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October 17, 2022

Sent via Email

Chairman Alan Maio
Vice Chairman Ron Cutsinger
Commissioner Michael A. Moran
Commissioner Christian Ziegler
Commissioner Nancy Detert

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Subject: Proposed Village Transition Zone Comprehensive Plan Amendment and Lakewood Ranch Southeast Development of Critical Concern

Dear Chairman Maio and Honorable Commissioners,

I write on behalf of Keep the Country, Inc., to share my analysis of the proposed Village Transition Zone Comprehensive Plan Amendment and associated Lakewood Ranch Southeast Development of Critical Concern. Please consider this information and include it in the official record of your October 25, 2022, Public Hearing.

Among my conclusions and concerns, discussed further in the attached reports, are the following summary points.

Comprehensive Plan Amendment CPA 2022-B

The Village Transition Zone amendment is profoundly important not only the northeast rural area and historic Old Miakka Community but to Sarasota County as a whole. I urge you to defer final action until the proposal can be appropriately revised in consultation with affected parties, community stakeholders and the general public.

The Village Transition Zone would shatter Sarasota County's planning strategy for its rural and agricultural areas by allowing a development specific exception which fundamentally clashes with the 2050 Village/Open Space Resource Management Area. The 2050 Plan was the product of exceptionally extensive public participation and a hard-won community consensus that has endured for 20-years. In contrast, the amendment has been the subject of minimal public participation and received substantial public opposition at the County's transmittal hearing on August 31, 2022.

The proposal would eliminate carefully designed Hamlets as a development option on the 4,120-acre site. Under the Hamlet option up to 1,648 units would be possible with 60% open space and standards for development design; instead, the proposed “Village Transition Zone” would allow 5,000 homes and 43% open space, require no opportunities for shopping or employment and provide only vague guidelines for the form of development.

The Village Transition Zone implicates important issues including urban sprawl, loss of agricultural lands, environmental suitability and increasingly severe congestion and unsafe conditions on Fruitville Road.

You have before you an amendment that clearly triggers indicators of urban sprawl identified by Florida Law.¹ I have reviewed countless plan amendments and have seldom seen such across-the-board deficiencies:

- *Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.*
- *Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.*
- *Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*
- *Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.*
- *Fails to maximize use of existing public facilities and services.*
- *Fails to maximize use of future public facilities and services.*
- *Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.*
- *Fails to provide a clear separation between rural and urban uses.*

¹ Section 163.3177(6)(a)9, Florida Statutes
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.3177.html

- *Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*
- *Fails to encourage a functional mix of uses.*
- *Results in poor accessibility among linked or related land uses.*
- *Results in the loss of significant amounts of functional open space.*

Planning law allows that indicators of urban sprawl may be mitigated by a development pattern or urban form that achieves at least four enumerated factors. However, the Village Transition Zone Future Land Use Overlay is exceptionally vague and the development pattern and urban form left excessively flexible.

Review Comments from State Agencies

On October 6, 2022, the Department of Economic Opportunity issued technical assistance comments with significant findings and recommendations for the County which echo many of the concerns expressed by the public during your transmittal hearing:

- *Revise the data and analysis to demonstrate the availability and planning of public facilities including water, sewer, solid waste, public schools and roadways; absent the planning and availability of public facilities, the County should consider amending the Comprehensive Plan to adequately plan for the required public facilities.*
- *Proposed VTZ Policy 2.1 does not establish meaningful and predictable standards since it does not clearly identify all of the general types of nonresidential land uses that are allowed; the Policy should be revised to establish meaningful and predictable standards that identify all of the general types of nonresidential land uses without deferral to land development regulations.*
- *VTZ Policy 3.3 allows alternative greenway buffer configurations and defers design criteria of the buffers to the land development regulations; the Policy should be revised to establish meaningful and predictable standards in the Comprehensive Plan defining the design criteria of the Greenway buffer configurations.*
- *VTZ Policy allows land uses that are not consistent with the proposed definition of Open Space; the County should revise VTZ Policy 3.1 to be consistent with the definition of Open Space.*
- *VTZ Policy 3.2 should be revised to establish meaningful and predictable standards regarding the types of land uses that are allowed within a greenbelt consistent with the purpose of a greenbelt, requiring a greenbelt minimum width that is wide enough to appropriately endure that the green belt functions to clearly separate urban uses from and rural uses, and definition the location of the Heritage Ranch Conservation area.*
- *Given the character, size and location of the development potential on the proposed site, the amendment should be revised to be supported with additional data and analysis that it will not contribute to urban sprawl; otherwise, the amendment could be modified to address the criteria in section 163.3177(6)(a)9., Florida Statutes, as necessary.*

In its September 27, 2022, letter the Southwest Florida Water Management District called attention to lack of data and analysis and the presence of environmentally sensitive areas.

- *A potable water analysis should be provided that includes calculations demonstrating raw water availability and water facilities capacity.*
- *Considering the site is the Most Impacted Area of the Southern Water Use Caution Area the use of water conservation and reclaimed water (when available) should be maximized.*
- *Based on GIS review there are areas through the site susceptible to flooding and the National Wetlands Inventory shows there may be wetlands that overlap many of these areas. Encroachments should be avoided or minimized; use of low impact development principles could help accomplish this.*

In its October 4, 2022, letter the Florida Fish and Wildlife Commission provided important information regarding environmental suitability for Sarasota County including:

- *The dominate land uses on the site include 466.8 acres of marshes, 119.7 acres of wet prairie, 114.1 acres of mixed wetland hardwoods, 88.3 acres of mixed hardwood-coniferous swamps, 71.2 acres of mesic flatwoods, 9 acres of cypress, 7 acres of mixed scrub-scrub wetland, and 5.9 acres of floating/emergent aquatic vegetation.*
- *A wildlife survey was not provided with the amendment documentation. FWC staff conducted a GIS analysis of the project area and found the project area is located near, within, or adjacent to one or more wood stork nesting colony core foraging areas as well as U.S. Fish and Wildlife Service Consultation Areas for four federally listed species and potential habitat for nine federally and state-listed species.*
- *The FWC recommended species-specific surveys be conducted prior to any clearing or construction and that development design be attentive to wetland buffers, ecological corridors, wildlife crossings, habitat management, invasive species management, and smoke shed conditions.*

The Village Transition Zone is simply not responsive to the serious issues identified by the state agencies.

Lakewood Ranch Southeast Development of Critical Concern

The DOCC defers critical details, is excessively flexible and fails to adequately respond to serious traffic congestion issues on Fruitville Road.

A purpose of the DOCC process is “The achievement of a more comprehensive systems approach in analyzing cumulative impacts of development than is currently achieved by the County's zoning process.” However, the Lakewood Ranch Southeast DOCC defers the detail necessary to analyze cumulative impacts.

It is only at time of zoning that critical development features will be identified including:

- *Housing types, location, affordability, and quantities;*
- *Locating the park, and defining the types, acreages and amenities;*
- *Further defining the open space, refining the development rights, habitat impact and preservation, and drafting conservation easements;*
- *Locating all roads, trails, and sidewalks, and detailing standards;*
- *Locating stormwater facilities;*
- *Determining utility services;*
- *Continue water quality monitoring;*
- *Locating emergency service facilities; and.*
- *Defining buffers and setback standards.*

The review fragmentation results in loss of predictability and undercuts the purpose of the DOCC process.

The proposed Master Development Order allows excessive flexibility. Under “Section 2.A.1, a future development proposal need only be in “...substantial compliance...” with the MDO and would be considered consistent if it “...falls within the range of variability contemplated by the MDO...”. Section 2.A.1 also provides that “substantial compliance” is required “...unless superseded by further studies, regulations or other analysis as approved by the appropriate Sarasota County departments and/or other regulatory agencies.”

The Master Development Plan depicts a 50’ Greenbelt Buffer along the eastern boundary of Lakewood Ranch Southeast; however, the greenbelt justification negates that by indicating that a 0’ to 50’ buffer is required along the eastern boundary. The location and dimensions of greenbelt buffers – crucial elements necessary to ensure compatibility, create a clear separation between urban and rural land use and to protect adjacent rural areas - are left still further uncertain by the “substantial compliance” provisions in Section 2.A.1.

The applicant’s transportation analysis of Fruitville Road reveals a fundamental disconnection between future land use, growth and development and commitments to complete necessary roadway improvements. The existing and future road congestion is a major problem that renders the DOCC premature.

Charles Gauthier, FAICP
October 17, 2022

Once again, I urge the Board of County Commissioners to defer final action until the proposal can be appropriately revised in consultation with affected parties, community stakeholders and the general public. This matter is far too important to be handled otherwise.

Sincerely,



Charles Gauthier, FAICP

CC	Bret Harrington	(bharring@scgov.net)
	Planner	(planner@scgov.net)
	Ms. Susan Schoettle	(spgumm@mailmt.com)

Attachments

1. Analysis of Proposed CPA 2022-B: Village Transition Zone
2. Analysis of Proposed Lakewood Ranch Southeast DOCC

ANALYSIS OF PROPOSED CPA 2022-B: VILLAGE TRANSITION ZONE

The proposed Village Transition Zone (“VTZ”) would become part of the 2050 Resource Management Area (“2050 RMA”) planning structure for Villages/Open Space and applied to 4,120-acres in northeastern Sarasota County in an area currently designated for rural land use or as an option Hamlet development. The amendment would increase development potential on the property from up to 1,648 residential units to 5,000 units and is expressly intended to accommodate a large-scale expansion of the Lakewood Ranch development primarily located in Manatee County.

The VTZ is an instance of development guiding the plan instead of the plan guiding development. In lieu of an even-handed future land plan it is a customized deal for one property owner that takes on appearance "spot" planning.

The following are some of my observations about CPA 2022-B and how it is inconsistent with the existing Sarasota County Comprehensive Plan and will cause significant negative impacts to the community and environment compared to what development might occur under the provisions of the existing Hamlet Overlay.

1. Major Planning Departure / Minimal Public Participation

The VTZ is a major departure from the 2050 Village/Open Space RMA planning structure that has been in place for 20-years.

The 2050 plan was the product of an exceptionally extensive community process that began with public input, a multiparty stakeholder group in 1995, an Urban Land Institute Report in 1999, the adoption of a Planning Vision in 2000, formal adoption of the 2050 framework into the Plan in 2002 and adoption of implementing regulations in 2004. As should be expected the 2050 RMA has been the subject of several fine-tuning amendments over the years.

The resulting 2050 Village/Open Space RMA became, and remains, a central county planning mechanism for the long-term protection of rural and agricultural lands, establishment of open space and greenways and allowance of new development in the form of carefully designed and fiscally neutral Villages and Hamlets. For many years now the general public, property owners and development interests have relied upon the Plan’s delineation of the Countryside Line, the Urban Service Area, Rural Land Use, and the locations of and standards for potential Hamlets and Villages.

In contrast, the amendment at hand is a privately initiated large-scale land use change with nine pages of policy revisions to allow single-use suburban development to jump into a rural area without adequate development controls. Despite its profound impact, the amendment package has not been the subject of minimal meaningful public participation.

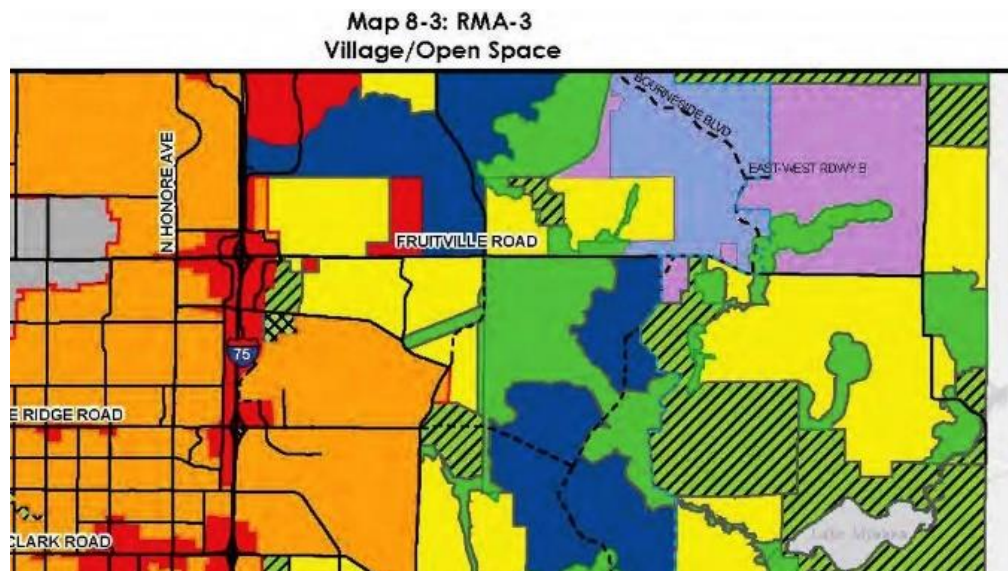
Instead of an expedited property owner driven amendatory process more extensive public participation is warranted with ample opportunity for affected parties, community stakeholders and the general public to work collaboratively toward an appropriate consensus proposal.

2. Uncertain Long-Range Consequences / Unfair to Other Interests

The VTZ amendment is flawed both in concept and specifics. It can be characterized as an end-run around the 2050 Plan for Villages/Open Space (including Hamlets). The proposed amendment would not only carve a 4,120-acre hole it may well set dominoes falling that will debilitate the countywide rural planning framework entirely.

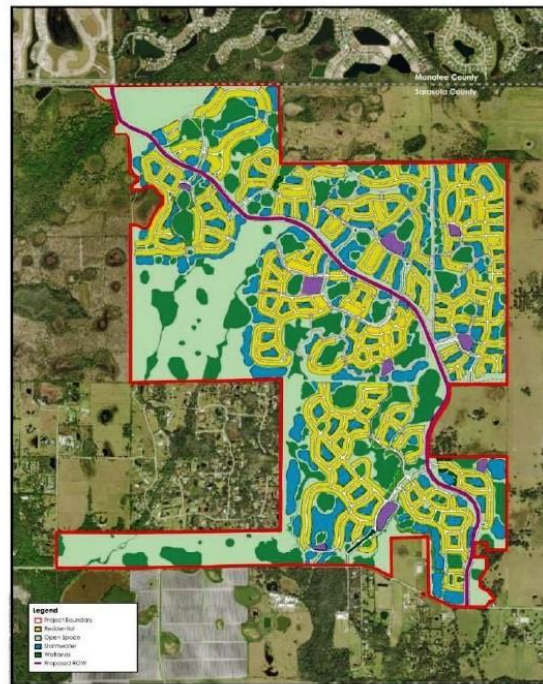
For instance, if this amendment is authorized as proposed, how would the County say no to future amendments to allow additional conventional suburbanization further east of the subject property that consumes still more of the Hamlet area?² Would not the precedent of this amendment become additional justification for its expansion?

Note too that that VTZ Policy 3.2 includes a provision that “The 500-foot Greenbelt along the eastern boundary of the property may be modified to not less than 50’” and a minimized 50’ buffer is shown along the eastern edge of Lakewood Ranch Southeast in the CPA 2022-B Resubmittal. A 50’ greenbelt certainly does not establish a clear separation of urban and adjacent rural uses and instead facilitates future eastward expansion of conventional suburbs and urban sprawl.



² Proposed VTZ shown in light blue, remaining Hamlet area shown in purple, Staff Report Map 8-1: RMA-1, pdf page 8

Development Concept Plan – Proposed Road Alignment



Conference ID: 541 697 069#

Public Workshop Meeting
April 7, 2022

Lakewood Ranch Southeast



It's also necessary to consider the long-range impact of the amendment on other properties that have obtained or might seek the optional development available as a Village or Hamlet under the 2050 planning structure. Why would other property interests invest time and effort to achieve Village or Hamlet status when they might simply side-step the requirements as proposed in this instance? How would the County respond to requests by existing Village and Hamlet developments which seek to strip down their responsibilities? How is the amendment fair to the general public, property owners and development interests who have relied upon and made investment and life-style decisions based on the 2050 Village/Open Space RMA?

These and other unanticipated consequences are not now understood and accounted for. A full analysis through adequate comprehensive planning is necessary to evaluate the impacts of this proposal.

3. Three-Fold Jump in Residential Development Potential

The amendment for a future development area known as “Lakewood Ranch Southeast” specifies a development cap of 5,000 residential units.³ The majority would be granted to the applicant based on a ratio of one unit per gross acre for 4,120 units. Additional units, to reach the cap of

³ Proposed VTZ Policy 2.2

5,000, may be obtained by the applicant through provision of Community Housing Units or Transfer of Development Rights from off-site locations.

Under the current Hamlet development option, the scale of residential development would be much lower since it must meet several policy parameters including a maximum Hamlet size of 400 residential units, a maximum density within the developed area of one unit per gross acre and 60% open space. Hamlets, according to the Plan, consist of clusters of rural homes at a crossroads. Therefore, development of the subject property would require multiple Hamlets separated by open space. In theory 1,648 residential units are possible under the Hamlet policies.⁴ However, that estimate depends on the site character and development configuration and is likely lower given the land use design requirements.

4. “Gifted” Residential Density for VTZ versus “Earned”

Under the 2050 Village/Open Space RMA a Hamlet must provide 60% open space for environmental protection purposes and in return is granted residential density at one unit per acre for the developed area. The larger scale Villages, on the other hand, are eligible for a much more significant density allocation but that increased density is not gifted to them; it is earned through acquisition and transfer of development rights and thus enables the creation of greenways and open space. Despite its three-fold increase in density over Hamlet, the VTZ seeks density that is not earned and is instead provided by the stroke of the developer’s pen and with reduced, not increased, open space, buffers and greenways.

5. No Demonstrated Need for Additional Residential Units

Sarasota County Planning and Development Services prepared a “2020 Residential Capacity Analysis” in conjunction with an Evaluation and Appraisal Report based update to the Plan in 2021. The purpose was to determine whether the Plan’s land use capacity would accommodate at least enough development potential to accommodate the projected population growth over a 10-year timeframe.⁵

The study determined that available, approved Zoning Density would accommodate 238% of the 10-year demand for housing and that Future Land Use Density would accommodate 299% of need. This availability of almost three times the amount of residential capacity needed did not include the Hi Hat Village or other pending/anticipated large developments identified in the Report.⁶ When the net increase of 26,646⁷ units in available capacity from those large developments plus the additional 5,000 in CPA 2022-B are considered, the Future Land Use Density accommodates 504% of need.

⁴ 4,120 acres / 0.4 x one unit per acre

⁵ Capacity Evaluation was pursuant to FLU Policy 3.2.3

⁶ “2020 Residential Capacity Analysis” at page 17

⁷ “2020 Residential Capacity Analysis” at pages 13 and 17

Appropriate timing of future land use amendments is an important consideration and the future land use capacity analysis clearly demonstrates there is no need to rush ahead with current VTZ request.

6. CPA 2022-B Promotes Urban Sprawl

The Sarasota County Plan and Florida Statutes define urban sprawl as:

URBAN SPRAWL:

a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

The amendment would allow urban sprawl development.

- a. The 4,120-acres subject to the amendment are situated in a remote location six to eight miles east of I-75;
- b. The subject property is in an area planned for rural land use and nearby land uses are principally rural, the property is beyond the current “Countryside” delineation in the County Plan and outside of the currently designated Urban Service Area;
- c. The amendment would allow up to 5,000 residential units on-site⁸ yet there is no requirement to provide for shopping and employment needs necessary to support 11,150 +/- future residents;⁹
- d. Without policy assurance of shopping and employment opportunities on the site its necessary to assume residents will drive Fruitville Road or University Parkway to meet daily needs;
- e. The lack of internal capture will necessitate increased driving by future residents, escalate overall vehicle miles traveled and result in inefficient use of roadway infrastructure;
- f. Not only are on-site shopping and employment not assured for what will amount to a small city, the list of optional land uses and development types is vague and defers to zoning districts in the land development code; and,
- g. The land use design of permitted development lacks standards and is vague and open-ended since it defers without specificity to the form of development found elsewhere in Lakewood Ranch.

A major purpose of the 2050 Village/Open Space RMA is to provide an alternative to urban sprawl. The VTZ does not provide an alternative to urban sprawl and instead will create a vast blanket of single-use suburban development. While that development pattern has long been included in the Manatee County Comprehensive Plan for Lakewood Ranch to the north, the Sarasota County Plan

⁸ Proposed Policy VTZ 2.1 identifies only land uses that may be permitted and states “...non-residential uses are permitted, but not required within the VTZ...”

⁹ Assuming 2.23 persons per household, US Census Quick Facts

has taken a very different approach. The VTZ is in conflict with the Sarasota County Plan and is inconsistent with the development pattern of the 2050 Plan.

It is possible to revise the amendment such that it avoids or mitigates the characteristics of urban sprawl by sending the amendment back to the drawing board for additional work.

7. Reduced Open Space in VTZ versus Hamlet

Proposed Policy VTZ 3.1 provides for the dedication of as little as 43% of the subject property as open space. Allowable uses in the open space would include features such as native habitat, agriculture, necessary components of VTZ development such as stormwater facilities and non-potable water storage, and communication towers.

On the other hand, development as a Hamlet would require 60% open space and development in the open space is more narrowly defined to support environmental goals by preserving important environmental features, connections and functions on site.

The reduction in the extent and quality of open space is contrary to the fundamental purpose of the 2050 Village/Open Space RMA and leads to inadequate buffering and separation of VTZ development from proximate rural lands thus exacerbating land use incompatibilities.

The subject property includes agricultural land as well as native habitats such as pine flatwoods and oak hammocks, about 18% of the site or 700-acres lie within the 100-year floodplain, the applicant's land use/land cover map show a pattern pocketed wet areas and drainage ways.¹⁰

An open space requirement commensurate to a Hamlet would improve buffering and land use separation thus improve land use compatibility and allow for greater protection of native habitat and flood prone areas.

8. Lack of Design Standards in VTZ verses Hamlet

Hamlets are the subject of several design requirements while the VTZ is vague. For example:

- a. The preferred scale of a Hamlet is 50 to 150 residential units with a maximum of 400;
- b. 60% of a Hamlet must be open space including a 500' wide greenbelt to preserve native habitats, supplement natural vegetation and protect wildlife;
- c. Each Hamlet must have a public / civic focal point such as a park;
- d. The majority of housing must be within walking distance or ¼ mile radius of the neighborhood center with the higher densities closer to the center; and,
- e. Include a range of housing types that supports a broad range of family sizes and incomes.

The proposed VTZ does not include any similar "smart growth" requirements intended to mitigate the negative impacts of urban sprawl and instead only generally refers to a development

¹⁰ Applicant's May 2022 Environmental Assessment

pattern similar to existing Lakewood Ranch development in Manatee County. In particular, the proposed description of the VTZ RMA category states “The VTZ is further intended to incorporate the development form and principles of the existing community of Lakewood Ranch of which the VTZ will form a part.” What that means exactly is anything but clear, the provision fails to provide a meaningful and predictable standard for the use development of land.

9. A Future of Roadway Congestion

The CPA 2022-B application includes a Transportation Impact Analysis that projects a bleak future for Fruitville Road. The analysis indicates the roadway segment between Sarasota Center Boulevard and Lorraine Road is currently operating below the adopted level of service standard. By 2045 multiple segments of Fruitville Road will operate below the level of service standard including from Lorraine Road to the future Bourneside Boulevard at the VTZ.

To accommodate background and VTZ traffic while maintaining level of service it would necessary to six-lane Fruitville Road from I-75 to Lorraine Road and four-lane Fruitville Road from that location to Bourneside Boulevard; however, there is no planning or funding sources are identified for that purpose.

It is clear that Fruitville Road already suffers from congestion and, with or without the VTZ, is subject to a mismatch between future traffic growth and future roadway capacity. The Future Land Use and Transportation Elements are not now coordinated. The lack of coordination and congestion will only be worsened by the additional traffic resulting from an increase in residential density from 1,648 to 5,000 units within the VTZ without internal capture to intercept trips to shop and work.

Not only will this adversely impact the entire northeastern portion of the county on a day-to-day basis, including essential travel by rural residents and agriculture, Fruitville Road serves as a state hurricane evacuation route.

10. Endorsement of Additional Third-Party Review by Richard Grosso

I have reviewed the correspondence submitted by Richard Grosso, on behalf of the Miakka Community Club, to Sarasota County dated July 15, July 26 and August 13, 2022. While Mr. Grosso’s analysis is from a legal perspective and my own review is that of a planner, our concerns closely parallel. For brevity I will not repeat his findings about the internal consistency of the VTZ with existing Plan policies. I endorse his conclusions and findings.

ANALYSIS OF PROPOSED LAKEWOOD RANCH SOUTHEAST DOCC

1. Failure to Give Appropriate Weight to Public Comment

- a. The Comprehensive Plan commits to “Promoting the awareness and involvement of the citizens of Sarasota County in the comprehensive planning and implementation process”.¹¹
- b. The purpose of the DOCC process is to protect the public health, safety and welfare.¹²
- c. The Staff indicates there have been ~300 letters/comments received from the public in opposition and zero letters/comments in support.¹³
- d. Public concerns include:
 - Increased traffic on Fruitville Road;
 - Impacts on the wildlife and environmental systems;
 - Inadequate buffering;
 - If affordable housing will be provided;
 - Urban sprawl;
 - Hurricane evacuation;
 - Cost of the project and responsible party to fund these costs;
 - Stormwater concurrency; and
 - Supporting infrastructure for the proposed project.
- e. The staff report does not respond to public concerns and finds there are no regulatory issues.

2. Review Process Fragmented and not Comprehensive

¹¹ Intergovernmental Coordination Element Goal 2, found at: https://www.scgov.net/government/planning-and-development-services/planning-and-zoning/-folder-1882#docan7171_11681_7055

¹² Sec. 94-221(5), LCD, found at: https://library.municode.com/fl/sarasota_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH94PL_ARTVI_DECRCO_S94-221FI

¹³ Previous public comments focus on the proposed comprehensive plan amendment.

- a. An intent of the DOCC process is “The achievement of a more comprehensive systems approach in analyzing cumulative impacts of development than is currently achieved by the County's zoning process.”¹⁴
- b. The Lakewood Ranch Southeast DOCC is proceeding without companion changes to zoning.
- c. In lieu a “comprehensive systems approach”, the application anticipates a two-step process where future rezone petitions to RSF-2/PUD will come forward incrementally at a later time.
- d. It is only at time of zoning that critical development features will be identified including:
 - Housing types, location, affordability, and quantities;
 - Locating the park, and defining the types, acreages and amenities;
 - Further defining the open space, refining the development rights, habitat impact and preservation, and drafting conservation easements;
 - Locating all roads, trails, and sidewalks, and detailing standards;
 - Locating stormwater facilities;
 - Determining utility services;
 - Continue water quality monitoring;
 - Locating emergency service facilities; and.
 - Defining buffers and setback standards.
- e. As an unpersuasive justification, a similar fragmented approach was accepted for Palmer Ranch and Hi Hat Ranch.
- f. The review fragmentation results in loss of predictability and undercuts the purpose of the DOCC process.
- g. Instead of a true “Comprehensive Systems Approach” the DOCC is an ill-defined black box that provides excessive flexibility to the applicant and uncertainty to the public.

¹⁴ Ibid

3. Lakewood Ranch Southeast Master Development Order¹⁵

Incorporated Documents

- a. The Master Development Order (“MDO”) would incorporate the following:

1.9 The following information, commitments, and impact mitigating provisions submitted by the Applicant are hereby incorporated in this MDO by reference:

- a) Lakewood Ranch Southeast Master Plan Application, dated June 1, 2022;***
- b) Lakewood Ranch Southeast, 1st Sufficiency Comments, dated June 20, 2022;***
- c) Lakewood Ranch Southeast, 1st Sufficiency Response, dated August 19, 2022;***
- d) Lakewood Ranch Southeast, all maps, studies, and documents submitted after the 1st Sufficiency Response, dated June 20, 2022, until and including the public hearing of the Board of County Commissioners on October 25, 2022.***¹⁶

- b. The MDO recognizes but does not incorporate Exhibit D, regarding “...mutual points of interest in the completion of improvements to Fruitville Road...”.¹⁷ Any limited proffers toward advance funding for roadway improvements would be outside of the DOCC.

Substantial Compliance

- c. Under “Section 2.A.1, a future development proposal need only be in “...substantial compliance...” with the MDO; a future development proposal would be considered consistent if it “...falls within the range of variability contemplated by the MDO...”.¹⁸

¹⁵ Proposed Master Development Order starts at pdf page 1,327 of the September 1 Application Resubmittal

¹⁶ Pdf page 1,328

¹⁷ Pdf page 1,329

¹⁸ Pdf page 1,340

- d. Section 2.A.1 also provides that “substantial compliance” is required “...unless superseded by further studies, regulations or other analysis as approved by the appropriate Sarasota County departments and/or other regulatory agencies.”
- e. Section 2.A.1 provides excessive flexibility since any aspect of the MDO and Master Development Plan could be superseded without the need for a formal amendment.

Greenbelt Buffers

- f. The Master Development Plan depicts a 50’ Greenbelt Buffer along the eastern boundary of Lakewood Ranch Southeast. However, the Greenbelt justification negates that by indicating that a 0’ to 50’ buffer is required along the eastern boundary.¹⁹
- g. The Master Development Plan depicts a 500’ Greenbelt Buffer along the eastern boundary of the Bern Creek Subdivision and along Fruitville Road.²⁰
- h. The location and dimensions of Greenbelt buffers are left uncertain by the “substantial compliance” provisions in Section 2.A.1 and cannot be relied upon.

Open Space

- i. Under Table C-3, open space would encompass 43% of Lakewood Ranch Southeast the minimal allowable under the proposed Village Transition Zone comprehensive plan amendment.²¹
- j. Under the Village Transition Zone open space may include development related uses including stormwater facilities, non-potable water storage, communication towers and other impactful uses.
- k. The MDO is not only excessively flexible in regard to open space, open space is construed to allow land uses that are actually part of the footprint of development.

Distribution of Residential Density

¹⁹ Pdf page 1,370

²⁰ Pdf page 1,364

²¹ Pdf page 1,365

- l. Table C-4²² shows the distribution of project area densities among seven areas, however, the net density within each of the seven areas is not identified. Project area #5 would accommodate 1,188 residential units or 24% of the overall maximum of 5,000 units. Project area #5 is located in the southerly portion of the subject property proximate to Fruitville Road.
 - m. The general location of the future Bourneside Boulevard proximate to the southeasterly boundary of Lakewood Ranch Southeast, the concentration of residential uses toward the south and the ability to reduce the Greenbelt along the eastern boundary suggest future eastern expansion of the Village Transition Zone.
4. **Inadequate Transportation Planning / Premature Conversion of Land Use**
- a. According to the applicant's analysis, traffic from Lakewood Ranch Southeast would significantly impact Fruitville Road from I-75 to Bourneside Boulevard; and significantly impact University Boulevard from Whitfield Avenue to Bourneside.²³
 - b. Under existing conditions, Fruitville Road from Sarasota Center Boulevard to Lorraine Road is operating below the adopted LOS standard with a volume to capacity ratio of 1.29.²⁴
 - c. Projections of the growth of background traffic through the year 2035 show that Fruitville Road is expected to operate below the adopted LOS from I-75 to Bourneside with the segment between Sarasota Center and Lorraine experiencing a severe 2.70 volume to capacity ratio.
 - d. Consequently, the public should expect overcrowded road conditions on a daily basis over an eight mile stretch of Fruitville Road.
 - e. University Parkway is also projected to operate below LOS by 2035 from Whitfield Avenue to Cooper Creek Boulevard and from Lakewood Ranch Boulevard to Lorraine.

²² Pdf page 1,367

²³ Pdf page 117

²⁴ Pdf page 120

- f. The Transportation Analysis identifies, for the purpose of developer proportionate share calculation pursuant to s.163.3180, Florida Statutes, imaginary roadway improvements necessary to maintain LOS.²⁵ These include:
 - Fruitville Road from I-75 to Lorraine would need to be six-laned;
 - Fruitville Road from Lorraine to Bourneside would need to be four-laned;
 - University Parkway from Whitfield to Cooper Creek would need to be eight-laned; and,
 - University Parkway from Lakewood Ranch to Lorraine would need to be six-laned.
- g. The array of imaginary improvements are not planned, programmed and funded by Sarasota County.
- h. The applicant's transportation analysis of Fruitville Road reveals a fundamental disconnection between future land use, growth and development and commitments to complete necessary roadway improvements.
- i. This is a major problem that renders the DOCC premature.

5. Inconsistency with Review Criteria in the Land Development Code

- a. LDC Section 94-222 sets forth the criteria for DOCC review:

(6) Determination for development approval. After recommendation by the Planning Commission and a public hearing, the Board shall determine whether, and the extent to which:

a. The development will have a favorable or unfavorable impact on the environment and natural resources of Sarasota County and any other affected jurisdictions;

b. The development will have a favorable or unfavorable impact on the economy of Sarasota County and any other affected jurisdictions;

c. The development will efficiently use or unduly burden water, sewer, solid waste disposal, or other necessary public facilities;

²⁵ Pdf page 126

d. The development will efficiently use or unduly burden public transportation facilities;

e. The development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment; and

f. The development complies or does not comply with the Sarasota County Comprehensive Plan and other applicable land development regulations.

- b. In regard to Sec. 94-222(6)(a), the development will have an unfavorable impact on the natural resources of Sarasota County given the reduction quantity and quality of open space and intensification of development:
- Under the Hamlet development option, 60% of the subject property would be set aside for open space and that open space is directed toward preserving important environmental features, connections and functions;
 - Conversely, under the Village Transition Zone and Lakewood Ranch Southeast DOCC open space would be reduced to 43% and may be used for development features;
 - The subject property includes native habitats including pine flatwoods and oak hammocks and about 18% of the site, or 700-acres, lie within the 100-year floodplain²⁶;
 - The provisions regarding “substantial compliance” defer the imperative to direct development away from important environmental features to the zoning process; therefore,
 - It must be concluded that the DOCC will have an unfavorable impact relative to both Rural and Hamlet land use.
- c. In regard to Sec. 94-222(6)(c), the DOCC will not efficiently use and will in fact unduly burden public facilities in particular Fruitville Road. Fruitville Road is essential to the day-to-day travel of rural residents and agricultural traffic and serves as a state evacuation route. As outlined above, one segment is already failing to meet the adopted LOS standard and the over-congestion is projected to both spread and intensify the year 2035. Adequate roadway facility improvements are not currently planned, programmed and funded by Sarasota County.
- d. In regard to Sec. 94-222(6)(d), Lakewood Ranch Southeast would be an entirely automobile dependent community and has made no plans for the efficient use of public transit facilities.

²⁶ Applicant’s May 2022 Environmental Assessment

Charles Gauthier, FAICP
October 17, 2022

- e. In regard to the requirements of Sec. 94-222(6)(e), Lakewood Ranch Southeast will adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. The development is in a remote, rural location and would include up to 5,000 residential units with no assurance of on-site employment.
- f. In regard to Sec. 04-222(6)(f), the DOCC would fail to meet the requirements of the land development regulations.