

**MANATEE COUNTY ORDINANCE NO. PDMU-96-01(G)(R)
COOPER CREEK CENTER**

SEP 22 2 17 PM '99

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE GENERAL DEVELOPMENT PLAN FOR THE COOPER CREEK CENTER DRI TO ALLOW 880 DWELLING UNITS, 886,000 SQ. FT. OF COMMERCIAL SPACE (INCLUDING 250 MOTEL UNITS), 140,000 SQ. FT. OF OFFICE SPACE, AND A COMMUNICATIONS TOWER ON 1 ACRE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application to amend the General Development Plan, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission, concerning the application to amend the General Development Plan to allow 880 dwelling units, 886,000 sq. ft. of commercial space (including 250 motel units), 140,000 sq. ft. of office park , and a communications tower on 1 acre.
- B. The Board of County Commissioners held public hearings on July 27, 1999, August 24, 1999, and September 7, 1999 regarding the proposed General Development Plan Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code), as amended, and has further considered the information received at the public hearing.
- C. The proposed amendment to the General Development Plan regarding the property described in Section 3 herein is found to be consistent with the requirements of Manatee County Ordinance No. 97-01 (the 2020 Manatee County Comprehensive Plan), as amended.

Section 2.

- A. The General Development Plan, dated August 11, 1999, entitled Cooper Creek Center, is hereby APPROVED to allow 880 dwelling units, 886,000 sq. ft. of commercial space (including 250 motel units), 140,000 sq. ft. of office park space and one communications tower, with the following conditions and modifications included herein in Section 2.
- B. The previous development order for Cooper Creek, which was adopted on January 9, 1986 and all subsequent amendments are hereby replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

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CONDITIONS

- A.(1) Approved Development Totals and development authorized for construction pursuant to this D.O. are as set forth in Table 1. All residential development which does not have a Final Plat approval (or building permit if platting is not required) and all non-residential which does not have a building permit prior to December 30, 2002 shall be subject to review and approval of a transportation analysis pursuant to Section 380.06 Florida Statutes and issuance of a level of service certificate for all services pursuant to the Manatee County Land Development Code.
- A.(2) Existing agricultural uses on the property, in whole or in part, as an approved secondary use are hereby granted until development commences on the applicable section or portion of the site.
- A.(3) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Ordinance and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Ordinance or are not inconsistent with this Ordinance.

**TABLE 1
COOPER CREEK CENTER
PROJECT SUMMARY**

TYPE OF DEVELOPMENT:	Multi-use	
LOCATION:	Northwest quadrant of I-75 and University Parkway, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:	604.68 Acres	
Residential	317.2 Acres	
Commercial/Motel/Communications Tower	132.5 Acres	
Office	30 Acres	
Open Space (Roads, Right-of-Way, Conservation, Preservation, Floodway.)	124.98 Acres	
Residential Units	880 d.u.	
Commercial♦ (1)(2)	886,000 Sq. Ft.(1)(2)	
Office♦	140,000 Sq. Ft.	
Motel	250 Rooms	
P.M. Peak Trips (net external)	2,832 Trips	
BUILD-OUT DATE	December 30, 2008*	

♦ may include communication antenna structures as allowed by the approved General Development Plan and applicable regulations.

(1) includes gross floor area for Motel

(2) includes one existing communication antenna tower

- A.(4) Any excess infrastructure capacity constructed to potentially serve development beyond that described in Condition A.(1) shall be at the developer's risk and shall not be construed to vest additional Vertical Development* construction rights.

TRANSPORTATION CONDITIONS

- B.(1) All residential development which does not have a Final Plat approval (or building permit if platting is not required) and all non-residential development which does not have a building permit prior to December 30, 2002 shall be subject to review and approval of a transportation analysis pursuant to Section 380.06 Florida Statutes and issuance of a transportation level of service certificate pursuant to the Manatee County Land Development Code.
- B.(2) Maintenance of Acceptable Level of Service* on intersections or in the Study Area to be determined consistent with methodologies in accordance with Section 380.06, Florida Statutes shall be verified by the developer to the satisfaction of the County Transportation Authority* as part of each annual report as required by Subsection 380.06(18), Florida Statutes.
- B.(3) There shall be no approvals granted as to development beyond that specified in Table 1 unless the transportation improvements required have been completed or such improvements are determined as not warranted under the Traffic studies*. The Developer*its successors, assigns, or transferees, has prepaid transportation component impact fees for Vertical Development* specified in Table 1 in the amount of \$1,040,000.00 in accordance with the Fee Agreement * entered into with Manatee County, incorporated herein by reference. Such impact fees shall be credited against transportation component fees subsequent due Manatee County. Such payment shall not prevent Manatee County from revising or increasing the impact fees due from the Developer as provided in Ordinance 86-09, to which these advance sums are applied.
- B.(4) The Developer* shall continue to demonstrate continuous progress towards building permit applications for the development totals set forth in Table 1. Continuous progress shall mean Final Plat approval (or the issuance of building permits if a Final Plat is not required) for 200 residential lots or dwelling units and the issuance of building permits for at least 50,000 square feet of non-residential use. Failure to demonstrate such progress may require a revised and updated Traffic Study* to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the developer, upon recommendation by the Planning Director.
- B.(5) The Developer* shall provide for a bus bay area acceptable to Manatee County at one location within each commercial land use area and at one location on University Parkway near the project entrance at time of Development. (This condition provides the Transportation Management System required by TBRPC).
- B.(6) The Developer* shall implement, at their expense, the following specified safety transportation improvements prior to the issuance of the next Certificate(s) of Occupancy:
- a. Signalize the intersection of University Parkway and Cooper Creek Boulevard. The signal shall be of the mast arm type.
 - b. Provide a westbound right-turn deceleration lane on University Parkway, at the intersection with Cooper Creek Boulevard. The turning lane length shall be 500 feet.

- c. Provide an additional southbound left-turn lane on Cooper Creek Boulevard at the intersection with University Parkway. The resulting dual left-turn lanes shall have a queue length component of 225 feet each. The southbound right-turn lane queue length should be 150 feet. The dual left-turn lanes shall be supplemented by guiding pavement markings to provide turning lane separation (2-ft long dashed lines with 4-ft gaps to channelize turning traffic).
- B.(7) The Developer* shall evaluate the need for traffic safety and circulation improvements with each PSP*. Manatee County shall review and evaluate the information submitted by the Developer* and reserve the right to require additional safety and circulation improvements such as turn lanes, signals, signal timing, and pavement markings.
- B.(8) Cross-access shall be provided for vehicular traffic and pedestrians between Parcel F and the property to the west, between Honore Avenue and Parcel F. If, when the parcel to the west is approved, cross access from that site to Parcel F is not required, then the cross access for this site shall no longer be required.
- B.(9) Parcel B shall include right-of-way and the construction of a street to the northern property line to facilitate a future inter-neighborhood tie. The appropriate location shall be determined at time of Preliminary Site Plan approval and coordinated with the parcel to the north.
- B.(10) Passive traffic calming devices (e.g., landscaped traffic islands, pavement textures changes, etc.) shall be utilized on local residential streets at interneighborhood ties, intersections, and on lengthy straight sections of local roadways, subject to approval by Manatee County.
- B.(11) The eastern right turn-in, right turn-out along University Parkway from Parcel F as identified on the GDP, shall be subject to approval and the conditions of the amended interlocal agreement with Sarasota County for University Parkway.
- B.(12) The cross-access between Parcels G and F shall be subject to approval by EMD, SWFWMD, and other reviewing agencies.

ENVIRONMENT AND NATURAL RESOURCES

Air Quality

- C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the site plan to alleviate potential negative impacts of the project on ambient air quality.

Water Quality, Wetlands* and Drainage

- D.(1) In order to protect water quality in the Braden River Watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 62-302, and 62-25, F.A.C., as well as Manatee County requirements.
- D.(2) The Developer* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County and the Environmental Management Department (EMD) in accordance with Exhibit H to Class I water quality standards. The

program shall continue through one year beyond project buildout. The County may require that the program may be extended beyond buildout if conditions are observed that would require additional monitoring. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by the appropriate authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit H, shall be submitted to the City of Bradenton and TBRPC for review and comment, and approval by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this rezone ordinance.

- D.(3) The Developer* shall continue to conduct the comprehensive ground water quality and quantity monitoring program as previously approved by EMD and attached as Exhibit H. The program shall continue through one year beyond project buildout.

All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by the appropriate authority.

- D.(4) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.
- D.(5) The entire development shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 604.75± acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code or as otherwise approved by Manatee County.
- D.(6) Impacts to Wetlands*, Preservation Areas*, and Conservation Areas* shall be mitigated in accordance with Table 3. Mitigation shall be required prior to the completion of the parcel in which the impact occurs.

a. **Preservation and Conservation Areas***

Preservation and Conservation Area* shall comprise of all SWFWMD jurisdictional wetlands, in addition to other areas as delineated on Exhibit C.

The Conservation Areas* on site encompass approximately 51.96 acres as indicated on the attached Revised Preservation/Conservation Map dated July 28, 1999, Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated.

There shall be no impact to those Wetlands* encompassing approximately 16.41 acres, indicated as Preservation Areas* on the attached Revised Preservation/Conservation Map dated July 28, 1999, Exhibit C. Impacts authorized pursuant to state and federal permits approved prior to the effective date of this development order and impacts for necessary infrastructure (such as roads, utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

b. Wetland Areas*

Wetlands created as a result of flood storage compensation shall be credited as mitigation lands if acceptable to the Environmental Management Department and other permitting agencies.

As required by Manatee County Comprehensive Plan Policy 3.3.1.5, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code.

Mitigation security for impacts to wetlands, preservation and conservation areas shall be required in accordance with applicable County Ordinances.

All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years.

All Post Development Wetlands*, Conservation and Preservation Areas*, and their buffers shall be protected by a recorded conservation easement to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

Each annual report shall include the results of the mitigation monitoring. The report shall also include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

**TABLE 3 COOPER CREEK CENTER
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS**

AREAS	MITIGATION RATIOS ♦♦	
	HERBACEOUS	FORESTED
TBRPC Preservation & Conservation Area*	2:1	3:1
Wetlands*	2:1♦	4:1♦

If an area falls under two categories, then the most restrictive mitigation ratio shall apply.

♦May be reduced in accordance with the Manatee County Land Development Code and Comprehensive Plan.

●Ratio is Mitigated Wetland*: Disturbed Wetlands*. Transplantation may be used for mitigation, if approved by EMD and SWFWMD. Mitigation ratios shall be as approved by those agencies. For the purposes of this section, transplantation shall be considered creation, not enhancement.

✘ Mitigation ratios for Wetland* and Conservation Areas* may include enhancement as mitigation technique. Enhancement for impacts to TBRPC Conservation Areas* shall be provided at a minimum ratio of 6:1.

- D.(7) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed applicable requirements of the adopted Manatee County Comprehensive Plan and Chapters 62-4, 62-25, 40D-4, 40D-40, or 40D-400, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit I.
- D.(8) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Stormwater is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that existing stormwater discharges be prohibited under this section.
- D.(9) Any proposed underground petroleum storage tanks shall be located in accordance with Chapter 62-762 & 62-761.500, FAC, as amended. These tanks shall include at a minimum, double-walled tanks with interstitial monitoring, double-walled integral piping, dispenser sumps, submersible pump sumps, automatic tank gauging, in-line leak detectors with automatic shutoff, sump sensors, and dispenser tilt sensors.

FLOODPLAINS

- E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.
- E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.
- E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

- F.(1) The Cooper Creek Center development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to Policies 21.2, State Comprehensive Plan and 2.7.2, FRSRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

- G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC), the Manatee County Environmental Management Department (EMD), and the Florida Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

- H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and treatment of such resources shall be determined in cooperation with the DHR, and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to Manatee County.

WASTEWATER

- I.(1) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Works Department guidelines with several means of back-up, to provide assurance against equipment failure, and discharge to the environment. These shall include:
- a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability.
 - c. Wet wells to contain sewage line surcharges/overflows.
 - d. Emergency by-pass pumpouts for tank trucks.
 - e. 100 percent redundancy in lift station pumping equipment.
- I.(2) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).
- I.(3) The Developer* shall not utilize on site wastewater treatment.
- I.(4) Prior to any submittals to the Manatee County Development Review Committee, the Developer* shall provide a Conceptual Master Plan* for sanitary sewer for approval by the Planning Department. The sanitary sewer Conceptual Master Plan* shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source and discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserved land holdings.

WATER

- J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.
- J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this rezone ordinance, "non-potable" water is defined as water emanating from any source other than a public water utility. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used

within the Evers Reservoir watershed provided that if spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.

- J(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.
- J(4) The Developer* shall enter into a participation agreement with Manatee County to provide the appropriate utilities within the Honore Avenue right-of-way.

SOLID WASTE

- K.(1) The Developer* shall provide to all Cooper Creek Center businesses information that:
 - a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas;
 - b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and
 - c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.
- K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

- L.(1) All Cooper Creek Center tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:
 - a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;
 - b. Obtain energy audits provided by energy companies or other qualified agencies;
 - c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower, except for food service establishments;
 - d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Cooper Creek Center construction;
 - e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
 - f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - g. Institute and utilize recycling programs; and

- h. Utilize energy efficient packaging or recyclable materials.

RECREATION AND OPEN SPACE

- M.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.
- M.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.
- M.(3) Prior to the first final plat approval for the residential sub-phase, unless specifically waived or deferred by Manatee County, a local park site (minimum 10 acres) shall be dedicated to Manatee County at a location acceptable to the County. Impact fee credits may be granted pursuant to the Land Development Code. Access to the park site shall be provided via a public road, constructed to County standards.
- M.(4) Community focal points shall be provided in all phases of the residential development and be located within walking distance of the residents they are intended to serve.

PUBLIC SAFETY

- N.(1) Sheriff and emergency medical services will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement shall be approved prior to the next Final Site Plan approval. Provided, however, no approval shall be delayed if the applicant submits an agreement, and it is withheld because of the County's inability or failure to determine needs or pro-rata share determination for a period exceeding 2 months after its submittal. In no event, shall the developer's payment or pro-rata share exceed impact fee amount.
- N.(2) The Cooper Creek Center development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or in compliance with the Manatee County Land Development Code requirements.

DEVELOPER COMMITMENTS

- O.(1) The Developer* shall be required to adhere to any and all commitments made in the attached Exhibit F, incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

GENERAL CONDITIONS

- P.(1) With each Preliminary and Final Site Plan submittal, a Development Land Use Summary Table shall be provided to include the number of units and square footages that have Preliminary or Final Site Plan approval.

- P.(2) If, prior to the time permanent fire protection facilities in this area of the county are needed by the Fire District, and a station is needed, the developer shall enter into an agreement to contribute a pro-rata share of the cost of a site for, and of constructing and equipping a fire protection facility if required by the Fire Department with the appropriate Final Site Plan approval.
- P.(3) Unless specifically modified with this approval, or subsequent approvals, development in the project shall comply with all requirements of the Land Development Code. Modifications, as provided for in the Land Development Code, may be approved administratively by the Director may be considered on a case by case basis.

Residential Development

- P.(4) Single-family development within Cooper Creek Center shall comply with the standards of the Land Development Code, except as follows:
- a. The minimum lot width for single-family semi-detached or zero-lot-line residences shall be 40 feet. These unit types shall not consist of more than 25 percent of the total units in the development. The minimum lot width for all other single-family residential units shall be 60 feet.
 - b. The minimum front yard building setback for residences with side loaded garages shall be 20 feet. The minimum front yard building setbacks for all other residences shall be 25 feet.
 - c. The minimum side yard building setback for zero-lot-line and single-family semi-detached residences, or garages which are semi-detached, shall be 0 feet adjacent to one property line and 15 feet on the opposite side. The minimum building setback for all other side yards in the development shall be 7.5 feet.
 - d. The minimum pavement width for all one-way street segments around cul-de-sacs which serve less than seven lots shall be 20 feet.
- P.(5) Multi-family development shall comply with the following minimum setback requirement:
- | | |
|--------------------|-----|
| Front: | 25' |
| Side: | 10' |
| Rear: | 25' |
| Between Buildings: | 20' |
| Waterfront: | 30' |
- P.(6) No residential development shall be allowed between the L10 70 dB(A) noise level contour and I-75, unless such residences are protected by some performance equivalent measure to achieve the L10 70 dB(A) exterior noise level. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.
- P.(7) All residential development in Parcels C, D, and E adjacent to Cooper Creek Boulevard shall be designed as reverse frontage in accordance with the requirements of Section 907.7.4 of the Land Development Code. Multi-family buildings within 75 feet of Cooper Creek

Boulevard, Honore Avenue, and single-family parcels shall not exceed 2 stories in height. Multi-family buildings in Parcel D shall maintain a minimum setback of 50' from the proposed north-south street located adjacent to its western boundary.

- P.(8) Multi-family (Parcel D) adjacent to the single-family (Parcel C) shall provide a landscape buffer a minimum of 30' in width, design consistent with Section 715, Figure 715.C, Option D.
- P.(9) Prior to Final Plat approval (or Final Site Plan if a plat is not required) for the 101st residential unit in any residential parcel or combined parcels, a second means of access, pursuant to Section 712.2.8, Diagram A, number 1 or 2 of the Land Development Code, shall be provided.
- P.(10) Prior to Final Plat approval (or Final Site Plan, if a plat is not required) for the 101st residential unit, Cooper Creek Boulevard shall be extended westward to Honore Avenue.
- P.(11) On or before December 30, 2002, construction of all segments of Honore Avenue shall have commenced, with completion of each segment to occur not later than 12 months following commencement of that segment. Commencement and completion of construction of portions of Honore Avenue shall be accelerated as follows:
 - a. Prior to Final Plat approval (or Final Site Plan, if a plat is not required), for the 101st residential unit, commencement of construction of that portion of Honore Avenue from University Parkway to Cooper Creek Blvd, to county standards, as defined herein, shall commence, with completion to occur prior to receipt of a Certificate of Occupancy for such 101st residential unit or other units constructed thereafter.
 - b. Prior to Final Plat approval (or Final Site Plan, if a plat is not required), for any portion of Parcels A or C, as shown on the General Development Plan, commencement of construction of that portion of Honore Avenue from Cooper Creek Boulevard to the southern boundary line of the Nelson Tract, to county standards, as defined herein, shall commence, with completion to occur on or before receipt of a Certificate of Occupancy for any residential unit within Parcel A or C.

Honore Avenue shall be constructed as a 2-lane divided roadway, with 4-foot wide bicycle lanes, and 5-foot wide sidewalks on each side, from University Parkway to the then unconstructed portion of Honore Avenue (the University Parkway extension adjacent to Tracts N-1 West and N-1 East of University Park Country Club). Manatee County shall review and approve all design and construction plans for Honore Avenue.

The Developer shall be entitled to receive transportation impact fee credit for:

- i. The value of land used for drainage, stormwater detention, and discharge for Honore Avenue improvements, not to exceed \$100,000; and
- ii. the entire cost of design and construction of roadway, drainage, bicycle, sidewalk, and other related or required amenities, for that portion of Honore Avenue constructed north of the northern access into Parcel F (The commercial tract at the northeast corner of U. Pkwy and Honore), to the then-unconstructed portion of Honore Avenue (the University Park extension adjacent to Tracts N-1 West and N-1 East of University park Country Club).

In addition, Developer shall be entitled to receive transportation impact fee credits for that portion of the cost of design and construction of roadway, drainage, sidewalk, bicycle, and other related or required improvements for that portion of Honore Avenue constructed south of the northern access into Parcel F to University parkway. The amount of such transportation impact fee credits shall equal either:

- a. The entire cost for the scope of work described herein, provided that Developer obtains, at its sole cost and expense, the area for drainage, stormwater retention, and discharge as is necessary to construct that portion of Honore Avenue from the southern boundary line of the Nelson Tract, northwesterly to the eastern edge of the then-unconstructed portion of Honore Avenue (the University Park Extension adjacent to Tracts N-1 West and N-1 East of University Park Country Club), or
- b. The difference in cost for such scope of work between a 2-lane residential roadway and the roadway ultimately constructed by Developer between University parkway and the northern access into Parcel F.

Developer shall provide notice of whether the County will be required to provide for land to accommodate drainage, stormwater retention, and discharge for the segment of Honore Avenue north of the Developer's property holdings on or before one year following the effective date of this ordinance.

Transportation impact fee credits shall not be given for necessary safety improvements.

No further development approval shall be granted after December 30, 2003, until Honore Avenue is completed.

Transportation impact fee credits shall be available to other legal entities with the same controlling interest as the developer. Allocation of credits shall be at the discretion of the developer.

- P.(12) School impacts from this development shall be determined prior to Final Site Plan approval for the first residential subphase using appropriate methodology acceptable to the School Board and Developer based upon standards utilized by the School Board. The Developer shall be responsible for providing all public school facilities so identified or otherwise fully offsetting the identified impacts. Measures for addressing and offsetting such impacts may include, without limitation, conveyance of land for school facility site(s), or pro-rata contribution to the cost of such sites.

Non-Residential Development

- P.(13) All conditions, with the exception of condition 8, of PDR/PDI/PDC-86-16(P)(R2), as amended, shall apply to the 307,500 square foot retail outlet center, previously identified as subphase 1-A of Phase 1 (See attachment G).

- P.(14) The following conditions shall apply to development in Parcels F, G, H, and I:

- a. The sides of all non-residential and multi-family buildings shall have minimal blank walls no longer than 40 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements including prominently visible

architectural details [e.g. bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Director. Design elements shall be reviewed for compliance by staff with future plan submittals.

- b. Height and setback limitations are as follows:
 - Motels located in Parcels G&H shall not exceed 75 feet in height and shall maintain a minimum setback of 75' from all streets and rights-of-way. Motels located elsewhere shall be limited to 45 feet in height.
 - Office buildings (Parcel I) shall not exceed 45 feet in height and shall maintain a minimum setback of 40' from I-75, with a 2:1 ratio additional setback for each one foot of height above 35 feet.
 - Other commercial buildings shall maintain a minimum setback of 75' from I-75, University Parkway, Honore Ave, and shall not exceed 45 feet in height.
- c. All building facades shall exhibit an aesthetically attractive appearance. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted facing any roadway or adjacent property. The applicant shall verify compliance with this provision prior to Final Site Plan approval and Certificate of Occupancy. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
- d. All truck loading, service areas, outside storage, and parking of heavy equipment, semi trucks or trailers, or other vehicles over 1-1/2 tons shall not be located adjacent to I-75, Cooper Creek Blvd., University Parkway, or Honore Avenue unless they are not visible from a height of five feet at the edge of pavement, to be determined at time of Certificate of Occupancy.
- e. Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade and maintain all building setbacks along I-75, Cooper Creek Blvd., University Parkway, and Honore Avenue.
- f. Rooftop mechanical equipment shall not be visible from I-75. All rooftop mechanical equipment shall be screened from view from I-75, Cooper Creek Blvd, University Parkway, Honore Avenue, and adjacent properties. Screening shall be provided by materials consistent with the standards of the Entranceway.
- g. Landscape buffers along I-75, University Parkway, Honore Ave, and Cooper Creek Blvd shall be as follows:

Roadway	Buffer Width
University Parkway:	50 feet*
I-75:	50 feet
Honore Avenue:	30 feet
Cooper Creek Blvd.:	20 feet**

* Excludes buffer requirements for the Cooper Creek water body
** Both sides of roadway.

This buffer area may be increased in areas for purposes of preserving significant trees or tree clusters on site, in exchange for reducing a corresponding area of the required buffer along the same roadway where no significant trees or tree clusters will be impacted. However, in no instance, shall the minimum buffer width be reduced to less than 20 feet along any roadway. Existing native trees, shrubs, and ground covers within the buffers shall be preserved to the maximum extent possible.

Sufficient area around the trees and appropriately designed tree wells shall be required as determined by a registered Landscape Architect to reasonably guarantee their survival. Existing native trees, shrubs, and ground covers within the buffer shall be preserved, to the maximum extent possible. Roadway and screening buffers may be enhanced and created consistent with Section 715 and 737 of the Manatee County LDC.

- h. To further enhance the preservation of existing trees and buffer areas, a trade-off mechanism may be approved by the Planning Director to reduce the number of landscape islands in the parking areas of the development in exchange for the preservation of existing trees or wooded areas that may otherwise be cleared.
- i. The landscape buffer in Parcel I adjacent to the FP&L easement across from the residential parcels shall be a minimum width of 20 feet. Native shrubs and trees within the buffer shall be preserved. Evergreen trees of a native specie shall be planted in those areas where the base of trees closer than 30 feet apart do not already exist. All outdoor storage shall be screened from the residential subphases by material which is 100 percent opaque.
- j. Signs shall comply with the following in addition to the requirements of the Land Development Code:
 - 1. All signs along Cooper Creek Blvd., north of the Cooper Creek crossing, shall be ground signs, not to exceed 8 feet in height, and limited to one sign at each entrance to the development.
 - 2. Free Standing signs along University Parkway, Honore Avenue, Cooper Creek Blvd, and I-75 shall be limited to one pole sign per parcel (as identified on Map H), per street frontage, as identified on the GDP. Additional permitted signs shall be limited to ground signs. All signage must provide concealment of main support structure (e.g. pole) between 20 and 100% of sign width with materials consistent with those in the development.
- k. Appropriate bicycle parking facilities with the inverted "U" style rack shall be provided for each individual non-residential project. These facilities shall be available at all structures in the development and be conveniently located to the entrances of the primary structures and in clear view of the main entries.
- l. Safe and efficient cross access for automobiles, bicycles, and pedestrians shall be provided to and through all parcels. A minimum of 5 foot wide sidewalks, pedestrian ways, or pedestrian/bikeway corridors shall be provided to facilitate internal pedestrian circulation within the development, including outparcels.

- m. Chain link fences are prohibited in non-residential parcels within 300 feet of Cooper Creek Blvd, University Parkway, I-75, and Honore Ave. Outdoor storage areas shall be enclosed in an area attached to the main structure. Areas shall be enclosed utilizing design elements and materials reflective of the main structure or decorative metal fences and grilles.
 - n. Drive-through windows for the outparcels shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.
- P.(15) Commercial development located within Parcel F shall be limited to retail sales establishments, eating establishments (including drive-thru), banks (including drive-thru), business service establishments, health services, motels, offices, car washes, dry cleaners, personal service establishments, repair service establishments, neighborhood and community serving motor vehicle repair, and building materials establishments.

DEFINITIONS Note: An asterisk (*) denotes that the word is defined.

- A. "Acceptable Level of Service*" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the most recent Highway Capacity Manual, TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service "C" on an average daily basis ("D" on a peak hour basis), which shall be measured as provided in this paragraph. Where a link or intersection in Sarasota County is operating at Level of Service "D" on an average daily basis ("E" on a peak hour basis) on the effective date of this Ordinance, then the Acceptable Level of Service in Sarasota County for that link or intersection shall mean Level of Service "D" on an average daily basis ("E" on a peak hour basis).
- B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Cooper Creek Center's Development of Regional Impact Application for Development Approval* and the NOPC submitted on July 26, 1996, and amended on April, 1997 and August 20, 1997, and the NOPC submitted on January 27, 1999 included as Exhibit "G" in the Development Order.
- C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board Resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).
- D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on "Map H", last revised on August 11, 1999, for the Cooper Creek Center DRI.

- E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on revised "Exhibit C", last revised on July 28, 1999..
- F. "County Transportation Authority*" shall be defined as the Planning Department in cooperation with Manatee County's Transportation Department, or whatever County entity is responsible for roadway approvals.
- G. "Developer*" shall mean Dick Road-Blend-All Hotel Development, Inc., a New York corporation, Walden Avenue-Blend-All Hotel Development, Inc., a New York corporation, WR-1 Associates, LTD., a Florida limited partnership, RB-3 Associates, a New York general partnership, and Nathan Benderson, Ronald Benderson, and David H. Baldauf, as Trustee under a Trust Agreement dated September 22, 1993, known as the Randall Benderson 1993-1 Trust, their heirs, assigns, designees, agents, and successors in interest.
- H. "Development Approval*" shall mean any approval for development granted through the Preliminary and Final Site Plan* or the Preliminary and Final Subdivision Plat process, and construction drawing approval where site plans are not required.
- I. "Development Order" shall mean the Ordinance Granting a Development Order for Cooper Creek Center, Ordinance 99-40.
- J. "Fee Agreement*" shall mean the Transportation Component Impact Fee agreement by and between the County and the developer's predecessor's in interest, which was adopted on February 10, 1987 and is attached hereto as Exhibit D.
- K. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:
1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or
 2. Actual construction; or
 3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or
 4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development, whichever is sooner.
- L. "General Development Plan*" shall be defined as Revised Map H, last revised on July 7, 1999, incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

- M. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadway, drainage, water, sewer, communication, utilities, etc).
- N. "Owner*" shall mean Dick Road-Blend-All Hotel Development, Inc., a New York corporation, Walden Avenue-Blend-All Hotel Development, Inc., a New York corporation, WR-1 Associates, LTD., a Florida limited partnership, RB-3 Associates, a New York general partnership, and Nathan Benderson, Ronald Benderson, and David H. Baldauf, as Trustee under a Trust Agreement dated September 22, 1993, known as the Randall Benderson 1993-1 Trust, their heirs, assigns, designees, agents, and successors in interest as to the Cooper Creek Center DRI and all its stipulations.
- O. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.
- P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01), as amended, for a Phase or Sub-Phase.
- Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on revised "Exhibit C", last revised on July 28, 1999.
- R. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.
- S. "Traffic Study*" shall mean a report presented by the Developer*, pursuant to the provisions of Section 380.06, F.S. and Rule 9J-2.045 F.A.C., using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, the Florida Department of Community Affairs, and the Florida Department of Transportation. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area*, to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals* cumulatively.
- T. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the cumulative traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area will be determined with the traffic study required for development approval after December 30, 2002. This area is generally depicted on Map J which was submitted with the ADA. This area will be revised as appropriate, based on a new Traffic Study*.
- U. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

- V. "Warranted*" shall mean a determination by the County based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order.
- W. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District.

Section 3. LEGAL DESCRIPTION.

FROM THE S.W. CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, BEING ON THE NORTH RIGHT OF WAY LINE OF COUNTY LINE ROAD, RUN S 89°24'05" E (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLAN COORDINATE SYSTEM), ALONG THE SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 303.59 FEET TO THE POINT OF BEGINNING; THENCE N 00°20'30" W, PARALLEL WITH AND 303.55 FEET EASTERLY OF THE WEST LINE OF SECTION 36, A DISTANCE OF 5343.35 FEET; THENCE N 02°45'45" E, PARALLEL WITH AND 303.55 FEET EASTERLY OF THE WEST LINE OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, A DISTANCE OF 2674.17 FEET TO THE NORTH LINE OF THE S.W. 1/4 OF SAID SECTION 25; THENCE S 89°10'54" E, ALONG SAID NORTH LINE, A DISTANCE OF 2335.77 FEET TO THE WESTERLY RIGHT OF WAY LINE OF S.R. 93 (I-75, SECTION 13075-2402); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE (AND INTERSECTION RIGHT OF WAY) THE FOLLOWING EIGHT COURSES: VIZ: S 13°40'31" E, A DISTANCE OF 6145.63 FEET; AND S 09°40'31" E, A DISTANCE OF 518.74 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3180.04 FEET; AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°30'18", A DISTANCE OF 638.55 FEET; AND S 04°37'06" W, A DISTANCE OF 450.00 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 216.0 FEET; AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 83°40'21", A DISTANCE OF 315.44 FEET, TO THE P.T. OF SAID CURVE; AND S 88°17'27" W, A DISTANCE OF 628.42 FEET; AND N 89°25'07" W, A DISTANCE OF 298.24 FEET; AND S 00°34'53" W, A DISTANCE OF 2.00 FEET, TO THE ABOVE DESCRIBED NORTH RIGHT OF WAY LINE OF COUNTY LINE ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING EIGHT COURSES: VIZ: N 89°25'07" W, A DISTANCE OF 440.34 FEET; AND N 89°24'06" W, A DISTANCE OF 7.33 FEET, TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5865.58 FEET; AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°05'48", A DISTANCE OF 828.89 FEET, TO THE P.T. OF SAID CURVE; AND S 82°30'06" W, A DISTANCE OF 549.31 FEET; AND S 00°35'54" W, A DISTANCE OF 33.33 FEET; AND S 82°30'06" W, A DISTANCE OF 12.41 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5626.58 FEET, AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°05'48", A DISTANCE OF 795.11 FEET, TO THE P.T. OF SAID CURVE; AND N 89°24'05" W, A DISTANCE OF 220.21 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 25 & 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 604.68 ACRES, MORE OR LESS.

Section 4. EFFECTIVE DATE.

This Ordinance shall become effective on September 24, 1999 unless a challenge is filed to small-scale plan amendment [Ordinance 99-42(PA-99-18)]. In that event, the effective date of this Ordinance shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S., provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order.

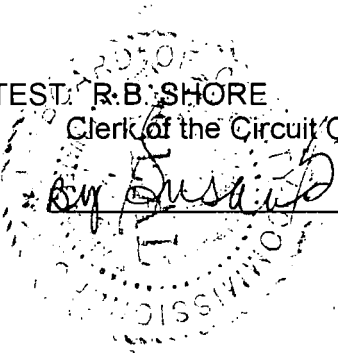
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 7th day of September, 1999.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Stan Stephens
Chairman

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

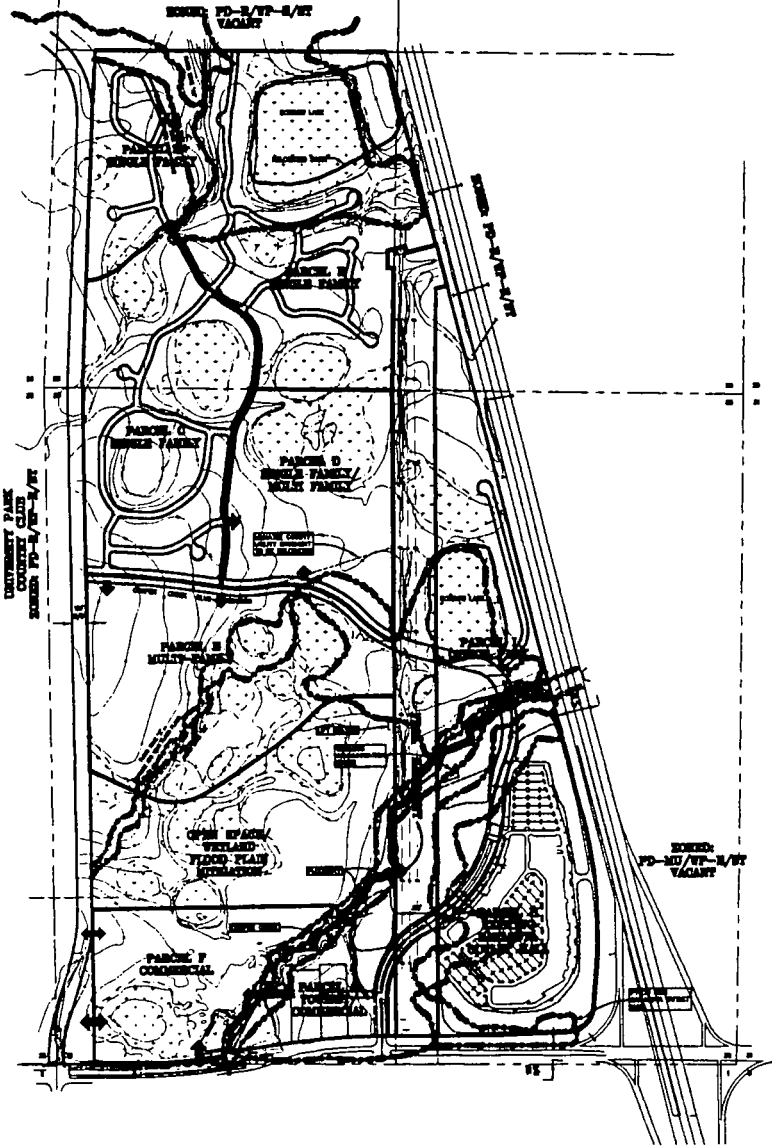
Susan Komine



EXHIBITS D AND I

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED PDMU-96-01(G), APPROVED ON NOVEMBER 4, 1997.

EXHIBIT B
PDMU-96-01(Z)(G)(R)



LAND USE SUMMARY

LAND USE	ACRES	PERCENT
RESIDENTIAL	10.00	100.00
TOTAL	10.00	100.00

PARCEL SUMMARY

PARCEL	ACRES	USE
A	0.4	RESIDENTIAL
B	0.4	RESIDENTIAL
C	0.4	RESIDENTIAL
D	0.4	RESIDENTIAL
E	0.4	RESIDENTIAL
F	0.4	RESIDENTIAL
G	0.4	RESIDENTIAL
H	0.4	RESIDENTIAL
I	0.4	RESIDENTIAL
TOTAL	4.0	RESIDENTIAL

ABSTRACT
[Detailed text describing the land parcels and their boundaries, including references to previous surveys and legal descriptions.]

NOTES
[Detailed notes regarding the development plan, including conditions for approval, easements, and other relevant information.]

- NOTES**
1. The applicant shall comply with all applicable laws, codes, and ordinances.
 2. The applicant shall provide a performance bond for the construction of the project.
 3. The applicant shall provide a maintenance plan for the project.
 4. The applicant shall provide a site plan for the project.
 5. The applicant shall provide a utility plan for the project.
 6. The applicant shall provide a drainage plan for the project.
 7. The applicant shall provide a landscaping plan for the project.
 8. The applicant shall provide a lighting plan for the project.
 9. The applicant shall provide a security plan for the project.
 10. The applicant shall provide a fire plan for the project.
 11. The applicant shall provide a noise plan for the project.
 12. The applicant shall provide a traffic plan for the project.
 13. The applicant shall provide a parking plan for the project.
 14. The applicant shall provide a signage plan for the project.
 15. The applicant shall provide a utility easement for the project.
 16. The applicant shall provide a drainage easement for the project.
 17. The applicant shall provide a landscaping easement for the project.
 18. The applicant shall provide a lighting easement for the project.
 19. The applicant shall provide a security easement for the project.
 20. The applicant shall provide a fire easement for the project.
 21. The applicant shall provide a noise easement for the project.
 22. The applicant shall provide a traffic easement for the project.
 23. The applicant shall provide a parking easement for the project.
 24. The applicant shall provide a signage easement for the project.

LEGEND

[Symbol]	RESIDENTIAL
[Symbol]	COMMERCIAL
[Symbol]	VACANT
[Symbol]	EXISTING
[Symbol]	PROPOSED
[Symbol]	UTILITY
[Symbol]	DRAINAGE
[Symbol]	LANDSCAPING
[Symbol]	LIGHTING
[Symbol]	SECURITY
[Symbol]	FIRE
[Symbol]	NOISE
[Symbol]	TRAFFIC
[Symbol]	PARKING
[Symbol]	SIGNAGE
[Symbol]	UTILITY EASEMENT
[Symbol]	DRAINAGE EASEMENT
[Symbol]	LANDSCAPING EASEMENT
[Symbol]	LIGHTING EASEMENT
[Symbol]	SECURITY EASEMENT
[Symbol]	FIRE EASEMENT
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[Symbol]	TRAFFIC EASEMENT
[Symbol]	PARKING EASEMENT
[Symbol]	SIGNAGE EASEMENT

CAD file name: K:\cadd\COOPER\BENDERSON\cad-rpdp.dwg
Plot date and time: 1/25/99 2:17:11

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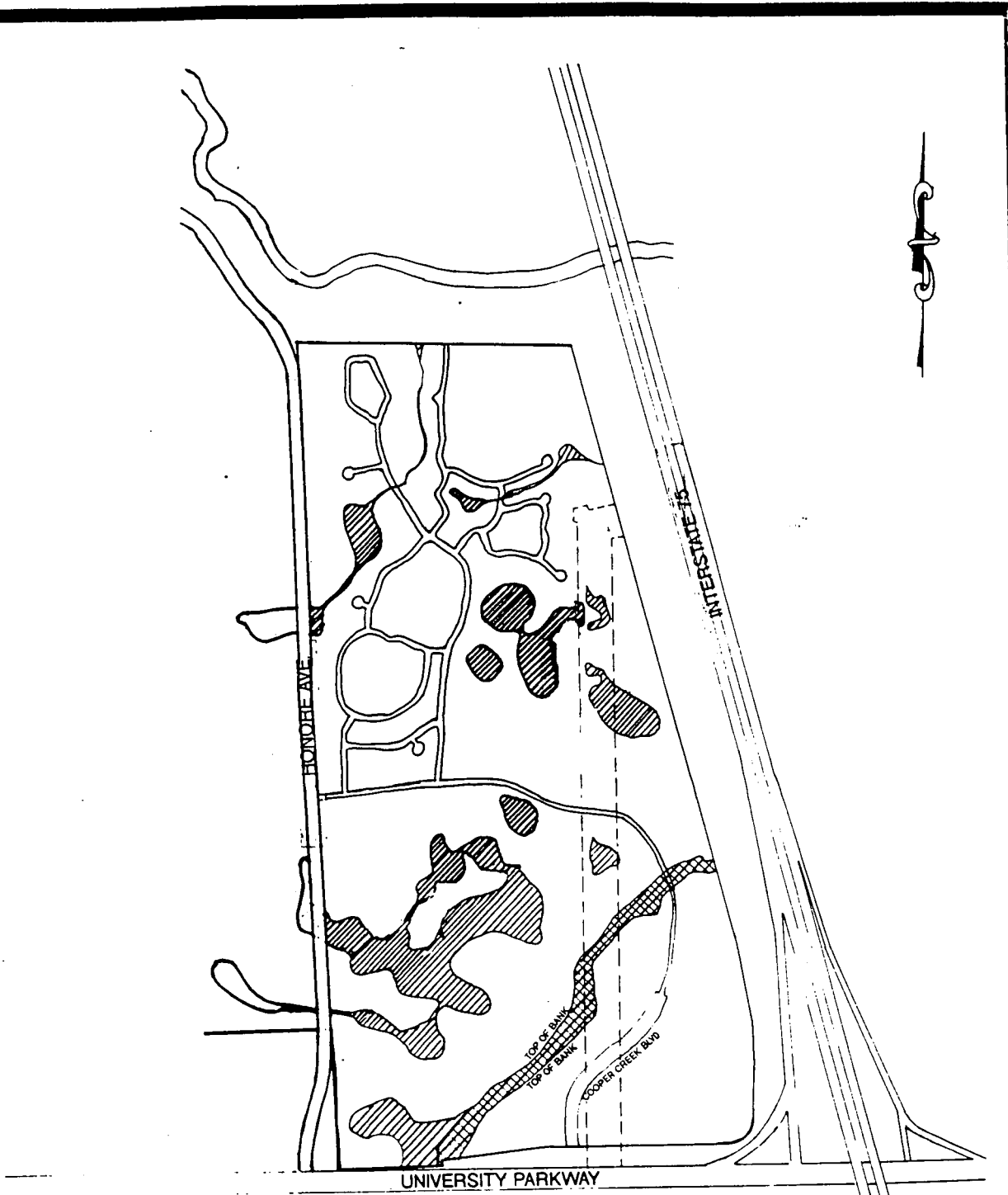
REVISED GENERAL DEVELOPMENT PLAN
FOR
COOPER CREEK/BENDERSON
LOCATED IN
SECTIONS 23 & 36, TOWNSHIP 30 SOUTH, RANGE 16 EAST
MANATEE COUNTY, FLORIDA

8/11/99



Zoller, Haas & Shover, Inc.

EXHIBIT C




NOTE:
 FINAL ACREAGES TOTALS DEPENDENT
 UPON CERTIFIED SWFWMD
 JURISDICTIONAL DETERMINATION



SCALE 1 1000

LEGEND

	CONSERVATION	51.96
	PRESERVATION	16.41
	TOTAL	68.37±

REVISED 7/28/99 5/1/97 11/12/96	COOPER CREEK MIAMI-DADE COUNTY, FLORIDA	PRESERVATION & CONSERVATION AREAS	MAP C
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"EXHIBIT F"

DEVELOPER COMMITMENTS

1. The home sites will be clustered around the sites/ natural features. (ADA Pg 12-1)
2. Infrastructure including water, sewer and electricity, along with roadway paving, will be in place prior to certificate of occupancy. (ADA, Pg 32-2)
3. There will be a minimum of three percent of the original coniferous remaining after development. (Pg 12-4, S.R.)
4. Standard fugitive particulate abatement procedures will be used to control dust prior to construction of the various phases of Cooper Creek Center. (Pg. 13-5, S.R.)
5. Manatee County Air Pollution Rules take effect at the time of construction approval and will apply throughout the balance of construction of Cooper Creek Center. (Pg. 13-5, S.R.)
6. Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering, or the use of calcium chloride will be employed as needed. (ADA, 14-2; SRII, pg A1-10)
7. Flood elevations will generally not be altered by the development; however, the acreages within the flood hazard zones will change due to dredge and fill activities which will occur as part of the construction of the stormwater management system and site grading plan. (Pg. 17-1, S.R.)
8. The 25-year flood elevations of Cooper Creek will be shifted approximately 0.5 feet higher within the project by the construction of a new bridge across Cooper Creek and encroachment down to the 10-year floodplain of Cooper Creek. (Pg. 17-1, S.R.)
9. The 100-year flood elevation will not be increased off-site due to the additional flow capacity provided by the new auxiliary floodway to be constructed in the uplands along the northwest side of Cooper Creek. (Pg. 17-1, S.R.)
10. There will be no significant net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)
11. Clearing of existing vegetation will be selective, emphasizing conservation of valuable existing plant materials and wetlands. (ADA, pg 12-5)
12. The applicant agrees to cooperate with the Division of Archives and Manatee County in deciding the ultimate disposition of any archaeological or historical resources found during construction. (Pg. 19-1, S.R.)
13. The project will comply with the requirement of Chapter ~~17-25~~ 62.4, 62.25, 40D-4, 41D-40, and 40D-400, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)
14. The wastewater collection system outside the public rights-of-way will be maintained by the owner of the property. (Pg. 21-1, S.R.)
15. Water users in the industrial park will have individual meters in order to encourage water conservation. (Pg. 21-2, S.R.)

16. The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions. (ADA, Pg. 22-1)
17. The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting and equipment. (ADA, 25-3)
18. The proposed facilities and open space will be owned, operated, and maintained by the Developer, its successors and assigns. (SRIV, pg. 17)
19. Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA, Pg. 14-2)
20. When practical, conveyance within the drainage system will incorporate isolated Wetland systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA, 15-10)
21. Alterations to the floodplain and floodway of Cooper Creek will allow portions of the floodplain and floodway to be utilized for development or stormwater management without reducing the conveyance of Cooper Creek or causing an increase in the 100-year flood stage. (Pg. 17-6, ADA)
22. A new crossing between powerline bridge and I-75 bridge may be constructed having a flow cross section at stage 18.0 feet msl at least equal to the existing box culvert crossing under University parkway. This crossing will be either a bridge or a triple box culvert with the center barrel 2.0 feet lower than the outer barrels to provide for passage of animals along the Cooper Creek corridor. (Pg. 22-14, ADA)
23. Natural trail or other passive recreational elements may be constructed in Subbasin A outside the banks of the creek but within the floodway. These elements will be design not to reduce the conveyance of Cooper Creek and its floodway. (Pg. 22-14, ADA)
24. The fire flow required will be based upon the proposed type of construction at the current recommendation of the National Board of Fire Underwriters at the time of construction. (Pg. 23-4, ADA)
25. The developer will satisfy county and SWFWMD regulations regarding encroachments on the floodplain of Cooper Creek. (PBS&J/TBRPC meeting June 25, 1985)
26. No upland development is planned within the 25-year floodplain of the Braden River, Subbasins D, E, F and G. (Pg. 17-8, S.R.)
27. Four wildlife corridor areas located along the tributaries within the project will be protected from any future development other than recreation and stormwater retention, through the use of easements and restrictive covenants. (P. 18-1, S.R. and Pg. 18-5, ADA)

"EXHIBIT H"

SURFACE AND GROUND WATER MONITORING PLANS COOPER CREEK CENTER DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(3) of the Cooper Creek Center Development Order. The Developer* shall develop a monitoring plan addressing the criteria listed below within six months of approval of this Development Order.

- a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet and dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.
- b. Parametric coverage of the monitoring plan should include the following:
 - specific conductance (field)
 - temperature (field)
 - dissolved oxygen (field)
 - pH (field)
 - flow rates (field)
 - chlorides
 - sulfates
 - fluoride
 - total dissolved solids
 - total suspended solids
 - ammonia
 - nitrate
 - nitrite
 - total Kjeldahl nitrogen
 - total nitrogen
 - orthophosphate
 - total phosphorous
 - copper
 - lead
 - zinc
 - mercury
 - nickel
 - arsenic
 - cadmium
 - chromium
 - silver

- total coliform
 - fecal coliform
 - BOD-5
 - primary organics (pesticides and herbicides)
- c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a ½ inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.
- d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.
- e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County and the EMD.
- f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by the Manatee County Environmental Management Department, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.

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



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

HISTORIC PRESERVATION BOARDS
Historic [redacted] Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
JUNGLE MUSEUM OF ART
FILED FOR RECORD
R.B. SHORE
CLERK OF CIRCUIT COURT
MANATEE COUNTY
SEP 22 2 16 PM '99

September 17, 1999

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

Attention: Susan G. Romine, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters dated September 13, 1999 and certified copies of Manatee County Ordinance Nos. 99-40 and PDMU-96-01 (G) (R), which were filed in this office on September 17, 1999.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure