy@mymanatee.org>
**Subject:** PDR-04-39(G)(R3) - The Concession - PLN1910-0042

This development is not compatible with adjoining and nearby developments. Panther Ridge communities, directly to the north and south of the project, comply with the Comprehensive Plan for the AG-R land use designation. The 17 acres they are requesting to put 22 homes sites on is also designated AG-R. Panther Ridge home sites are not more than 1 unit per 5 acres, as is typical in the
larger Panther Ridge communities as a whole. Several parcels are even larger, at 10 and 15 acres. That is the “Rural Residential” density which the Comprehensive Plan requires for this area.

With 22 homes on 17 acres, the Project **greatly exceeds the density limits** for this AG-R land use category in Section 2.2.1.8.3 of the Manatee County Comprehensive Plan, as densities are defined in Section 200 of the Land Development Code.

While the **maximum gross density** is .2 dwelling units per acre (**one unit per five acres**), this Project is over 1.29 units per acre (22 units divided by 17 acres). That’s almost **six and a half times** the maximum allowed gross density.

The 17 acres is in a flood zone, is heavily treed and naturally vegetated and appropriately functions for storm water management in the Evers Watershed. It is too small for the type of housing development planned in The Concession, which is on one and one-half acre lots clustered out of the natural habitat. It is in the AG-R land use designation of the Comprehensive Plan, which has a maximum gross density of only .2 units per acre (one unit per five acres) and a maximum net density of only 2 units per acre within that portion of the parcel designated for residential lots. **The Comprehensive Plan and Land Development Code require compatibility of the development with the 5, 10 and 15 acre home sites to the north and south.**

**This request does not comply with the Comprehensive Plan and Land Development Code.**

Jennifer Andress
19711 75th Avenue E
Bradenton, Florida  34202
Foxwood Community of Panther Ridge

Sent from Outlook
From: Keri Cooper <Keri_Cooper@hotmail.com>
Sent: Wednesday, June 10, 2020 4:34 PM
To: Bill Conerly <bill.conerly@gmail.com>; Mike Rahn <rahncmichael@gmail.com>; Jedd Heap <jedd.heap@gmail.com>; Bill Smock <billsmock2@gmail.com>; John DeLesline <johnt@deleslinecon.com>; David Roth <rubyrugby@msn.com>; Paul Rutledge <paulrutledge.manateecounty@yahoo.com>; Bobbi Roy <bobbi.roy@mymanatee.org>; thomas.gerstenberger@mymanatee.org; Achaia Brown <achaia.brown@mymanatee.org>
Subject: Proposal of 22 Houses in 17 Acres of land actually located in the Foxwood Home Association of Manatee County, not in the Concessions Housing Area and Golf Course

My name is Keri Cooper, my address is 20207 77th Ave. E., Bradenton, FL. I live in Foxwood, which is an Equestrian Home Association, within Panther Ridge off of SR70. There are 5 Equestrian Home Associations within Panther Ridge on SR70, three on the north side of Panther Ridge and 2 on the south side of Panther Ridge. Foxwood is on the South Side, directly next door to Concessions. Concessions planned to build 22 homes within their gaited Concessions property, called Concession Phase IV, but has now decided to build on 17 acres that they own within the Foxwood area. I have no idea why they decided to build over here, as opposed to their earlier building site, because they have acres and acres of empty property still within Concessions to build on. An apparent guess, is that these properties are not suited to be within their gates of multi-million dollar homes. However, they do not have a problem building these smaller homes within the Equestrian Foxwood area, that contains only 5 - 10 acres homes, with houses, barns and horses, and horse trails.

My house and barn on 9 1/2 acres is approximately about 1 1/2 mile at the most, south of the 17 Acres that Concessions is proposing to build 22 Houses on.

There is a creek that runs east and west that Concessions is calling Lindrick Creek, within their 17 acres, and it literally intersects with another creek that runs north and south, (I don't think it has a name), that literally flows right beside my property. When the summer rains begin, my back pasture (about 4 acres) and my arena are literally flooded due to this no name creek. My property lays directly East of this no name creek. It runs along a designated horse trail. The house on the west side of this creek also currently gets flooded.

I have attached pictures of the property that Concessions is planning to build on. These pictures are from this passed Sunday, June 7th, showing the flooding that took place in three days, June 4th, 5th, and 6th. I have also included some pictures of the streets beside this area. Currently this 17 acres is under water. And this is the FIRST Summer rain. It has only just begun.
22 houses in this currently flooded area, 22 roofs, the concrete that will be demanded to create driveways and streets will definitely increase the flooding in this area. There is no way it cannot effect the properties surrounding this housing area. I definitely do not think engineers have planned what would be need to be done to keep this area, or the rest of Foxwood from flooding.

Please, please do not allow Concessions to build on this 17 acres. Besides part of our historic Rail Trail being taken, the flooding will be a nightmare. It is already very, very bad, as I hear thunder and a rainstorm coming right now, as I send this email.

Please do what is right and say "NO" tomorrow at the planning meeting.

Again, they have acres and acres of land to build this Phase IV on within their own gaited community, why do this to their fellow citizens and neighbors?

Sincerely,

Keri Cooper
Panther Ridge Rail Trail

This former railroad right-of-way was begun in the early 1900’s and was part of the East-West Railroad Company system. Construction was halted due to labor and material shortages of World War 1, and never completed. Old spikes are still found, however. The six (6) mile long path is an integral part of the Panther Ridge trail system, and provides residents with numerous opportunities to enjoy nature preserves, wildlife sightings and experience the land in its natural state.

Mechanized vehicles & equestrian access are prohibited.
Sharon and Bruce Kasper live directly across SR 70 in Forest at Panther Ridge butting up to SR-70 traffic. We are horrified that anyone with Manatee County would ever consider condoning such a convoluted plan to ruin our precious neighborhood trails and wetlands along with our Evans reservoir overlay. In addition this plan is for homes that totally don’t meet our zoning which is agr5. Something is very smelly about this whole concoction by the developers at The Concession. We will not be present for tomorrow’s meeting as we are out of town but we would appreciate it if someone would read our comments and concerns at this meeting. As a side note, we were horrified that the person with Manatee County had never even visited this site yet she is totally in favor with the developer who obviously has some money making scheme up their hands and it is not building homes. We demand to know the truth.

Sharon Kasper

Development Plan PLN1910-004 Strongly Opposed To Any Approval to the very intense housing development immediately north of Foxwood at Panther Creek.

Sender: Eamonn Barr, 8311 245th Street East, The Pointe, Panther Ridge FL 34251

Dear Members of The Commission,
I wish to inform you that I am strongly opposed to the loss of the Rail Trail along Sr 70 based upon Development Plan PLN1910-004. This Rail Trail is an amenity enjoyed by most Panther Ridge Communities including my community, The Pointe. It allows bike riders, pedestrians, and equestrians, an exit point to cross over to the trails at The Forest and vice versa. It is a Historic Trail and if that crucial section is lost, most Panther Ridge communities will lose out. To squeeze a few extra houses into the concession does not merit the permanent loss of a valuable local amenity.

The commission has an obligation to look at current residents and what they bought into and expect. These are not cheap homes, there is a way of life here, house prices are high and the County benefits from these High Property Taxes. The proposed development is simply not in keeping with the current Master Plan and despite speaking to a multitude of Panther Ridge residents, I have yet to find one in favor of this proposal.

Once a historic Trail is lost, its gone. We can not be expected to Cycle/Walk/Horse Ride along the edges of Sr70 as a death would only be a matter of time.

Please do NOT Approve this Proposal, we want to keep our Historic Trail, which benefits so many Panther Ridge Communities. It makes no sense for hundreds of Panther Ridge Residents to lose a valued amenity just so that a developer can increase his profits by squeezing in a few extra houses.

Save Our Rail Trail!

Thank You,
Eamonn Barr

From: kwschwarz@att.net <kwschwarz@att.net>
Sent: Wednesday, June 10, 2020 3:53 PM
To: 'Bill Conerly' <bill.conerly@gmail.com>; 'Mike Rahn' <rahncmichael@gmail.com>; 'Jedd Heap' <jedd.heap@gmail.com>; 'Bill Smock' <billsmock2@gmail.com>; 'John DeLesline' <johnt@deleslinecon.com>; 'David Roth' <rubyrugby@msn.com>; 'Paul Rutledge' <paulrutledge.manatee county@yahoo.com>; Bobbi Roy <bobbi.roy@mymanatee.org>
Cc: 'Marina Herbert-Schwarz' <mhschwarz@att.net>
Subject: The Concession / Foxwood at Panther Ridge - 17 acre development hearing June 11, 2020

From: Kent Schwarz and Marina Herbert-Schwarz; 7619 205th Street E, Bradenton 34202 (Foxwood at Panther Ridge); telephone 941.322.2963.

Dear Commissioners:

We are dismayed at the proposed 17-acre development proposed by principals of The Concession for the following reasons:

- Our Foxwood community is deed restricted for a minimum of 5-acre lots; however with approximately 583 acres in our community the allocation per home is 7.9 acres. The proposed development is not compatible with Foxwood nor with the expectations of our homeowners who bought significant acreage with good reason.

- We are blessed to have owned our 9.6-acres and what most consider a luxury home for almost 20 years. We have used the Panther Ridge designated trails, including the Rail Trail that parallels SR 70, for both fitness running and horseback riding. Importantly the Rail Trail is the only straight trail that allows for a horse to be safely galloped without fear of injury to us, our horse or to others utilizing the trail.
Respectfully submitted,

*Kent and Marina*
The Current Concession Plan Is More Suitable

When the Concession developer created and obtained County approval for its General Development Plan in 2004, the 17 acres which is the subject of this petition was to always be left vacant, in its natural state as is typical with many other large tracts in The Concession. That has remained to this date.

There are reasons for that. The 17 acres is in a flood zone, is heavily treed and naturally vegetated and appropriately functions for stormwater management in the Evers Watershed. It is too small for the type of housing development planned in The Concession, which is on one and one-half acre lots clustered out of the natural habitat. It is in the AG-R land used designation of the Comprehensive Plan, which has a maximum gross density of only .2 units per acre (one unit per five acres) and a maximum net density of only 2 units per acre within that portion of the parcel designated for residential lots. The Comprehensive Plan and Land Development Regulations require compatibility of the development with the 5, 10 and 15 acre homesites to the south.

Homebuyers in Foxwood at Panther Ridge bought in proper reliance upon that Plan, with respect to the 17 acres at issue, directly adjacent to Foxwood to the north.

The current General Development Plan for The Concession places 16 of its dwellings in the present development area, each a villa on a two acre lot. The proposed amendment would – with no justification – move them from that more appropriate location onto the 17 acres at issue, add 6 more and squeeze the 22 houses onto 17 acres of natural habitat -- at a net next to homesites of five acres and more. Rather than the minimum one acre and half-acre lots in The Concession, these lots would be less than .23 acres each.

Other factors which make the 17 acres less suitable for the proposed housing than the current Master Plan is that it is crossed at its north by an equestrian trail for which Panther Ridge residents have acquired a prescriptive easement after its use for decades, and plans by the Florida Department of Transportation to acquire much of the parcel for stormwater management in its imminent widening of State Road 70.

There is no legal obligation of Manatee County to amend the Concession General Development Plan in the manner the developer now proposes, and no one has suggested that there is. It is inappropriate to do so because it is not in the public interest. Further, it is even unlawful to do so because the proposal violates the Comprehensive Plan and Land Development Code.
**The Proposed Density Is Excessive**

With 22 homes on 17 acres, the Project **greatly exceeds the density limits** for this AG-R land use category in Section 2.2.1.8.3 of the Manatee County Comprehensive Plan, as densities are defined in Section 200 of the Land Development Code.

While the **maximum gross density** is .2 dwelling units per acre (one unit per five acres), this Project is over 1.29 units per acre (22 units divided by 17 acres). That’s almost **six and a half times** the maximum allowed gross density!

The staff report notes this inconsistency but comments that when “coupled” with the vast open acreage of the golf course and other land in The Concession across Lindrick Lane to the west, the gross density of the Project “will meet the intent” of the Comprehensive Plan. That alone is a faulty view, as the expressed intent of the Comprehensive Plan is to maintain a “Rural Residential” character in AG-R communities. In any event, however, what matters is not any **intent**, but instead the **letter** of the Comprehensive Plan which is violated by this proposal.

Even the Revised General Development Plan submitted by this developer calculates the gross density and the net density – as it must – based on the 17 acres alone (what the Code calls “the residential project” or the “residential parcel within the project.”

The Project also greatly exceeds the **maximum net density** in that same section of the Comprehensive Plan. It allows a maximum of only 2 units per acre of net density, that is the number of units on the subject property which is limited to the residential lots, as net density is defined in Section 200 of the Land Development Regulations. However, the Project would cram a net density of **four units per acre** into the subject parcel, again in violation of the Comprehensive Plan.

**The Development is Not Compatible with Adjoining and Nearby Development**

Foxwood at Panther Ridge, directly to the south of the Project, complies with the Comprehensive Plan for the AG-R land use designation in which both are located. Its home-sites are not more than one unit per five acres, as is typical in the larger Panther Ridge as a whole. Several parcels are even larger, at ten and fifteen acres. That is the “Rural Residential” density which the Comprehensive Plan requires for this area.

However, at the densities described above, the Project is extremely incompatible with its neighbors. Indeed all 22 of the Project’s home-sites could almost fit within just one five acre lot at Foxwood (22 x 10,000 square feet = 220, 000 square feet; five acres = 217,800 square feet).

So how is it arguable that a **645% increase in gross density** over adjoining homes (1.29 units per acre divided by .2) is compatible with them?

The applicant for the developer at the initial Planning Commission hearing on May 14 did not even try. Instead, she argued in her summation that the compatibility requirements of the Manatee County Comprehensive Plan only apply to nonresidential development, such as industrial, next to residential homes. That is completely false. As just one of many potential examples, the compatibility requirements of Policy 2.6.1.1 apply to an increase in densities between properties. Density is a term which applies only to residential development (with “intensity” describing nonresidential uses).

The densely-packed houses in the Project can be up to three stories tall. There has been no demonstration, nor could there, that they would not be evident to the rural homesites to the south, and clash with the rural lifestyle sought by the residents of Panther Ridge.
To make the case that the Project reflects other densities in the area, staff had to reach many miles to the west, in Lakewood Ranch, to cite subdivisions in land use designations which allow much higher densities than in AG-R.

The Development Would Unlawfully Destroy a Long-Time Equestrian Trail

A major amenity of Panther Ridge is a system of connected Equestrian Trails which wind throughout the development, including to the south of State Road 70. One segment of that trail crosses over the northern portion of the 17 acres at issue. There will be uncontroverted sworn testimony at your hearing on Thursday that residents have ridden horses along that property for well more than twenty years, openly and obviously, and there is no evidence of any express grant of permission by the property owner. Foxwood at Panther Ridge even built a small bridge from its property to this to facilitate the trail, over 20 years ago, which remains in place and in use today.

As such, the residents have a prescriptive easement to the continued use of this portion of the Equestrian Trail.

Although the applicant’s agent at the May 14 hearing suggested that the developer may modify its plans to allow the riding of horses across the property to continue, that has not occurred. Even if a stipulation was added to provide for that, it would need to provide for a proper trail as exists there today (and has for decades), not something unsuitable such as riding horses on a sidewalk.

The County Attorney at the May 14 letter stated that this equestrian trail is a “private” concern which the Planning Commission should not consider. When a discretionary Plan amendment would adversely affect a substantial portion of the public, it is a public concern which the Planning Commission has a duty to address.

The Plan Amendment is Not Appropriate Within the Evers Watershed

Manatee County is properly concerned about excessive development within certain portions of the County, to minimize pollution and other adverse impacts from water flows into significant bodies of surface water. As such, it has created Watershed Overlay Districts. One is the Evers Reservoir Watershed Overlay District, in which the subject 17 acre property is located. This is to protect the Evers Reservoir, a major source of drinking water.

Section 403.10 of the Manatee County Land Development Code requires measures to reduce adverse watershed impacts when development is proposed in a Watershed Overlay District. One goal is to “maximize the preservation of vegetated open areas in their natural state.” Clearly, this is not done by this proposal to clear the heavy tree canopy and other natural vegetation which now covers this flood-prone property, as is evident in any aerial photo of it, and cram in so many houses, with their driveways, streets and fertilized lawns.

The Code provides, “Maximum effort shall be made by the developer to minimize impervious surfaces within the Watershed Protection District.” Subsequent to the May 14 hearing, measures for some sort of pervious (porous) pavement have been added, apparently in response to comment at that hearing that the requirement for paver drives did not meet that requirement, together with increased detail on capturing and channeling stormwater runoff.

Even with such mitigation, the adverse impacts on the Evers Reservoir will be substantially increased compared to leaving this property in its natural state, as The Concession Master Development Plan has provided from Day One, for over 16 years.

The Project Clashes with FDOT Designs on the Property for a Stormwater Pond for the SR70 Widening
In January, 2019, the Florida Department of Transportation (FDOT) issued its Pond Siting Report for the widening of State Road 70 from Lorraine Road to County Road 675 (Waterbury Road). Pond siting is done as part of a road widening project to provide places to receive the increased stormwater runoff from the wider road and otherwise improve drainage in the area.

The location identified by FDOT in its Report as “Alternative 1” for one of the two needed ponds, is on the 17 acres proposed for the housing development. It is identified on pages 15 and 16 of the Report as Pond Site G-H, for which 5.3 acres would be acquired by a “partial take” together with a .14 acre easement. The location is preferred due to its proximity to SR 70, location in the 100-year floodplain, the absence of contamination potential or wetland impacts or any, low archaeological potential and various ground characteristics.

That “take” refers to acquisition by the state through its power of eminent domain. The law requires compensation to the landowner for the fair market value of the property.

It is entirely possible that the owner of the subject property is seeking a development entitlement in order to greatly increase the fair market value which must be paid by the state to acquire the pond for the SR 70 road widening. As such, granting that entitlement would be a disservice to the taxpayers.

Whether or not that is the landowner’s intent, Manatee County should cooperate with FDOT in its acquisition of Pond Site G-H, as a matter of intergovernmental cooperation. If this is the best site for an FDOT pond, the state should not be forced to a less suitable one by a land use change which does not make sense anyway, or to squander taxpayer money to make FDOT to pay a higher price to cover development entitlements which should not be given, for the many reasons we have described.

Thank you for your consideration.

Andrew Burgess

From: George Saxon <mythbird@aol.com>
Sent: Wednesday, June 10, 2020 2:28 PM
To: Bill Conerly <bill.conerly@gmail.com>; Mike Rahn <rahncmichael@gmail.com>; Jedd Heap <jedd.heap@gmail.com>; Bill Smock <billsmock2@gmail.com>; John DeLesline <johnt@deleslinecon.com>; David Roth <rubyrugby@msn.com>; Paul Rutledge <paulrutledge.manatee@manatee.com>; Bobbi Roy <bobbi.roy@mymanatee.org>
Subject: Proposed development north of Foxwood at Panther Creek

I am a homeowner at 19010 70th Ave E, The Forest at Panther Ridge, just north of Foxwood. I object to the new development plan for the Concession for the following reasons.

The Current Concession Plan Is More Suitable

When the Concession developer created and obtained County approval for its General Development Plan in 2004, the 17 acres which is the subject of this petition was to always be left vacant, in its natural state as is typical with many other large tracts in The Concession. That has remained to this date.

There are reasons for that. The 17 acres is in a flood zone, is heavily treed and naturally vegetated and appropriately functions for stormwater management in the Evers Watershed. It is too small for the type of housing development planned in The Concession, which is on one and one-half acre lots clustered out of the natural habitat. It is in the AG-R land used designation of the Comprehensive Plan, which has a
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Other factors which make the 17 acres less suitable for the proposed housing than the current Master Plan is that it is crossed at its north by an equestrian trail for which Panther Ridge residents have acquired a prescriptive easement after its use for decades, and plans by the Florida Department of Transportation to acquire much of the parcel for stormwater management in its imminent widening of State Road 70. There is no legal obligation of Manatee County to amend the Concession General Development Plan in the manner the developer now proposes, and no one has suggested that there is. It is inappropriate to do so because it is not in the public interest. Further, it is even unlawful to do so because the proposal violates the Comprehensive Plan and Land Development Code.

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Even with such mitigation, the adverse impacts on the Evers Reservoir will be substantially increased compared to leaving this property in its natural state, as The Concession Master Development Plan has provided from Day One, for over 16 years.

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In January, 2019, the Florida Department of Transportation (FDOT) issued its Pond Siting Report for the widening of State Road 70 from Lorraine Road to County Road 675 (Waterbury Road). Pond siting is done as part of a road widening project to provide places to receive the increased stormwater runoff from the wider road and otherwise improve drainage in the area.

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It is entirely possible that the owner of the subject property is seeking a development entitlement in order to greatly increase the fair market value which must be paid by the state to acquire the pond for the SR 70 road widening. As such, granting that entitlement would be a disservice to the taxpayers.

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Thank you for your consideration.

From: jg82140@aol.com <jg82140@aol.com>
Sent: Wednesday, June 10, 2020 12:23 PM
To: Bobbi Roy <bobbi.roy@mymanatee.org>
Subject: The Concession - Revised General Development Plan, PLN1910-004

Dear Ms. Roy

Following is a communication to the Planning Commissioners regarding the proposed Revision to the Concession General Development Plan, PLN 1910-004. A group of us will be at the Planning Commission meeting tomorrow, June 11, 2020, to address our concerns in person. I presume these comments will be added to the record and made available to the Commissioners.

Thank you,
Ad Hoc Committee of Concerned Concession Residents
John Givens
501-590-3337

Honorable Planning Commissioners:

We are very concerned homeowners living in the original sections (Phases I, II, III) of the Concession development known as The Concession Residences. We believe the Revised General Development Plan being proposed to the County for the purpose of building the 22 Villa development at the corner of Lindrick Lane and SR 70 will adversely impact our community and make it less likely the commitments made to us by the developer will be fulfilled.

We have found no one in our community, including any Board member, that was made aware of this project before it was submitted to the County. Awareness only began to build after the placard announcing the Planning Commission and Board of County Commissioners review meetings was installed at the corner of SR70 and Lindrick Lane. The developer has exhibited no transparency whatsoever despite intending to tap our Private water and sewer mains and transferring dwelling density that should remain with The Concession Residences to the Villa development.

On page 13 of the proposed Revised General Development Plan the following is stated under Paragraph B. Relation to Public Utilities, Facilities and Services: “Private water and sewer lines are adjacent to
property and were designed to support Concessions 255 dwelling units.” This statement is highly suspect. As we will point out, with just 168 dwelling units completed, there already are problems with the water and sewer systems; and, if this project is approved as submitted, those systems will have to support the entire Golf Club facility and the 8 cottages built by the Club during 2016 in addition to the 255 dwelling units.

Today, there are continuing complaints by residents of intermittent water pressure drops to the point where water ceases to flow in the middle of a shower. The firm, Foley/Kolarik, Inc., which originally designed and engineered the Concession water and sewage systems, recommends that a $90,000 booster pump is required to overcome the water pressure problems being experienced.

Regarding the sewer system, the Master lift station, which collects all Concession sewage and pumps it into the County line, required rehabilitation late last year. The contractor, A.J. Stewart, Jr., Inc. who carried out the rehabilitation, stated, “One side of the discharge piping has broken between the wet well and the valve box. This piping is 8’ deep . . . . Why was this engineered so deep when it should have been half that depth is anybody’s guess.” That statement has created concern that this critical element of the system may already be overtasked, even before adding the additional burden of the new villa project.

As mentioned only 168 of the 255 dwelling unit have been built. With these problems what will the situation be when the additional 87 homes are built? Before approval of the Revised General Development Plan the design efficacy of the water and sewer lines must be verified and proven by the developer and supplemented where necessary at developer expense.

The PRIVATE water and sewer mains are owned by our HOA. Before approval of the Revised Development Plan a Cost Sharing Agreement between the developer and our HOA must be negotiated to ensure adequate funds will be available to maintain the water and sewer infrastructure in the future. We believe contributions to The Concession Reserves to cover any future water and sewer expenses must be part of such an agreement. The Cost Sharing Agreement must be incorporated into the governing documents of the Villa development.

The proposed Revised General Development Plan also includes a major discrepancy or misstatement. Note 2 states: “IMPROVEMENTS TO THE GOLF COURSE AND 233 LOTS HAVE BEEN COMPLETED.” The statement is incorrect. The Amenity Center improvements on the vacant land at the SW corner of Ganton Ave. and Lindrick Lane and across the street on the East side Lindrick Lane promised by the developer have not been completed. This vacant land is referred to in the current General Development Plan as “The Recreation Area.” Note 25 states, . . . . “THE RECREATION AREA MAY INCLUDE TENNIS COURTS, SWIMMING POOLS, RECREATION BLD’G ETC.”

The Concession Residences was conceived and promised to buyers to be a high-end luxury community. From its very inception the developer promoted the fact that an Amenity Center was to be a key feature of the development. The original Concession Golf Club and Residences Fact Sheet states, “The Sports Clubhouse includes the fitness center, pool and spa, Tennis Courts, sauna and massage rooms.” The brochure and Master Site Plan speak to and show the “Sports Club” Amenity Center.

The crash of 2007/2008 changed things. The developer got into financial trouble and, to avoid foreclosure, he sold the golf course including the land dedicated to the Amenity Center. The sale did not cancel the obligation to provide an Amenity Center. The developer before and while serving on the HOA Board of Directors continued to assure the community that the purchaser of the golf club had assumed the obligation to build the Amenity Center and the developer’s sales agent continued to promise the Amenity Center to people who bought homes and lots, at least, until the sales agent was terminated in 2019. Unfortunately, the purchaser of the golf club disavows responsibility to build the Amenity Center. We residents are left in the lurch.

The proposed Revised General Development Plan has brought the developer and the owner of the golf club back together. The golf club is contributing 16 dwelling units to the density required for the villa project and we understand that there will be some kind of club membership requirement from purchasers
of the villas. The 17.02 acre site, on its own, will only allow for three dwelling units to be built (1 per 5 acres). So, density for three additional dwelling units is needed to cover the proposed 22 villas and will use up all remaining Concession dwelling unit density. Where do the three additional units of density come from? The Concession General Development Plan allows 255 residences. Phases I, II and III of The Concession Residences developed 236 lots. Three dwelling units were built on two lots each. So, 233 homes will be built on the 236 lots leaving density for three dwelling units. What right does the developer have to transfer density from the original planned community to a new project. That density must remain with The Concession Residences for the reasons stated below.

The villa project is a win-win for the developer and the owner of the golf club but not so for the Concession residents. If there is not an agreement regarding the Amenity Center in place before County approval any chance of the obligation to build the Amenity Center being fulfilled will go away. The golf club owned vacant land at Ganton Ave. and Lindrick Lane will remain vacant with no available density so homes can be built to erase the unsightly vacant lots. We homeowners and Manatee County will not realize the property value increase an Amenity Center generates; the status of The Concession Residences development as a high-end luxury community will remain impaired; and, we residents will not be able to avail ourselves of the benefits of the promised Amenity Center.

To be clear, we are not opposed to the Villa project per se, but we are opposed to the Phase IV project proceeding before the following occurs:

1. The ability of the water and sewer mains to support the Golf Clubhouse facility, the 8-cottages built by the Club in 2016 in addition to the 255 dwelling units is verified or supplemented by the developer as necessary.

2. An appropriate Cost Sharing Agreement between The Concession Residences HOA and the Villa Project (developer) is in place that ensures adequate funding of any future water and sewer infrastructure expenses,

3. The promise of an Amenity Center is delivered or at least until there is an ironclad agreement to build it or to deed the dedicated land to the community so the community can build it.

4. The number of Villas is reduced from 22 to 19 so density remains available to build homes that will erase the unsightly vacant lots at Ganton Ave. and Lindrick Lane.

We pray that the Honorable Planning Commission, on June 11, 2020, will recognize that additional time is required to address the issues stated above and will, therefore, withhold approval of the Revised General Development Plan until these matters have been resolved.

Sincerely,
The Concession Residences
Ad Hoc Committee of Concerned Residents

John Givens, Member, Finance Committee
George Serrano, Past Vice President, Concession HOA
Dan Santry, Member Finance Committee
Don Weippert, Resident
Jim Hammond, Resident
Lou Marinaccio, Past President, Concession HOA

From: Scott <potsie92@hotmail.com>
Sent: Wednesday, June 10, 2020 11:33 AM
To: Bill Conerly <bill.conerly@gmail.com>; Mike Rahn <rahncmichael@gmail.com>; Jedd Heap
Honorable Members of the Planning Commission:

Land Development Code (LDC) Section 342.B, Planned Districts-Review Criteria states in part that "Planned development district locations may be established in appropriate locations" except "where they will not set a precedent for the introduction of an inappropriate use into an area."

- No high density residential areas remotely resembling the 100 x 100 foot lot size being requested in PDR-04-39(G)(R3) are located between 197 Street E and the DeSoto County Line (see attached aerial photograph).
- This high density residential application, if approved, will breach the 197 Street line consisting of agricultural and low density residential land uses.
- If approved, this request will set a precedent for the introduction of an inappropriate use into the area east of the 197 Street E line, as prohibited in the LDC.
- Approval will make it practically impossible to deny similar applications in the future.
- When a developer's plan conflicts with the LDC, the issue must be resolved consistent with the law.

You must vote to deny this application.

Respectfully,

Scott Andress

19711 75th Avenue E

Bradenton, Fl 34202
Robert and Brittany Siler
22905 67th Ave E
Bradenton, FL 34211
Panther Ridge Ranches

To Whom It May Concern,

After reading the revised proposal, I am concerned as to how anyone would think this development would be an improvement for our already over-developed community.

- Our area is already too crowded
- Our roadways are not equipped for increased traffic
- Our drainage system is not designed for a development in this area
- This is a low lying parcel, that was designed for natural drainage. Anymore man made interference in this area will lead to increased problems with flooding
- Adding yet another development to our area will be detrimental to the natural habitat to our already dwindling wildlife

Sometimes it's not about revenue for the county, it's about doing the right thing. Please do not allow another development in our rural area. Please leave some of our land vacant, without human destruction, the way it was intended. This area was designed to be country, not "country club" and we would like it to stay that way.

Sincerely,
Brittany Siler
My name is Stephanie Little and I am a resident of Foxwood in Panther Ridge. I live at 7820 205th St E which is just around the corner from this proposed development. I am a horse owner and ride the trails of Foxwood. For many reasons (as stated below) this change in the location of the concessions development should not occur. Panther Ridge (both sides) is an equestrian community. We all bought into this development because we wanted larger acre lots and room for our horses. We did not move here to be next to such a high density development right on our doorstep. Concessions has plenty of property and can keep this high density area within their own walls.

I believe they want to move this development because it doesn’t “fit in” with their current large acre lots with large homes with high price tags. They want to make money off of these 22 houses but they don’t want them within their own walls!!!

Please do not approve this change in their plans. We do not want this high density development right next door. PLEASE SAY NO.

Stephanie Little

The Current Concession Plan Is More Suitable

When the Concession developer created and obtained County approval for its General Development Plan in 2004, the 17 acres which is the subject of this petition was to always be left vacant, in its natural state as is typical with many other large tracts in The Concession. That has remained to this date.

There are reasons for that. The 17 acres is in a flood zone, is heavily treed and naturally vegetated and appropriately functions for stormwater management in the Evers Watershed. It is too small for the type of housing development planned in The Concession, which is on one and one-half acre lots clustered out of the natural habitat. It is in the AG-R land used designation of the Comprehensive Plan, which has a maximum gross density of only .2 units per acre (one unit per five acres) and a maximum net density of only 2 units per acre within that portion of the parcel designated for residential lots. The Comprehensive Plan and Land Development Regulations require compatibility of the development with the 5, 10 and 15 acre homesites to the south.

Homebuyers in Foxwood at Panther Ridge bought in proper reliance upon that Plan, with respect to the 17 acres at issue, directly adjacent to Foxwood to the north.

The current General Development Plan for The Concession places 16 of its dwellings in the present development area, each a villa on a two acre lot. The proposed amendment would – with no justification -- move them from that more appropriate location onto the 17 acres at issue, add 6 more and squeeze the 22 houses onto 17 acres of natural habitat -- at a net next to homesites of five acres and more. Rather than the minimum one acre and half-acre lots in The Concession, these lots would be less than .23 acres each.

Other factors which make the 17 acres less suitable for the proposed housing than the current Master Plan is that it is crossed at its north by an equestrian trail for which Panther Ridge residents have
acquired a prescriptive easement after its use for decades, and plans by the Florida Department of Transportation to acquire much of the parcel for stormwater management in its imminent widening of State Road 70.

There is no legal obligation of Manatee County to amend the Concession General Development Plan in the manner the developer now proposes, and no one has suggested that there is. It is inappropriate to do so because it is not in the public interest. Further, it is even unlawful to do so because the proposal violates the Comprehensive Plan and Land Development Code.

**The Proposed Density Is Excessive**

With 22 homes on 17 acres, the Project *greatly exceeds the density limits* for this AG-R land use category in Section 2.2.1.8.3 of the Manatee County Comprehensive Plan, as densities are defined in Section 200 of the Land Development Code.

While the **maximum gross density** is .2 dwelling units per acre (one unit per five acres), this Project is over 1.29 units per acre (22 units divided by 17 acres). That’s almost **six and a half times** the maximum allowed gross density!

The staff report notes this inconsistency but comments that when “coupled” with the vast open acreage of the golf course and other land in The Concession across Lindrick Lane to the west, the gross density of the Project “will meet the intent” of the Comprehensive Plan. That alone is a faulty view, as the expressed intent of the Comprehensive Plan is to maintain a “Rural Residential” character in AG-R communities. In any event, however, what matters is not any **intent**, but instead the **letter** of the Comprehensive Plan which is violated by this proposal.

Even the Revised General Development Plan submitted by this developer calculates the gross density and the net density – as it must – based on the 17 acres alone (what the Code calls “the residential project” or the “residential parcel within the project.”)

The Project also greatly exceeds the **maximum net density** in that same section of the Comprehensive Plan. It allows a maximum of only 2 units per acre of net density, that is the number of units on the subject property which is limited to the residential lots, as net density is defined in Section 200 of the Land Development Regulations. However, the Project would cram a net density of **four units per acre** into the subject parcel, again in violation of the Comprehensive Plan.

**The Development is Not Compatible with Adjoining and Nearby Development**

Foxwood at Panther Ridge, directly to the south of the Project, complies with the Comprehensive Plan for the AG-R land use designation in which both are located. Its homesites are no more than one unit per five acres, as is typical in the larger Panther Ridge as a whole. Several parcels are even larger, at ten and fifteen acres. That is the “Rural Residential” density which the Comprehensive Plan requires for this area.

However, at the densities described above, the Project is extremely incompatible with its neighbors. Indeed all 22 of the Project’s homesites could almost fit within just one five acre lot at Foxwood (22 x 10,000 square feet = 220, 000 square feet; five acres = 217,800 square feet).

So how is it arguable that a **645% increase in gross density** over adjoining homes (1.29 units per acre divided by .2) is compatible with them?

The applicant for the developer at the initial Planning Commission hearing on May 14 did not even try. Instead, she argued in her summation that the compatibility requirements of the Manatee County
Comprehensive Plan only apply to nonresidential development, such as industrial, next to residential homes. That is completely false. As just one of many potential examples, the compatibility requirements of Policy 2.6.1.1 apply to an increase in densities between properties. Density is a term which applies only to residential development (with “intensity” describing nonresidential uses).

The densely-packed houses in the Project can be up to three stories tall. There has been no demonstration, nor could there, that they would not be evident to the rural homesites to the south, and clash with the rural lifestyle sought by the residents of Panther Ridge.

To make the case that the Project reflects other densities in the area, staff had to reach many miles to the west, in Lakewood Ranch, to cite subdivisions in land use designations which allow much higher densities than in AG-R.

**The Development Would Unlawfully Destroy a Long-Time Equestrian Trail**

A major amenity of Panther Ridge is a system of connected Equestrian Trails which wind throughout the development, including to the south of State Road 70. One segment of that trail crosses over the northern portion of the 17 acres at issue. There will be uncontroverted sworn testimony at your hearing on Thursday that residents have ridden horses along that property for well more than twenty years, openly and obviously, and there is no evidence of any express grant of permission by the property owner. Foxwood at Panther Ridge even built a small bridge from its property to this to facilitate the trail, over 20 years ago, which remains in place and in use today.

As such, the residents have a prescriptive easement to the continued use of this portion of the Equestrian Trail.

Although the applicant’s agent at the May 14 hearing suggested that the developer may modify its plans to allow the riding of horses across the property to continue, that has not occurred. Even if a stipulation was added to provide for that, it would need to provide for a proper trail as exists there today (and has for decades), not something unsuitable such as riding horses on a sidewalk.

The County Attorney at the May 14 letter stated that this equestrian trail is a “private” concern which the Planning Commission should not consider. When a discretionary Plan amendment would adversely affect a substantial portion of the public, it is a public concern which the Planning Commission has a duty to address.

**The Plan Amendment is Not Appropriate Within the Evers Watershed**

Manatee County is properly concerned about excessive development within certain portions of the County, to minimize pollution and other adverse impacts from water flows into significant bodies of surface water. As such, it has created Watershed Overlay Districts. One is the Evers Reservoir Watershed Overlay District, in which the subject 17 acre property is located. This is to protect the Evers Reservoir, a major source of drinking water.

Section 403.10 of the Manatee County Land Development Code requires measures to reduce adverse watershed impacts when development is proposed in a Watershed Overlay District. One goal is to “maximize the preservation of vegetated open areas in their natural state.” Clearly, this is not done by this proposal to clear the heavy tree canopy and other natural vegetation which now covers this flood-prone property, as is evident in any aerial photo of it, and cram in so many houses, with their driveways, streets and fertilized lawns.

The Code provides, “Maximum effort shall be made by the developer to minimize impervious surfaces within the Watershed Protection District.” Subsequent to the May 14 hearing, measures for some sort of
pervious (porous) pavement have been added, apparently in response to comment at that hearing that the requirement for paver drives did not meet that requirement, together with increased detail on capturing and channeling stormwater runoff.

Even with such mitigation, the adverse impacts on the Evers Reservoir will be substantially increased compared to leaving this property in its natural state, as The Concession Master Development Plan has provided from Day One, for over 16 years.

The Project Clashes with FDOT Designs on the Property for a Stormwater Pond for the SR70 Widening

In January, 2019, the Florida Department of Transportation (FDOT) issued its Pond Siting Report for the widening of State Road 70 from Lorraine Road to County Road 675 (Waterbury Road). Pond siting is done as part of a road widening project to provide places to receive the increased stormwater runoff from the wider road and otherwise improve drainage in the area.

The location identified by FDOT in its Report as “Alternative 1” for one of the two needed ponds, is on the 17 acres proposed for the housing development. It is identified on pages 15 and 16 of the Report as Pond Site G-H, for which 5.3 acres would be acquired by a “partial take” together with a .14 acre easement. The location is preferred due to its proximity to SR 70, location in the 100-year floodplain, the absence of contamination potential or wetland impacts or any, low archaeological potential and various ground characteristics.

That “take” refers to acquisition by the state through its power of eminent domain. The law requires compensation to the landowner for the fair market value of the property.

It is entirely possible that the owner of the subject property is seeking a development entitlement in order to greatly increase the fair market value which must be paid by the state to acquire the pond for the SR 70 road widening. As such, granting that entitlement would be a disservice to the taxpayers.

Whether or not that is the landowner’s intent, Manatee County should cooperate with FDOT in its acquisition of Pond Site G-H, as a matter of intergovernmental cooperation. If this is the best site for an FDOT pond, the state should not be forced to a less suitable one by a land use change which does not make sense anyway, or to squander taxpayer money to make FDOT to pay a higher price to cover development entitlements which should not be given, for the many reasons we have described.

Thank you for your considerations.

From: olga Zarlenga <olgamara@yahoo.com>
Sent: Wednesday, June 10, 2020 6:30 AM
To: Bobbi Roy <bobbi.roy@mymanatee.org>
Subject: Objection to Foxwood/ Concession Phase IV development

My name is Olga Zarlenga.
I reside In Panther Ridge The Forrest specifically at 6708 193 rd st E, Bradenton 34211
I am the ATHENS 2004 OLYMPIC GAMES EQUESTRIAN manager and I moved to panther ridge for its rural setting and its equestrian trails.
I am OPPOSED to this development, for the following reasons.
1-The Development Would Unlawfully Destroy a Long-Time Equestrian Trail

A major amenity of Panther Ridge is a system of connected Equestrian Trails which wind throughout the development, including to the south of State Road 70. One segment of that trail crosses over the northern portion of the 17 acres at issue. Residents have ridden horses along that property for well more than twenty years, openly and obviously, and there is no evidence of any express grant of permission by the property owner. Foxwood at Panther Ridge even built a small bridge from its property to this to facilitate the trail, over 20 years ago, which remains in place and in use today. Foxwood has been maintaining this trail and fixing bridges for years now.

Reason for buying into panther ridge communities was because of those connecting trails and rural life. The applicants agent that suggested on May 14th that the developer may modify its plans to allow the riding of horses across the property to continue, that has not occurred and it will destroy a historical rail way track that has been enjoyed by many (equestrians, walkers, bicyclists) Horses and riders will be at risk riding on “sidewalks” as suggested by applicants agent. It would have to be the same suitable trail going across those 17 acres. This trail goes through natural habitat, is elevated and shaded and is a supreme asset to the Panther ridge community.

The County Attorney at the May 14 letter stated that this equestrian trail is a “private” concern which the Planning Commission should not consider. When a discretionary Plan amendment would adversely affect a substantial portion of the public, it is a public concern which the Planning Commission has a duty to address. property for well more than twenty years, openly and obviously, and there is no evidence of any express grant of permission by the property owner.

2-The Development is Not Compatible with Adjoining and Nearby Development

Foxwood at Panther Ridge, directly to the south of the Project, complies with the Comprehensive Plan for the AG-R land use designation in which both are located. Its homesites are not more than one unit per five acres, as is typical in the larger Panther Ridge as a whole. Several parcels are even larger, at ten and fifteen acres. That is the “Rural Residential” density which the Comprehensive Plan requires for this area.

However, at the densities described above, the Project is extremely incompatible with its neighbors. Indeed all 22 of the Project’s homesites could almost fit within just one five acre lot at Foxwood (22 x 10,000 square feet = 220,000 square feet; five acres = 217,800 square feet).

So how is it arguable that a 645% increase in gross density over adjoining homes (1.29 units per acre divided by .2) is compatible with them?

The applicant for the developer at the initial Planning Commission hearing on May 14 did not even try. Instead, she argued in her summation that the compatibility requirements of the Manatee County Comprehensive Plan only apply to nonresidential development, such as industrial, next to residential
homes. That is completely false. As just one of many potential examples, the compatibility requirements of Policy 2.6.1.1 apply to an increase in densities between properties. Density is a term which applies only to residential development (with “intensity” describing nonresidential uses).

The densely-packed houses in the Project can be up to three stories tall. There has been no demonstration, nor could there, that they would not be evident to the rural homesites to the south, and clash with the rural lifestyle sought by the residents of Panther Ridge.

To make the case that the Project reflects other densities in the area, staff had to reach many miles to the west, in Lakewood Ranch, to cite subdivisions in land use designations which allow much higher densities than in AG-R.

3-The Proposed Density Is Excessive

With 22 homes on 17 acres, the Project greatly exceeds the density limits for this AG-R land use category in Section 2.2.1.8.3 of the Manatee County Comprehensive Plan, as densities are defined in Section 200 of the Land Development Code.

While the maximum gross density is .2 dwelling units per acre (one unit per five acres), this Project is over 1.29 units per acre (22 units divided by 17 acres). That’s almost six and a half times the maximum allowed gross density!

4-The Plan Amendment is Not Appropriate Within the Evers Watershed

Manatee County is properly concerned about excessive development within certain portions of the County, to minimize pollution and other adverse impacts from water flows into significant bodies of surface water. As such, it has created Watershed Overlay Districts. One is the Evers Reservoir Watershed Overlay District, in which the subject 17 acre property is located. This is to protect the Evers Reservoir, a major source of drinking water.

Section 403.10 of the Manatee County Land Development Code requires measures to reduce adverse watershed impacts when development is proposed in a Watershed Overlay District. One goal is to “maximize the preservation of vegetated open areas in their natural state.” Clearly, this is not done by this proposal to clear the heavy tree canopy and other natural vegetation which now covers this flood-prone property, as is evident in any aerial photo of it, and cram in so many houses, with their driveways, streets and fertilized lawns.

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Even with such mitigation, the adverse impacts on the Evers Reservoir will be substantially increased compared to leaving this property in its natural state, as The Concession Master Development Plan has provided from Day One, for over 16 years.
5-The Project Clashes with FDOT Designs on the Property for a Stormwater Pond for the SR70 Widening

FINALLY; By allowing these houses to be built (and packed one next to each other) you would allow and permit the destruction of natural habitat, change the concept of this Rural community all for profit. Enough is enough, we have developers destroying natural habitat and building all around us. There is no NEED for more houses. This is a pristine Trail that should never be destroyed for development. Please come and walk this trail and I will show you how unique it is.

Thank you for taking the time to read this letter.

If you wish to contact me my number is : 6305251138

Olga Zarlenega
From: Linda Mustico <llm1000@icloud.com>
Sent: Wednesday, June 10, 2020 6:00 AM
To: Bill Conerly <bill.conerly@gmail.com>; Mike Rahn <rahnmc@gmail.com>; Jedd Heap <jedd.heap@gmail.com>; Bill Smock <billsmock2@gmail.com>; John DeLesline <johnt@deleslinecon.com>; David Roth <rubyrugby@msn.com>; Paul Rutledge <paulrutledge.manateeCounty@yahoo.com>; Bobbi Roy <bobbi.roy@mymanatee.org>
Subject: Public Hearing - proposed Concession Phase IV

To the Manatee County Planning Commission,

This letter is from Linda Mustico. I own my home and live year-round in Panther Ridge at 20902 67th Avenue East, Bradenton, FL 34211. I have been a resident of Manatee County for many years, having moved here as a child in 1969.

I am alarmed regarding the proposed Concession Phase IV development. It seems very out of character for this area and specifically for the proposed site.

The Current Concession Plan Is More Suitable

When the Concession developer created and obtained County approval for its General Development Plan in 2004, the 17 acres which is the subject of this petition was to always be left vacant, in its natural state as is typical with many other large tracts in The Concession. That has remained to this date.

There are reasons for that. The 17 acres is in a flood zone, is heavily treed and naturally vegetated and appropriately functions for stormwater management in the Evers Watershed. Wildlife uses this land as a habitat and as a corridor to move between nearby open space. I have seen gopher tortoises, eagles, deer, rabbits, and a wide variety of birds on and near this site.

It is too small for the type of housing development planned in The Concession, which is on one and one-half acre lots clustered out of the natural habitat. The Comprehensive Plan and Land Development Regulations require compatibility of the development with the 5, 10 and 15 acre homesites to the south.
The current General Development Plan for The Concession places 16 of its dwellings in the present development area, each a villa on a two acre lot. The proposed amendment would – with no justification -- move them from that more appropriate location onto the 17 acres at issue, add 6 more and squeeze the 22 houses onto 17 acres of natural habitat -- at a net next to homesites of five acres and more. Rather than the minimum one acre and half-acre lots in The Concession, these lots would be less than .23 acres each.

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Manatee County is properly concerned about excessive development within certain portions of the County, to minimize pollution and other adverse impacts from water flows into significant bodies of surface water. As such, it has created Watershed Overlay Districts. One is the Evers Reservoir Watershed Overlay District, in which the subject 17 acre property is located. This is to protect the Evers Reservoir, a major source of drinking water.

Even with such mitigation, the adverse impacts on the Evers Reservoir will be substantially increased compared to leaving this property in its natural state, as The Concession Master Development Plan has provided from Day One, for over 16 years.

**The Project Clashes with FDOT Designs on the Property for a Stormwater Pond for the SR70 Widening**

In January, 2019, the Florida Department of Transportation (FDOT) issued its Pond Siting Report for the widening of State Road 70 from Lorraine Road to County Road 675 (Waterbury Road). Pond siting is done as part of a road widening project to provide places to receive the increased stormwater runoff from the wider road and otherwise improve drainage in the area.

The location identified by FDOT in its Report as “Alternative 1” for one of the two needed ponds, is on the 17 acres proposed for the housing development. It is identified on pages 15 and 16 of the Report as Pond Site G-H, for which 5.3 acres would be acquired by a “partial take” together with a .14 acre easement. The location is preferred due to its proximity to SR 70, location in the 100-year floodplain, the absence of contamination potential or wetland impacts or any, low archaeological potential and various ground characteristics.

Thank you for your considerations.

Linda Mustico

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From: dlobeck@lobeckhanson.com <dlobeck@lobeckhanson.com>
Sent: Tuesday, June 9, 2020 11:46 PM
To: 'Bill Conerly' <bill.conerly@gmail.com>; 'Mike Rahn' <rahncmichael@gmail.com>; 'Jedd Heap'
Honorable Planning Commissioners:

As you may recall, I am the attorney for Foxwood at Panther Ridge Homeowners’ Association, Inc., in our opposition to the proposed amendment to The Concession Phase IV General Development Plan PDR-04-39(G)(R3) and PLN 1910-0042.

It comes back before you for a new public hearing this Thursday, June 11, as required by law due to an advertising error.

Attached is my 12-page Memo on why the Plan amendment should be recommended for denial to the Board of County Commissioners.

While I honestly think we make an airtight case for denial, we will be curious about your reaction to it on Thursday.

We recognize that this is a quasi-judicial proceeding and as such do not request a response to this email. However, considering the seriousness of the matter, we hope you will take the time to read and consider our points in full, which can only be done by that reading.

I will be entering the Memo into the record at the hearing, and attesting under oath to its contents.

Nevertheless, in order to be able to competently present our case, particularly for those of you who may not fully read or digest this Memo, this is to request 45 minutes to present our case at the hearing. Given the number, complexity and importance of the issues, to provide less would be a denial of due process to my client and its members. Section 5.5.5.6 of your Planning Commission Rules of Procedure allow for this extension, including when “it is necessary to do so because of the considerations of law, equity, or fairness”, provided that any request for more than one half hour be made not later than the day before the hearing. As provided in the Rules, I am directing my request to John Barnott, Director of the Building and Development Services Department, in addition to the Chair and the Planning Commission.

Of course, it would be easy to just approve anything a developer requests. However, I and my client respect that you are each more diligent and principled than that and will examine each proposal fully on its merits, and vote accordingly.
I know that it will take some time to read the 12 pages that are attached, and to consider each point that is made, in the context of the other information you have in your meeting packet, and other information and arguments which will be made at your hearing tomorrow.

Please do so though, and upon that please give our position more consideration, including perhaps some balanced questions and actual deliberation, than was received at your first hearing on May 14. We simply ask that due credit be given to the rights and interests of the neighbors to this site and to the public interests at least equal to that given to the applicant.

You have a big responsibility to serve the public interest while protecting valid property rights as they are established by the Manatee County Comprehensive Plan and Land Development Code.

Thank you for undertaking it, we trust, seriously and with integrity.

I look forward to seeing you Thursday.

Thank you very much for your considerations.

(I am also providing my Memo below, in case you cannot open the Word attachment – which is a more readable format).

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The Case Against the Proposed Amendment to The Concession Phase IV

PDR-04-39(G)(R3) and PLN 1910-0042

By Daniel J. Lobeck, Esq.
Florida Bar Board Certified in Condominium and Planned Development Law
The Law Offices of Lobeck and Hanson, PA
Attorneys for Foxwood at Panther Ridge Homeowners’ Association, Inc.

June 9, 2020

Overview
First, it should be recognized that the applicant/developer has no right to approval of this amendment, nor has that been asserted.

The Concession Phase IV has already been approved by Manatee County in 2009, for the remaining dwelling units within the approved cap. That is a better plan than is now requested, as it is legal and respects neighborhood compatibility, the environment, the watershed, an equestrian trail prescriptive easement and other public interests. The proposed amendment has none of that.

After reviewing extensive records, it is clear that County staff has simply put forward the applicant’s analysis. It is deeply flawed and omits valid considerations.

The proposed Phase IV amendment should and must be denied.

**The Current Concession Phase IV Plan Is Far More Suitable – Legally and Otherwise**

When The Concession developer created and obtained County approval for its General Development Plan in 2004, the 17 acres of dense natural habitat which is the subject of this petition was to always be left as vacant and undisturbed, as is typical for many areas of natural habitat throughout The Concession. That has remained so to this date. (It was also to remain undisturbed in the original approved 2000 plan for the property, called Panther Ridge Westside).

There are clear reasons why the developer and Manatee County left this site out of The Concession’s development plans for 20 years:

- The 17 acres is in a 100-year flood zone, is densely treed and naturally vegetated, is low-lying and appropriately functions for stormwater management in the Evers Watershed. (Objective 2.3.3 of the Comprehensive Plan provides that the County shall “direct development away from areas subject to flooding”).

- It is too small for the type of housing development (one acre and half-acre-to-one-acre lots) planned and allowed as a maximum in The Concession under the Comprehensive Plan and Land Development Code, together with the site’s stormwater pond and streets. That is because it is in the AG-R land use designation of Policy 2.2.1.8.1-3 of the Comprehensive Plan, for “Rural Residential” housing of a “rural residential character” and “agriculturally-compatible low density residential dwellings” only, at a maximum gross density of only .2 units per acre (one unit per five acres) and a maximum net density (if clustered) of only 2 units per acre within that portion of a project or parcel designated for residential lots.

- The Comprehensive Plan and Land Development Regulations require compatibility of the development with the 5, 10 and 15 acre homesites to the south.

Homebuyers in Foxwood at Panther Ridge bought in proper reliance upon that existing Plan for the 17 acres at issue, which is directly adjacent to Foxwood to the north. Imagined how shocked and angered they are to learn of a proposal to change that 20-year plan for natural, heavily treed and vegetated open space to dense housing, three stories high, at a net density of 4 units per acre.
The current General Development Plan for The Concession places 16 of its units within the golf course. The proposed amendment would – with no justification -- move them from that more appropriate location onto the 17 acres at issue, and add 6 more (apparently to somehow make up for The Concession developer allowing double lots for some homebuyers).

Other factors which make the 17 acres less suitable for the proposed housing than the current Master Plan is that it is crossed at its north by an equestrian trail for which Panther Ridge residents have acquired a prescriptive easement after its use for decades, and a declared option of the Florida Department of Transportation to acquire much of the parcel for stormwater management in its imminent widening of State Road 70.

Again, there is no legal obligation of Manatee County to amend the Concession General Development Plan in the manner the developer now proposes (and no one has suggested that there is). In this context it should be remembered that Policy 2.2.1.6 provides that “nothing in this Comprehensive Plan shall guarantee the achievement of maximum development potential.”

As such, this proposed amendment should be weighed by any responsible public official against the current, approved Phase IV plan (which the developer previously requested and obtained) to see whether it is better, that is whether it is more in the interests of the affected public and the public at large.

Surely, by any measure, as will be further and thoroughly detailed below, the proposed amendment fails that test.

Also, and perhaps even more important, approval of the amendment would be unlawful because it violates the Comprehensive Plan and Land Development Code, as specifically recited herein. Even if there is only a question in that regard, why would the County tread on that uncertain ground?

**The Proposed Density Is Excessive**

The applicant asserts that the proposed densities on the project site do not matter. All that matters are the average densities in The Concession as a whole.

Nonsense.

First, this proposal is an extreme outlier in its density and as such deserves scrutiny as to whether complies with the Comprehensive Plan and Land Development Code.

The current County constraints for The Concession provide that up to 136 lots may be between one-half acre and one acre in size and the other 119 must be at least one acre, provided that up to 16 villas may be constructed on two of those lots which are combined for that purpose (so one acre at least). By contrast, this proposed Project provides for its 22 lots to each be one-quarter acre in size (10,000 square feet).

That is totally inconsistent with the rest of The Concession and what is approved today (not even considering the incompatibility with the lots of five acres and more in Panther Ridge).
Again, there is a reason why The Concession is planned for lots of at least one acre and one-half acre. That is because one unit per one-half acre, that is two units per acre, is the maximum net density allowed in the Comprehensive Plan.

**Consider this:** if the applicant’s reasoning is accepted, that the gross and net density in any portion of The Concession is irrelevant — and instead all that counts is the overall density as a whole — then a future development can cluster unlimited densities in a segment of the property in an AG-R area! How about a high-rise in the rural lands far east of I-75?

**Clearly, that is not what the Comprehensive Plan and the Land Development Code allow, and that is why the net residential densities in The Concession today are nowhere more than 2 units per acre (half acre lots).**

As cited below, the Land Development Code requires that net density, as well as gross density, be applied to the “residential project” being proposed or, as here, “a residential parcel within the project.”

The “Rural Residential” designation in the Comp Plan for this AG-R property, that is housing of a “rural residential character” and “agriculturally-compatible low density residential dwellings” certainly does not refer to the dense subdivision being proposed here. **If approved, it would destroy The Concession’s current compliance with that requirement.**

With 22 homes on 17 acres, the Project **greatly exceeds the density limits** for this AG-R land use category in Section 2.2.1.8.3 of the Manatee County Comprehensive Plan, as densities are defined in Section 200 of the Land Development Code.

While the **maximum gross density** is .2 dwelling units per acre (one unit per five acres), this Project is over 1.29 units per acre (22 units divided by 17 acres). That’s almost **six and a half times** the maximum allowed gross density!

The staff report notes this inconsistency but comments that when “coupled” with the vast open acreage of the golf course and other land in The Concession across Lindrick Lane to the west, the gross density of the Project “will meet the intent” of the Comprehensive Plan. That alone is a faulty view, as the expressed intent of the Comprehensive Plan is to maintain a “Rural Residential” character in AG-R communities. In any event, however, what matters is not any **intent**, but instead the **letter** of the Comprehensive Plan which is violated by this proposal, in the manner we have set forth.

Further to be considered is the Comprehensive Plan’s prohibition in Section 2.1.2.2 of “urban sprawl” in this area at gross densities in excess of .2 dwelling units per gross acres. The Concession to date has been considered acceptable under this policy to allow “cluster development intended for the protection of open space and/or agricultural operation” which still maintains low density development which in an AG-R area may not exceed a net density of 2 units per acre. Certainly, this development, to replace what has been planned for open space for 20 years (the opposite of protecting open space) and with a net density of 4 units per acre, is impermissible “urban sprawl” under the Comprehensive Plan.
Even the Revised General Development Plan submitted by this developer—as explained further below—calculates the gross density and the net density—as it must—based on the 17 acres alone (what the Code calls “the residential project” or the “residential parcel within the project”).

The Project also greatly exceeds the **maximum net density** in that same section of the Comprehensive Plan. It allows a maximum of only 2 units per acre of net density, that is the number of units on the subject property which is limited to the residential lots, as net density is defined in Section 200 of the Land Development Regulations. However, the Project would cram a net density of **four units per acre** into the subject parcel, again in violation of the Comprehensive Plan.

The definition of “Density” in Section 200 of the Manatee County Land Development Code supports the basis for that calculation, as follows (emphasis added):

Density:

**Residential Density, Net** shall mean the total number of residential dwelling units or equivalent residential units within a residential project, or within a residential parcel contained within a project, divided by net residential acreage (as defined herein).

**Residential Density, Gross** shall mean the total number of residential dwelling units or equivalent residential units within a residential project, or within a residential parcel contained within a project, divided by gross residential acreage (as defined herein).

... 

**Net Residential Acreage** shall mean the total acreage within a project proposed for residential lots or parcels, including off-street parking areas, and also meeting the following limitations:

Not subject to the jurisdiction of any local, state or federal environmental review agency.
Not part of any recreational facility within the project or part of any public facility within the project.
Not part of any natural water body below mean high water, or ordinary high water, as estimated at time of project review.
Not part of any conservation easement dedicated to Manatee County.
Not within any utility easement shown as P/SP (1) on the Future Land Use Map.

Further, a 2017 memo from a planning consultant for Manatee County illustrates how this calculation of net density is derived, as follows (emphasis added):

a. **Net Density:**

Gross density generally refers to the number of units allowed based on the acreage of an entire site (with certain exceptions). **Net density determines how many units can be built after the acreage of lakes, wetlands, common areas, and other areas not used for residential use are subtracted from the total site acreage.** The following graphics show two subdivision
designs utilizing the same gross density (1 unit per 6 acres), but different net densities (1 unit/5 acres on the left, and 1 unit per net acre on the right).

The Manatee County Comprehensive Plan includes both gross and net density restrictions for its various future land use categories that permit residential development. Gross density is the primary controlling factor in setting the overall dwelling unit yield in the Manatee County Comprehensive Plan. Despite net residential density allowing a higher number of units, the gross density caps the maximum potential lot yield.

Gross density is most useful to calculate the maximum residential holding capacity of an area or the entire county to estimate public facility and service needs (including utilities, traffic and other services) to serve the future population of the county. However, gross density alone cannot determine the size of the lots in a subdivision or ensure compatibility between developments. The examples shown above depict very different designs that meet the same gross density. Communities have relied on two other tools to ensure compatibility of design: maximum net density and/or minimum lot size.

... Deleting the net density requirements would result in easier development review (staff would not have to do separate calculations to make sure the development meets both the lot size and net density requirements), less conflicts between the LDC and the Plan, and streamlined regulations (easier for property owners to visualize and developers/designers to apply). On the other hand, the net density provisions help scale planned developments to achieve compatibility with surrounding development.

The subject site is surrounded by homesites of five acres or more, and other low-density housing. The net density for that 17 acres of a maximum of 2 units per acre helps achieve compatibility with those homes, as the planner for the County points out above as a reason for net density constraints. The proposed net density of 4 units per acre – double of that allowed - does not.

The proposed Revised General Development Plan submitted by the applicant, which is now being considered by the County, recites on its first page the proposed gross and net densities, as required by the Land Development Code. Very significantly, it does so for this site, that is for this 17-acre revised Phase IV project and parcel, not merely for The Concession as a whole. It states as follows:
GROSS DENSITY:  
(TOTAL UNITS/TOTAL AREA)  
DWELLING UNITS (22)  
TOTAL ACRES (170.02)  = 1.29

NET DENSITY  
(TOTAL UNITS/ NET AREA)  
DWELLING UNITS (22)  
TOTAL ACRES (16.14)  = 1.36

The applicant’s calculation for gross density is correct at 1.29. However, the applicant’s calculation of net density is incorrect because it states the total net area – that is the total area of the residential lots (including off-street parking, which in the lots) -- at 1.36 acres. In fact, however, that net area is 5.05 net acres (22 units x 10,000 square feet = 220,000 square feet divided by 43,560 square feet in an acre = 5.05 acres).

When I asked the County Planner on this file, Achaia Brown, to explain the 1.36 acre figure, because she had repeated it in a staff report, she could not do so beyond referring me back to the applicant’s Plan in which it appears. Also, in her June 9, 2020 email of reply, she states as follows:

I have clarified Phase IV Concession standalone incompatibility within the abovementioned sections of the staff report; however, when coupled with the overall acreage the 17-acre tract density meets the Comprehensive Plan definitions for gross and net.

So it is undisputed that the proposed new Phase IV, examined as a residential project or a parcel, exceeds the maximum gross density of .2 units per acre and maximum net density of 2 units per acre.

It clearly must be viewed that way, because the revised Phase IV is the proposed “residential project” and also, in this instance, “a residential parcel contained within a project,” which the Land Development Code requires for the application of maximum gross density and net density. The Concession as a whole, containing an extensive golf course and other features in addition to residences, cannot be seen as the “residential project” being proposed for approval here, nor is it “a residential parcel contained within a project.”

This is further underscored by the following facts. Phase IV is separated from the rest of The Concession by Lindrick Lane, and appears as an eastern appendage to the rest of the property beyond that road. It is to be separately accessed (perhaps gated) and unlike the rest of The Concession would not be a part of The Concession Community Association, Inc. but instead will have its own HOA. The property also, unlike the homes in The Concession at present, would not be subject to The Concession Declaration of Protective Covenants. Also, unlike the other residents, the homeowners in Phase IV will not have use of the amenities of The Concession. (Golf memberships may be purchased). The only amenity provided in the Project will be a narrow strip of ground between the stormwater pond and the internal road, which the applicant ironically refers to as a “passive recreation area.” This is all in the record created with the Planning Department.

The Development is Not Compatible with Adjoining and Nearby Development

Foxwood at Panther Ridge, directly to the south of the Project, complies with the Comprehensive Plan for the AG-R land use designation in which both are located. Its homesites are not more than one unit
per five acres, as is typical in the larger Panther Ridge as a whole. Several parcels are even larger, at ten and fifteen acres. That is the “Rural Residential” density which the Comprehensive Plan requires for an AG-R area. That is consistent with Policy 2.2.1.8 which describes these eastern lands as being planned to have “long term agricultural or rural residential character” and a range of uses which include (as the only residential use in the AG-R area), “agriculturally-compatible low density residential uses.”

However, at a gross density of 1.29 units per acre and particularly a net density of 4 units per acre, the Project is extremely incompatible with its neighbors. Indeed all 22 of the Project’s homesites could almost fit within just one five acre lot at Foxwood (22 x 10,000 square feet = 220,000 square feet; five acres = 217,800 square feet).

So how is it arguable that a 645% increase in gross density over adjoining homes (1.29 units per acre divided by .2) is compatible with them?

The agent for the developer at the initial Planning Commission hearing on May 14 did not even try. Instead, she argued in her summation that the compatibility requirements of the Manatee County Comprehensive Plan only apply to nonresidential development, such as industrial, next to residential homes. That is completely false.

As just one of many potential examples, the compatibility requirements of Comprehensive Plan Policy 2.6.1.1 apply to an increase in densities between properties. Density is a term which applies only to residential development (with “intensity” describing nonresidential uses). Even more on point, this Plan amendment directly violates Comprehensive Plan Policy 2.6.1.3, which provides that the County shall “[r]equire appropriate limits on net residential density to achieve compatibility between adjacent residential land uses.” Despite the requirement of Policy 2.6.1.1 that the County require measures as needed beyond the minimum buffer requirements of the Land Development Code to achieve compatibility, including “a density or intensity below the maximum allowed,” no such measures are included in this amendment. Indeed, the proposal drives hard in the opposite direction, by exceeding even the limits in the Comprehensive Plan and Land Development Regulations.

The densely-packed houses in the Project can be up to three stories tall under the County’s general development standards and no stricter limit is proposed in the amendment. (The applicant’s agent testified at the May 14 hearing that they “anticipate” three story homes). There has been no demonstration, nor could there, that the houses, with their other impacts, would not be evident to the rural homesites to the south, and as such clash with the rural lifestyle sought by the residents of Panther Ridge.

The Development Violates Numerous LDC Requirements for the PD-R Zoning District

The Project is in a PD-R zoning district.

Here’s another clear violation of the Land Development Code. Section 402.6.E provides as follows for PD districts:

Transitions. Planned development districts shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, Planned
Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.

In an October 8, 2019 memo to the County, which is required by the County to show compliance with the PD district requirements, Rachel Layton, planning agent for the applicant states as follows:

The site is in area surrounded by single family properties that are transitioning to higher density residential uses.

That is demonstrably false. The site is in fact surrounded by large-lot single family homes, for very substantial distances, as is appropriate in that AG-R land use category. There is no “transitioning to higher density residential uses” going on in that area. And the proposed development is not “responsive to the character of the area,” as required by the Code recited above.

In trying to make some sort of argument on this point, Ms. Layton had to point to developments miles to the west, in much higher density land use categories, such as MU-C/R: Cypress Banks, Del Webb and Lakewood National, in Lakewood Ranch. Panther Ridge and The Concession are not Lakewood Ranch, where, again, densities are allowed to be much higher. They are instead to the east, where -- consistent with AG-R constraints -- developments properly transition to lower densities, not higher as the applicant falsely asserts.

Even in the fourth development cited by Ms. Layton, Preserve at Panther Ridge, some distance to the east of the site, the gross density (as she acknowledges) is only .35 units per acre. The lots are a minimum one acre in size. That is certainly not comparable to the 1.29 units per acre and quarter-acre (10,000 square foot) lots proposed by the Plan amendment.

Other PD district standard which the proposed development would violate include the following:

402.6.A. The site must be appropriately “free from the probability of ... flood hazard ... Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of the proposed use.” The site is in the 100-year flood plain and historically subject to extreme flooding. With the extensive fill required throughout the site, flood control engineering will be an uncertain challenge, with risks to nearby homes that the PD district requires to be avoided.

402.6.D “Compatibility” is required, with development “located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights ... accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.” The bare fifteen foot buffer along the south and east property lines is unlikely to be sufficient, and most certainly no density limitations are applied.

402.6.1 and 402.7.6, which provide for streets to provide “inter-neighborhood ties” in a planned district. Unlike the Concession proper, the applicant acknowledges that “no logical connection for an inter-neighborhood tie exists” for this isolated site.

402.6.K, in full, reads as follows: “Development in Planned Development districts shall be designed to preserve the natural features of the land, such as existing trees and natural topography, and archaeological and historic sites, as much as possible.”
In clear, blatant and complete violation of this requirement, it is evident from the submitted Plan that this development would clear-cut a site which is (as shown in the aerials and detailed in the applicant’s environmental analysis and the staff report) entirely and densely covered with trees (pine flatwoods, oaks and others) and other extensive natural topography (except for the equestrian path), before trucking in fill and building the site up in a way which maximizes its development from edge to edge.

The applicant’s January, 2020 Environmental Narrative reveals that the property is filled with pine flatwoods, laurel oaks and live oaks, as well as a lush and varied understory which it describes as follows:

The understory is comprised of shrubby species, predominantly saw palmetto (*Serenoa repens*), gallberry (*Ilex glabra*), and wax myrtle (*Morella cerifera*). A variety of grasses and forbs occur within the herbaceous understory and include flattop goldenrod (*Euthamia graminifolia*), wiregrass (*Aristida stricta*), gopher apple (*Geobalanus oblongifolius*), and bushy bluestem (*Andropogon virginicus*). Vines are thick in some portions of the site and include greenbriar (*Smilax bona-nox*), muscadine (*Vitis rotundifolia*), and Carolina jessamine (*Gelsemium sempervirens*).

As to that requirement for tree protection in the PD-R district, it should be also considered that the County’s files on this project, which we have obtained and reviewed in full, show the applicant in violation of the Tree Protection requirements of Section 700 of the Land Development Code by failing to submit a survey of the location of existing trees and by failing to submit a plan for tree preservation and mitigation. Although the files show that the applicant claims to have an intent to submit “an alternative tree mitigation plan”, none appears to have been provided and although we have requested it from the County it has not yet been received.

402.6.L: “Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. Planned Development district densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.” Certainly, again, that has not been accomplished.

402.6.N: “Fences or vegetative screening at periphery of a Planned Development district shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining districts from similar adverse influences ...” The applicant responds that buffers will be provided, but nothing is specified for adequate screening within those buffers.

402.6.O: “Yard and setback requirements shall be consistent in each Planned Development district to promote general health, safety, welfare, design excellence and neighborhood compatibility ...” The yards in the Project will be much smaller than those in The Concession and certain in Foxwood and the rest of Panther Ridge. The setbacks will also be less. In The Concession elsewhere, the minimum rear setback is 25 feet, but in this proposal it is only 15 feet. In Phase III of The Concession the minimum front setback is 50 feet and in Phases I and II it is 35 feet, but here it is only 25 feet.

402.7.A: Development must be in a location which is “compatible with adjacent and surrounding land uses” and is allowed only where “carefully located buildings, parking and service areas and landscaped open space will provide for internal convenience and ease of use as well as external compatibility.” Again, this development is the antithesis of neighborhood compatibility, due to the dramatic increase in density, and otherwise as detailed herein.
The Development Would Unlawfully Destroy a Long-Time Equestrian Trail

A major amenity of Panther Ridge is a system of connected Equestrian Trails which wind throughout the development, including to the south of State Road 70. One segment of that trail crosses over the northern portion of the 17 acres at issue. There will be uncontroverted sworn testimony at your hearing on Thursday that residents have ridden horses along that property for well more than twenty years, openly and obviously, and there is no evidence of any express grant of permission by the property owner. Indeed, the Foxwood Association even built a small bridge over twenty years ago which facilitates horses crossing from Foxwood onto the portion of the trail on the subject property.

As such, the residents have a prescriptive easement to the continued use of this portion of the Equestrian Trail, under Florida law.

Although the applicant’s agent at the May 14 hearing suggested that the developer may modify its plans to allow the riding of horses across the property to continue, that has not occurred. Even if a stipulation was added to provide for that, it would need to provide for a proper trail as exists there today (and has for decades), not something unsuitable such as riding horses on a sidewalk.

The County Attorney at the May 14 hearing stated that this equestrian trail is a “private” concern which the Planning Commission should not consider. When a discretionary Plan amendment would adversely affect a substantial portion of the public, it is a public concern which the Planning Commission has a duty to address.

The Plan Amendment is Not Appropriate Within the Evers Watershed

Manatee County is properly concerned about excessive development within certain portions of the County, to minimize pollution and other adverse impacts from water flows into significant bodies of surface water. As such, it has created Watershed Overlay Districts. One is the Evers Reservoir Watershed Overlay District, in which the subject 17-acre property is located. This is to protect the Evers Reservoir, a major source of drinking water.

Section 403.10 of the Manatee County Land Development Code requires measures to reduce adverse watershed impacts when development is proposed in a Watershed Overlay District. One goal is to “maximize the preservation of vegetated open areas in their natural state.” Clearly, this is not done by this proposal to clear the heavy tree canopy and other natural vegetation which now covers this flood-prone property, as is evident in the aerial photos in the record and is detailed in the applicant’s environmental report, truck in tons of fill to raise up all the land (thereby displacing stormwater) and cram in so many houses, with their driveways, streets and fertilized lawns.

The Code provides, “Maximum effort shall be made by the developer to minimize impervious surfaces within the Watershed Protection District.” Subsequent to the May 14 hearing, measures for some sort of pervious (porous) pavement have been added, apparently in response to comment at that hearing that the requirement for paver drives did not meet that requirement, together with increased detail on capturing and channeling stormwater runoff.

Even with such nominal mitigation, however, the adverse impacts on the Evers Reservoir will be substantially increased compared to leaving this property in its natural state, as The Concession Master
The Development Plan has provided from Day One, for 16 years as The Concession and in its predecessor Plan for four years before that.

But here you go if this is adopted and is sustained, 20 years of good planning out the window!

**The Project Clashes with FDOT Designs on the Property for a Stormwater Pond for the SR70 Widening**

In January, 2019, the Florida Department of Transportation (FDOT) issued its Pond Siting Report for the widening of State Road 70 from Lorraine Road to County Road 675 (Waterbury Road). Pond siting is done as part of a road widening project to provide places to receive the increased stormwater runoff from the wider road and otherwise improve drainage in the area.

The location identified by FDOT in its Report as “Alternative 1” for one of the two needed ponds, is on the 17 acres proposed for the housing development. It is identified on pages 15 and 16 of the Report as Pond Site G-H, for which 5.3 acres would be acquired by a “partial take” together with a .14 acre easement. The location is preferred due to its proximity to SR 70, location in the 100-year floodplain, the absence of contamination potential or wetland impacts or any, low archaeological potential and various ground characteristics.

That “take” refers to acquisition by the state through its power of eminent domain. The law requires compensation to the landowner for the fair market value of the property.

It is entirely possible that the owner of the subject property has sought a development entitlement in order to greatly increase the fair market value which must be paid by the state to acquire the pond for the SR 70 road widening. As such, granting that entitlement would be a disservice to the taxpayers.

Whether or not that is the landowner’s intent, Manatee County should cooperate with FDOT in its potential acquisition of Pond Site G-H, as a matter of intergovernmental cooperation, by not taking the discretionary action of changing the property from land planned to remain vacant in The Concession Master Development Plan to instead convert it to an intense housing development.

FDOT’s Pond Siting Report states that it prefers a regional stormwater facility to smaller ponds such as this. I have confirmed that FDOT is presently in discussions with Schroeder Manatee Ranch, the developer of Lakewood Ranch, toward that end but that the result remains uncertain and if they do not succeed FDOT would again want to look at this parcel to hold stormwater from a wider SR 70.

**Summary**

In my decades of land use practice for homeowners associations and other clients, I have never seen a proposed land use change which so dramatically violates the letter and intent of so many major policies of the applicable Comprehensive Plan and Land Development Code, is so contrary to the public interest – both immediately and broadly – in such numerous, significant ways, and just makes no sense whatsoever for anyone other than to serve the perceived interests of a developer.

It’s a classic example of trying to squeeze ten pounds of potatoes into a five pound bag. It just doesn’t work.
Section 5.5.3.4 of the Land Development Code states that the applicant “has the burden of proving that the proposal is consistent with the Comprehensive Plan and complies with the standards for approval in the Land Development Code.” By the conclusion of your hearing on June 11, compared to the observations in this Memo (which will be placed into the record, and presented orally to the extent that time allows), it will be clear that burden has not been met. By the proposal which is at hand, it most certainly cannot.

If Planner Commissioners are diligent and principled, there can be no choice but to recommend denial of this Plan amendment to the Manatee County Commission.

Thank you for your considerations.

From: Cynthia Bray <cynthiacaroline.76@gmail.com>
Sent: Tuesday, June 9, 2020 3:22 PM
To: Achaia Brown <achaia.brown@mymanatee.org>; Bobbi Roy <bobbi.roy@mymanatee.org>
Subject: PDR-04-39(G)(R3) Concession PLN 1910-0042

This email is being sent to all involved planners in Manatee County concerning the approval of 22 homesites at the corner of Lindrick Lane and State Rd 70. This reallocating, which to me is more a relocating, should not be approved because of drainage and flooding issues and not compatible in any way with adjacent property owners having 5+acre equestrian homesites. My property is an adjacent property with the creek/drainage ditch separating my property at this 17 acres. There is already one retention pond on this Concession property and now they want to put another 1.7 acre pond in with 22 homes surrounding it and drainage easements going to the north and south of the property. This creek/ditch cannot hold anymore water than is already going in it. Adjacent property owners already have significant flooding during the rainy season. Concessions representatives Ms. Layton stated at the Planning Commission meeting that there would be a 25% discharge off of this development. I have spoken with the SWFMD and was told that there can be NO additional drainage to be added to whatever is already there. As you can see from the pictures of my back pasture all the way up to my barn that we can’t take anymore drainage into that creek. I also talked with David Turley from FDOT and was told the drainage should be improved after the road widening and a containment pond that will be put in on the north side of State Rd. 70, set to start in July 2024. The pictures I have sent shows the back of my property and my neighbors, we are both adjacent property owners with this creek separating us from this 17 acres. The picture of the bridge underwater is on the rail trail that our equestrians use on the right-of-way that borders and goes through this 17 acre Concession property. I believe this development should NOT move forward and was not intended to originally be built at this location and that it is premature before the road widening of 70 and the drainage issues to be improved with that widening. I also believe the rights to the rail trail were violated during this process.
I would like to know exactly where the water and sewer services are coming from and exactly how far away way those services are currently. Concession is asking for these remaining 22 lots to jump across the road, Lindrick Lane, on adjacent property to Foxwood an Equestrian Community and it is not compatible in any way. I don’t believe they even have 10,000 sq. ft lots in Concession. The homesites for this development that was approved many years ago when the whole area was considered Panther Ridge East, should stay where they were intended, beyond the gates and walls of the rest of Concession
homesites. If this property is developed, it should be an entirely different project not lumped into what was approved in the past. It should be put on hold until the road is widened, the roundabout put in and the drainage improved. These homes are going to back up to 70 and there will significant noise issues. This acreage is so beautiful and it’s a shame a little can’t be left for all of the wildlife that live there. I understand how valuable this piece of property is for a developer but the drainage needs to be improved first which will happen with the road widening in 2024. Please consider your actions carefully, Panther Ridge is a diamond in the rough in today’s developments and this site needs to be compatible and responsible with the drainage issues. Looking forward to your response on the water and sewer. Sincerely, Cindy Bray
7310 201st St E Bradenton 34202
Thank you, Achaia. I see now that the Revised General Development Plan is where you got the 1.36 dwelling units per acre for the net density for The Concession Phase IV.

Contrary to what you seem to assume, that Plan does properly calculate the net density for this particular “proposed residential project” and “residential parcel”, as required by the Land Development Code, rather than for the entire golf course and residential development of The Concession.

However, it does it by dividing the total 22 dwelling units by 16.14 “Total Acres”, to produce a net density of 1.36 units per acre.

Where does that 16.14 Total Acres come from? I don’t see it as relating to any acreage count in the Plan.

In any event, as detailed in my email below, under the LDC net density is calculated by dividing the number of units in the proposed residential project or parcel by the number of acres designated for
residential lots (plus any off-street parking, which here is within the lots). The number of acres designated for the 22 10,000 square foot lots is 5.05 acres (220,000 divided by 43,560 square feet in an acre).

So actually, carrying the math forward that produces a net density of 4 units per acre, dividing 22 by 5.5.

Again, do you know where the applicant got its 16.4 Total Acres for this project/parcel?

And do you agree that measured for this project/parcel, that is the 17.02 acres, the net density is 4 units per acre, double the 2 units per acre net density allowed by the Comprehensive Plan and Land Development Code?

Thank you for your considerations.

Dan Lobeck, Esq.
Florida Bar Board Certified in
Condominium and Planned Development Law
Law Offices of Lobeck & Hanson, P.A.
2033 Main Street, Suite 403
Sarasota, FL 34237

Telephone: (941) 955-5622
Facsimile: (941) 951-1469
www.lobeckhanson.com

From: Achaia Brown <achaia.brown@mymanatee.org>
Sent: Monday, June 8, 2020 9:24 AM
To: dlobeck@lobeckhanson.com
Cc: 'Nikki Olarsch' <nikkiolarsch@gmail.com>; 'Scott' <potsie92@hotmail.com>; Rossina Leider <rossina.leider@mymanatee.org>; Rachel Layton <rachell@znseng.com>; Bobbi Roy <bobbi.roy@mymanatee.org>
Subject: RE: Net Density of The Concession Phase IV

Dan-

It is important to note that Phase IV of the Concession is still a part of the overall development. In retrospect, the entire site is approximately 1280.7 acres, the 17.02 parcel would not meet the standards outlined in the Comprehensive Plan FLUC AG/R if it were not included with the overall acreage. Please see the General Development Plan attached for your reference and focus on the tabular chart on the cover sheet. The site data hones in on the gross and net density calculations for the previously approved 255 residential units, in addition Phase IV 17-acre tract is included with that approval. The 17.02 acre parcel will remain Planned Development Residential (PDR). Removing the 16 multi-family units to complete the remaining 22-units of the 255 units will not increase the maximum gross density.

Please see sections below in the staff report:
Site characteristics and surrounding area;
Site design details;
LDC SECTION 402.6.L Density and Intensity—GENERAL REQUIREMENTS FOR ALL PLANNED DEVELOPMENT SITE PLANS;
LDC SECTION 402.6.W Consistency with Comprehensive Plan—GENERAL REQUIREMENTS FOR ALL PLANNED DEVELOPMENT SITE PLANS; and
Policies in the Compliance with the comprehensive plan.

I have clarified Phase IV Concession standalone incompatibility within the abovementioned sections of the staff report; however, when coupled with the overall acreage the 17-acre tract density meets the Comprehensive Plan definitions for gross and net.

Best,

Achaia Brown, M.S.
Planner II
Zoning & Addressing
1112 Manatee Ave West, Suite 408
Bradenton, FL 34205
941-748-4501 ext. 6863
Achaia.brown@mymanatee.org

From: dlobeck@lobeckhanson.com <dlobeck@lobeckhanson.com>
Sent: Saturday, June 6, 2020 3:43 PM
To: Achaia Brown <achaia.brown@mymanatee.org>
Cc: 'Nikki Olarsch' <nikkiolarsch@gmail.com>; 'Scott' <potsiei92@hotmail.com>
Subject: Net Density of The Concession Phase IV

Achaia:

As you may recall, I am an attorney for Foxwood at Panther Ridge Homeowners’ Association, with regard to the above-referenced land use matter, which is returning to the Planning Commission for public hearing this Thursday.

This is to inquire how you calculate a net density of 1.36 dwelling units per acre for the subject 17.02 acre parcel, as stated on page 5 of your staff report for The Concession Phase IV public hearing.

It’s clear from your report that you are not stating that net density for the overall Concession property, as it states that net density separately, in the same table, at .23 dwelling units per acre.

This is an important matter because the maximum net density in Policy 2.2.8.3 of the Comprehensive Plan is 2 dwelling units per acre in this AG-R district.

I calculate the next density for the proposed development at 5.05 dwelling units per acre, not 1.36.
22 10,000 square feet lots (220,000 square feet total) lots equals 5.05 dwelling units per acre on the property developed as lots. (An acre is 43,560 square feet. 220,000 divided by 43,560 = 5.05).

The definitions in Section 200 of the Manatee County Land Development Code support the basis for that calculation, as follows:

**Density:**

*Residential Density, Net* shall mean the total number of residential dwelling units or equivalent residential units within a residential project, or within a residential parcel contained within a project, divided by net residential acreage (as defined herein).

*Residential Density, Gross* shall mean the total number of residential dwelling units or equivalent residential units within a residential project, or within a residential parcel contained within a project, divided by gross residential acreage (as defined herein).

*Net Residential Acreage* shall mean the total acreage within a project proposed for residential lots or parcels, including off-street parking areas, and also meeting the following limitations:

- Not subject to the jurisdiction of any local, state or federal environmental review agency.
- Not part of any recreational facility within the project or part of any public facility within the project.
- Not part of any natural water body below mean high water, or ordinary high water, as estimated at time of project review.
- Not part of any conservation easement dedicated to Manatee County.
- Not within any utility easement shown as P/SP (1) on the Future Land Use Map.

Further, page 12 of the attached 2017 memo from a planning consultant for Manatee County supports the basis of my calculation as follows:

b. **Net Density:**

Gross density generally refers to the number of units allowed based on the acreage of an entire site (with certain exceptions). Net density determines how many units can be built after the acreage of lakes, wetlands, common areas, and other areas not used for residential use are subtracted from the total site acreage. The following graphics show two subdivision designs utilizing the same gross density (1 unit per 6 acres), but different net densities (1 unit/5 acres on the left, and 1 unit per net acre on the right).
The Manatee County Comprehensive Plan includes both gross and net density restrictions for its various future land use categories that permit residential development. Gross density is the primary controlling factor in setting the overall dwelling unit yield in the Manatee County Comprehensive Plan. Despite net residential density allowing a higher number of units, the gross density caps the maximum potential lot yield.

Gross density is most useful to calculate the maximum residential holding capacity of an area or the entire county to estimate public facility and service needs (including utilities, traffic and other services) to serve the future population of the county. However, gross density alone cannot determine the size of the lots in a subdivision or ensure compatibility between developments. The examples shown above depict very different designs that meet the same gross density. Communities have relied on two other tools to ensure compatibility of design: maximum net density and/or minimum lot size.

... Deleting the net density requirements would result in easier development review (staff would not have to do separate calculations to make sure the development meets both the lot size and net density requirements), less conflicts between the LDC and the Plan, and streamlined regulations (easier for property owners to visualize and developers/designers to apply). On the other hand, the net density provisions help scale planned developments to achieve compatibility with surrounding development.

Your staff report states that 6.96 of the 17.02 acres is Open Space, at 40% being more than the 35% required. Even if you calculated the net density as the gross acres minus the Open Space divided by the number of lots, that is 2.19 dwelling units per acre, in excess of the 2 units per acre maximum. However, that would not conform to the definition of net density in the Land Development Code recited above, consistent with the County planning memo, which state that the net density is calculated by the gross acreage divided by the number of residential lots.

As you know, there is also an issue about the maximum gross density which is applicable to this land use change. The definition of gross residential density in the LDC recited above also suggests that the density of the “residential project” or “residential parcel” which is the subject of the proposed land use
change being considered is what is applicable, not the gross residential density of the golf course and residences in The Concession as a whole.

I would hope to hear back from you on this as soon as possible, given the imminence of the Planning Commission hearing.

Thank you very much for your considerations.

Dan Lobeck, Esq.
Florida Bar Board Certified in
Condominium and Planned Development Law
Law Offices of Lobeck & Hanson, P.A.
2033 Main Street, Suite 403
Sarasota, FL 34237

Telephone: (941) 955-5622
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From: Bryant Valentine <bryant@cx3ads.com>
Sent: Saturday, June 6, 2020 11:19 AM
To: Tom Gerstenberger <tom.gerstenberger@mymanatee.org>
Cc: Achaia Brown <achaia.brown@mymanatee.org>; Bobbi Roy <bobbi.roy@mymanatee.org>; Kenneth Kohn <kenneth.kohn@mymanatee.org>; Rossina Leider <rossina.leider@mymanatee.org>
Subject: Concession GDP Hearing | Follow Up

Hey Tom,

Here are a couple pictures of my property right now with the current rainfall we have. This is not isolated to just my property and should very clearly be noted this only started occurring after the development of Del Webb and it would appear is only getting worse as though there is some other environmental impact taking place. So I am unsure as to what the 100 year flood plan states but clearly this is not normal.

I have been advised to hire an engineer to further investigate this issue which I believe based on your reporting and what I am seeing is the best route to take not only for myself but the adjoining properties. I am assuming I will be able to provide this report to you?
On Thu, May 14, 2020 at 11:28 AM Tom Gerstenberger <tom.gerstenberger@mymanatee.org> wrote:
Bryant,

Good Morning. I am receipt of your comments and attached pictures relating the General Development Plan Application for the Concession. I am curious as to the date those picture were taken and if you have corresponding rainfall data at the time.

Although FEAM flood insurance rate maps do not indicate the project or adjacent properties are within 100-year floodplain delineation, the County and SWFWMD have performed a watershed study in the past 10 years which does identify and delineate 100-year floodplain coverage.

The applicant will be required to address impacts (fill) within the 100-year floodplain delineation in conjunction with further design and permitting.

Should you have any further questions, please feel free to contact me.

Thomas Gerstenberger, P.E.
Stormwater Engineering Division Manager
Manatee County Public Works Department
Phone: 941-708-7450 x7228

Sent from my iPad
**This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.**
Begin forwarded message:

From: peter wallis <peter.wallis.eng@gmail.com>
Date: June 1, 2020 at 10:52:26 AM EDT
To: Achaia Brown <achaia.brown@mymanatee.org>
Cc: Phyllis Strong <phyllis.strong@mymanatee.org>, Rossina Leider <rossina.leider@mymanatee.org>, Margaret Tusing <Margaret.Tusing@mymanatee.org>, Vanessa Baugh <vanessa.baugh@mymanatee.org>
Subject: Re: PDR-04-39(G)(R3) THE CONCESSION PLN1910-0042

Achaia

Thank you for your reply.

Have you walked this site to see first hand the wetland it will displace?

How do you account for this property not being contiguous with the the balance of the Concession and the previous piece of property that was already in the confines of the Concession gated community.

As a property owner in the adjacent neighborhood I disagree with your assessment and fail to see how allowing 22 houses on this property is harmonious with all of the surrounding developments. The future path is easy to see that the Concession will undoubtedly sell off this tract pre-approved for 22 units and we will end up with a final development that has no inkling of semblance with our neighborhood or of the Concession. This is the Consession's "back gate" used for all deliveries and they could care less what the future development looks like - as long as it is outside of their gates and walls.

Vanessa - I really need you to weigh in so we in Foxwood can see if you support us or not. A non-response will obviously clue us in to where your loyalty stands.

Peter Wallis

From: Keri Cooper <Keri_Cooper@hotmail.com>
Date: May 27, 2020 at 5:05:20 PM EDT
To: Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>, Reggie Bellamy <reggie.bellamy@mymanatee.org>, "steve jonsson@mymanatee.org" <steve_jonsson@mymanatee.org>, Misty Servia <misty.servia@mymanatee.org>, Vanessa Baugh <vanessa.baugh@mymanatee.org>, Carol Whitmore <carol.whitmore@mymanatee.org>, Betsy Benac <betsy.benac@mymanatee.org>
Cc: Keri Cooper <Keri_Cooper@hotmail.com>
Subject: Regarding: Concession's PDR-04-39(G)(R3) - The Concession - PLN1910-0042
May 27, 2020

To the Commissioners of Manatee County:

This email is a Public Records Request under Florida's Sunshine Law, regarding the vacating of the railroad right of way/easement on 17.02 acres, I believe is owned by The Concession, at the intersection of State Route 70 and Lindrick Lane/197th St. E. in Bradenton, FL 34202.

Please provide any and all documents submitted to, and submitted by the County, related to Manatee County's required legal process, titled: "INFORMATION & REQUIREMENTS FOR VACATING PLATS, RIGHTS-OF-WAY & PUBLIC EASEMENTS." I believe that the County may have approved the vacating of this right of way in April 2019.

I assume that these files were digital or were digitized, please email them to this email address, keri_cooper@hotmail.com

If you have any questions or concerns, please contact me.

Thank you.

Keri Cooper
20207 77th Ave E
Bradenton, FL 34202

727/480-8480
keri_cooper@hotmail.com

From: peter wallis <peter.wallis.eng@gmail.com>
Sent: Wednesday, May 27, 2020 4:09 PM
To: Achaia Brown <achaia.brown@mymanatee.org>; Vanessa Baugh <vanessa.baugh@mymanatee.org>
Subject: PDR-04-39(G)(R3) THE CONCESSION PLN1910-0042

Achaia/Vanessa

I have read the request to amend Zoning Ordinance No.PDR-04-39(G)(R2) and have a couple of comments for you:
1. This new site is not contiguous to the Concessions nor is it included within their gated area as it was in the previous approved zoning ordinance. It is actually contiguous to the Foxwood community in Panther Ridge which has a density of one house to a minimum of 5 acres. I don't see how by any stretch of ones imagination that they can consider this parcel part of the original area for calculation of density.
At the very best they can get to one unit per .77 acres which is not even close to what the actual neighboring property is zoned for or what their wn zoning agreement is.

2. Have you been to this site and walked it? It is almost always under water from June thru October and is part of the ecosystem here. There is actually a stream running through it that needs to be forded by a bridge currently. The documentation provided with their amendment request is faulty at best. They will need to fill this area in which in turn will shed water onto the neighboring streets and properties and will be a constant source of flooding - I can assure you of that as Foxwood is currently already low and our properties flood every year.

Can both of you please state your current position with respect to approving or disapproving of this request to amend.

Peter Wallis and Associates - Structural Engineers
8470 Enterprise Circle - Suite 321
Lakewood Ranch, Florida, 34202

941-907-9192 - Office
941-323-2112 - Cell
	peter.wallis.eng@gmail.com

From: Bryant Valentine <bryant@cx3ads.com>
Sent: Thursday, May 14, 2020 8:09 AM
To: Bobbi Roy <bobbi.roy@mymanatee.org>
Subject: Re: Case # PDR-04-39(G)(R3) PLN 1910-0042 | Property Owner CONCERNS

Hello,

I was actually looking and found a couple of photos that I think would very much explain why I am so concerned about the potential effects of this development.

I also called and left a message to the number that is posted on the hearing sign.

My number direct cell phone number is 941-448-1418
Hello,

I am emailing about Case # PDR-04-39(G)(R3) PLN 1910-0042 which is in regards to amending the general development plan. I found out on Monday that there is a hearing that is taking place today the 14th.

As I am an adjacent property owner I have grave concerns about the water drainage and potential flooding that can arise from this development. I would like to ask that we please have a qualified engineer inspect the area and plans for this development to see the potential impact of the development.

I say this as my adjacent property has become prone to flooding, so much so that I have had 22 inches of water on the back of my property during heavy storms. This is not only isolated to my property as I know the adjacent properties are experiencing the same thing to varying degrees. (I have numerous pictures of my property to show the flooding, so much so that one of them is of my children being able to paddle board in my backyard that is how high the water was)

If this is not properly addressed I believe that it could have a catastrophic affect that could cause damage to my property and home.
I simply ask that we please investigate this issue and plan accordingly before taking any steps forward.

If you could please confirm receipt of this email it would be greatly appreciated.

From: olga Zarlenag <olgamara@yahoo.com>
Sent: Wednesday, May 13, 2020 3:21 PM
To: Vanessa Baugh <vanessa.baugh@mymanatee.org>; Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>; Stephen R Jonsson <steve.jonsson@mymanatee.org>
Misty Servia <misty.servia@mymanatee.org>; Carol Whitmore <carol.whitmore@mymanatee.org>
Betsy Benac <betsy.benac@mymanatee.org>
Cc: Achaia Brown <achaia.brown@mymanatee.org>; Joseph A Zarlenag <joseph.a.zarlenag@ampf.com>
Subject: AGAINST LOSS OF RAIL TRAIL PANTHER RIDGE
May 13, 2020

Manatee County Commissioners
PO. Box 1000
Bradenton, FL 34206

RE: The Concession - Revised General
Development Plan PLN1910-004

Honorable Commissioners:

We write to ask you to halt the Planning Commission’s approval scheduled for May 14, of a development plan, that, if approved, would eliminate an essential section of community rail trail that has been enjoyed for over 20 years by Panther Ridge residents who hike and ride their horses. Unbeknownst to us, the elimination of this section of trail was approved by the County last year with no notice to any of the key stakeholders: the Panther Ridge HOAs who use this trail. The developer is planning to build houses on this rail trail. We only found out about this situation a few days ago, because of a yellow yard sign informing us of a new development proposal, posted by the Planning Commission.

When the Panther Ridge communities were planned decades ago, this section of rail trail was an essential link connecting the 14 miles of trails north of Route 70 and the over 15 miles of trails on the south side of Route 70. Other than a small pocket park, these trails are the only amenity in our communities and we spend thousands of dollars every year maintaining the trails, bridges and signage. We just spent $5,000 two months ago replacing a bridge on this section of trail the County plans to eliminate. Our trails go through a scrub jay preserve, old grown oak forests, streams, meadows and pine forests, so that our community can enjoy natural Florida. The
proposed development would alter and destroy the Original Intent of the Foxwood Panther Ridge community and Panther Ridge equestrian community at large. That Original Intent is that there are safe and natural trails that preserve the beauty of natural Florida as Originally planned as part of the Agricultural / Rural zoning that we love and enjoy.

We are working successfully with our Metropolitan Planning Organization and FDOT to plan a pedestrian and equestrian-friendly crossing, that would safely connect this rail trail section, at the new roundabout planned when State Route 70 is widened, so that our residents can continue to enjoy the trails on both sides of Route 70.

Please see the photos of our signs placed at the entrance of these trails and the photo of the history of the trail near the small pedestrian only section of the rail trail.

This section of rail trail was formerly a railroad right of way for the East and West Coast railroad. This right of way appears on a plat dated 1926, and this right of way is an integral part of our trails system, and has been for decades. We found out this week, that there was an apparently surreptitious process to vacate this right of way and the County approved it in April 2019 -- with no notice to our community. It is our understanding that applications to vacate rights of way, must go through a thorough and public legal process. This obviously was not done.

We ask that you immediately halt the approval of this development and address the improper vacating of this 100 year old right of way.

Sincerely,

Olga Zarlanga (Residents of Panther Ridge "The Forest")
Equestrian Manager at ATHENS 2004 OLYMPIC GAMES
To the Manatee County Planning Commission:

As the homeowner directly adjacent to the 17 acres the Concession has requested to develop, I am urgently requesting a postponement of the hearing on this matter.

1- It has only recently come to my attention that the Concession is requesting to build 22 homes directly next to my property. I am very concerned about the effect these homes will have on the current ineffective drainage of Lindrick Creek. Since the addition of the Del Webb community and additional sub-divisions to the west, my property which had never flooded in the past, now floods multiple times a year. This occurs when the creek overflows east of my property and causes a river to form flooding almost my entire property.

2- I am only just learning that the Concession has been able to vacate the Rail Trail with what seems to be NO notification to myself, the HOA or any of the adjoining properties.

I am requesting additional time to investigate my rights and the rights of the adjacent Foxwood HOA. We would like to be afforded an appropriate amount of time to contact SFWMD, obtain legal counsel and research the consequences that additional strains on the drainage system may further affect my property.

As we are all aware, the state and county have been adversely affected by the Covid-19 outbreak. I myself, am essential personnel and have been busy performing Covid testing for several weeks. This has diminished my available time with which to gather all of the documents and facts regarding the Concessions request. This may have negative consequences for my property, it's value and the safety of the people and animals that dwell there. I request that as a stakeholder in the rail trail issue and adjacent lot owner I should be given a more reasonable amount of time than the 14 days to investigate these issues, especially considering the current pandemic.

Sincerely,
Daniela Drillmann, BS MT(ASCP)
7409 197th St E, 34202
Laboratory Manager, International Medical Laboratory
Hello,

I was actually looking and found a couple of photos that I think would very much explain why I am so concerned about the potential effects of this development.

I also called and left a message to the number that is posted on the hearing sign.

My number direct cell phone number is 941-448-1418
Hello,

I am emailing about Case # PDR-04-39(G)(R3) PLN 1910-0042 which is in regards to amending the general development plan. I found out on Monday that there is a hearing that is taking place today the 14th.

As I am an adjacent property owner I have grave concerns about the water drainage and potential flooding that can arise from this development. I would like to ask that we please have a qualified engineer inspect the area and plans for this development to see the potential impact of the development.

I say this as my adjacent property has become prone to flooding, so much so that I have had 22 inches of water on the back of my property during heavy storms. This is not only isolated to my property as I know the adjacent properties are experiencing the same thing to varying degrees. (I have numerous pictures of my property to show the flooding, so much so that one of them is of my children being able to paddle board in my backyard that is how high the water was)

If this is not properly addressed I believe that it could have a catastrophic affect that could cause damage to my property and home.
I simply ask that we please investigate this issue and plan accordingly before taking any steps forward.

If you could please confirm receipt of this email it would be greatly appreciated.

From: olga Zarlena <olgamara@yahoo.com>
Sent: Wednesday, May 13, 2020 3:21 PM
To: Vanessa Baugh <vanessa.baugh@mymanatee.org>; Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>; Stephen R Jonsson <steve.jonsson@mymanatee.org>; Misty Servia <misty.servia@mymanatee.org>; Carol Whitmore <carol.whitmore@mymanatee.org>; Betsy Benac <betsy.benac@mymanatee.org>
Cc: Achaia Brown <achaia.brown@mymanatee.org>; Joseph A Zarlena <joseph.a.zarlena@ampf.com>
Subject: AGAINST LOSS OF RAIL TRAIL PANTHER RIDGE
May 13, 2020

Manatee County Commissioners
P.O. Box 1000
Bradenton, FL 34206

RE: The Concession - Revised General Development Plan PLN1910-004

Honorable Commissioners:

We write to ask you to halt the Planning Commission’s approval scheduled for May 14, of a development plan, that, if approved, would eliminate an essential section of community rail trail that has been enjoyed for over 20 years by Panther Ridge residents who hike and ride their horses. Unbeknownst to us, the elimination of this section of rail trail was approved by the County last year with no notice to any of the key stakeholders: the Panther Ridge HOAs who use this trail. The developer is planning to build houses on this rail trail. We only found out about this situation a few days ago, because of a yellow yard sign informing us of a new development proposal, posted by the Planning Commission.

When the Panther Ridge communities were planned decades ago, this section of rail trail was an essential link connecting the 14 miles of trails north of Route 70 and the over 15 miles of trails on the south side of Route 70. Other than a small pocket park, these trails are the only amenity in our communities and we spend thousands of dollars every year maintaining the trails, bridges and signage. We just spent $5,000 two months ago replacing a bridge on this section of trail the County plans to eliminate. Our trails go through a scrub jay preserve, old grown oak forests, streams, meadows and pine forests, so that our community can enjoy natural Florida.
proposed development would alter and destroy the Original Intent of the Foxwood Panther Ridge community and Panther Ridge equestrian community at large. That Original Intent is that there are safe and natural trails that preserve the beauty of natural Florida as Originally planned as part of the Agricultural / Rural zoning that we love and enjoy.

We are working successfully with our Metropolitan Planning Organization and FDOT to plan a pedestrian and equestrian-friendly crossing, that would safely connect this rail trail section, at the new roundabout planned when State Route 70 is widened, so that our residents can continue to enjoy the trails on both sides of Route 70.

Please see the photos of our signs placed at the entrance of these trails and the photo of the history of the trail near the small pedestrian only section of the rail trail.

This section of rail trail was formerly a railroad right of way for the East and West Coast railroad. This right of way appears on a plat dated 1926, and this right of way is an integral part of our trails system, and has been for decades. We found out this week, that there was an apparently surreptitious process to vacate this right of way and the County approved it in April 2019 -- with no notice to our community. It is our understanding that applications to vacate rights of way, must go through a thorough and public legal process. This obviously was not done.

We ask that you immediately halt the approval of this development and address the improper vacating of this 100 year old right of way.

Sincerely,

Olga Zarlienga (Residents of Panther Ridge "The Forest")
Equestrian Manager at ATHENS 2004 OLYMPIC GAMES
Panther Ridge Rail Trail

This former railroad right-of-way was begun in the early 1900's and was part of the East-West Railroad Company system. Construction was halted due to labor and material shortages of World War 1, and never completed. Old spikes are still found, however. The six (6) mile long path is an integral part of the Panther Ridge trail system, and provides residents with numerous opportunities to enjoy nature preserves, wildlife sightings and experience the land in its natural state.

Mechanized vehicles & equestrian access are prohibited.
To the Manatee County Planning Commission:

As the homeowner directly adjacent to the 17 acres the Concession has requested to develop, I am urgently requesting a postponement of the hearing on this matter.

1- It has only recently come to my attention that the Concession is requesting to build 22 homes directly next to my property. I am very concerned about the effect these homes will have on the current ineffective drainage of Lindrick Creek. Since the addition of the Dell Webb community and additional sub-divisions to the west, my property which had never flooded in the past, now floods multiple times a year. This occurs when the creek overflows east of my property and causes a river to form flooding almost my entire property.

2- I am only just learning that the Concession has been able to vacate the Rail Trail with what seems to be NO notification to myself, the HOA or any of the adjoining properties.

I am requesting additional time to investigate my rights and the rights of the adjacent Foxwood HOA. We would like to be afforded an appropriate amount of time to contact SFWMD, obtain legal counsel and research the consequences that additional strains on the drainage system may further affect my property.

As we are all aware, the state and county have been adversely affected by the Covid-19 outbreak. I myself, am essential personnel and have been busy performing Covid testing for several weeks. This has diminished my available time with which to gather all of the documents and facts regarding the Concessions request. This may have negative consequences for my property, it's value and the safety of the people and animals that dwell there. I request that as a stakeholder in the rail trail issue and adjacent lot owner I should be given a more reasonable amount of time than the 14 days to investigate these issues, especially considering the current pandemic.

Sincerely,
Daniela Drillmann, BS MT(ASCP)
7409 197th St E, 34202
Laboratory Manager, International Medical Laboratory