

ORDINANCE 16-16 (f.k.a 15-27) – HERITAGE HARBOUR DRI #24

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Heritage Harbour Development of Regional Impact (Ordinance 14-37); to approve the following changes to the Master Development Plan (Map H) and the Ordinance:

- 1) Add a Land Use Equivalency Matrix (LUEM) applicable only to Parcel 35;
- 2) Add Multi-family, Commercial and Assisted Living Facility (ALF) as potential uses on Parcel 35 (without increasing DRI entitlements as entitlements may be attained through LUEM);
- 3) Realign Port Harbour Parkway Extension through Parcel 35 to Upper Manatee River Road and corresponding “update of notes”;
- 4) Specify the amount and types of development that may be authorized on Parcel 35;
- 5) Update Wetland information shown on Map H and modify provisions related to wetland buffers and impacts for Parcel 35;
- 6) Other minor updates, previously granted legislative extensions, terminology changes, and revisions to reflect consistency with prior approved changes and/or the LDA; Providing for development approval, conditions, and obligations; providing for severability; and providing an effective date.

The Heritage Harbour DRI is generally located at the intersection of I-75 and SR 64, south of the Manatee River, and west of Upper Manatee River Road, approximately one mile north of S.R. 64 (2,784.7± acres). Present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection/Special Treatment).

The Heritage Harbour DRI is approved in two phases for 788,837 square feet of commercial retail space, 170,000 square feet of office space, 300 hotel rooms, 600 beds for ALF, 5,000 residential units (multi-family/single-family attached, single-family detached, single-family semi-detached), 45-Hole Golf Course and 41.2 Acre Park.

P.C. 4/14/16

B.O.C.C.: 05/05/16

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, the Manatee County Land Development Code, and Section 380.06, Florida Statutes, subject to the conditions of approval established in the Development Order, I move to APPROVE Ordinance No.16-16, as recommended by the Planning Commission.

(Commissioner Bustle)

PLANNING COMMISSION ACTION:

On April 14, 2016, the Planning Commission made the following motions and recommendations:

Motion to approve failed by a vote of 3 – 4, Mr. DeLesline, Mr. Horrigan, Jr., Mr. Rutledge and Mr. Bower voted nay. Mr. Horrigan, Jr. stated he has a hard time not putting a requirement for restrictions on uses in Development Order between developer and County. Mr. Rutledge stated that if the developer has the opportunity to do any of the uses that may fall in the land use chart category this might not follow the intent of the Land Development Code. A use not compatible with the surrounding area could be put in; he would like more clarity on the uses. Mr. Bower stated commercial use in this area is not compatible.

Motion to deny was read into record by Ms. Schenk passed by a vote of 4 – 3, Mr. Conerly, Mr. Rahn and Mr. Rhoades voted nay.

Discussion ensued about the type of uses. The applicant submitted an agreement between owners of Parcel 35 and the Waterlefe CDD on the types of uses that can be put on Parcel 35.

Motion to reconsider the item passed by a vote of 6 – 1, Mr. Bower voting nay.

Motion to reopen the public hearing passed by a vote of 7 – 0.

Discussion continued about the types of uses on property.

Motion to approve passed by a vote of 5-1, Mr. Bower voted nay (for reasons stated earlier); Mr. DeLesline absent.

PUBLIC COMMENT AND CORRESPONDENCE:

The following people spoke at the April 14, 2016 Planning Commission public hearing:

Terry Holinsky, Al Harcharik, Mary Lou Kovac, James Carey, and Eugene Zeiner had concerns regarding increased traffic, density, schools overcrowding, commercial changing character of area, height of buildings, buffers and environmental impacts.

CASE SUMMARY

Case Number: Ordinance 16-16 (f.k.a. 15-27)

Case Name: Heritage Harbour (DRI #24)

Applicant(s): Manatee Land Investors, LLC, and Upper Manatee 288, LLC

Location: Intersection of I-75 and SR 64, south of the Manatee River, and west of Upper Manatee River Road (2,784.7± acres) approximately one mile north of S.R. 64.

Case Manager: Stephanie Moreland

Staff Recommendation: Approval

SURROUNDING LAND USES AND ZONING

- To the NORTH, Single-family residences in Waterlefe Golf and River Club Subdivision zoned PDR (Planned Development Residential)
- To the SOUTH, Single-family residences in Greenfield Plantation zoned PDR and A (General Agriculture),
- To the EAST, across Upper Manatee River Road, single-family residences zoned A-1(Suburban Agriculture) and PDR.
- To the WEST, Single-family residences in Heritage Harbor zoned PDMU.

SUMMARY:

History:

On March 21, 2000, the Board of County Commissioners (BOCC) originally approved (Ordinance 00-19) Heritage Harbour for a planned mixed use development on approximately 2,495.8± acres. The following amendments were approved by the BOCC since year 2000.

- March 4, 2002, Harbourvest, LLC filed Notice of Proposed Change.
- October 4, 2002, Notice of Proposed Change was amended.
- June 17, 2003, (Ordinance 03-25) Notice of Proposed Change - changed the project name and authorized agent and correctly identified the project owner and developer; transferred certain development from Phase I to Phase II and Phase II to Phase I; increase the park size, extend build-out date for Phase I; amend developer's commitment regarding water supply; amend Table 2 to provide an alternative roadway improvement for the SR 64 frontage road; amend definition of "warranted" to include FDOT; delete conditions L91).(a), C(4).(e); F(2).(3),(4), and (7); add Telecommunication Facility Use between the existing lake and I-75; amend Map H to make the above changes and various other changes and amend the Development Order to update terminology and departmental references and other changes for internal consistency.
- March 11, 2008, (Ordinance 08-33), Notice of Proposed Change modified the project boundaries to add 288.7± acres on the east side of the project and Map H was amended accordingly; Table 2 was amended and various transportation conditions to address traffic impacts in Phase II; Stipulations were amended to address the provision of affordable housing within the project; Education stipulation L(2) regarding monitoring of students in the project was deleted; and the Development Order definitions, conditions, and terminology (to reflect the above changes) were amended.

- June 3, 2010, Notice of Proposed Change (Ordinance 10-47), for Parcels 19 & 20 authorizing the increase of 54,900 square feet of retail/commercial and allowed the conversion (through a Land Use Equivalency Matrix - described as Exhibit 15) of non-residential uses within and between parcels 19 and 20.
- October 6, 2011, Notice of Proposed Change (Ordinance 11-31) extended the expiration date of the Certificate of Level of Service (CLOS), build-out date, development order expiration date, and build-out date for Phase II; and amended the Land Use Equivalency Matrix.
- November 6, 2012, Manatee County issued a formal determination (AD-12-15) for a conversion of 63,063 square feet of commercial/retail to 350 multi-family units applicable only to Parcels 19 & 20. On September 20, 2012, The Public Works Department, Transportation Planning Division approved the following Land Use Equivalency Matrix Table shown below:

**LAND USE EQUIVALENCY MATRIX
(APPLICABLE ONLY TO PARCELS 19/20)**

| CHANGE FROM | | CHANGE TO | | | | Minimum | Maximum |
|------------------------------------|--|----------------|------------------------------|------------------|-------------------|----------------|-----------------|
| | | Hotel (1 Room) | Commercial/ Retail (Sq. Ft.) | Office (Sq. Ft.) | Multi-Family (DU) | | |
| Hotel (1 Room) | | - | 171.55 Sq. Ft. | 395.97 Sq. Ft. | 0.95 DUs | 80 Rooms | 300 Rooms |
| Commercial/ Retail (1,000 Sq. Ft.) | | 5.83 Rooms | - | 2,308.25 Sq. Ft. | 5.55 DUs | 400,000Sq. Ft. | 683,000 Sq. Ft. |
| Office (1,000 Sq. Ft.) | | 2.53 Rooms | 433.23 Sq. Ft. | - | 2.40 DUs | 0 Sq. Ft. | 100,000 Sq. Ft. |
| Multi-Family 1 (DU) | | 1.05 Rooms | 180.27 Sq. Ft. | 416.11 Sq. Ft. | - | 0 DU | 350 DUs |

Notes: Multi-Family = Apartments DU = Dwelling Unit Sq. Ft. = Square Feet
 1 Hotel Room equates to 171.55 Sq. Ft. of Commercial/Retail, 395.97 Sq. Ft. of Office, or 0.95 DUs of Multi-Family
 1,000 Sq. Ft. of Commercial/Retail equates to 5.83 Hotel Rooms, 2,308.25 Sq. Ft. of Office, or 5.55 DUs of Multi-Family
 1,000 Sq. Ft. of Office equates to 2.53 Hotel Rooms, 433.23 Sq. Ft. of Commercial/Retail, or 2.40 DUs of Multi-Family
 1 DU of Multi-Family equates to 1.05 Hotel Rooms, 180.27 Sq. Ft. of Commercial/Retail, or 416.11 Sq. Ft. of Office

THIS LAND USE EQUIVALENCY MATRIX APPLIES ONLY TO PARCELS 19 AND 20. ANY CONVERSIONS PURSUANT TO THIS MATRIX MAY ONLY BE UTILIZED BY THE OWNERS OF PARCELS 19 AND 20 AND MAY ONLY AFFECT LAND USE APPROVALS FOR PARCELS 19 AND 20.

- September 4, 2014, Notice of Proposed Change (Ordinance 14-37) updated phasing and build-out dates to reflect previously authorized legislative extensions; removed 12.0 acre marina and designated the parcel for residential use; updated conditions to reflect compliance with requirements.

To date, no development has occurred on Parcel 35.

Request:

The current request is for a Notice of Proposed Change to Parcel 35 of the Heritage Harbour Development Order (DO) and Map H. The request is accompanied with a companion revision to the Zoning Ordinance and General Development Plan [PDMU-98-08(G)(R7)].

Tampa Bay Regional Planning Council reviewed the NOPC application. The Recommended Action states: “Indicate to Manatee County and the State Land Planning Agency that the proposal is presumed to create a Substantial Deviation, as defined above. However, no further mitigation will be required upon incorporation of the above-referenced notations, as may be relevant and/or applicable, within the amended Development Order.”

Analysis of Request:

Each of the aforementioned requests indicated on page one is detailed below:

1) Add a Land Use Equivalency Matrix (LUEM) applicable only to Parcel 35;

An Equivalency Matrix, submitted by the applicant, was approved on February 18, 2016, by the Transportation Planning Division of Manatee County Public Works Department. The applicant’s proposed Equivalency Matrix is acceptable and insures that no additional traffic impacts are created provided that the matrix multipliers are used for land use tradeoffs.

Transportation Planning staff have reviewed the Notice of Proposed Change (NOPC) for Upper Manatee 288, LLC/Manatee Land Investors, LLC/Heritage Harbor, Parcel 35 (DRI #24/Ord-15-27. DTS 20150173), prepared by King Engineering, Inc. and dated January 20, 2016. Staff found that the document was prepared consistent with the standards methods and applicable policies and regulations, and staff concurs with the conclusions. Based on staff review and findings, Transportation Planning approves the NOPC for Upper Manatee 288, LLC/Manatee Land Investors, LLC/Heritage Harbor, Parcel 35, DRI #24/Ord-15-27 NOPC.

The proposed NOPC includes a Land Use Exchange Matrix. The data used for this analysis matches the PM Peak Hour average trips per Institute of Transportation Engineers (ITE). The methodology for arriving at each equivalency factor is to divide the rate of the “land use to be traded” by the rate of the “equivalent land use”.

EXHIBIT 17
PARCEL 35 LAND USE EQUIVALENCY MATRIX

| <u>Land Uses To Be Traded</u> | | <u>Equivalent Land Uses</u> | | | | | | | |
|--------------------------------------|---|---|---|--|--|---|--|-----------------------|-----------------------|
| <u>ITE Code:</u> | <u>Land Use Description</u> | <u># of single-family dwelling units</u> | <u># of single-family attached units</u> | <u># of multi-family (apartments)</u> | <u># of Assisted Living Facility Beds¹</u> | <u># of sq. ft. Speciality Retail ²</u> | <u># of sq. ft. Convenience Market ³</u> | <u>Minimum</u> | <u>Maximum</u> |
| 210 | Single-family detached (dwelling unit) | 1.00 | 1.92 | 1.61 | 4.55 | 369.00 | 28.93 | 251 | 832 |
| 230 | Single-family attached | 0.52 | 1.00 | 0.84 | 2.36 | 191.88 | 15.04 | 167 | 959 |
| 220 | Multi-family Apartment (Dwelling Unit) | 0.62 | 1.19 | 1.00 | 2.82 | 228.78 | 17.93 | 0 | 398 |
| 254 | Assisted Living Facility (Bed) ¹ | 0.22 | 0.42 | 0.35 | 1.00 | 81.18 | 6.36 | 0 | 229 |

General Note: The calculation must always be read from left to right. Start in the “Land Uses to be Traded” column at the appropriate row and proceed horizontally to the appropriate “Equivalent Land Uses” column. The equivalent is noted at the intersection of that

row and column. For example, one Single-Family Attached Dwelling Unit (“Land Uses to Be Traded”, second row) can be traded into 191.88 square feet of Specialty Retail (“Equivalent Land Uses”, fifth column).

General Note: All rates used are P.M. Peak Hour

¹Includes Group Care Home, “Small and “Large”

²Specialty Retail ITE Land Use Code is 826. Includes Neighborhood and General Retail Sales, Eating Establishment, Bank, Business Services, Professional Office, Clinic, Neighborhood Dry Cleaner, Day Care, Personal Service Establishment, School of Special Education, Post Office, Private Community Use, Public Community Use, Medium Intensity Recreational Use.

³Convenience Market ITE Land Use Code is 852. Includes Convenience Retail.

2) Add Multi-family, Commercial and ALF as potential uses on Parcel 35 (as entitlements may be attained through LUEM);

Currently, Parcel 35 is approved for single-family attached, single-family detached, and single-family semi-detached residential uses only. The proposed potential multi-family and ALF residential uses will add to the mix of residential use types already approved for Parcel 35. The proposed potential commercial/retail uses are limited to retail wholesale or office commercial uses which function in the marketplace as neighborhood or community serving uses (Policy 2.2.1.11.2) and subject only to uses included on the Equivalency Matrix for Parcel 35 above, also attached as Exhibit 17.

3) Realign Port Harbour Parkway Extension through Parcel 35 and corresponding “update of notes”;

The site is adjacent to Upper Manatee River Road and the future Port Harbour Parkway. The 2030 Future Traffic Circulation Functional Classification Map indicates these roadways as Arterial and Urban Collector, respectively. Currently Port Harbour Parkway is constructed and extends from Kay Road eastward to Winding River Trail. A small portion of the parkway west of Parcel 35 is not constructed. This part of the Port Harbour Parkway was planned to connect a roadway between the Waterlefe Golf and River Club Subdivision and Parcel 35.

The applicant proposes to change the alignment of Port Harbour Parkway to run through the northern and central part of Parcel 35 ending at Upper Manatee River Road. This new alignment provides an opportunity to locate an alternative second access to Upper Manatee River Road if the need arises in the future. It will be contingent upon Traffic Design staff at the Final Site Plan level to either accept the location with the stated separations or suggest a new location based on prevailing conditions. In this context, Transportation Planning staff has no concerns and does not object to the proposed alignment.

4) Specify the amount and types of development that may be authorized on Parcel 35;

The applicant proposes to add potential commercial, multi-family and ALF uses to the current residential mix of use types for Parcel 35. The proposed commercial uses are shown on the Equivalency Matrix for Parcel 35 and limited to retail wholesale or office commercial uses which function in the marketplace as neighborhood or community serving uses. (Policy 2.2.1.11.2).

The Local Development Agreement governs the allocation of a maximum number of residential units to Parcel 35 out of the total number of residential units approved for the entire DRI.

The Amended and Restated Local Development Agreement, dated September 4, 2014, as recorded in Official Records Book 2535, Pages 5795-5818 of the Public Records of Manatee County, Florida, provides in §1.4 for the maximum number of residential units allocated to Parcel 35 from the surplus residential units on the remainder of the Heritage Harbour DRI, as being in the range of 735 to 1,400 residential units out of a total of 5,000 residential units allocated to Parcel 35 in terms of minimums and maximums for each type of use and structure type shall be in accordance with the Parcel 35 Land Use Equivalency Matrix attached as Exhibit 17.”

5) Update Wetland information shown on Map H and Modify provisions related to wetland buffers and impacts for parcel 35;

The following Table 13.4 (Revised October 2006) is being revised and attached to the Ordinance as Exhibit 2:

| Table 13.4 Summary of Wetland Impacts Proposed (Revised January 13, 2016) (Cont.) Within Heritage Harbour inclusive of Moore's Dairy | | | | |
|---|----------------------------------|-----------------------|-------------------------------------|-----------------|
| Wetland I.D. | Wetland Type at Impact Locations | Impact Type | Ecological Quality of Impacted Area | Acres of Impact |
| Impacts associated with Heritage Harbour (original project area) | | | | |
| BB | Forested | Road | Medium/High | 0.20 |
| BB | Herbaceous | Drainage Improvements | Medium/High | 1.06 |
| CCC | Herbaceous | Stormwater | Medium/Low | 0.25 |
| DD | Herbaceous | Golf | Low | 0.62 |
| E | Forested | Road | Medium/Low | 0.04 |
| F1 | Herbaceous | Commercial | Medium | 0.76 |
| F2 | Herbaceous | Commercial | Medium | 2.98 |
| FF | Herbaceous | Commercial | Medium/Low | 0.94 |
| G | Herbaceous | Commercial | Medium/Low | 2.89 |
| G2 | Herbaceous | Commercial | Medium/Low | 0.23 |
| GG | Herbaceous | Road/Commercial | Medium | 1.19 |
| H | Forested | Road | Low | 0.11 |
| I1 | Forested | Golf | Low | 0.49 |
| I2 | Herbaceous | Golf | Low | 0.17 |
| I3 | Forested | Golf | Low | 0.30 |
| II | Shrub | Drainage Improvements | Low | 0.01 |
| J | Forested | Golf | Low | <0.001> |
| J | Forested Road | Road | Low | 0.07 |
| K | Forested | Road | Medium/High | 0.17 |
| K | Forested | Golf | Medium/High | <0.001 |

| NN | Herbaceous | Residential/Stormwater | Medium/Low | 0.40 |
|---|---|------------------------|--|-------------------------|
| PP | Herbaceous | Road | Low | 0.10 |
| Table 13.4(Revised January 13, 2016) Continued – page 2. | | | | |
| Summary of Wetland Impacts Proposed | | | | |
| Within Heritage Harbour Inclusive of Moore’s Dairy | | | | |
| Wetland I.D. | Wetland Type at Impact Locations | Impact Type | Ecological Quality of Impacted Area | Acres of Impact |
| Impacts associated with Heritage Harbour (original project area) | | | | |
| Q | Forested | Road/Commercial | High | 5.02 |
| Q2 | Forested | Road | Medium/High | 0.71 |
| R | Herbaceous | Road | Medium | 1.47 |
| S | Herbaceous | Road | Medium/High | 1.05 |
| S | Forested | Road | High | 3.43 |
| VI | Forested/Shrub | Road | Medium/Low | 0.01 |
| WH | Forested | Road | Medium | 0.49 |
| WH | Forested/Herbaceous | Golf | Medium/Low | 0.23 ¹ |
| X | Forested | Golf | Medium | 0.11 ¹ |
| ZZZ | Rim ditch | Road | Low | 0.01 |
| River Marsh | Herbaceous | Road | High | 0.13 |
| River Marsh | Forest/Herb | Golf | Medium | 0.16 ¹ |
| River Marsh | Herbaceous | Marina | High | 1.50 |
| Heritage Harbour Wetland Impact Acreage Subtotal => | | | | 27.3² |
| Wetland Impact Credit Available pursuant to the DO* => | | | | 2.04* |
| Moore’s Dairy | | | | |
| A | Herbaceous | Residential | Very Low | 0.29 |
| B | Herbaceous | Residential | Very Low | 0.60 |
| C | Herbaceous | Residential | Very Low | 0.96 0.00 |
| D | Herbaceous | Residential | Very Low | 0.66 0.83 |

| | | | | |
|---|-------------------|--------------------|-----------------|----------------------|
| <u>E</u> | <u>Herbaceous</u> | <u>Residential</u> | <u>Very Low</u> | <u>0.50</u> |
| F | Herbaceous | Residential | Low | 0.74 0.00 |
| G | Herbaceous | Residential | Very Low | 0.86 |
| H | Herbaceous | Residential | <u>Very Low</u> | 0.03 |
| <u>Reserve (C & F)</u> | <u>Herbaceous</u> | <u>Residential</u> | <u>Low</u> | <u>1.03**</u> |
| Moore's Dairy Wetland Impact Acreage Subtotal = > | | | | 4.14 |
| TOTAL WETLAND IMPACT AREA => | | | | 33.48 |

¹Temporary impacts only associated with selective clearing for golf flight paths. A total of 1.22 acres of selective clearing was identified pursuant to PDMU-98-08/FSP-04-100; 0.5 acres of which resulted in temporary wetland impacts.

²Of the 27.3 acres of wetland impacts, 0.5 acres are temporary impacts associated with selective clearing. Therefore, permanent impacts are limited to 26.8 acres.

*Miscellaneous impact reserved for future site plan revisions; administrative authorization may be granted based on Manatee County Final Site Plan standards.

**For Moore's Dairy – indicates miscellaneous impact acreage reserved for future site plan revisions. This reserve brings the Moore's Dairy total to 4.14 acres (consistent with the previously tabulated wetland impact subtotal for Moore's Dairy per version of Table 13.4 revised October 2006).

Wetlands:

According to the environmental narrative provided by Steinbaum & Associates dated August 27, 2015, there are 8 jurisdictional wetlands within the project area totaling 6.61 acres. Of these, 6 are being impacted (3.11± acres), as they are very low quality and are spread throughout the project area.

The two not being impacted will serve as wetland mitigation through enhancement and wetland creation adjacent to one or the other wetland, to be determined and detailed with the Final Site Plan for the project area. As part of the revisions to the prior ordinance conditions, the applicant has provided an updated Table 13.4 in strike-through & underline format.

| Wetland I.D. | Acres Impacted | Type | Quality | Reason for Impact | NRD Objection |
|--------------|----------------|------------|---------|-------------------|---------------|
| A | 0.29 | Herbaceous | Low | Road | No |
| B | 0.60 | Herbaceous | Low | Lots | No |
| D | 0.83 | Herbaceous | Low | | No |
| E | 0.50 | Herbaceous | Low | | No |
| G | 0.86 | Herbaceous | Low | Lots | No |
| H | 0.03 | Herbaceous | Low | | No |

Uplands:

According to the environmental narrative there is no native upland habitat on-site, as the site has served as grazing land for cattle.

Endangered Species:

According to the environmental consultant no listed species were observed on-site.

Trees

There appear to be very few trees on-site. Tree removal and replacement will be required to be addressed in accordance with the LDC requirements.

6) Other minor updates, previously granted legislative extensions, terminology changes, and revisions to reflect consistency with prior approved changes and/or the LDA;

Florida Statutes §252.363 authorized the tolling and extension of buildout dates of a development of regional impact. In 2015, a State of Emergency (Executive Order 15-173) was declared for Tropical Storm Erika which changed the buildout dates for the Heritage Harbour DRI, reflected in Table 1 and General Condition O(4) below.

The following shows only the development conditions being revised or added to the development order in strike-thru and underline format:

Section 5. DEVELOPMENT CONDITIONS

Table 1- Development Totals

TYPE OF DEVELOPMENT: Multi-Use Development

LOCATION: Northeast of the intersection of 1-75 and SR 64

TOTAL DEVELOPMENT AMOUNTS:

| CATEGORY | ACREAGE ¹ | PHASE I ² 2000-2019 ^{7*} | PHASE II ² 2004-2024 ^{2*} | TOTAL |
|--------------------------|------------------------------------|---|--|---|
| Commercial | 464.3 <u>154.0</u> | | | |
| Retail ³ | | 300,000 s.f. | 551,900 <u>488,837</u> s.f. | 851,900 <u>788,837</u> s.f. |
| Office ³ | | 103,250 s.f. | 66,750 s.f. | 170,000 s.f. |
| Hotel ³ | | 150 rooms | 150 rooms | 300 rooms |
| ACLF <u>ALF</u> | | 0 | 600 beds | 600 beds |
| Residential ⁴ | 1302.3 <u>1282.6</u> | | | |

| | | | | |
|---|---------------|-------------|-------------------------------------|---------------------------------------|
| Single-family detached | | 1,290 units | 980 units | 2,270 units |
| Single-family attached or semi-attached attached <u>detached</u> | | 500 units | 640 units | 1,140 units |
| Multi-family | | 760 units | 830 <u>1,180**</u> units | 1,590 <u>1,940**</u> units |
| Total Residential Units | | 2,550 units | 2,450 units | 5,000 units |
| Right of Way | 67.9 | | | |
| Open Space | 1250.2 | | | |
| Golf Course | 250 acres | 36 holes | 9 holes | 45 holes |
| Park | 41.2 acres | 41.2 acres | | 41.2 acres |
| Wetlands, Lakes, Passive Recreation | 959 | | | |
| Total | 2784.7 | | | |

Expiration Date: November 20, 2026

*November 21st of referenced year for Phase 1 and Phase II.

**This number includes 350 multi-family units approved through Equivalency Matrix (AD12-15, dated 11/06/12) which allows for conversion of units, but is not included in total of residential units. Total entitlements for residential units remain 5,000 units.

¹ Acreage figures subject to adjustment due to final survey and platting, surveyed jurisdictional determinations, permit survey data, etc.

²The Phase 1 and II build-out dates include the three year extension authorized pursuant to Paragraph 380.06(19)(c), Florida Statutes and legislatively authorized extensions pursuant to HB 7207 and F.S. 252.363.

³ Development minimum and maximums for Parcels 19 and 20 shall be per the Land Use Equivalency Matrix (LUEM) included as Exhibit 15.

⁴ Residential units may be exchanged among the types of approved units per the Land Use Equivalency Matrix (LUEM) included as Exhibit 15.

⁵ Part of total project area of 2,784.7.

⁶ Development minimums and maximums shall be per the LUEM included as Exhibit 17.

⁷ Because mitigation has been completed for PH I and PH II, residential entitlements remaining at the end of Phase I may be carried over to Phase II.

EXHIBIT 17
PARCEL 35 LAND USE EQUIVALENCY MATRIX

| Land Uses To Be Traded | | Equivalent Land Uses | | | | | | | |
|------------------------|---|-----------------------------------|-----------------------------------|--------------------------------|---|---|--|---------|---------|
| ITE Code: | Land Use Description | # of single-family dwelling units | # of single-family attached units | # of multi-family (apartments) | # of Assisted Living Facility Beds ¹ | # of sq. ft. Speciality Retail ² | # of sq. ft. Convenience Market ³ | Minimum | Maximum |
| 210 | Single-family detached (dwelling unit) | 1.00 | 1.92 | 1.61 | 4.55 | 369.00 | 28.93 | 251 | 832 |
| 230 | Single-family attached | 0.52 | 1.00 | 0.84 | 2.36 | 191.88 | 15.04 | 167 | 959 |
| 220 | Multi-family Apartment (Dwelling Unit) | 0.62 | 1.19 | 1.00 | 2.82 | 228.78 | 17.93 | 0 | 398 |
| 254 | Assisted Living Facility (Bed) ¹ | 0.22 | 0.42 | 0.35 | 1.00 | 81.18 | 6.36 | 0 | 229 |

General Note: The calculation must always be read from left to right. Start in the "Land Uses to be Traded" column at the appropriate row and proceed horizontally to the appropriate "Equivalent Land Uses" column. The equivalent is noted at the intersection of that row and column. For example, one Single-Family Attached Dwelling Unit ("Land Uses to Be Traded", second row) can be traded into 191.88 square feet of Specialty Retail ("Equivalent Land Uses", fifth column).

General Note: All rates used are P.M. Peak Hour

- (1) Includes Group Care Home, "Small and "Large"
- (2) Specialty Retail ITE Land Use Code is 826. Includes Neighborhood and General Retail Sales, Eating Establishment, Bank, Business Services, Professional Office, Clinic, Neighborhood Dry Cleaner, Day Care, Personal Service Establishment, School of special Education, Post Office, Private Community Use, Public Community Use, Medium Intensity Recreational Use.
- (3) Convenience Market ITE Land Use Code is 852. Includes Convenience Retail

B(5). Prior to commencement of Phase II, the developer shall dedicate 100 feet of right-of-way and construct Port Harbour Parkway as a two-lane thoroughfare roadway, including sidewalks, bike lanes, appropriate intersection improvements and associated retention, from its I-75 terminus to the eastern boundary of the original 2,485 acre tract. (Completed)

For that portion of Port Harbour Parkway planned through Parcel 35, ~~on the north side of the 288 acre addition (parcel 35), adjacent to where the Waterlofe project previously dedicated 42 feet of right-of-way,~~ the Developer* shall dedicate the necessary remaining right-of-way to achieve a total of 105 feet for the eastern most 500 foot segment and 100 feet for the remaining segment, prior to the first Final Plat approval in Parcel 35. [The provisions of this Section B(5) have been supplanted by the LDA.]

This segment of Port Harbour Parkway shall be completed as a two lane divided roadway (outer lanes) with bike lanes and a sidewalks and include the ultimate configuration of Port Harbour Parkway at the intersection of Upper Manatee River Road as set forth in Stipulation B(8). Temporary striping shall be utilized until the full intersection improvements are made by the county.

B(12) Parcel 35 is approved for 735 to 1,400 residential dwelling units, subject to the cumulative development limitations of the DRI. Per the Amended and Restated LDA dated August 12, 2014, certain unused DRI entitlements from other portions of the project may be available for use on Parcel 35 over time, and compliance with such LDA provisions shall be required at the time of PSP or FSP approval, as applicable. Dwelling units may be converted to other uses pursuant to the

Land Use Equivalency Matrix (Exhibit 17). Upon utilization of the Land Use Equivalency Matrix, the applicant shall provide a table on the FSP indicating the exchange of units or square footage and corresponding increase or decrease of total unit counts and square footage by land use type. Development minimums and maximums for Parcel 35 shall be per the Land Use Equivalency Matrix (LUEM) included as Exhibit 17 of this Development Order.

C. ENVIRONMENT

C(1)

- e. Upland buffers between on-site wetlands, marshes, streams or rivers and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetation or be replanted with native, transitional zone or upland vegetation. All wetland buffers shall have signage posted depicting the purpose and intent of the buffer. Signage text and location shall be approved by the Natural Resources Division manager ~~Director of the environmental Management Department~~. The use of pesticides, herbicides, or fertilizers, unless part of an approved nuisance and exotic management plan, shall be prohibited in these buffers and the wetlands they protect.
- g. Post-development wetlands, conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas shall be placed under conservation easements conveyed to Manatee County consistent with the restrictions on development provided for in Section ~~749~~ 706 of the Land Development Code.

I. RECREATION AND OPEN SPACE

- I(3) A system of bicycle and pedestrian trails shall be developed to link the residential, commercial and recreational areas. If bicycle trails are combined with the required sidewalk system, then it shall be designed and constructed with a minimum width of 8 feet. If it is not combined with the sidewalk, then a 4 foot wide lane shall be provided on each side of the roadway. Prior to the first residential subphase south of Port Harbor Parkway and the first residential subphase north of Port Harbour Parkway a comprehensive pedestrian/bicycle plan for each side of Port Harbour Parkway shall be submitted and approved by Manatee County. (Completed)

K. HURRICANE PREPAREDNESS

- K(5). Notwithstanding the ability to exchange among residential unit types, per the Land Use Equivalency ~~Matricies~~, no increase in multi-family or single-family semi-detached units shall be permitted in the CHHA (Coastal High Hazard Area).

Stipulation L(3) below is being added to the Development Order per the School District of Manatee County School (letter dated 1/23/2016).

L. EDUCATION

- L.(3) The development was previously approved for 5,000 dwelling units with 1,421 total projected students. Any dwelling units added to the project through a Land Use Equivalency Matrix conversion shall be subject to review and approval of a new School Concurrency Analysis and issuance of a Certificate of Level of Service for Educational Facilities.
- L.(4) The Land Use Equivalency Matrix (LUEM) Exhibits 15 and 17 do not apply to school reviews.

N. AFFORDABLE HOUSING

N(1)

- b. The Developer* shall receive a 1:1 credit for all such qualifying units built within Phase 1 or II from January 1, 2004 to ~~December 31, 2012~~ November 20, 2024 (project buildout).

O. GENERAL CONDITIONS

O(4). Buildout shall be completed by November ~~204~~, ~~20242~~. This Development Order shall expire November ~~204~~, ~~20264~~, to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

Conclusion

It is the opinion of Staff that the Applicant has submitted clear and convincing evidence to rebut the presumption that the changes to the DRI Development Order in the NOPC application are a substantial deviation, pursuant to Section 380.06(19)(e), Florida Statutes.

ATTACHMENTS:

1. Ordinance 16-16
2. Affidavit of Publishing
3. Map H
4. Public Comment