



MANATEE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

CERTIFIED MAIL P 260 314 627

September 16, 1992

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Re: Corrective Document for Cypress Banks DRI Amended Development
Order

Dear Ms. Greene:

Enclosed is a certified copy of the Corrective Document approved by
the Board of County Commissioners on September 8, 1992 for the
amended development order (R-92-170) for Cypress Banks.

If you have any questions, please contact Norm Luppino of this
department at 748-4501, extension 3070.

Sincerely,

Betsy Benac
Community Planning Administrator

mailed 9/16/92
received 9/17/92

BB/NL/jy

Enclosure

cc: Carol B. Clarke, Director, PPI
Norm Luppino, Principal Planner
Case File

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071

P.O. Box 1000 • Bradenton, Florida 34206-1000

RESOLUTION R-92-170

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-89-161(R), AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on November 16, 1989, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to SMR Development Corporation.

WHEREAS, the applicant has requested that the Development Order be amended to allow a change to Exhibit D to allow the religious center to be constructed in Phase I instead of Phase II as approved.

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board finds that the proposed change to Exhibit D is not a substantial deviation and that Exhibit D is hereby amended as follows:

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

<u>PHASE***</u>	<u>COMMERCIAL USE</u>	<u>RECREATION USE</u>	<u>DWELLING UNITS</u>
I (1990-1995)	Resort Center*	Tennis Complex First and Second Golf Course (18 Holes Each) Religious Center	1405**
II (1995-2000)	203,500 s.f. Community Shopping	Third Golf Course (18 Holes) Equestrian Center	1405
III(2000-2005)			1406
IV (2000-2009)			<u>1406</u>
		TOTAL	5622

- * Includes 27,000 s.f. of Specialty Retail
- ** 300 rooms in Resort Hotel - Hotel does not count as dwelling unit
- *** Phasing Schedule is based upon the projections in the ADA - with a completion date of 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board finds that the amended Condition C.(3) adequately addresses the impact of the proposed change to Exhibit D and Condition C.(3) of the Cypress Banks DRI is hereby amended as follows:

CONDITION C.(3)

- C.(3) Approval of each Preliminary Development Plan* shall be contingent upon satisfaction of the following:
 - a. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic

THIS IS A CORRECTIVE DOCUMENT

and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing -or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

- b. For Phase I, with the exception of the religious center which shall comply with subparagraph C.(3)c. below, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for Phase I through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. The Developer* may elect, at the time of Phase I preliminary development plan submittal, to mitigate the transportation impacts of Phase I of the project through the payment to Manatee County of its proportionate share for transportation impacts which has been calculated pursuant to approved Subsection 380.06, Florida Statutes methodology as \$913,469.00 or the projected impact fees for the Transportation component for the entire first phase, whichever is greater. If the proportionate share is greater, it shall be adjusted annually based on Florida Construction Index until paid.

Manatee County shall utilize the Developer's payment to construct or obtain the construction of one or more improvements to State Road 70 in the area between U.S. 301 and Interstate 75 which area is identified in Exhibit "C" of the Development Order. The improvements constructed shall be at a cost equal to or greater than the Developer's proportionate share as adjusted. The timing of commencement of construction and completion of construction shall be

identified prior to or with the approval of the Preliminary Development Plan and the TBRPC and the DCA shall be notified of such schedule, provided that the improvements shall be completed by the buildout date of Phase I, or within five years of approval of the first preliminary development plan for Phase I, whichever is earlier.

Any payments due shall be paid in cash or by certified check under this subparagraph C.(3)b.2 and shall be paid on or before the earlier of the following:

- (i) at the time of the application for the first building permit for any building structure within the Phase; OR
- (ii) within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph C.(3)b.2.

If payment has not been made previously, on or before the approval by the County of the Final Development Plan for Phase I or any subphase therein, Developer shall post an irrevocable letter of credit acceptable to County, to secure the full amount of the payment which shall be subject to being reduced to cash at such time as payments are required to be made for the project(s) as set forth above. Such letter of credit shall be from a federally insured bank or savings and loan association within one hundred (100) miles of Bradenton, Florida. the amount of the irrevocable letter of credit shall not have the effect of establishing the payment amount as being equal to the then existing impact fees due under Manatee County Ordinance 86-09. Revisions in the impact fee schedule set forth in said Ordinance shall apply to impact fees due herein, unless the impact fees are paid in cash pursuant to a Fee Agreement prior to any such revisions becoming effective.

- c. For all development after Phase I, and the religious center which is scheduled in Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:
 - 1. All of the Warranted* improvements to prevent degradation of Acceptable Level

of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. For all development after Phase I, the Developer shall comply with C.(3)a. or C.(3)c.1, or the Developer shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.
- d. Manatee County shall rely upon payments made and shall make financial construction, and other commitments once payments are made by the Developer*. Prior to any payment made under Subparagraph C.(3)b.2., the Developer* shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer* understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made pursuant to C.(3)b.2.(i) and C.(3)b.2.(ii) above, shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer has posted a Letter of Credit, and no payment has been paid pursuant to Paragraph C.(3).b.2.i or C.(3).b.2.ii above, and if the Developer is legally prohibited from utilizing the mitigation option set forth in Subparagraph C.(3)b.2. above, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.
- e. In the event that Manatee County fails to construct or have constructed the Transportation Project(s) pursuant to the approved construction timing, all development activity including the issuance of building permits and certificates of occupancy, within Phase I of the Cypress Banks development shall cease and no development may proceed under this Development Order unless the requirements

of either subparagraphs C.(3)a. or C.(3)b.1. of stipulation C.(3) are met. This paragraph shall not be construed as a waiver or granting of any rights by or to the Developer against Manatee County for Manatee County's failure to construct the Transportation Project(s).

In the event the Developer* fails to pay his proportionate share as defined in subparagraph C.(3).b.2 in the time and manner set forth therein, the option to Developer* under subparagraph C.(3).b.2. shall terminate.

- 3. All other provisions of Development Order Resolution No. R-89-161(R) shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ORIGINALLY ADOPTED AND APPROVED, by the Board of County Commissioners of Manatee County, Florida on the 23rd day of July, 1992.

THIS CORRECTIVE DOCUMENT IS PASSED AND DULY ADOPTED this 8th day of September, 1992.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Kathy A. Snull
Chairman

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

[Signature]

THIS IS A CORRECTIVE DOCUMENT

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a copy of RESOLUTION NO. 92-170 adopted by the Board of County Commissioners of said County on the 8th day of Sept., 1992, this 11th day of Sept., 1992, in Manatee County, Florida.

R. B. Shore
Clerk of Circuit Court
BY: [Signature]

MANATEE COUNTY
1989
DIVISION

RESOLUTION R-92-170

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 - a. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic

identified prior to or with the approval of the Preliminary Development Plan and the TBRPC and the DCA shall be notified of such schedule, provided that the improvements shall be completed by the buildout date of Phase I, or within five years of approval of the first preliminary development plan for Phase I, whichever is earlier.

Any payments due shall be paid in cash or by certified check under this subparagraph C.(3)b.2 and shall be paid on or before the earlier of the following:

- (i) at the time of the application for the first building permit for any building structure within the Phase;
OR
- (ii) within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph C.(3)b.2.

If payment has not been made previously, on or before the approval by the County of the Final Development Plan for Phase I or any subphase therein, Developer shall post an irrevocable letter of credit acceptable to County, to secure the full amount of the payment which shall be subject to being reduced to cash at such time as payments are required to be made for the project(s) as set forth above. Such letter of credit shall be from a federally insured bank or savings and loan association within one hundred (100) miles of Bradenton, Florida. the amount of the irrevocable letter of credit shall not have the effect of establishing the payment amount as being equal to the then existing impact fees due under Manatee County Ordinance 86-09. Revisions in the impact fee schedule set forth in said Ordinance shall apply to impact fees due herein, unless the impact fees are paid in cash pursuant to a Fee Agreement prior to any such revisions becoming effective.

- c. For all development after Phase I, and the religious center which is scheduled in Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

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2. For all development after Phase I, the Developer shall comply with C.(3)a. or C.(3)c.1, or the Developer shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.
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- 3. All other provisions of Development Order Resolution No. R-89-161(R) shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED AND APPROVED with a quorum present and voting this 23rd day of July, 1992.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Kathy A. Suel
Chairman

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

[Signature]

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of RESOLUTION R-92-170 adopted by the
Board of County Commissioners of said County on
the 23 day of July, 1992, this 13 day
of August, 1992, in Escambia, Florida.

R. B. Shore
Clerk of Circuit Court
By: [Signature] D.C.