

MANATEE COUNTY ORDINANCE PDMU-96-01(G) (R-9)
COOPER CREEK CENTER

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2011 DEC -9 PM 1:23
DEPARTMENT OF PLANNING
TALLAHASSEE, FLORIDA

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING ORDINANCE PDMU-96-01(G)(R-8) TO AMEND THE DEVELOPMENT ORDER TO EXTEND THE BUILD OUT DATE, EXPIRATION DATE, AND CLOS EXPIRATION DATE PURSUANT TO EXTENSIONS GRANTED WITH HOUSE BILL 7207; ALLOW AN ADDITIONAL 20,000 SQ. FT. OF COMMERCIAL USE AND 83,000 SQ. FT. OFFICE USE; ALLOW A TRADEOFF ALLOWANCE FOR AN ADDITIONAL 20,000 SQ. FT. OF SCHOOL USE WITH A CORRESPONDING REDUCTION OF COMMERCIAL AND/OR OFFICE; ADD A TRADEOFF FOR AN ASSISTED LIVING FACILITY (ALF) FOR RESIDENTIAL; PERMIT ADDITIONAL ACCESS POINTS FROM COOPER CREEK BOULEVARD; ADD NEIGHBORHOOD COMMERCIAL AND ALF AS PERMITTED USES IN PARCEL K, AND ALF IN PARCEL G; MODIFY THE DEFINITION OF CONSERVATION AREA TO MEAN AREAS UNDER A CONSERVATION EASEMENT TO MANATEE COUNTY OR AS SHOWN ON EXHIBIT "C"; UPDATE EXHIBIT "C"; DELETE TABLE 3; ELIMINATE REFERENCE TO EXHIBIT "H"; DELETE STIPULATION B(14); AMEND THE GENERAL DEVELOPMENT PLAN TO IMPLEMENT THESE CHANGES; AMEND STIPULATIONS TO FACILITATE THESE CHANGES; AMEND STIPULATIONS TO UPDATE CONDITIONS AND DEPARTMENTAL REFERENCES; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. COOPER CREEK IS GENERALLY LOCATED NORTHWEST OF UNIVERSITY PARKWAY AND I-75 INTERSECTION (604.68 ± ACRES).

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

Section 1. AMENDMENT AND RESTATEMENT OF ORDINANCE PDMU-96-01(R8). Ordinance PDMU-96-01(G) (R9) is hereby amended and restated in its entirety below. All prior zoning ordinances (and any site plans approved pursuant thereto) shall be superseded by this ordinance.

Section 2. DEFINITIONS. All capitalized terms used herein shall have the meanings set forth in Ordinance 05-54, as amended, Section 380.06 F.S., the Manatee County Comprehensive Plan or the Manatee County Land Development Code, in that order of precedence.

Section 3. 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 which is approved for 767 dwelling units, 774,000 sq. ft. of commercial space, a 250 room motel 140,000 sq. ft. of office space, up

to 26,000 of school (which includes up to 6,000 sq. ft. for schools of special education), and a communications tower on 1 acre.

- B. The Planning Commission held a public hearing on November 10, 2011 and found that the amendment to the Zoning Ordinance and revised General Development Plan were consistent with the Manatee County Comprehensive Plan and recommended approval of the applications subject to the conditions specific therein.
- C. The Board of County Commissioners held a public hearing on December 1, 2011, regarding the proposed General Development Plan Amendment described herein, in accordance with the requirements of Manatee County Ordinance 90-01 (the Manatee County Land Development Code), as amended, and has further considered the information received at the public hearing.
- D. The proposed amended and restated General Development Plan and Zoning Ordinance regarding the property described in Section 3 herein is found to be consistent with the requirements of Manatee County Ordinance 97-01 (the 2020 Manatee County Comprehensive Plan), as amended.

Section 4. GENERAL DEVELOPMENT PLAN

- A. The General Development Plan, dated September 2011 entitled Cooper Creek Center, is hereby APPROVED to allow 767 dwelling units, 794,000 sq. ft. of commercial space; 223,000 sq. ft. of office space; 20,000 sq. ft. of school space (which may revert to office and/or commercial space); up to an additional 26,000 square feet of school in lieu of office and/or commercial space; 250 motel units, and one communications tower, with the following conditions and modifications included herein in Section 4.
- B. The previous Zoning Ordinance PDMU-96-01(G)(R8)] for Cooper Creek, which was adopted May 24, 2011, is hereby replaced in 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.
- C. The Board of County Commissioners hereby grants Specific Approval from compliance with Sections 737.5.1.1, 715.3.2.c.1.a, and 710.1.3.3.1 of the Land Development Code.
- D. **CONDITIONS**
 - A.(1) Approved Development Totals and development authorized for construction pursuant to this Zoning Ordinance are as set forth in Table 1. All Final Plats (or Building Permits if platting is not required) for residential development and all

building permits for non-residential development shall be approved or issued prior to December 30, 2019.

- 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/School*		132.5 Acres
Office/School*		30 Acres
Open Space (Roads, Right-of-Way, Conservation, Preservation, Floodway.)		124.98 Acres
Residential Units	767 d.u	
Commercial	794,000sq. ft ^{(1),(2),(3)}	
Office	223,000sq. ft. ^{(1), (3)}	
Motel	250 Rooms	
School *	20,000 sq. ft	
P.M. Peak Trips (net external)	3,085 Trips	
BUILD-OUT DATE	December 30,2019	

- (1) May include communication antenna structures as allowed by the approved General Development Plan and applicable regulations.
- (2) Includes one existing communication antenna tower.
- (3) May include up to an additional 26,000 sq. ft. of School* upon corresponding decrease of office and/or commercial uses at a 1:1 ratio. All School* space may revert to office space, and/or commercial space.

- 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.
- A.(5) Tradeoffs between the land uses set forth in Table 1 may be granted by the the Building and Development Services Director with an amendment to the General Development Plan approved by staff along with a traffic study addressing any changes in trip generation, distribution, average queue length at intersections, and any mitigation necessary as a result of the trade-off (Note: If the trip generation estimates as a result of the tradeoff are less than or equal to what was previously approved, a traffic study shall still be required to address the change in entering and exiting percentages, and consequently other measures of effectiveness). The staff has not reviewed any such "trade-off" and has not determined whether any "trade-off" is appropriate. Any proposal for a "tradeoff" shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan. The developer shall also be required to demonstrate that 1) the quantities of solid waste generated, potable water consumed, and wastewater, and 2) the impacts to the County Parks, Transit Services, EMS, and Sheriff, in the event of any tradeoffs, are less or meet County standards in effect at the time of tradeoff. The Developer* shall give the State Land Planning Agency and the Tampa Bay Regional Planning Council notice of its intent to trade off land uses at least 15 days prior to the County's approval of any such trade off. The Notice shall identify the resulting impacts of the trade off in terms of land use, traffic generation, potable water, wastewater, solid waste, and affordable housing. In addition, the DRI biennial report shall include information indicating cumulative amounts of development which have been approved by the County as of the biennial report date and the resulting impacts on traffic generation, potable water, wastewater, solid waste, and affordable housing. Following the County's approval of any such trade off, the County shall provide to the State Land Planning Agency and TBRPC a copy of said approval. An amendment to applicable provisions of this ordinance shall not be necessary or required to approve a "trade off" pursuant to this condition.

The following limitations shall apply to any tradeoff:

1. Residential uses shall not be increased nor decreased by more than 200 dwelling units. 680 to 1,080 Dwelling Units. An ALF may be permitted in lieu of dwelling units.
2. The mix of approved uses shall not be increased nor decreased by more than 50,000 square feet of General Commercial or Office. 744,000 to 844,000 square feet for General Commercial and 173,000 to 273,000 Square Feet for Office.
3. Hotel uses shall not be increased or decreased by more than 75 motel rooms. 175 to 325 Rooms.

TRANSPORTATION CONDITIONS

- B.(1) Reserved.
- 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 a tradeoff is approved, consistent with the limitations of condition A(5) and the transportation improvements required have been completed or such improvements are determined as not warranted under the* transportation analysis.
- B.(4) The southern access to Honore Avenue in Parcel G shall be as far south as possible and approved by the County at time of Final Site Plan approval.
- 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) (Completed).
- B.(6) The Developer* shall implement, at their expense, the following specified safety transportation improvements:
 - a. Signalize the intersection of University Parkway and Cooper Creek Boulevard. The signal shall be of the mast arm type. Completed.
 - 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. Completed.
 - 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). Completed.
 - a. Add one, northbound to eastbound right-turn lane from Honore Avenue to Cooper Creek Boulevard, approximately 400 feet in length, prior to the issuance of the Certificate of Occupancy for the second office building in Parcel K. Completed.

- b. Add one eastbound to northbound left turn lane from University Parkway to Cooper Creek Boulevard adjacent to the existing left turn lane, prior to the issuance of the Certificate of Occupancy for the second office building in Parcel K. Completed.
- 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. Completed.
- B.(9) Parcel D 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. (Completed)
- 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. (Completed)
- B.(11) The eastern right turn-in, right turn-out along University Parkway from Parcel H as identified on the GDP, shall be subject to approval and the conditions of the amended interlocal agreement with Sarasota County for University Parkway. Completed
- B.(12) The proposed right-in/right -out access point onto University Parkway, as identified on Exhibit B, GDP located approximately 450 ft west of the intersection of Cooper Creek Blvd with University Parkway (on Parcel I), shall be subject to approval of the Ninth Amendment to the Interlocal Agreement for University Parkway between Manatee County and Sarasota County.
- B.(13) The cross-access between Parcels H and I shall be subject to approval by Planning Department, SWFWMD, and other reviewing agencies. Completed
- B.(14) With each Final Site Plan approved after approval of PDMU-96-01(G)(R-5) the applicant shall reserve as much right-of-way as practical to accommodate a 250-foot half right-of-way for the future expansion of I-75. No site improvements shall be located within this reserved right-of-way area. With respect to the approved FSP [PDMU-96-01(R-2)/FSP-01-130(R)] for the two (2) 35,000-square-foot office buildings, the applicant shall submit a revised Final Site Plan to show that no buildings shall be located within the right-of-way reservation area.

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 . 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. All monitoring reports shall be submitted to Manatee County and to the TBRPC with each biennial report.

Any changes to the Surface Water Quality Monitoring Program Criteria, 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 Building and Development Services Department. The program shall continue through one year beyond project buildout. All monitoring reports shall be submitted to Manatee County and to the TBRPC with each biennial report.

Any changes to the Groundwater Quality Monitoring Program Criteria shall be submitted to the City of Bradenton and TBRPC for review and comment, and approval by Manatee County.

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 SWFWMD requirements, or the Manatee County Comprehensive Plan if mitigation is not required by the State. Mitigation shall be required prior to the completion of the parcel in which the impact occurs.

a. **Preservation and Conservation Areas***

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 88 acres as indicated on the attached Revised Preservation/Conservation Map dated September 2011, 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 September 2011, 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 Planning Department and other permitting agencies.

As required by Manatee County Comprehensive Plan, the Developer* shall provide buffers around all Post-Development Wetlands*.

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 biennial 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.

- 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 68A-27.003 through 68A-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 Fish and Wildlife Conservation Commission (FFWCC), the Manatee County, 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) Sanitary sewer facilities including lift stations (pump stations) shall be designed, installed/constructed and equipped in accordance with the version of Manatee County Public Works Utility Standards that is in affect at the time of final site plan submittal.

- I.(2) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (98-28).
- 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. Completed.

- 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.
- M.(5) The single-family residential phases of the project (north of Cooper Creek Boulevard) shall contain at least 7 acres of usable park area, as generally depicted on Exhibit J. Pedestrian walkways associated with this open space area shall be located in an upland area of at least 15 feet in width, exclusive of lots or other required buffers or greenbelts. Open space vistas of lakes and wetlands from streets shall be substantially consistent with the design of Exhibit J. Completed
- M.(6) The multi-family component shall contain a recreational area of at least 1 acre and include a commercial grade tot lot. Completed

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. Completed per agreement dated October 24, 2005.

- 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 all single-family residences shall be 52 feet. These lots widths 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 building setback for all other side yards in the development shall be 7.5 feet, provided lots that are less than 60 feet wide may be developed with side yard setbacks of 6 feet. These shall not comprise of more than 50 percent of the single-family residential component of the project and shall be identified as a phase(s) of development with the Preliminary and Final Site Plans.

 - 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 or ALF 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 (including an ALF) 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, or the ALF shall be constructed to mitigate noise.
- P.(7) All residential development in Parcels A, A-1, B, and G 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.
- P.(8) 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.(9) 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.(10) 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 B, D, or E, 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 B, D, or E.

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 H (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 H 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 H.

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. (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.(11) 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. (Completed)

Non-Residential Development

P.(12) The following conditions shall apply to development in Parcels H, I, J, and K:

- 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 I&J 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.
 - Buildings (Parcel K) 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, Honore Ave, and shall not exceed 45 feet in height. Commercial buildings in Parcels H, I and J shall maintain a minimum setback of 30 feet from University Parkway, unless otherwise restricted by buffer widths as stated in Condition P.(13).g. below.
- 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 east of Cooper Creek Blvd to I-75:	Average 20 feet*
University Parkway west of Cooper Creek Blvd	50 feet
I-75:	50 feet
Honore Avenue:	30 feet
Cooper Creek Blvd.:	20 feet variable to 10 feet*

*This buffer area may be increased in areas for purposes of preserving significant trees or tree clusters on site, or to accomplish redevelopment 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. Minimum width shall be in accordance with that shown on attached East Buffer Exhibit (Exhibit "L"). The reduction to 10 feet along Cooper Creek Blvd. is intended to be the exception rather than the rule. Existing native trees, shrubs, and ground covers within the buffers shall be preserved to the maximum extent possible.

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 K adjacent to the FP&L easement across from the residential parcels shall be a minimum width of 20 feet unless otherwise approved by the Manatee County with approval of the Final Site Plans. Native shrubs and trees within the buffer shall be preserved. Evergreen trees of a native species 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. Exceptions may include limited access to parking in the eastern ½ of the FP&L easement for Parcel K (between Wetland T and the section line), and Parcel J provided that the parking will not be visible from any residential lot. Lighting within the parking lot shall comply with the Land Development Code.
- j. All signage for the Cooper Creek DRI shall be permitted as shown on the attached Master Signage Plan and Key Legend, Exhibit "K" and as described below (dimensions represent proposed height):

Signs along Cooper Creek Boulevard (North of Tourist Center Drive)

- D-1: Freestanding Directional – 10 feet 6 inches
- G-1: Freestanding Ground Sign – 12 feet 0 inches

Signs along University Parkway

- W-2: Gateway Entrance Sign (University Consumer Square)
- W-3: Gateway Entrance Sign (The Shoppes at University Center)
- P-1: Freestanding Pylon Sign – 25 feet 0 inches
- P-2: Freestanding Pedestal Sign – 25 feet 0 inches
- P-1B: Freestanding Pylon Sign – 35 feet 0 inches

Signs along Honore Avenue

- W-2: Gateway Entrance Sign (University Consumer Square)
- D-1: Freestanding Directional Sign – 10 feet 6 inches
- G-1: Freestanding Ground Sign – 12 feet 0 inches
- P-1: Freestanding Pylon Sign – 25 feet 0 inches

Signs along University Parkway (South of Tourist Center Drive)

P-1B: Freestanding Pylon Sign – 35 feet 0 inches

W-3: Gateway Entrance Sign (The Shoppes at University Center)

P-1: Freestanding Directional Sign – 25 feet 0 inches

Signs along I-75

P-2: Freestanding Pedestal Sign – 25 feet 0 inches

P-3: Freestanding High Rise Sign – 100 feet 0 inches

P-1A: Freestanding Pylon Sign – 20 feet 0 inches

In addition to the above, the following shall be met:

1. Any additional sign proposed other than that shown on the approved Master Sign Plan attached as Exhibit K shall require an amendment to the Cooper Creek General Development Plan and Zoning Ordinance at an advertised public hearing, unless otherwise permitted in the LDC.
 2. No signs shall be permitted within public rights-of-way.
 3. Proposed signs shall not conflict with existing and proposed landscaping to the maximum extent possible:
 - i. Environmental Planning shall review individual sign permits to assist in determining optimal location for signs:
 - a.i. Within roadway buffers to allow maximize visibility of signs, while minimizing removal of existing trees.
 - b.i. Internal, wall, and perimeter signs to ensure placement of signs and to give consideration to existing landscaping to prevent unnecessary pruning or trimming of vegetation to maintain sign visibility.
 - c.i. And sign footers to ensure minimal impacts to root zones.
 4. Signs shall be set back a minimum of 5' from all property lines with the exception of the Message Center Sign (LED sign), which shall be set back a minimum of 12'.
 5. All proposed signage along I-75 and University Parkway shall be no closer than two hundred feet apart.
 6. All existing free-standing signage shall be improved or modified to match proposed signage materials.
 7. No signs shall be permitted in the floodways, conservation areas, or wetlands, other than those signs permitted elsewhere in the LDC (i.e., conservation signs).
 8. Signage shall be placed so it does not conflict with vehicular clear zones. FDOT Indices and clear zone requirements shall be met.
- 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.(13) Commercial development located within Parcel H 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.

P. (14) Commercial (non-office) development located within Parcel K shall be limited to retail sales establishments, eating establishments, banks, business service establishments, health services, dry cleaners, personal service establishments and repair service establishments. Each individual establishment shall be limited to 5,000 SF and the total amount of non-office commercial space in Parcel K shall be limited to 50,000 SF.

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, the NOPC submitted on January 27, 1999, the NOPC submitted on January 9, 2002, the NOPC submitted on May 17, 2005, the NOPC submitted on March 27, 2009, the NOPC submitted on 2010 the NOPC submitted on March 16, 2011, and the NOPC submitted on August 24, 2011.
- 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 "April 2011 for the Cooper Creek Center DRI.
- E. "Conservation Area*" shall mean areas under a Conservation Easement to Manatee County and those areas shown on revised "Exhibit C", revised September 2011.
- 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-I Associates, LTD., a Florida limited partnership, RB-3 Associates, a New York general partnership, 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, and Wilmington Land Company, a Florida Corporation, 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 11-16.
- 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.
- 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 the site plan for PDMU-96-01, last revised on September 2011, incorporated as part of "Exhibit B" and made a part hereof. Development on the General Development Plan 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-I Associates, LTD., a Florida limited partnership, RB-3 Associates, a New York general partnership, 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, and Wilmington Land Company, a Florida Corporation, 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", revised on September, 2011
- R. "School" shall not include a public or private K-12 school.
- S. "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.
- T. "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.
- U. "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*.
- V. "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.
- W. "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.

- X. "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 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. 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 7. EFFECTIVE DATE.

This Ordinance shall become effective upon filing of a certified copy of this Ordinance with the Department of State, provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend any additional development authorization granted by this Development Order.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 1st Day of December 2011. .

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY:


Carol Whitmore, Chairman

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

BY: 
Deputy Clerk

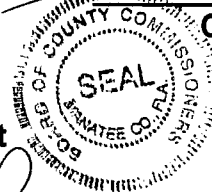
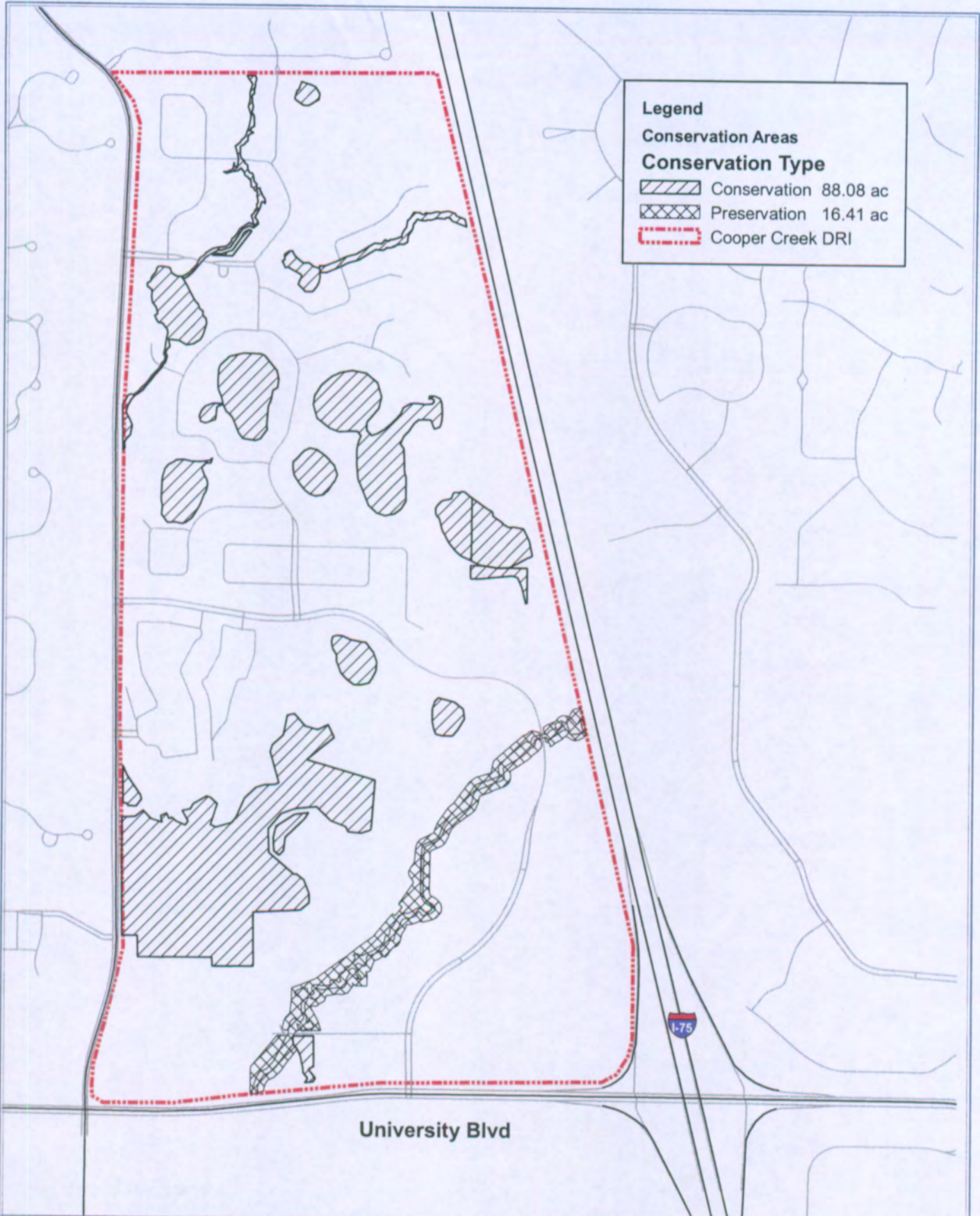


Exhibit "B" (GDP) and Exhibit "C" (Preservation/Conservation Map) are attached

Exhibits F, G, I, J, & K, are not attached, but are on File with the Clerk of the Court.




Exhibits K (Master Sign Plan) and L (East Buffer Exhibit) per Ordinance No. PDMU-96-01(G)(R-7) are not attached; but is on file with the Clerk of the Court.



Legend

Conservation Areas

Conservation Type

-  Conservation 88.08 ac
-  Preservation 16.41 ac
-  Cooper Creek DRI

University Blvd

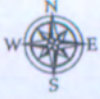
I-75

BENDERSON
 DEVELOPMENT COMPANY, LLC
 8441 Cooper Creek Blvd
 University Park, FL 34201
 941-359-8303

PROJECT: Cooper Creek DRI, Manatee County, FL

**Exhibit "C" Cooper Creek DRI
 Preservation and Conservation Areas
 Manatee County, Florida**

ORIGINAL DATE: 07/12/2011
 REVISION DATE: 09/26/2011
 JOB NUMBER: 2400
 FILE NAME: Cooper Creek Conser...msd
 GIS OPERATOR: LEF



1 inch = 1,000 feet



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 5th day of

December, 2011

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

December 13, 2011

RECEIVED

DEC 20 2011

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

BOARD RECORDS

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 5, 2011 and certified copies of Manatee County Ordinance Nos. 11-38, PDMU-96-01(G)(R9) and Z-11-07, which were filed in this office on December 9, 2011.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd

Enclosure

