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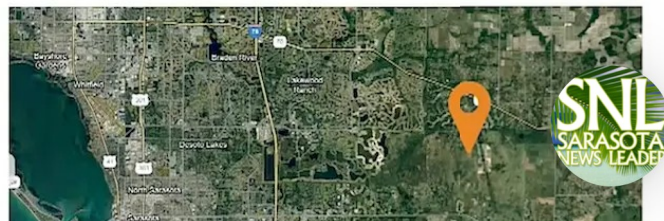
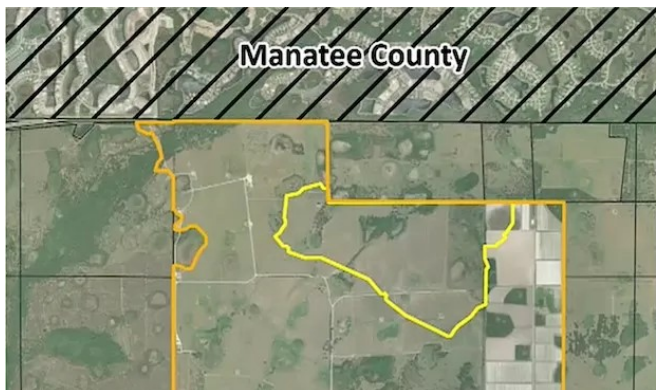
THE SARASOTA News Leader

≡ Menu

With 3 commissioners opposing rezoning of latest project area for Lakewood Ranch Southeast, developer seeks and wins approval of 65-day continuance

February 27, 2025 by Rachel Brown Hackney, Editor & Publisher

Commissioners Knight and Smith stress need for in-depth discussions on county's 2050 Plan, which guides growth out east





This is a graphic that planner Rhea Hunter of RVi Planning + Landscape Architecture showed the commissioners, depicting the location of Project Area 2. Image courtesy Sarasota County

On Jan. 28, Sarasota County Commissioners Mark Smith and Tom Knight voted against two rezoning petitions for Lakewood Ranch Southeast developments involving 2,399 homes on approximately 2,235 of the 4,120 acres in the northeastern part of the county where a previous commission, in 2022, had agreed that up to 5,000 residential units could be constructed.

The entire property lies between University Parkway and Fruitville Road, with the historic, rural [Old Miakka](#) community about 4 miles away. (Wikipedia says the U.S. Post Office for Miakka was first registered in 1879.)

On Jan. 28, both Knight and Smith focused on the lack of sufficient capacity on Fruitville Road to serve the four project areas they addressed that day.

Nearly a month later, at the end of a Feb. 25 hearing conducted on the rezoning of yet another project area, Knight and Smith again told their colleagues and the audience members that they could not support the petition.

"I believe this could be a better project," Smith said.

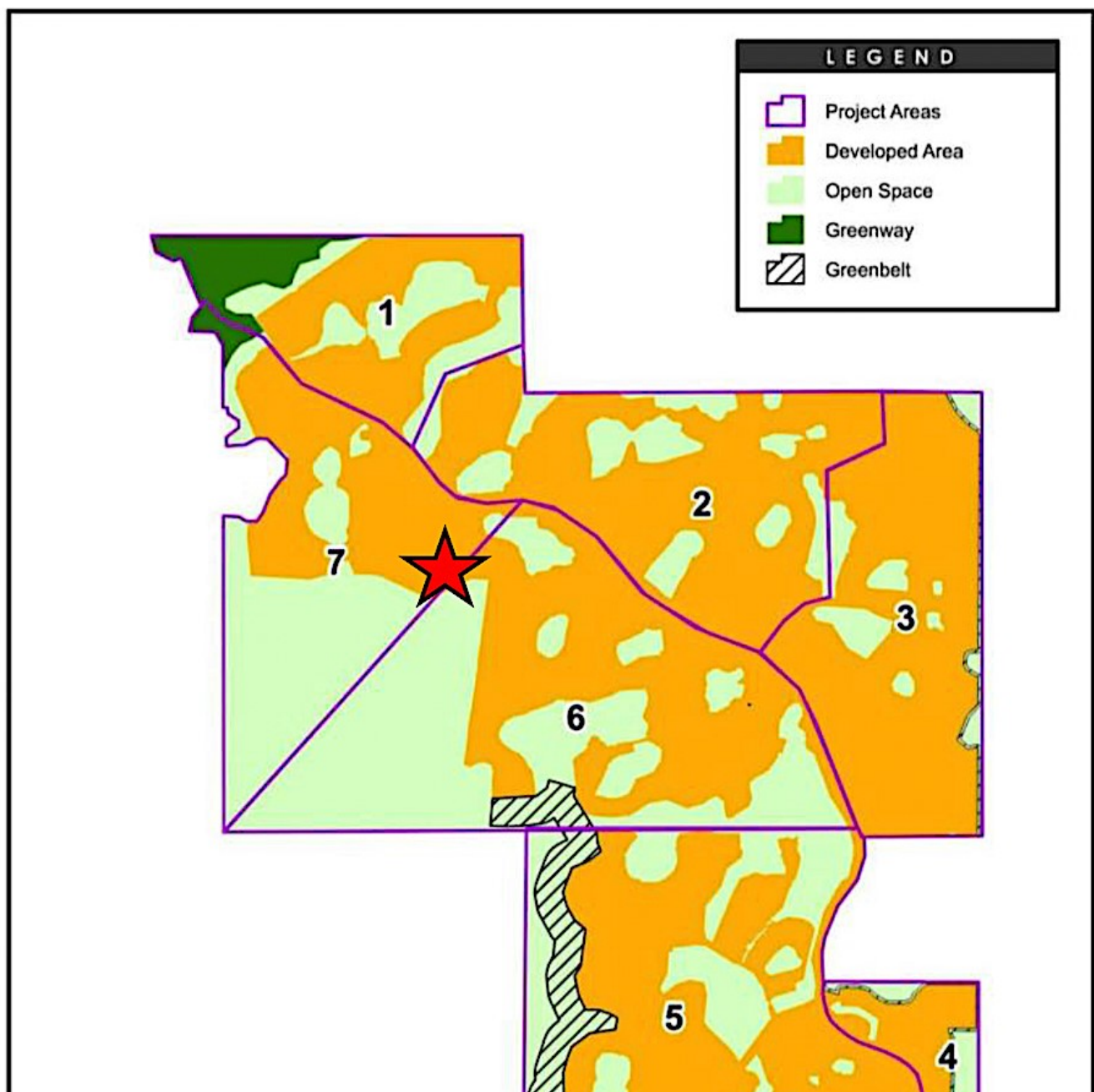
With Commissioners Ron Cutsinger and Teresa Mast having made clear their willingness to approve the rezoning, murmurs emanated from the audience after Chair Joe Neunder announced that he, too, was unable to support the rezoning of 548.3 acres for another 1,400 homes in the expansion of Manatee County's Lakewood Ranch into northeastern Sarasota County.

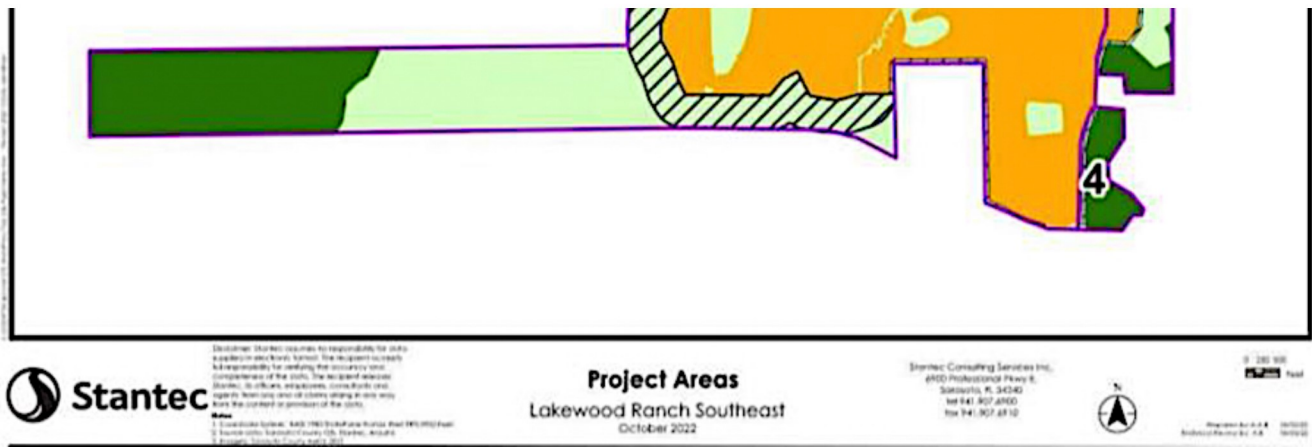
The applicant was seeking a rezoning of the property from Open Use Rural (OUR), which allows one dwelling unit per 10 acres, to Residential Single Family-2/Planned

Unit Development (RSF-2/PUD), which permits 3.5 units per acre.

Cutsinger had made the motion to approve the rezoning request from home construction firm [Taylor Morrison of Florida](#), and Mast had seconded it.

“This fills out the Master Development Order [for Lakewood Ranch Southeast],” Cutsinger said, referring to [board action in late October 2022](#). A county ordinance set the maximum number of dwelling units, as part of the board’s approval of Lakewood Ranch Southeast as a Development of Critical Concern (DOCC). Cutsinger added that the latest project area would be “surrounded by very compatible development.”





This graphic shows all of the project areas planned in Lakewood Ranch Southeast. Image courtesy Sarasota County

"You'll be blown away by how beautiful it is and the type of development they do," Cutsinger continued, referring to [Schroeder-Manatee Ranch](#), the master developer of Lakewood Ranch.

"These are challenging decisions sometimes," Mast added of the board's work, "but when you have a developer of the quality and history and credibility of Lakewood Ranch, you know it's going to be done right."

Yet, Neunder said, "I think this is a little bit before its time."

That comment launched nearly 30 minutes of discussion that included expressions of frustration over prior commissioners' modifications of the county's 2050 Plan — which was approved in 2002 to guide growth in the county east of Interstate 75 — to concerns raised by County Attorney Joshua Moyer that if the majority of the commissioners denied the rezoning, it would be preferable for Moyer and his staff to have sufficient findings of fact to defend the county in the face of any legal challenge filed by the developer.

At one point during the discussion, Mast also reminded her colleagues that they needed to refer to the findings of fact for the hearing that day, instead of focusing on their opinions about actions that earlier board members had taken.

"I'm legally bound by findings of facts," she emphasized. While "great ideas may seem to come up," she added, they are not part of the county's policies and regulations.

County Attorney Moyer explained that the Feb. 25 hearing was a “quasi-judicial procedure,” much like a court case. During such hearings, the commissioners are charged with focusing on “competent substantial evidence” in regard to whether an application complies with county regulations and policies that have been put in place. “In this capacity,” Moyer told the commissioners, “you are sitting as a judge. ... You’re applying the rules.”

What is competent and substantial?

As was said previously, the only evidence that the City Council or board can consider in a quasi-judicial process is that which is both competent and substantial. The term “competent” means that the person is qualified to give evidence on that subject. If special training or specialized knowledge is required, it is necessary for the person testifying to prove that person’s competency to testify as an expert on a particular subject. Examples of this would be (1) traffic impacts or traffic counts would be testified to by a traffic engineer; (2) whether a desired use may impact the land values of surrounding property could be testified to by a certified property appraiser; (3) whether the building of a wall or other barrier will destroy a wetland could be testified to by an environmentalist or engineer. These people have specific academic degrees or specialized training that qualifies them to testify as “experts,” and that is what is meant by competent testimony; i.e., they are “competent” because they are particularly knowledgeable because of their training and/or experience in a particular field or subject matter.

If you want to testify to a matter that requires special academic degrees or specialized training, you must make those degrees and that training known to the board before whom you are testifying, and you would normally present a résumé or other material detailing your specialized knowledge or training.

“Substantial” means that there is sufficient, relevant and credible evidence upon which to base a decision.

This is an explanation of competent substantial evidence in a City of North Miami document about quasi-judicial hearings. Image courtesy City of North Miami

Cutsinger stressed to his colleagues, “It’s a little late to change the rules in the middle of the game.”

Moyer also pointed out that the board members could not use their concerns about the congestion on Fruitville Road as a finding of fact. In 2011, the Florida Legislature approved the [Community Planning Act](#), part of which prevents local governments from requiring developers to improve roadways whose levels of service are projected to fall as those roadways begin to serve new communities.

Just as a Stantec consulting firm planner had explained during the Jan. 28 hearings, the leader of the Taylor Morrison team this week pointed out that a new segment of Bourneside Boulevard would be constructed between University Parkway and Fruitville Road to serve as the primary access to Project Area 2. Stantec planner Katie LaBarr emphasized on Jan. 28 that a traffic analysis had shown that about 75% of the traffic from Lakewood Ranch Southeast would be expected to head north toward University Parkway via Bourneside Boulevard.

However, residents who live in the eastern part of the county have maintained that

the new communities in Lakewood Ranch Southeast still will further slow down travel time on Fruitville Road.

When Chair Neunder asked whether more than one or two reasons for denial of the rezoning petition were necessary, Moye responded that one reason was sufficient.

"If [an application meets] all the requirements [that are applicable to it], you have to vote 'Yes' for the project," Moye said. "If [it does not] meet even one of [the criteria], you have to deny the project."

Nonetheless, Moye continued, "If [a solitary] reason doesn't get upheld [in court]," then the county would lose a lawsuit over the denial.

"If this board chooses to deny something, we'll defend that," Moye added. "All I'm asking is that if you're going to deny [this application], just state reasons why that would help us legally justify that."

In response to another question from Neunder, Moye said, "Compatibility with the existing land-use pattern ... is a reason [for denial]." Among other findings of fact to turn down the petition, Moye continued, could be aspects of the project that would create adverse consequences for nearby neighborhoods.

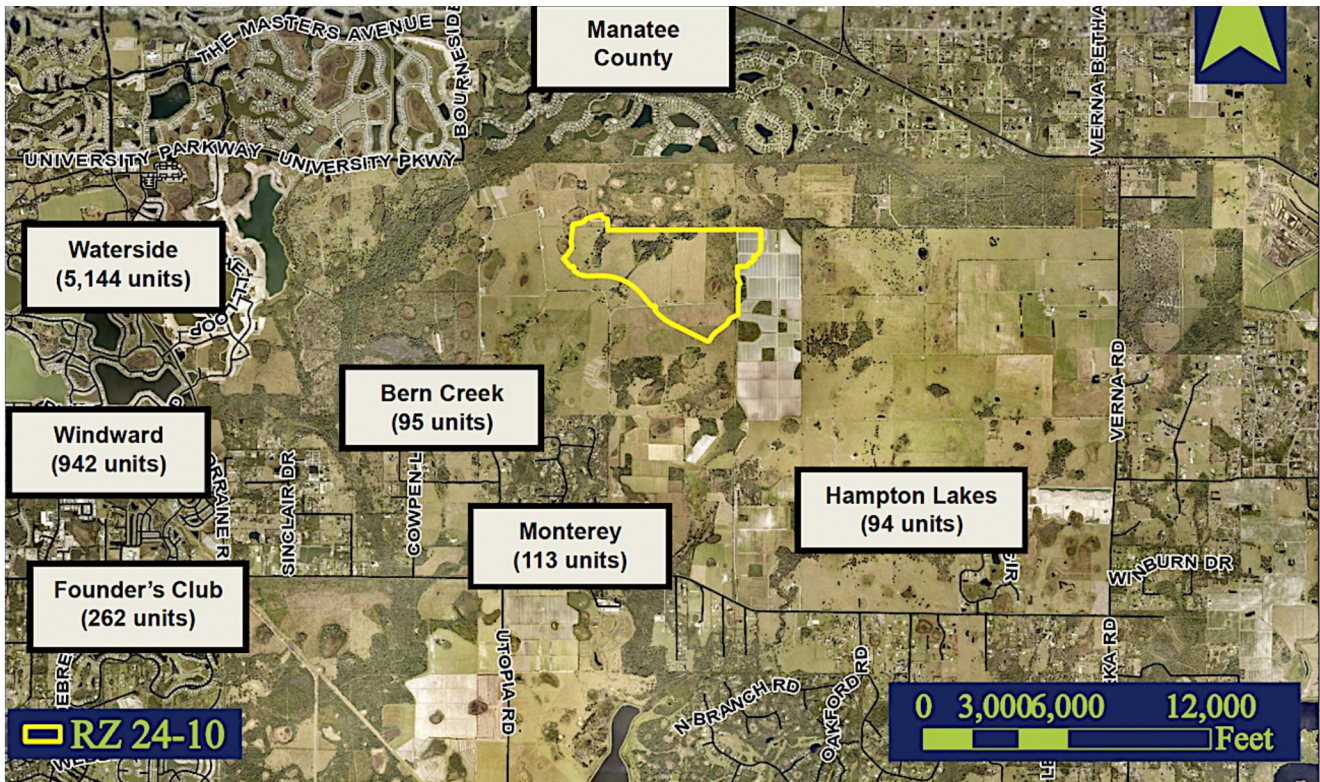
4. FLU Policy 1.2.17 Potential incompatibilities between land uses due to density, intensity, character or type of use proposed, shall be mitigated.

As shown on the Project Areas Map found in Ordinance No. 2022-064, Project Area 2 abuts Project Areas 1, 3, 6 and 7. All of these project areas are planned to also be rezoned to RSF-2/PUD. All project areas will contain residential development of similar housing product types and sizes.

This Future Land Use policy in the Comprehensive Plan, referenced in the Feb. 25 county staff report for Lakewood Ranch Southeast Project Area 2, was cited during a Feb. 12 hearing as a reason to deny the rezoning application for a development next to the Celery Fields. Image courtesy Sarasota County

The county Planning Division staff report on the Taylor Morrison application did not list any county Comprehensive Plan policies with which staff found the proposal to be inconsistent.





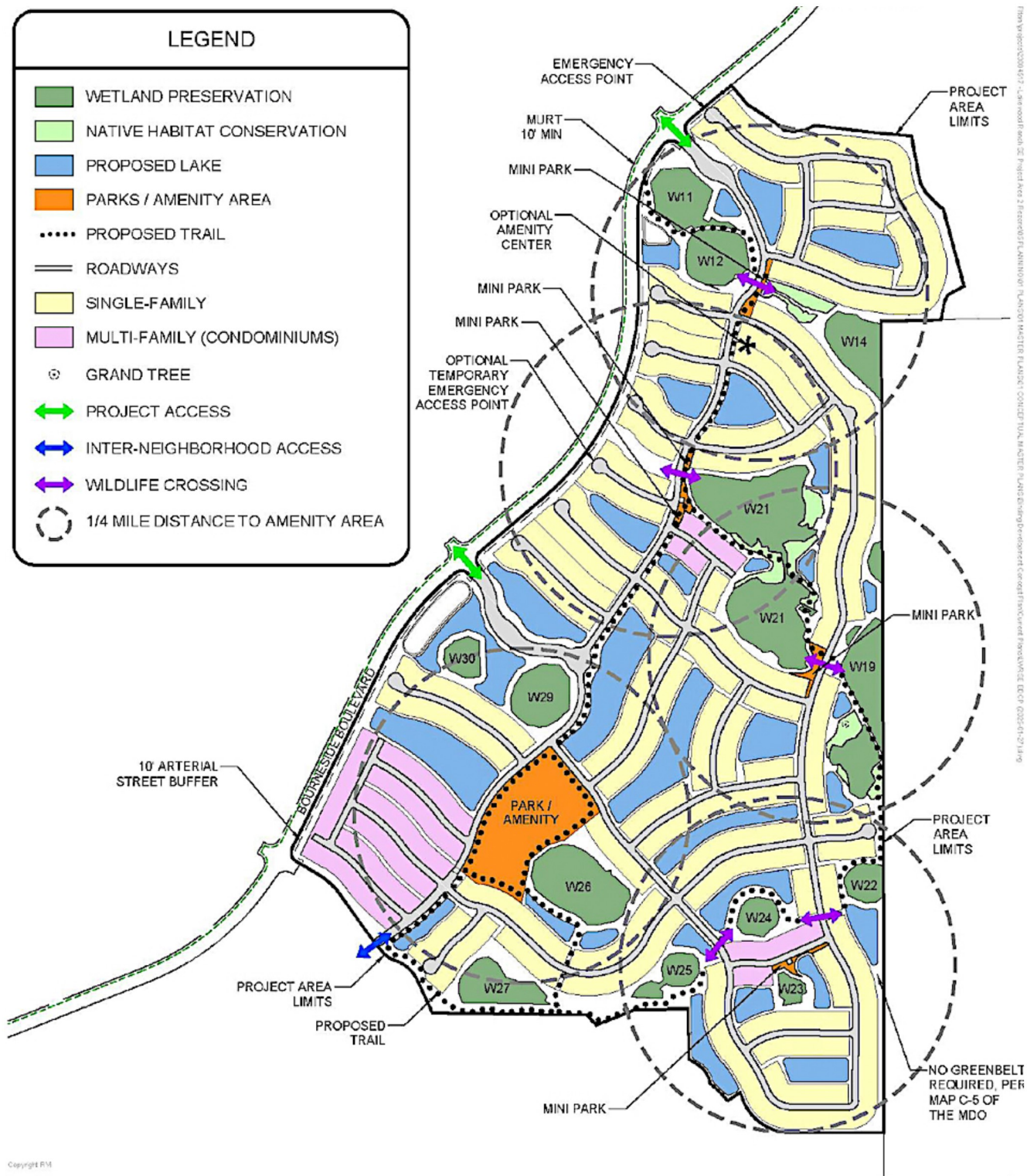
“Compatibility” is generally defined as “a state in which two things are able to coexist or occur together without problems or conflict.” A way to analyze compatibility is to compare the proposed development with the existing surrounding development within the project area, and more specifically existing conditions of adjacent parcels. Some variables staff have used to analyze compatibility for this project include, zoning, building setbacks, landscape buffers and opacity, building height, housing types and lot sizes, number of residential units, density, architecture styles, open space, if adjacent development is a PUD, land uses and if these uses are linked with excess light, noise, or dust.

This is a graphic and information about the compatibility issue found in the county staff report for the Feb. 25 hearing. Image courtesy Sarasota County

Neunder did allow attorney Caleb Grimes of the Bradenton firm [Grimes Galvano](#) — a member of the project team — to return to the podium at one point during the discussion. Grimes told the board members, “I do not want to go down the legal rabbit holes ... It looks like we may end up there.”

After the rezoning motion failed, Rhea Hunter, the presenter of the rezoning petition details, who is director of planning at RVi Planning + Landscape Architecture — which has an office in Sarasota and others across the United States — asked the commissioners for a continuance of the hearing. “We worked on this project for over a year and very much would like to see it approved,” she said.

Moreover, she reminded them of the project areas the board majority had approved on Jan. 28. “We would like to proceed in the same manner.”



LWRSE PROJECT AREA 2 • BINDING DEVELOPMENT CONCEPT PLAN

SARASOTA COUNTY, FL
 2025-01-27
 23004517
 TAYLOR MORRISON



This is the Binding Development Concept Plan for Project Area 2, included in the staff report for the Feb. 25 hearing. Image courtesy Sarasota County

In response to a question from Commissioner Mast, Grimes told the board

members that Taylor Morrison would prefer to wait no more than 60 days for the new hearing, provided that that would work with the board's schedule.

Ultimately, on a motion that Mast made and Knight seconded, the board continued the hearing to give the Taylor Morrison project team no more than 65 days to work with county staff on suggestions that Commissioner Mark Smith had offered in regard to making the proposed development more compatible with Old Miakka.

With the extra days Mast provided in her motion, County Administrator Jonathan Lewis indicated that he felt comfortable that staff could schedule the next hearing within the stated timeframe.

A focus on dark skies

One of Commissioner Smith's primary recommendations was for the Taylor Morrison project team to work on lighting restrictions that would be comparable to the "dark skies" conditions at night in Old Miakka.

During the hearing, Becky Ayech, the long-time leader of the Miakka Community Club, provided each commissioner with a document that, she said, would "substantiate you denying this application."

She added, "I think that I did a pretty darned thorough job of pointing out all the ways that [the development as proposed] is not supporting findings of fact for approval."

Smith had referred to a lighting proffer by Texas-based developer D.R. Horton in regard to a 170-home development that it wanted to construct next to the Celery Fields Regional Stormwater Management Facility in the eastern part of the county. The board members voted 5-0 on Feb. 12 to deny the rezoning application that the D.R. Horton team had submitted to county staff, based on the development's incompatibility with what has become an internationally known bird-watching area.

The document that Ayech of the Miakka Community Club gave the commissioners included proposed stipulations related to lighting in Lakewood Ranch Southeast:

- Streetlights should be installed that would shield light pollution from Old

Miakka.

- Doors and windows on the houses and auxiliary buildings should shield light from escaping the interiors of those structures.
- Streetlights should be turned off between 10 p.m. and 6 a.m. daily.
- A single streetlight could stay on all night at the entrance of the subdivision.

These are the lighting stipulations that the D.R. Horton project team proposed:

Recommended Stipulations:

1. The Concurrent Subdivision/Construction Engineering Plan for the project shall include a Lighting Plan. Such Lighting Plan shall identify the placement and positioning of any street lighting, outdoor lighting within common areas (e.g., clubhouse or community pool), and lighted signs. The Lighting Plan shall be designed to demonstrate:
 - a) the maximum lighting level at the project boundary closest to the project access points does not exceed 2 footcandles (=21.52 lumens); and
 - b) the average lighting level at all other portions of the project boundary does not exceed 0.05 footcandle (=5.38 lumens) with no such individual point along the project boundary exceeding a maximum of 1 footcandle (=10.76 lumens).
 - c) All street lighting, outdoor lighting within common areas, and outdoor lighting on lots within the project shall utilize fixtures that are "Fully Shielded/Zero Uplight" by:
 - (i) completely concealing the light source behind an opaque surface so that the light source is recessed within an opaque housing and not visible from any properties adjacent to the project; and
 - (ii) being mounted in such a manner that the cone of light is directed downward and does not cross the boundary of the project.
 - d) The light source within such street lighting and outdoor lighting fixtures shall be limited to LED and shall have a maximum color temperature of 2700K.

The terms of this condition shall be included in the Declaration of Restrictions recorded concurrently with the Subdivision Plat and cannot be amended without approval by the County.

Image courtesy Sarasota County

"We want black skies, not dark skies," Ayech emphasized to the commissioners on Feb. 25. "We live in dark skies."

She noted that the D.R. Horton team proposed its stipulations "*after* we asked for that."

"You want to fit in with us, you have to look like us," Ayech continued, addressing the Lakewood Ranch Southeast developers.

While Project Area 2 might be known as part of Lakewood Ranch Southeast, she

added, she considered it “Lakewood Ranch Miakka.”

Ayech also called for a “visual transition” from the new developments to Old Miakka. “We shouldn’t be looking out there and seeing a city,” she stressed.

A new discussion about the 2050 Plan

During the discussion before the failed vote on the rezoning petition, Commissioner Smith was the first to raise concerns about the county’s 2050 Plan. He stressed that he is not focused just on Old Miakka, but also on rural areas remaining in Venice. He added that he has heard from a number of residents in South Count who are upset with the manner in which growth is occurring there.

The commissioners, Smith continued, need to “get our act together.” The 2050 Plan should have been addressed again years ago, he added.

Sarasota 2050 Plan – Overview and Background

Generally the 2050 Plan seeks...

...continued growth & economic development based on three main tenets:



Commissioner Knight agreed, saying that the board members have the responsibility to make it clear for staff to understand they want to see in regard to future development in the remaining rural areas of the county.

Smith pointed out that the 2050 Plan calls for what he characterized as “stepdown developments,” adding, “None of these developments step down, as far as intensity. ... They’re going from vacant land to a great deal of housing.”

He told his colleagues, “We, as a board, need to look at that compatibility out east.”

The Lakewood Ranch Southeast project areas approved on Jan. 28 are not compatible with Old Miakka and rural developments in that area, Smith continued. “That doesn’t mean we can’t change how we look at transition. [That] rural area also has a right to exist.”

“If we keep paving everything,” he said, “everything’s going to be compatible to the paving. ... We’re disregarding the wilderness part of the equation.”

“2050 has been a long process,” County Attorney Moye acknowledged, prompting laughter in the Commission Chambers in downtown Sarasota.

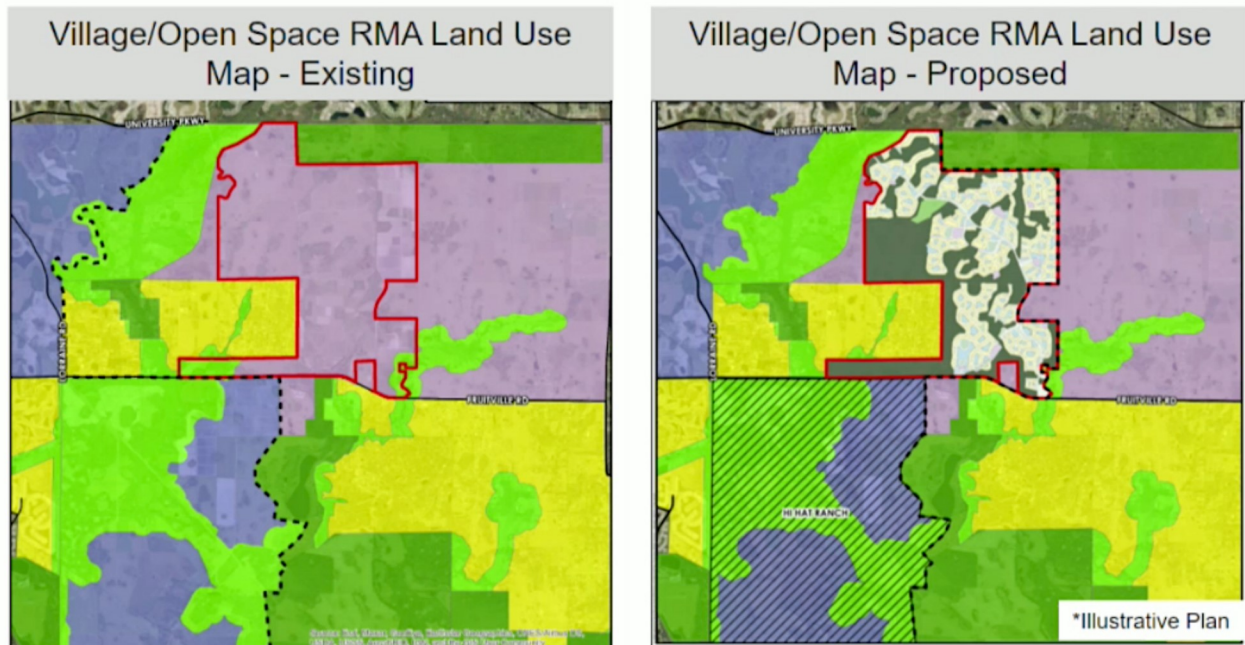
Then Moye reminded the board members that their predecessors in October 2022 approved a new type of 2050 development called the Village Transition Zone, under which regulations Lakewood Ranch Southeast would be constructed.

In early 2022, Rex Jensen, CEO of Schroeder-Manatee Ranch, and Pat Neal of Neal Communities had proposed the Village Transition Zone’s addition to the 2050 Plan in the county’s Comprehensive Plan, which guides growth. Jensen explained at that time that the provision for less dense “Hamlets” in the eastern part of the county did not allow enough homes to justify the expense of including central utilities for the future residents of Lakewood Ranch Southeast. Conversely, he said, the Village development regulations were too intense in terms of the number of homes involved.

VILLAGE TRANSITION ZONE

- Maintain Village Standard of 50% Open Space
- Density Transition from Village to Hamlet

- Density transition from village to hamlet
- Base Density of 2 Dwelling Units per Gross Developable Acre



This graphic provides details about the Village Transition Zone proposal made to the County Commission seated in February 2022. 'RMA' stands for Resource Management Areas. Image courtesy Sarasota County

During the Feb. 25 discussion, Moyer told the board members that the Village Transition Zone was intended as a “kind of stepdown zoning, whether or not it’s actually playing out the way people envisioned ...”

Knight pointed out that most of the current commissioners had not joined the board when the ordinance regarding the Village Transition Zone won approval.

The 2050 Plan, Knight continued, “isn’t what it was supposed to be. [It] got modified and changed a lot of over the years.”

He reminded his colleagues that, during their December 2024 retreat, he had proposed that county staff hire a consultant to review the 2050 Plan in terms of what it “was supposed to be and what it is. I think that would help us a lot,” he added, to pursue such an analysis in the future.

Community Activism, Construction, Lakewood Ranch, Neighborhoods, Political News, Real Estate, Sarasota County, State Government, Transportation

Tinypass

< South Siesta resident pursuing new effort to prevent construction of Siesta Promenade

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