

ORDINANCE 10-44

DEVELOPMENT OF REGIONAL IMPACT
DRI NO. 21 - GATEWAY NORTH (AKA: ARTISAN LAKES)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 92-30, AS AMENDED BY ORDINANCES 93-49, 97-62, 05-17, AND 08-58) ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #218; APPROVING A NOTICE OF PROPOSED CHANGE TO INCREASE THE OVERALL PROJECT BOUNDARY BY 1.0 ACRE; ELIMINATE THE SUBPHASING OF PHASE 1; EXTEND THE PHASE 1 BUILD-OUT DATE BY FIVE YEARS; EXTEND THE PHASE 2 START DATE BY FIVE YEARS AND EXTEND THE BUILD-OUT DATE BY SIX YEARS; EXTEND THE PHASE 3 START DATE BY FIVE YEARS AND EXTEND THE BUILD-OUT DATE BY FIVE YEARS; MOVE 225 SINGLE FAMILY UNITS FROM PHASE 3 TO PHASE 1; RE-DESIGNATE 38 TOWNHOUSE/ATTACHED VILLA UNITS TO SINGLE-FAMILY UNITS IN PHASE 1; MOVE 65 TOWNHOUSE/ATTACHED VILLA UNITS FROM PHASE 1 TO PHASE 3; ; RELOCATE THE COMMUNITY SERVICE PARCEL; ADD A MIXED USE PARCEL LOCATED NORTH OF MOCCASIN WALLOW ROAD; DELETE ONE ACCESS POINT TO 40TH AVENUE EAST; ADD ONE ACCESS POINT TO GILLET DRIVE; BASED ON JURISDICTIONAL DETERMINATION AND ENVIRONMENTAL RESOURCE PERMITTING DECREASE WETLAND ACREAGE BY 28.2 ACRES; INCREASE RESIDENTIAL ACREAGE BY 70.7 ACRES; DECREASE COMMUNITY SERVICE ACREAGE BY 0.7 ACRES; DECREASE RECREATIONAL ACREAGE BY 6.6 ACRES; INCREASE OPEN SPACE ACREAGE BY 12.2 ACRES; DECREASE THE LAKE/DETENTION AREA BY 45.8 ACRES; DECREASE THE ROW/TRANSMISSION LINE LAND USE CATEGORY BY 0.6 ACRES; ADD HOTEL AS A LAND USE ALLOWED THROUGH THE LAND USE EQUIVALENCY MATRIX; ADD TELECOMMUNICATION TOWER AS A LAND USE TO THE PROJECT; AMEND THE MONITORING FREQUENCY TO BIENNIAL; DELETE OR MODIFY CONDITIONS TO REFLECT NEW STANDARD LANGUAGE; UPDATE THE AUTHORIZED AGENT AND THE MASTER DEVELOPER; MAKE THE NECESSARY AMENDMENTS TO MAP H AND THE DEVELOPMENT ORDER TO REFLECT THESE CHANGES AND ANY OTHER REVISIONS DEEMED NECESSARY OR APPROPRIATE DURING THE PUBLIC HEARING PROCESS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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TALLAHASSEE, FLORIDA

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WHEREAS, the land development project known as Gateway North, a legal description of which is provided below ("Project"), lies within the unincorporated areas of Manatee County; and

WHEREAS, on April 9, 1992, the Board of County Commissioners of Manatee County, Florida adopted Ordinance 92-30, a development order approving the Gateway North DRI; and

WHEREAS, the Department of Community Affairs ("DCA") appealed the Gateway North DRI development order to the Florida Land and Water Adjudicatory Commission as authorized by Section 380.07, Florida Statutes; and

WHEREAS, on February 24, 1994, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-49) for the Gateway North DRI, adopting language to settle administrative action between the Department of Community Affairs and the Developer; and

WHEREAS, on August 26, 1997, the Board of County Commissioners adopted an amended Development Order (Ordinance 97-62) to extend the buildout and commencement dates of the Development Order; and

WHEREAS, on August 23, 2005, the Board of County Commissioners adopted an amended and restated Development Order (Ordinance 05-17) to extend the buildout and commencement dates of the Development Order and adjust project acreages and land use allocations with the project; and

WHEREAS, on August 7, 2008, the Board of County Commissioners adopted an amended and restated Development Order (Ordinance 08-58) to modify parcel acreages, residential unit counts, and internal road layout to accommodate an alternative schools site on Parcel M; and

WHEREAS, the above described changes, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for Gateway North, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Developer filed a NOPC on March 22, 2010 for changes to the Development Order for Gateway North; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the public notice requirements of Manatee County and Section 380.06, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on the NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council; and

WHEREAS, the County* on December 2, 2010 held a duly noticed public hearing on the NOPC and the language proposed by the Developer* to amend and restate Ordinance 08-58, and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from

interested citizens, County agencies, the applicant, as well as the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 2nd DAY OF DECEMBER, 2010 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #21, ORDINANCE 08-58

Ordinance 08-58 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Gateway North Development of Regional Impact. All prior Development Orders (specifically including, but not limited to, Ordinance Nos. 92-30, 93-49, 97-62, 05-17, and 08-58) shall be superceded by this Ordinance. 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 been previously granted and are not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. All recitals preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC as it relates to the real property described in Section 8 of this Ordinance as required by Section 380.06, Florida Statutes. The report was rendered on November 10, 2010, following public hearing.
- C. The Board of County Commissioners held a public hearing on December 2, 2010 regarding the amendment to the DRI described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code) and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the public hearing.
- D. The proposed changes to the DRI regarding the property described in Section 8 herein are found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) provided it proceeds in accordance with the Development Conditions specified in Section 6 and the Developer* Commitments specified in Section 7 of this Development Order.
- E. The Developer* of the Project* submitted to Manatee County a NOPC, dated March 22, 2010, which is incorporated herein by reference.

- F. The Developer* submitted an Affordable Housing Analysis (dated August 19, 1991) to Manatee County which describes the housing demand for low and very-low income households and the existing housing supply (Exhibit 8).
- G. The real property which is the subject of this Development Order is legally described as set forth in Section 8, herein.
- H. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- I. The authorized agents and their address for the Project* is Steve Kempton of Taylor Woodrow Communities at Artisan Lakes, LLC, 501 North Cattlemen Road, Suite 100, Sarasota, Florida 34232.
- J. The owner of the property is Taylor Woodrow Communities at Artisan Lakes, LLC and PRI, a Utah corporation.
- K. A comprehensive review of the impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

SECTION 3. CONCLUSIONS OF LAW:

Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners of Manatee County concluded that:

1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01 (The 2020 Manatee County Comprehensive Plan, as amended).
3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on November 8, 2010 regarding this NOPC.
4. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
5. The review by the County*, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately

addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA* and the Affordable Housing Analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

6. Pursuant to Section 380.06(19)3, Florida Statutes, the developer* has submitted clear and convincing evidence to rebut the presumption that the changes proposed pursuant to the NOPC submitted on March 22, 2010 and approved pursuant to Ordinance 10-44, are not a Substantial Deviation.

SECTION 4. DEVELOPMENT COMPONENTS:

- A. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the area and land uses described approximately in Columns A through D of Table 1 and the approximate area and land uses by phase as described in Table 2. Phase 1 of the Project* is approved subject to the conditions found within this Development Order and a Certificate of Level of Service for all services except potable water, shall be issued for the land uses listed in Phase 1 as defined in Ordinance PDMU-91-01(G)(R5), Table 2. Phases 2 and 3 are conceptually approved only. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation, air quality impacts, and affordable housing in Phases 2 and 3. The Development Order must be amended, and Certificates of Level of Service must be obtained for Phase 2 and Phase 3 for land uses and acreage, but shall address only roadway capacity, mass transit, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code. Potable water, sanitary sewer, and school concurrency will be reviewed separately at the time of each Final Site Plan or Construction Plan approval.

**TABLE 1
LAND AREA AND USES**

Column A Use	Column B Acres	Column C Square Feet	Column D Units
Mixed Use	130.2	1,803,200	
<i>Office</i>		960,500	
<i>Office/Warehouse</i>		397,500	
<i>Commercial</i>		445,200	
Residential	532.5		2,800
<i>Single-Family Detached</i>			1,685

Column A Use	Column B Acres	Column C Square Feet	Column D Units
<i>Single-Family Attached (Townhouse/Attached Villa)</i>			393
<i>Multi-Family</i>			722
Lake/Detention	83.5		
School	20.0		
Park	24.3		
Recreation Center	15.5		
Wetlands	133.9		
Open Space	69.2		
R.O.W./ Transmission Lines	53.2		
Community Service	1.2		
Totals	1,039.2	1,803,200	2,800

- Residential units are permitted within Mixed Use Parcels as identified on the GDP and Map H.
- Residential acreages may be revised to include 20 additional acres if the school site is not requested by the School Board in accordance with Condition L.(1).
- Single Family Attached also includes single-family semi-detached units.
- At the discretion of the developer, the school acreage may be revised to include 13.1 additional acres for an additional school site.
- The park was dedicated to Manatee County in 1999 and is no longer included the project acreage.
- Assisted living facilities shall be permitted within Mixed Use and Residential parcels.
- Hotels shall be permitted within Mixed Use parcels.
- Cell Towers shall be permitted within all parcels except Lake/Detention, Wetlands, and ROW / Transmission Lines, as permitted by the Manatee County Land Development Code and further restricted in the accompanying Zoning Ordinance.
- Phase 1 of Table 2 is specifically approved. Phases 2 and 3 of Table 2 are conceptually approved.
- Phase 1 Office/Warehouse total of 100,000 sq. ft. consists of 30,000 sq. ft. of office and 70,000 sq. ft. of warehouse.

B.

**TABLE 2
LAND USE AND PHASING SCHEDULE**

Map H Land Use Designation	Phase 1 2005 - 2022	Phase 2 2012 - 2025	Phase 3 2018 - 2027	Totals
Residential Dwelling Units				
Single-Family Detached (units)	1,685	0	0	1,685

Map H Land Use Designation	Phase 1 2005 - 2022	Phase 2 2012 - 2025	Phase 3 2018 - 2027	Totals
Single Family Attached (Townhouse/Attached Villa) (units)	265	0	128	393
Multi-Family (units)	578	144	0	722
Total Residential	2,528	144	128	2,800
Mixed Use				
Commercial (sq. ft.)	386,000	0	59,200	445,200
Office (sq. ft.)	154,000	406,500	400,000	960,500
Office/Warehouse (sq. ft.)	100,000	150,000	147,500	397,500
Total Mixed Use	640,000	556,500	606,700	1,803,200

- The phasing build-out dates shall be February 20th of the years indicated.
- Single Family Attached also includes single family semi-detached units.
- Residential units are permitted within Mixed Use Parcels as identified on the GDP and Map H.
- Assisted Living Facilities and cell towers shall be permitted within Mixed Use and Residential Parcels as permitted by the Manatee County Land Development Code and further restricted in the accompanying Zoning Ordinance.
- Hotels shall be permitted within Mixed Use parcels.
- Phase 1 of Table 2 is specifically approved. Phases 2 and 3 of Table 2 are conceptually approved.
- Phase 1 Office/Warehouse total of 100,000 sq. ft. consists of 30,000 sq. ft. of office and 70,000 sq. ft. of warehouse.

1. The Land Use Equivalency Matrix, dated November 2010 (attached as Exhibit 6), allows the developer variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented in the matrix are based on p.m. peak hour trip generation factors.
2. Exchanges of land uses for the Project* may not exceed the minimums and maximums denoted in Exhibit 6 (Gateway North DRI Land Use Equivalency Matrix, dated November 2010).
3. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: School, recreation center, wetlands, open space, and R.O.W. transmission lines.
4. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 4A.

- C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, parks and recreation, and schools, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer may be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the 2020 Manatee County Comprehensive Plan and approved by the Board of County Commissioners at an advertised public hearing.

Each exchange request shall be provided to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and approval a minimum of 14 days prior to consideration of approval by Manatee County.

The Land Use Exchange request shall contain information sufficient to enable the County to determine that the impacts of the revised land use mix do not exceed the impacts of the land use mix being replaced. The impacts will be measured based upon the relevant factors currently used by the County (e.g., ITE Trip Generation Rates, EDU tables, solid waste generation factors, etc.). The Developer* shall verify the appropriate factors with County staff prior to the submittal of any such Land Use Exchange request.

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic (based upon the most currently adopted ITE Trip Generation Rates, unless actual studies have been completed, establishing to the satisfaction of the County, that some modification in the ITE rates is appropriate based upon sound traffic engineering principles), the relative proportions of trips produced by attractors, and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor or generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution, or particular roadway segments designated by the County.

Attached hereto as Exhibit 6 (dated November 2010) is a table of conversion factors for equating only traffic impacts of land use exchanges. The incorporation of this land use exchange mechanism shall not permit the Developer* to develop any land use which will generate peak hour trips in excess of the total number of peak hour trips for which it has obtained specific Development Order approval.

Any amendments to the land use mix or proposed phasing schedule (Tables 1 and 2 respectively), other than those described herein, shall be submitted to the County for review and approval, pursuant to Notice of Proposed Change as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration of phases if otherwise there is compliance with the terms of the Development Order. Any departure in project buildout from the phasing schedule set forth in the application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

The Land Use Equivalency Matrix (LUEM) is based on the trip generation rates of various possible uses for the property including Senior Adult Housing. In the event the applicant receives approval from the County to convert from another land use to Senior Adult Housing (either detached or attached units), the applicant shall be responsible for submitting the required documentation to the State of Florida to qualify for the applicable exemption from the Florida Fair Housing Act and shall be the responsible entity for maintaining and operating the Senior Housing Units in compliance with the exemption, including without limitation recording documents in the Public Records to provide notice to future purchasers. The LUEM shall not be interpreted to allow the conversion from Senior Adult Housing Units back to any other land use listed in the LUEM.

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

- D. Hotel is an approved use and may be located in a mixed use or commercial parcel.
- E. The telecommunication tower is an approved use and may be located in accordance with regulations set forth in Manatee County Land Development Code Section 704.59.
- F. An Assisted Living Facility is an approved use and may be located in accordance with the regulations set forth in the Manatee County Land Development Code Section 704.62.

SECTION 5. DEFINITIONS:

The definitions contained in Chapter 380, Florida Statutes, the Manatee County Comprehensive Plan and Land Development Code shall apply to this Development Order in addition to those listed herein. The following capitalized terms used herein shall have the following meanings:

- A. "Application for Development Approval" or "ADA" shall mean Gateway North's Development of Regional Impact Application for Development Approval* (September 26, 1990), the additional information submittal submitted by the Developer* on February 22, 1991, and Exhibits 1 and 2 (Revised Map H and Preservation/Conservation Map, respectively), the NOPC submitted on January 28, 1997, the NOPC submitted on April 12, 2004, the NOPC submitted on May 15, 2008, and the NOPC submitted on March 22, 2010.
- B. "County" shall mean Manatee County, a political subdivision of the State of Florida.

- C. "Developer*" shall mean PRI and Taylor Woodrow Communities at Artisan Lakes, LLC, its heirs, assigns, designees, agents, and successors in interest as to the Project* and all its conditions of approval.
- D. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- E. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.
- F. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:
1. existing topography;
 2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;
 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes; and
 4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.
- G. "Office/Warehouse*" shall mean those land uses within this project represented as such on Map H and which are based on seventy percent warehouse (category 150 Florida Land Use Classification System) and thirty percent office (category 710 Florida Land Use Classification System) space.
- H. "Preservation and Conservation Areas*" shall mean those identified areas shown on the Preservation/Conservation Map dated 03/17/10 attached as Exhibit 2.
- I. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 8 herein.
- J. "Senior Adult Housing or "housing for older persons" shall be as set forth in Section 760.29(4)(b), F.S., as same may be amended from time to time.
- K. "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.
- L. "Wildlife Management Plan*" shall mean the document entitled Gateway North Wildlife Management Plan dated December 9, 1993 and approved by the Florida Game and Freshwater Fish Commission, the County,* and the Environmental Action Commission.

- M. "Ambient Water Quality Monitoring Requirements for Development" shall mean the Manatee County Environmental Management Departments Ambient Water Quality Monitoring Requirements for Development document, hereinafter (AWQWR), and attached hereto as Exhibit 4.

SECTION 6. DEVELOPMENT CONDITIONS:

Transportation

- A.(1) Access to and from the site shall be in accordance with state and local access regulations and as shown generally on Revised Map H (Exhibit 1).
- A.(2) Provisions shall be made for the construction of all internal collector roads required to serve project traffic. These roads shall be constructed at the cost of the Developer, or other appropriate entity (such as a Homeowner's Association or Community Development District), concurrent with Development Approval* of development requiring access on that roadway. All improvements including but not limited to dedication/design/construction beyond that necessary to accommodate project traffic shall be eligible for impact fee credits to the extent allowed by the Manatee County Land Development Code and applicable law.
- A.(3) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer* prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. **(Completed)** To ensure a total of 150' of right-of-way on Moccasin Wallow Road, an additional 15' of right-of-way shall be provided at the time of subdivision platting adjacent to Moccasin Wallow Road. Said right-of-way dedications shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.
- A.(4) The Developer* shall provide a multi-purpose pedestrian/bicycle trail as part of the roadway design for Artisan Lakes Parkway and the collector facilities within the Project* and as part of the roadway design for the improvement of Moccasin Wallow Road. Inclusion of the multi-purpose trail as part of the roadway design does not mean the trail itself must be part of the roadway. That is, the trail shall be included in design but may be constructed separately or in separation from the roadway itself. There shall be bicycle and pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards.
- A.(5) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* per Manatee County Land Development Code.
- A.(6) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of Gateway North.

A.(7) When Certificates of Occupancy have been issued for land uses estimated to generate (per Trip Generation, Eighth Edition, ITE) 500 PM peak hour net external trips, a biennial monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that external trip improvement thresholds specified in Tables 3 and 4 for Phase 1 of the Project* are not exceeded. Counts shall continue on a biennial basis through buildout of Phase 1. This information shall be supplied in the required Biennial Report. Traffic counts used for the biennial report shall be conducted no sooner than 60 days prior to the required Biennial reporting date. If a Biennial Report is not submitted within thirty (30) days of its due date, or if the Biennial Report indicates the total trips exceed projected counts, Manatee County shall determine whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes, and amend the Development Order to change or require additional roadway improvements. Maximum driveway volumes counted as part of the biennial monitoring are anticipated to be no more than 2,172 inbound and 2,064 outbound PM peak hour trips for Phase 1 of the Project. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

A.(8) As part of the amended ADA* submitted for Phase 2 approval, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Biennial Report.

If the Biennial Report indicates the total peak hour trips are not being diverted reasonably commensurate with those anticipated, Manatee County shall decide whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes for the purpose of determining amendments or other requirements to be added to the Development Order to change TSM objectives or require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

A.(9) Except as provided for in Stipulation A.(12), the following roadway and intersection improvements shall be required as part of Phase 1.

The following roadway links are determined to be required link improvements for Phase 1 of the Project* due to the percentage of Project* traffic impacting the roadway and the resulting Level of Service (LOS).

**TABLE 3
PHASE 1 LINK IMPROVEMENTS
ROADWAY SEGMENTS**

Roadway	Improvements	Threshold
Moccasin Wallow Road – ¼ mile west of Ellenton-Gillette to existing 4-lane section east of Gateway Blvd.	Widen to 4 Lanes	1,200
Artisan Lakes Parkway from Moccasin Wallow Road to Drive #1	Construct 4-lane divided roadway	Concurrent with Project Development
Artisan Lakes Parkway from Drive #1 to Buckeye Road	Construct 2-lane divided roadway	Concurrent with Project Development
Artisan Lakes Parkway from Drive #1 to Buckeye Road	Additional 2 lanes to create 4-lane divided roadway	2,339

The following intersection improvements are determined to be required intersection improvements for the Project* due to the percentage of development traffic impacting the intersection and the resulting Level of Service (LOS).

**TABLE 4
PHASE 1 INTERSECTION IMPROVEMENTS
INTERSECTIONS**

Location	Improvement Summary	Net PM Peak Hour Project External Trip Threshold for Improvement
US 41 @ Buckeye Rd.	Signalize when warranted; Add WB Left-turn Lane Add WB LT Transition	2,232
Buckeye Rd. @ Artisan Lakes Pkwy.	Signalize when warranted; Add EB Right-turn Lane; Add WB Left-turn Lane; Add WB LT Transition; Included in construction of Artisan Lakes Parkway; Add 1 NB Left-Turn Lane and 1 NB Right-Turn Lane	Concurrent with Project Development
US 41 @ Moccasin Wallow Rd.	Signalize when warranted; Add 2 WB Left-turn Lanes; Add LT Transition for 2 WB LT	658*
US 41 @ I-275 NB	Signalize when warranted;	1,220*

	Add 2nd WB Left-turn Lane Signalize when warranted	1,220*
US 41 @ I-275 SB		
US 41 @ 73 rd St. E. (Erie Rd.)	Revise/Replace Traffic Signal as Needed; Add 2nd WB Left-turn Lane; Add LT transition; Add 1 WB Right-turn Lane; Add 2nd SB Left-turn Lane and Receiving Lane	2,610*
US 41 @ 49 th St. E.	Add 1 WB Left-turn Lane; Add WB LT Transition; Add 1 WB Right-Turn Lane; Add 1 EB Left-turn Lane; Add EB LT Transition; Add 1 EB Right-Turn Lane	2,610*
Moccasin Wallow Rd. @ Bud Rhoden/Ellenton Gillette Rd.	Signalize when warranted; Add 1 SB Left-turn Lane; Add SB LT transition; Add 1 SB Right-turn Lane; Add 1 NB Left-turn Lane; Add NB LT Transition; Add 1 NB Right-turn Lane; [Concurrent with Moccasin Wallow widening: Add 1 EB Left-turn Lane; Add 1 EB Right-turn Lane; Add 1 WB Left-turn Lane; Add 1 WB Right-turn Lane; Add 1 WB Through and receiving lane]	598 (For improvements not associated with widening of Moccasin Wallow)
Moccasin Wallow Rd. @ Artisan Lakes Pkwy.	Signalize when warranted; Add 2nd EB Left-turn Lane; Add EB LT Transition	Concurrent with Project Development – Except 2 nd EB Left: 2,921
Moccasin Wallow Rd. @ Gateway/Keystone	Signalize when warranted; Add 1 SB Left-turn Lane	Concurrent with Project Development
Artisan Lakes Parkway @ Drive #1	Construct NB / SB Left-Turn Lanes; Construct EB / WB Right-Turn Lanes; Construct EB/WB Through Lanes; Signalize if warranted;	Concurrent with Project Development
Artisan Lakes Parkway @ Drive #2	Construct NB Left-Turn Lane; Construct EB Right-Turn Lane; Construct EB Left-turn Lane	Concurrent with Project Development
Artisan Lakes Parkway @ Drive #3	Construct SB Left-Turn Lane; Construct WB Left/Right-Turn Lane	Concurrent with Project Development
Artisan Lakes Parkway @ School Drive	Construct NB Left-Turn Lane; Construct EB Left/Right-Turn Lane	Concurrent with Project Development
Artisan Lakes Parkway @ Multi-Family Drive (Parcel P)	Construct NB Left-Turn Lane; Construct EB Left/Right-Turn	Concurrent with Project Development

	Lane	
Multi-Family Drive @ Buckeye Road	Construct NB Left/Right-Turn Lane	Concurrent with Project Development
School Drive @ Buckeye Road	Construct NB Left/Right-Turn Lane	Concurrent with Project Development
Moccasin Wallow Road @ Frontage / Gillette	Signalize when warranted; Add 2 SB Left-Turn Lane; Add 1 WB Right-Turn Lane; Extend EB left-Turn Lane 320 feet	Concurrent with Project Development
Moccasin Wallow Road @ I-75 NB	Signalize when warranted	1,310
Moccasin Wallow Road @ I-75 SB	Signalize when warranted	1,196
Moccasin Wallow Road @ US 301	Signalize when warranted; Add 1 EB Left-Turn Lane; Add EB LT Transition	2,771*
Ellenton Gillette Road @ 73 rd St. E. / 69 th St. E.	Revise/Replace Traffic Signal as needed; Add 1 SB Left-Turn Lane; Add SB LT Transition; Add 1 SB Right-Turn Lane; Add 1 EB Left-Turn Lane; Add EB LT Transition; Add 2nd EB Through and Receiving Lane; Add 1 EB Right-Turn Lane; Add 1 NB Left-Turn Lane; Add NB LT Transition; Add 1 NB Right-Turn Lane	1,454
Ellenton Gillette Rd. @ Mendoza	Signalize when warranted; Add 1 NB Left-turn Lane; Add NB LT Transition; Add 1 NB Right-turn Lane; Add 1 SB Left-turn Lane; Add SB LT Transition; Add 1 WB Right-turn Lane	986*

*Threshold based on Project reaching 5% impact at that intersection, WB means westbound, EB means eastbound, NB means northbound, and SB means southbound.

- A.(10) With each Final Site Plan application, the Developer* shall submit to the County* a limited traffic information statement which shows the following:
- An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the Project* covered by the Final Site Plan application.
- A.(11) Prior to development of Phases 2 and 3, a revised transportation analysis shall be required to be submitted pursuant to Section 380.06(6), Florida Statutes. This

analysis shall address potential transportation impacts which might result from the development of this phase.

- A.(12) Construction of any of the improvements listed in Tables 3 and 4 (excluding those noted in Exhibit 9 as "N/A – Site Improvement") and the mechanisms for financing them may be established pursuant to a Local Development Agreement or other appropriate instrument or through the scheduling and funding of such improvements by the Developer and/or County in accordance with applicable law, and may include mitigation of transportation impacts through an agreement for proportionate-share contributions pursuant to FS 163.3180.

The payment of a Proportionate Share in lieu of alternative transportation mitigation is an allowable option if affected extra-jurisdictional local governments or the Florida Department of Transportation (for facilities on the State Highway System) as may be applicable, agree to such payment in order to mitigate the extra-jurisdictional impacts. A proportionate share of \$10,604,103 (see Proportionate Share Table for Phase 1, Exhibit 9 attached) has been determined the appropriate calculation to offset the transportation impacts associated with the total net external trips assumed in the approved transportation analysis for Phase 1 of the Gateway North (AKA: Artisan Lakes) DRI.

- A.(13) The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and park sites.

- A.(14) At the time of Preliminary and/or Final Site Plan submittal for GDP Parcels P or L, if determined by Manatee County to be necessary, the Developer shall provide a paved roadway connection to the east to Stone Dam Preserve at a location shown on the GDP, and approved by the County. If required the road shall be constructed prior to completion of development of GDP Parcels P and L and shall include traffic calming measures as approved by the Planning and Public Works Departments. In no event shall the County be financially responsible for constructing the road connector. If it is determined that a road connection is not necessary, at a minimum, a pedestrian connection shall be made in order to allow students access to the proposed school site. The pedestrian access shall not be gated.

Wetlands

- B.(1) All wetlands defined as "Preservation or Conservation Areas*" by TBRPC policy and depicted on the attached Preservation/Conservation Map attached hereto as Exhibit 2 shall be preserved and conserved respectively, except as indicated in Condition B.(4). The Developer* shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas* except as indicated in Condition B.(4). An Environmental Resource Permit has been issued for the project. No additional impacts will be added to Exhibit 2.
- B.(2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas*. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and

continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County*, Planning Department, or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas* are being stressed due to Project* activities, such activities shall cease until remedial measures are implemented.

- B.(3) All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas* shall be mitigated in accordance with the Manatee County Land Development Code (LDC Chapter 719, as may be amended) or Uniform Mitigation Assessment Method (UMAM - Chapter 62.345 FAC), as appropriate. **(Completed)**
- B.(4) Exhibits 2 and 3 attached hereto identify wetlands by approximate acreage and the area to be impacted or preserved. Wetland impacts shown on the referenced table and figure are subject to avoidance and minimization review criteria as required by Comprehensive Plan Policy 3.3.1.1, which shall be demonstrated prior to each Preliminary Site Plan approval. Those wetlands identified to be impacted shall be the only wetlands on the Project* site which shall be dredged and filled or negatively impacted. The Developer* shall reevaluate Exhibits 2 and 3 to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised table to the County* prior to further Development Approval* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above. **(Completed)**
- B.(5) The Developer* has obtained a jurisdictional determination by SWFWMD for all on-site wetlands and has received appropriate permit approval for wetland management and mitigation by the County* and SWFWMD for a portion of the site. The developer shall submit a wetland management and mitigation plan to the County and SWFWMD for review prior to any wetland alterations not previously permitted. This plan shall address, but not be limited to, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, methods for hydroperiod maintenance with a detailed narrative, and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.
1. The Developer* shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County*:
 - a. Identification of existing dry and wet season site conditions;
 - b. Narrative descriptions/evaluations of all wetlands to be disturbed by wetlands type;
 - c. Photographs and 24"X 36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);

- d. Narrative descriptions of any proposed wetland restoration activities and related issues;
- e. Estimated costs of wetland mitigation/restoration schemes; and
- f. Mitigation plans shall also include:
 - (1) Area and location of plantings;
 - (2) Species to be planted and spacing;
 - (3) Elevations for plantings;
 - (4) Source of plants or mulch;
 - (5) Source of wetlands soil and depth proposed; and
 - (6) Monitoring and maintenance plans.

B.(6) Any allowable wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Section 719) or Uniform Mitigation Assessment Method (UMAM-Chapter 62.345 FAC), as appropriate. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Wetland compensation areas and littoral shelves shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the created wetlands/enhanced wetlands/littoral shelves shall meet or exceed eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the littoral shelves and mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

B.(7) The Developer* shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect natural systems from development impact. All buffers, buffer restoration, sign requirements, and setbacks shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

C.(1) The Developer shall comply with the provisions of the approved Wildlife Management Plan* (dated December 9, 1993), appended to and made a part of this Development Order (Exhibit 7). **(Completed)**

C.(2) The Developer* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland/transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the Wildlife Management Plan* referenced in Condition C.(1).

- C.(3) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the Planning Department for relocation of any listed plant species found on site in addition to the requirements of C.(1) above.
- C.(4) As part of the Wildlife Management Plan* referenced in Condition C.(1), the Developer* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas* as depicted on the approved preservation/conservation map (Exhibit 2).
- C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the Planning Department consistent with the provisions of the Manatee County Comprehensive Plan.
- C.(6) Any proposal to change upland preservation areas, as shown approximately on Exhibit 2, shall be a substantial deviation, pursuant to Subsection 380.06(19), F.S.

Land

- D.(1) The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:
- a. Sod, seed, or plant embankment areas of stormwater detention or retention ponds;
 - b. Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;
 - c. Limit site work and construction to areas needed for immediate development;
 - d. Develop asphalt roads as soon as possible;
 - e. Initiate landscaping before development work is completed on a site;
 - f. Construct sediment basins at the start of each drainage system phase;
 - g. Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points; and
 - h. Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis.

Air Quality

- E.(1) The Developer* shall institute the following procedures to ensure dust control during development of the Project*:
- a. Implement a watering program during excavation, and dredge and fill operations;
 - b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
 - c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
 - d. Keep soil stockpiles moist, or treat with soil binders or cover;
 - e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
 - f. Remove dust producing materials as soon as possible;
 - g. Clean (sweep) paved roads adjacent to site as necessary;
 - h. Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;
 - i. Limit site work and construction to areas needed for immediate development;
 - j. Develop asphalt roads as soon as possible; and
 - k. Initiate landscaping before development work is completed on site.
- E.(2) Prior to development of Phases 2 or 3, air quality impacts must be analyzed as required by Section 380.06, Florida Statutes. If mitigation is required based upon this analysis, the Development Order must be amended to incorporate those mitigative measures.

Water Quality and Drainage

- F.(1) The Master Drainage Plan* for the overall Project* has been submitted to SWFWMD and an Environmental Resource Permit (ERP) has been issued for Phase 1 of the overall project. Manatee County approval has also been issued for Phase 1 of the project. The stormwater management systems not yet permitted shall be designed, constructed, and maintained to meet or exceed Chapter 62-25, Florida

Administrative Code, and 40D-4, Rules of SWFWMD and the County*, whichever is more stringent. The maximum post-development peak rate of runoff from the site shall not exceed the peak pre-development flow rate for the design storm. Nothing in this paragraph shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer*.

- F.(2) The Developer* shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to SWFWMD for review and approval in conjunction with the respective ERP permit applications.
- F.(3) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.
- F.(4) Prior to any site alteration, the Developer* shall develop and implement a surface water quality monitoring plan that is approved by the County*. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), the DEP, and the County*. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional, and local water quality standards as compared to stormwater entering the site. Any violation of Rule 62-302, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP. The surface water quality monitoring plan shall include the following generalized provisions:
1. Pre-construction monitoring: **(Completed)**
 - a. Sampling shall be initiated at least one year before the start of construction, in accordance with the provisions set forth in the AWQWR (Exhibit 4). It should be noted that baseline water quality monitoring for the development site was implemented in late 1997 and completed in March 1999, according to Manatee County records. A Supplemental Water Quality Monitoring Plan to meet the current or additional requirements referenced in Exhibit 4, is provided as Exhibit 5. This monitoring plan shall be implemented immediately, upon approval, in order to satisfy the one year monitoring requirement, during the pre-development phase, as specified.
 - b. Sampling events shall be conducted in accordance with the AWQWR (Exhibit 4). The monitoring frequency and locations for the sampling events are proposed in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 5.
 2. Construction monitoring:

- a. The monitoring of construction activities shall be accomplished with the implementation of a sediment control program. Sediment control measures and daily visual checks for turbidity in or around any potentially impacted water bodies shall be initiated and maintained during construction and site development activities. The visual checks shall be conducted by the developer's onsite construction manager, who will maintain a daily log and also conduct weekly construction meetings with the subcontractors, to include discussions on stormwater and sediment control issues. The Sediment Control Program and engineer's documentation as well as the construction managers daytime and emergency contact information shall be provided to the Manatee County Environmental Management Department, prior to startup of site development activities. The remainder of the Project* site will continue to be sampled as described in pre-construction monitoring.
 - b. Any violation of water quality standards within a drainage basin under construction shall be reported to the County* and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.
3. **Post-construction monitoring: (Completed based on exemption outlined below.)**
- a. Sampling events shall be conducted quarterly (two wet season and two dry season) and as soon as practicable after each rainfall event of one inch or greater for at least two years after construction buildout. This requirement may be exempted if the pre-construction monitoring has been completed and the results deemed sufficient to satisfy the AWQWR (Exhibit 4) to be performed under the developments Supplemental Water Quality Monitoring Plan, provided as Exhibit 5.
4. The Developer* will incorporate additional water quality treatment or water management methods into the Project's* surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer* are found to be ineffective or adversely impact water quality downstream of the Project* site.

F.(5) Prior to any site alteration, the Developer* shall implement a ground water quality monitoring plan that is approved by the County*. The plan will be designed to determine the predevelopment water quality conditions of the surficial aquifer and Floridan aquifer as required by the ADA*. Water quality samples shall be collected and analyzed for at least the parameters containing regulatory limits listed under 40 CFR Parts 141-143, the National Primary Drinking Water Regulations. The water quality samples shall be collected from at least two surficial aquifer wells and two Floridan aquifer wells. If any of the parameters are above the proposed, current, or final maximum contamination levels (MCL's) or MCL goal, DEP and Manatee County

will be properly notified for further action. FDEP will have the opportunity to review and comment to Manatee County on the groundwater plan proposal.

Upon completion of the groundwater program, a monitoring report will be submitted to the County* and SWFWMD for review and approval. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved by the County* prior to commencement. An official laboratory report shall accompany the ground water monitoring report upon submittal. The report shall include recommendations regarding monitoring during construction and post-construction.

The applicant submitted a pre-construction groundwater monitoring report in 1998 that represented the water quality conditions, as specified above. On February 13, 2004, the pre-construction groundwater monitoring requirement was considered satisfied by the County.

A groundwater monitoring plan has been submitted and approved by NRD, however groundwater monitoring is still ongoing.

- F.(6) All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules. **(Completed)**
- F.(7) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.
- F.(8) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.

Historical and Archaeological Sites

- G.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, TBRPC, and the County*. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing activities at the site. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, TBRPC, and the County* for approval. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida

Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

Water

- H.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.
- H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
- H.(3) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.
- H.(4) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility. The Developer* shall submit an acceptable plan to the County* and TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals*, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes.
- H.(5) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.
- H.(6) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Southwest Tampa Bay Water Use Caution Area.
- H.(7) Consideration shall be given to meeting the irrigation needs of the Project* with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. At a minimum, the Developer* shall comply with County* ordinances relating to the use of reclaimed water.
- H.(8) For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated.

Wastewater

- I.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*
- I.(2) No additional permanent septic system shall be permitted within the Project*.
- I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations. **(Completed)**
- I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs shall be included in the Biennial Report.
- I.(5) The Developer* shall implement a wastewater reuse system when feasible.

Solid Waste

- J.(1) Prior to issuance of subsequent Development Approvals* for any nonresidential land use within the Project*, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County*, included in the first Biennial Report following completion of the Plan, and then distributed by the Developer* to nonresidential land users within the Project*.
 - 1. At a minimum, the plan shall:
 - a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
 - b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
 - c. Describe generally improper disposal methods;
 - d. Describe generally appropriate disposal methods;
 - e. Provide a list of agencies which can be consulted regarding the

proper handling and disposal of hazardous substances;

- f. Describe a program to inform owners and tenants of the information contained in the plan;
- g. Describe construction requirements for hazardous waste holding areas;
- h. Describe typical spill cleanup methods; and
- i. Be updated and distributed to each non-residential land user annually.

- J.(2) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Biennial Report.
- J.(3) Large quantity hazardous waste generators and industrial or commercial park components which produce hazardous waste which is not suitable for recycling, exchange, or reuse, shall be encouraged to develop permittable temporary on site hazardous waste treatment capabilities to ensure public safety prior to transport.
- J.(4) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

- K.(1) The Project shall contain, at a minimum, 286.6 acres of open space (including wetlands, lakes, and open space) in addition to approximately 15.5 acres committed to recreation as shown on Exhibit 1 Revised Map H. Recreation areas within the Project shall be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (15.5 acres with facilities) shall be completed prior to buildout of Phase 1 residential units. (The 24.3 acre park site has been dedicated to Manatee County).
- K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be owned and maintained as common open space through a property owners association for the Project*.
- K.(3) All recreation, park, and wetland sites, as shown on Revised Map H, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.

Education

- L.(1) The Developer shall dedicate to the Manatee County School Board usable land for one elementary school site of at least 20 acres in size. This land shall be available to the School Board at any time upon request. At the time of the school site dedication to the School Board, the Developer shall dedicate to the County road right-of-way access to Buckeye Road, as shown on the General Development Plan. An internal public road from the school site to Buckeye Road, providing at least two driveway connections to the school site and designed to County standards, shall be constructed to the school site at Developer's expense, in a location agreeable to the School Board and Manatee County. Additionally, connections for potable water and sanitary sewer sized to serve an 823 seat elementary school shall also be provided to the boundary of the school site by the Developer at Developer's expense. Within 90 days after receipt of notice from the School Board Superintendent, the Developer shall submit construction plans for the road to Manatee County and SWFWMD for review and approval. The Developer shall diligently pursue the engineering design and permitting of said construction. The Developer shall complete construction of this road within nine (9) months after receipt of all required permits. Recreational areas of the school site shall be operated by the School Board as public recreational areas or, prior to construction, the School Board shall enter into an interlocal agreement with the County for joint use of the recreational areas. The Project's Master Stormwater Plan shall provide for the school site's stormwater retention needs. The Developer shall be entitled to school impact fee credit as allowed for by County impact fee regulations for all acreage dedicated or conveyed to the Manatee County School Board for the elementary school site. The value of the school site shall be determined based upon the purchase price for the acreage by the Developer, but in no event shall exceed the average of two appraisals obtained by the School Board at the time of conveyance. The Developer* shall give the School Board written notice of the date the infrastructure adjacent to the 20 acre school site and construction of a minimum of 750 dwelling units is completed. If the School Board has not requested the dedication of the school site within 3 years of completion of infrastructure adjacent to the 20 acre school site and construction of a minimum of 750 dwelling units, the Developer* will give notice to the School Board, requesting that the School Board determine, within 6 month of this notice, the need for and timing of the school. If the School Board determines that the school site is not needed, the 20 acre school site will become available to the Developer* for residential development, or a public school, a public charter school, or a private school.
- L.(2) Map H shows residential development in a specific parcel with an alternative use as a public school, a public charter school, or a private school. If the specified parcel is developed with a school, those residential units identified for that parcel may be reallocated to other residentially designated parcels, provided that the total residential units are not exceeded and all other requirements of this development order and the zoning ordinance are met. Reallocation of these residential uses may be permitted through amendments to the local zoning ordinance and Preliminary Site Plan for this project, without the need for further DRI review.

Health Care, Police, and Fire

- M.(1) 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 emergency medical services. The Developer* may, with the approval 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 applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1 or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made. **(Land Acquisition and Facility Construction Completed.)**
- M.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. 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 applicable. The Community Service parcel shall be conveyed in whole or in part to the North River Fire District for construction of a fire and EMS station prior to approval of the first Final Site Plan or Final Plat for Vertical Development in Phase 1, or any subphase thereof. Should the Fire District opt for another location, the permitted uses on this site may revert to mixed uses as defined in Table 1. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **(Completed)**
- M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code.
- M.(4) Prior to approval of all Preliminary Site Plans, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the North River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.
- M.(5) The Developer* shall participate, in accordance with applicable County* ordinances, in any expansion of Sheriff's Office services necessary to serve the Project* or any phase or subphase thereof.

Reserved

N. Section left blank intentionally.

Energy

- O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical and gas utilities to meet the energy requirements of the development.
- O.(2) All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy 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;
 - d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* 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;
 - h. Utilize energy efficient packaging or recyclable materials;
 - i. Install total energy systems on large facilities when cost effective; and
 - j. Elimination of advertising requiring lighting after business hours where feasible.
- O.(3) Incorporation of the energy conservation measures referenced on pages 25-3 and 25-4 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each biennial report.

General Conditions

- P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* shall be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.
- P.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 7 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.
- P.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Biennial Report, subject to approval by the County*.
- P.(4) All Development Approvals* shall be obtained within twenty-three (23) years from the date of approval of this Development Order. This Development Order shall expire twenty-eight (28) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- P.(5) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to commencement of Phase 2, conduct an analysis for subsequent phases of the housing needs to be created by the Project and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Project. This analysis and determination shall be accomplished using a methodology approved by Manatee County and shall use actual Project experience. If such analysis indicates that the Project will create substantial need for adequate housing that is not being provided by other residential developments proximate to the Project or if such analysis indicates that the Project would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency prior to the commencement of Phase 2.

At a minimum, the HAIP shall contain:

- Specific provisions for on-site housing delivery, including housing delivery alternatives;

- Specific provisions for off-site housing in addition to on-site housing when on-site housing would be impracticable;
 - Specific mechanisms for HAIP implementation;
 - Provisions to ensure continued adequacy of units provided; and
 - Monitoring provisions.
- P.(6) The Developer shall provide, within 10 miles of the project boundary and within Manatee County, a number of residential units equal to 10% of the incremental increase in the total number of Phase 1 residential units to be constructed in Gateway North Phase 1, or 16 units, that qualify as workforce housing as defined as attainable, safe, decent housing purchased by an individual or family with income at or below the income equivalent no higher than twenty (20) percent above the moderate income level for a family of three (3) and where the sales price of the home is no higher than twenty (20) percent above the moderate income home sales price established by the Manatee County Local Housing Assistance Plan, as such may be amended from time to time. The developer intends, but is not required, to locate the workforce housing units within the Gateway North DRI. The workforce housing required herein is generally designed to provide housing for essential workers.
- P.(7) Income limits and maximum home sale prices shall correspond to values as provided in the Manatee County Maximum Income Limits Table. These limits are updated periodically by Manatee County and shall be utilized accordingly. The sale price and income limits in effect at the time a contract for purchase of a workforce housing unit is executed shall apply. Workforce Housing shall mean attainable, safe, decent housing purchased by an individual or family with income at or below the income equivalent no higher than twenty (20) percent above the moderate income level for a family of three (3) and where the sales price of the home is no higher than twenty (20) percent above the moderate income home sales price established by the Manatee County Local Housing Assistance Plan, as such may be amended from time to time.
- P.(8) The Developer shall include in its Biennial Report data showing the number and sale prices of workforce housing units sold that are creditable towards Stipulation P.(6) during the reporting period. The Biennial Report shall also include the current Manatee County Maximum Income Limits Table. Only those units that have a sale price equal to or less than the maximum allowable home sales price, as provided in P.(7), shall be counted toward the required mitigation.
- P.(9) The Developer, its successors, assigns or transferees, shall submit Biennial DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on odd number years commencing August 26, 2011 until such time as all terms and conditions of this Development Order are satisfied. Eight (8) copies of this report and one digital (CD) version shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County

Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Biennial Report shall contain the following:

- a. Any changes in the plan of development or in the representation contained in the ADA, or in the phasing or land uses for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;
- d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
- e. As assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, TBRPC, or DCA, and being significant;
- f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14) (d), Florida Statutes;
- j. A statement that all persons have been sent copies of the Biennial Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
- k. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;

- i. Reports and/or information pursuant to conditions A.(8), A.(9), F.(5), J.(2), and O.(3).
- m. Any other information required pursuant to general law.

P.(10) A new CLOS will be issued for Phase 1 of the project. The expiration of this CLOS will be concurrent with the build out date approved for Phase 1. The CLOS will include the traffic improvements listed in Tables 3 and 4 of the ordinance.

SECTION 7. DEVELOPER* COMMITMENTS:

The following are Developer* commitments set forth in the ADA* which shall be honored by the Developer*, except as they may be superseded by specific terms of the Development Order.

A. Air

As areas are cleared, the contractor shall sod, seed, mulch, or landscape the cleared areas as soon as possible. The side slopes of detention ponds shall be sodded or natural vegetation will be encouraged to grow. Wind erosion shall be controlled through sprinkling or other appropriate means. (ADA* 13-6)

The contractor shall seek to control dust emissions during construction by watering, reducing equipment speed on temporary roadways, and removing dust producing construction debris as soon as possible. (Sufficiency Response [SR], page 13-7)

B. Water

The proposed development shall incorporate, to the extent practical, both structural and nonstructural options to mitigate any potential adverse impacts to the receiving waters. (ADA*, 15-21)

Normal water levels in the lakes shall be matched to the hydroperiod of the existing adjacent wetland in order for the systems to function as one. (ADA*, 16-4)

As soon as feasible, stormwater from construction sites shall be directed into proposed retention ponds to reduce surface runoff. (ADA*, 16-5/6)

A surface water quality monitoring program shall be completed. This monitoring program shall start prior to beginning any work on the site that might degrade stormwater, and shall continue through Project* build-out. (SR, 11/12-18)

C. Vegetation and Wildlife

A management plan for the protection and maintenance of the natural features of these habitats, shall be established. (SR, 18-2) **(Completed)**

In regard to the negative influences of domestic pets, exotic plant landscaping, and

domestic toxic chemicals, the applicant shall provide environmental information to all land owners and residents advising them of measures they can take to protect the wildlife and habitat resources of their community. (SR, 18-15)

D. Drainage

Water quality treatment shall be provided for the first one inch of runoff for the entire site by wet detention systems. (ADA*, 22-1)

The construction of the stormwater management system shall meet or exceed the requirements of SWFWMD. (ADA*, 22-2)

The wet detention ponds shall provide water treatment which meets SWFWMD's requirements, as specified under Chapter 40-D-4, Florida Administrative Code by allowing the water to be treated by existing or created wetlands. (ADA*, 22-2)

The volume of runoff required to be treated, as per Chapter 17-25, Florida Administrative Code shall be detained within the wet detention ponds. (ADA*, 22-4)

The swales shall be designed in accordance with SWFWMD requirements for a 10-year storm event. To reduce the potential for mosquito breeding, the swales shall be designed to remain dry under normal conditions and will contain standing water only for short periods of time. (ADA*, 22-6)

Runoff volume will increase as the total acreage that has been developed increases, but the post-development 25-year/24-hour peak discharge shall be maintained at or below the pre-development 25-year/24-hour peak discharge throughout the construction phases. (ADA*, 22-11)

E. Water Supply

The feasibility of receiving effluent for irrigation from the North County Wastewater Treatment Plant shall be investigated. (ADA*, 23-4) **(Completed)**

Any private wells for irrigation shall be permitted through the appropriate agency. (ADA*, 23-4)

Nonpotable water for irrigation shall be supplied by wells or wastewater effluent transmission lines, as discussed in Section 23.B and as required by the County*. (ADA*, 23-7)

F. Solid Waste

Any light industrial use which may require additional safeguards (for use, storage, or transport of regulated substances) shall comply with applicable federal, state, and local regulations. (ADA*, 15-20)

As required by general law, the Developer* shall notify its employees should there be

hazardous material utilized by the Developer*. (SR, 24-2)

The applicant shall investigate all appropriate recycling efforts, both during and after construction. (SR, 24-3)

G. Energy

The applicant shall coordinate with Florida Power and Light during the planning stages of the development. (ADA*, 25-3)

Energy conserving lighting in all parking areas will promote conservation. (ADA*, 25-3)

All building design and equipment selection for the Project* shall meet the requirements of the Southern Standard Building Code and the Florida Energy Efficiency Code for building construction. (ADA*, 25-3/4)

Alternative energy sources shall be considered for the Project* and implemented wherever practical. (ADA*, 25-4)

The Developer* shall undertake, where feasible, the energy conservation measures identified on page 25-3 and 25-4 of the ADA*. (SR, 25-1)

H. Recreation and Open Space

The park site shall be open to the general public. Other recreational and open space amenities will be for persons living and working at Gateway North. (ADA*, 27-2)

Sidewalks and bike paths shall be provided throughout the development, as required by the Manatee County Land Development Code. (SR, 11/12-7)

I. Education

The 20.0 acre school site to be dedicated does not contain wetlands, nor will stormwater management ponds need to be located on the parcel. (SR, 26-3)

J. Health Care

The Developer* shall pay all legally applicable Emergency Medical Service impact fees. (ADA* 28-1)

K. Fire

The water distribution system shall be designed to meet the County* fire flow standards. (ADA*, 23-1)

The development shall meet or exceed the fire flow and water pressure requirements established by the Manatee County Comprehensive Plan. (SR, 30-3)

L. Transportation

The Developer* is committed to implementation of the roadway improvements identified in Section 6 Development Conditions: Transportation of the Development Order.

Additional Developer Commitments associated with Ordinance 10-44

1. There will be no changes to preservation areas designated on the existing Master Development Plan, Exhibit 1 - Map H.
2. The application was provided to the Manatee County School Board through the submittal to Manatee County Planning Department. In addition, the applicant met with Mike Pendley, Facilities Planner for the Manatee County School Board, on April 15, 2008 to discuss the proposed application. (June 16, 2008 correspondence/Page 1)
3. The Manatee County School Board has discretion on whether the public school site on Parcel Q will be used or when it will be used. However, they do not have the sole discretion as to the location of the school site. The location can only be changed through coordination with the applicant and through appropriate applications with Manatee County. (June 16, 2008 correspondence/Page 2)
4. If the specified parcel [Parcel "M"] is developed with a school, those residential uses identified for that parcel may be relocated to other residentially designated parcels, provided that the total residential units are not exceeded and all other requirements of this Development Order and the zoning ordinance are met. (June 16, 2008 correspondence/draft amendatory language/Page 32)
5. It is understood that the potential construction of a private school currently requested on an existing residential parcel (Parcel "M" of the General Development Plan) would not fulfill the requirement for dedication of a 20-acre public school site (Parcel "Q" of the General Development Plan) currently recognized in the Development Order. However, in the event the School Board does not elect to construct the school site within the Gateway North community, the developer would be authorized to construct the current approved residential entitlements across this parcel.
6. The proposed/revised Master Development Plan or Map H, attached to this Report as Exhibit 1, shall be recognized within the amendatory language and included as a separate exhibit to the Development Order.

SECTION 8. LEGAL DESCRIPTION:

DESCRIPTION: (O.R. BOOK 1357, PAGE 132)

THE SOUTH 14 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 132)

TOGETHER WITH:

DESCRIPTION: (O.R. BOOK 1357, PAGE 134)

PARCEL A

THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1025 AT PAGE 3055, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAYS FOR BUCKEYE ROAD AND GRASS FARM ROAD, AND FLORIDA POWER AND LIGHT EASEMENT ALONG THE NORTH LINE THEREOF.

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAY FOR BUCKEYE ROAD.

PARCEL B

THE NORTHEAST 1/4, THE NORTHWEST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, ALL OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1030 AT PAGE 2797, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS THE SOUTH 14 FEET OF THE SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4.

SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR 56TH AVENUE EAST.

LESS THAT PART FOR RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 867 AT PAGE 441, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW ROAD.

PARCEL C

THE SOUTHEAST 1/4 AND THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW ROAD AND 40TH AVENUE EAST.

PARCEL D

THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS LANDS DESCRIBED IN OFFICIAL RECORD BOOK 291 AT PAGE 245 AND OFFICIAL RECORD BOOK 898 AT PAGE 872, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75.

PARCEL E

THE NORTHWEST 1 /4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL F

THAT PART OF THE EAST 1 /2 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LYING NORTHWEST OF AND ABUTTING THE NORTHWEST RIGHT OF WAY LINE FOR INTERSTATE ROUTE 75.

PARCEL G

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15"EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF THE MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET; THENCE NORTH 52°13'21" EAST, ALONG A FENCE, A DISTANCE OF 758.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE WEST, A DISTANCE OF 752.00 FEET; THENCE SOUTH 00°33'15" WEST ALONG THE AFOREMENTIONED WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 805.85 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 235, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL H

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE SOUTH 00°30'20" WEST, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 492.00 FEET TO THE POINT OF

BEGINNING; THENCE CONTINUE SOUTH 00°30'20" WEST, A DISTANCE OF 835.31 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH 88°54'50" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1040.38 FEET; THENCE NORTH 00°42'07" EAST, A DISTANCE OF 1293.37 FEET TO THE SOUTH RIGHT OF WAY LINE OF BUCKEYE ROAD; THENCE NORTH 88°42'00" WEST, ALONG SAID RIGHT OF WAY LINE AND 30.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 714.86 FEET; THENCE SOUTH 00°30'20" WEST, A DISTANCE OF 462.00 FEET; THENCE NORTH 88°42'00" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

PARCEL I

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15" EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET TO THE POINT OF BEGINNING; THENCE NORTH 52°03'21" EAST, ALONG A FENCE, A DISTANCE OF 756.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE EAST, A DISTANCE OF 117.00 FEET; THENCE SOUTH 21°55'00" EAST, A DISTANCE OF 238.00 FEET; THENCE SOUTH 30°37'45" WEST, A DISTANCE OF 249.85 FEET; THENCE NORTH 59°02'07" WEST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 51°53'51" WEST, A DISTANCE OF 674.66 FEET; THENCE WEST, ALONG THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF THE MOCCASIN-WALLOW ROAD, A DISTANCE OF 36.85 FEET TO THE POINT OF BEGINNING.

LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75 AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 235 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 134)

LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1537 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1541 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* has commenced. If construction of a phase is not begun or

completed by the timeframes contained in Section 4 above, or if any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use. Physical development of the Project* has commenced.

SECTION 10. RESTRICTIONS ON DOWN-ZONING:

For twenty-eight years from the date of approval (December 2, 2010), provided this Ordinance is not appealed, the County may not down-zone or reduce the intensity or unit density permitted by this Order, unless the County* can demonstrate that:

- A. Substantial changes in the condition underlying the approval of the Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County* to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity or unit density shall be affected only through the usual and customary procedures required by statute or ordinance for change in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this Order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County* to down-zone or alter the density of the Project*, but is included herein to comply with paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 11. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 12. RENDITION:

The Planning Department is hereby directed to send certified copies of this Order within thirty days

of the date of signature by the Chairman of the Board of County Commissioners to the Developer*, the Florida Department of Community Affairs, and TBRPC.

SECTION 13. NOTICE OF RECORDING:

The Developer* shall record a notice of adoption of this Order, as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department with a copy of the recorded notice.

SECTION 14. SEVERABILITY:

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE:

This Ordinance, 10-44 shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 08-58 during pendency of any appeal.

ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS 2nd DAY OF DECEMBER, 2010.

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

BY: 
Donna G. Hayes, Chairman



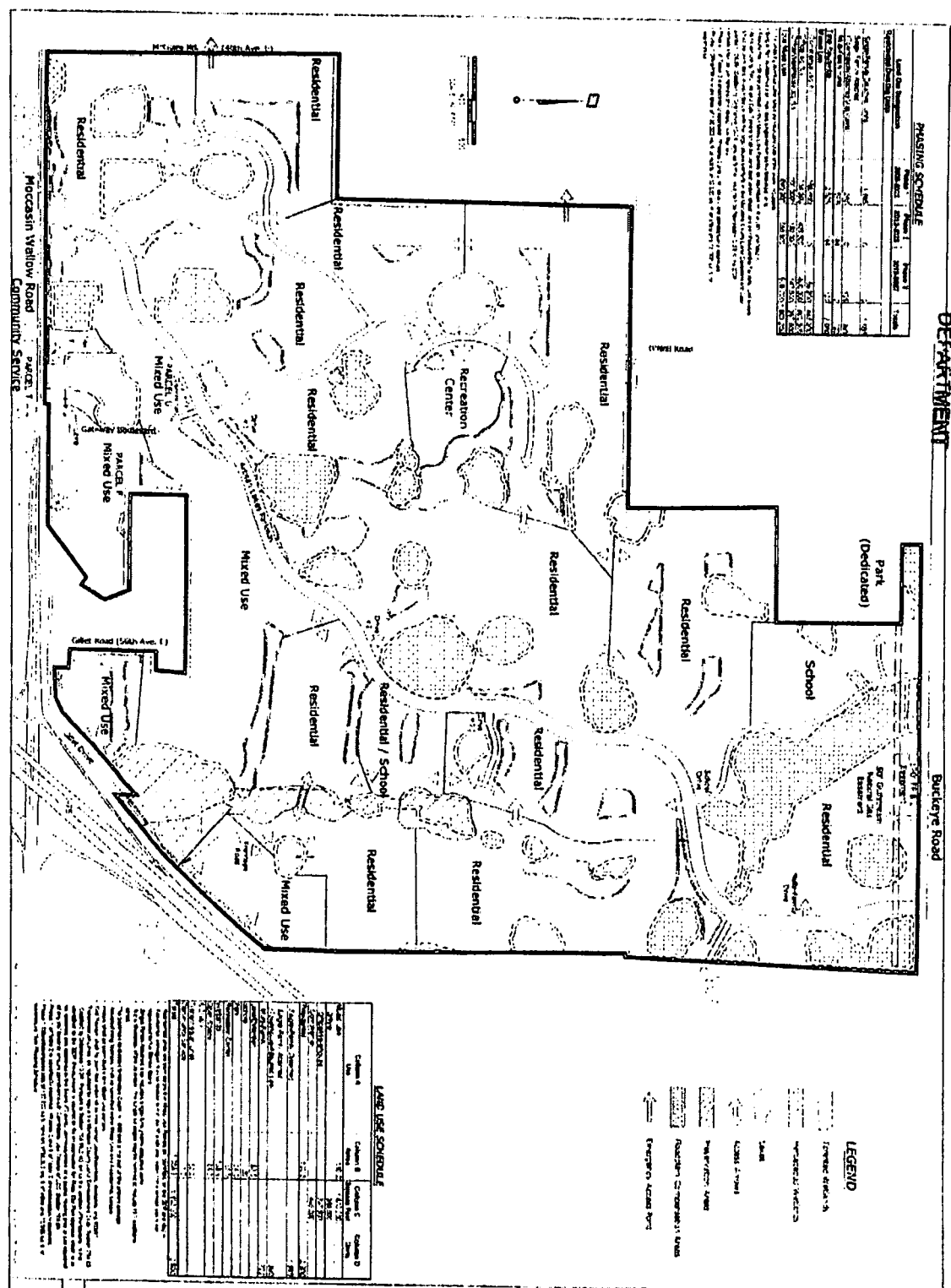
**ATTEST: R. B. SHORE
Clerk of the Circuit Court**

BY: 
Diane E. Vollmer
Deputy Clerk

Development Order Exhibits:

- Exhibit 1 – Map H
- Exhibit 2 – Preservation and Conservation Map
- Exhibit 3 – Wetlands Impacts
- Exhibit 4 – Ambient Water Quality
- Exhibit 5 – Supplemental Water Quality
- Exhibit 6 – Land Use Equivalency Matrix
- Exhibit 7 – Wildlife Management Plan
- Exhibit 8 – Affordable Housing
- Exhibit 9 – Proportionate Share Table for Phase 1

DEPARTMENT



MAP H

MASTER DEVELOPMENT PLAN
Gateway North

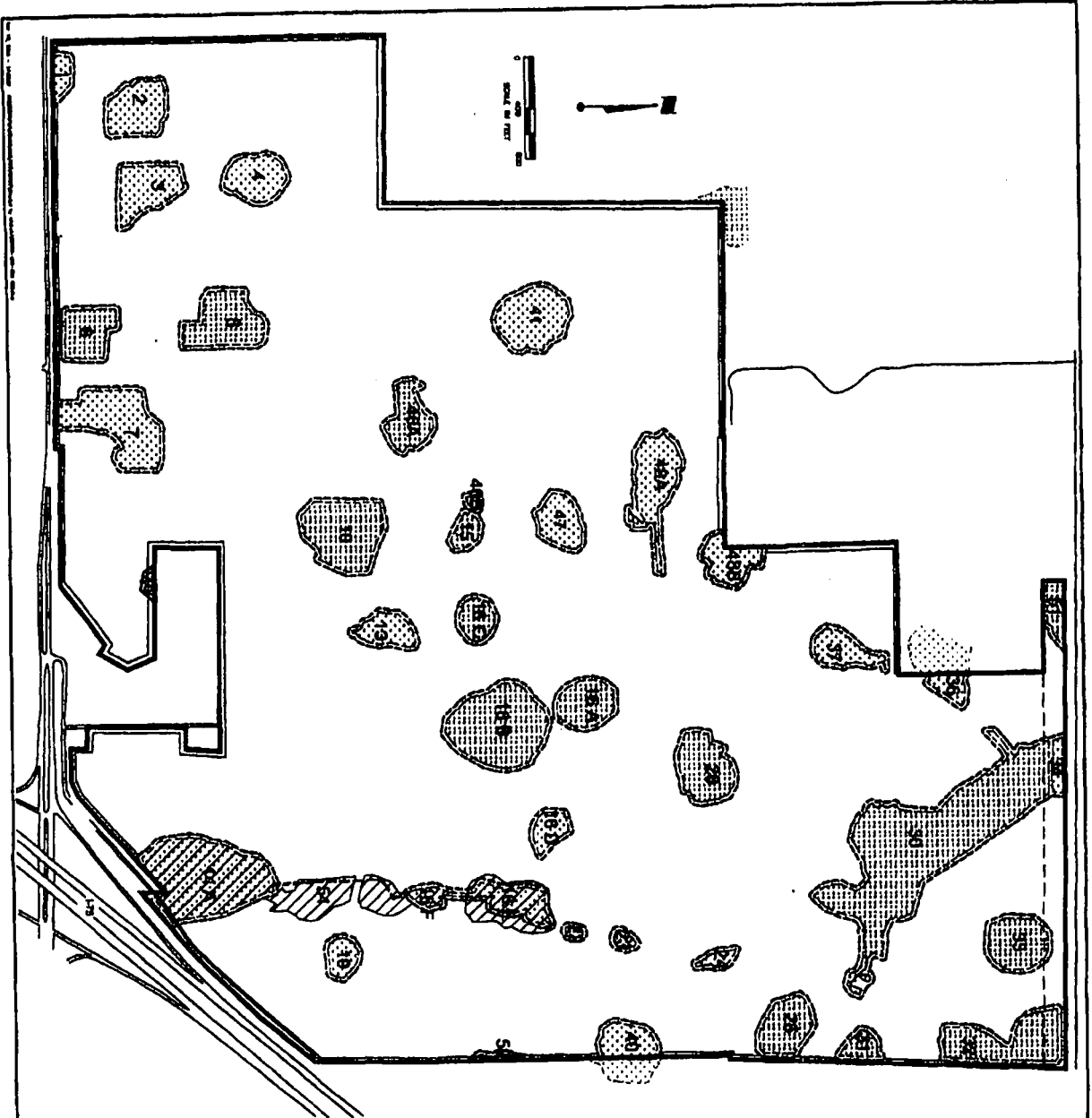
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- LEGEND**
-  Specialized Vegetation
 -  Indiscriminate Vegetation
 -  Prescribed Fire Area

EXHIBIT 2

**DRI #218
GATEWAY NORTH
PRESERVATION/
CONSERVATION MAP**

March 17, 2010

WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY

**Exhibit 3
Wetland Acraeges and Impacts - March 17, 2010**

Wetland #	Land Use	Acres	Permanent Impact Acreage
1	610	0.93	
2	610	3.71	
3	610	3.71	
4	610	3.00	
5	610	4.50	
6	610	3.08	
7	610	6.79	0.1
8	610	1.87	1.87
10	640	6.44	
11	610	0.81	0.81
12	615	0.25	0.25
13	641	1.98	
14A	615	10.75	
15	640	0.99	
16A	640	3.00	
16B	640	8.78	
16C	640	1.62	
16D	640	1.49	
16E	615	2.50	
16F	615	0.85	
19	610	1.36	
22	619	0.23	
23	640	0.40	
24	640	0.55	
25	640	3.19	
27	643	0.17	0.17
28	640	4.19	
30	640	23.42	
31	640	0.96	
32	640	5.37	
33	641	3.75	
34	641	0.77	
36	610	1.10	
37	610	2.16	
40	610	2.31	
41	640	4.98	
46A	610	2.75	
46B	610	0.19	
47	610	2.57	
48A	610	4.54	
48B	610	2.69	
49	610	0.27	
51	640	1.58	
52	640	0.30	
54	615	0.25	
Total:		136.90	3.00

Total Permanent Wetland Acreage after Impacts: 133.90

Exhibit 4

Ambient Water Quality Monitoring Requirements for Developments

General Monitoring Plan Requirements

Applicants should establish by pre-development monitoring data collection the current status of any receiving waterbody of the proposed development under the Impaired Waters Rule, 62-303 F.A.C.. Monitoring plan designs must be pre-approved by the Environmental Management Department, Water Quality Division, which will also review the required reports.

Program Duration and Sampling Frequency

Water quality monitoring must meet the data sufficiency requirements of 62-303.320(4) F.A.C.. At least ten, independent samples with at least one sample from three of the four calendar seasons as described in the cited administrative code. However, sampling must be attempted in all four calendar seasons. Data collection must continue in successive calendar seasons until sufficient data are accumulated to determine the water body status. One year of monitoring data collection will normally be required to meet this criterion. Data from other entities do not satisfy this requirement for current monitoring data collection.

Sampling Stations

A minimum of one surface water sampling station is to be located in each water body that will receive stormwater discharges from the completed development. Additional stations may significantly increase the reliability of the monitoring program. Applicants should carefully consider if their monitoring program design is viable during the dry season. Samples from multiple stations must meet the independence criteria of 62-303.320(4) F.A.C..

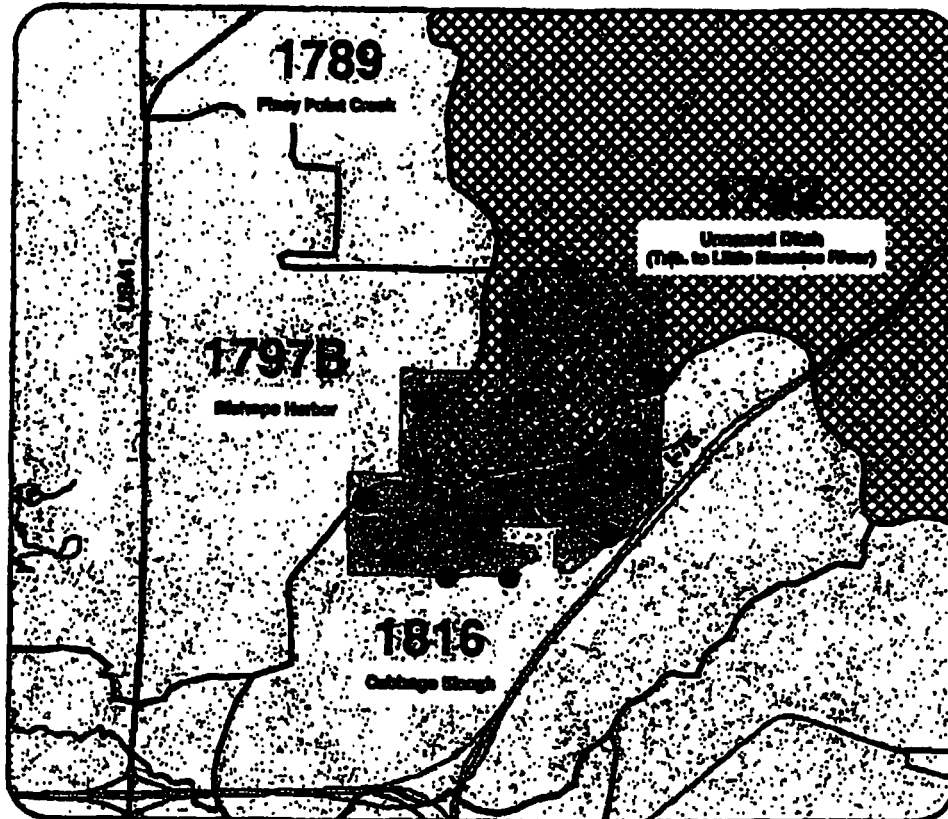
Quality Assurance

Monitoring data must meet all of the quality assurance requirements of 62-303.320(7) F.A.C. All monitoring data must be submitted to STORET.

Reporting

Applicants should submit quarterly status reports no later than 60 days following the end of each calendar quarter. Status reports will indicate where and when monitoring data were collected and summarize the results. A final, interpretive report is due no later than 90 days following the conclusion of the monitoring program. The report will evaluate the monitoring data using the procedures described in 62-303.300 F.A.C. (Planning List), State water quality standards in 62-302 F.A.C., and procedures used by the Florida Department of Environmental Protection Watershed Management Cycle, Phase 1 (Planning List). Data from other entities meeting the quality assurance requirements described above may be used in the interpretive report. Results should be submitted to STORET concurrently with the submission of the final report. Your final report should indicate how these data were labeled so that the submission can be verified through the STORET Internet interface.

Gateway North Water Quality Stations



- Groundwater-Deep Well Station
- Groundwater-Shallow Well Station
- Surface Water Station
- WBD Boundaries
- ▨ Impaired for Dissolved Oxygen-Run 14
- Major Roads



Exhibit 5

Gateway North/AKA Property Reserve, Inc. PDMU-91-01

Supplemental Surface Water Quality Monitoring Plan Proposal

The following presents a Supplemental Water Quality Monitoring Plan, in accordance with the stipulation under Development Order Condition F.(6) 1. Pre-Construction Monitoring for the above referenced NOPC development site. An aerial map showing the Gateway North NOPC site boundaries is provided following this monitoring plan proposal.

Baseline water quality monitoring was performed and approved by MCEMD for the original DRI project, in late 1997. The baseline monitoring continued through January 1999 in order to collect sufficient, representative surface water quality data to satisfy the Manatee County Ordinance 93-49, Development Order requirements, at that time. In the interim, MCEMD has mandated additional development order requirements in order to meet the state's reasonable assurance criteria for total maximum daily load (TMDL) allocations for impaired and potentially impaired waterbodies.

The following supplemental water quality monitoring plan for ambient, surface water conditions is proposed in order to meet those additional requirements referenced in Exhibit "A" (MCEMD's "Ambient Monitoring Requirements for Developments") of the above referenced Development Order, during the pre-developmental phase of the proposed NOPC project. A copy of "Exhibit A" is provided with this monitoring plan for reference. Upon approval, the monitoring program will begin immediately in order to satisfy the one year of monitoring data collection prior to site development activities.

Sampling Stations/Locations:

Five water quality monitoring stations were established to monitor the DRI site during 1997 to 1999. The stations were located upgradient and downgradient of sub-basin drainages within the DRI site. The Gateway North DRI monitoring station locations are shown on the attached MCEMD Basin ID map, identified as Exhibit "B". Monitoring of the same locations is proposed for the supplemental water quality monitoring program in order to detect surface water quality trends for the water quality parameters previously analyzed.

Monitoring Frequency and Parameters:

Surface water sampling will be conducted at the five surface water monitoring stations (Exhibit "B") on a quarterly basis in order to meet the data sufficiency requirements of 62-303.320(4) F.A.C. At least ten, independent samples are to be collected with at least one sample from three of the four calendar quarters in order to determine the additional representative, ambient water quality conditions during the pre-development phase of the NOPC project.

The following parameters will be analyzed from samples collected from the monitoring stations:

Dissolved oxygen;
Temperature;
pH;
Conductivity/Salinity
Fecal and Total Coliform;
Turbidity;
Total suspended solids (TSS)
Total organic carbon (TOC)
Color
Carbonaceous biologic oxygen demand (CBOD)
Calcium magnesium (Ca Mg)
Potassium (K)
Sodium (Na)
Iron (Fe)
Chlorophyll a
Phaeophytic a
Nitrate
Total kjeldahl nitrogen (TKN)
Ammonia (NH₃)
Total nitrogen;
Nitrate + Nitrite
Total phosphorus
Total phosphate
Sulfate (SO₄)
Flouride
Chloride
Organochlorine Pesticides (EPA 608 parameter list)
Primary Herbicides: 2,4, 5-TP Silvex and 2,4 - D

Quality Assurance/Quality Control: Sampling/Analytical Methods

All sampling and field measurements will follow the applicable collection and quality control protocols and requirements described in DEP-SOP-001/01 (January 1, 2002) and DEP-QA-

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Supplemental Water Quality Monitoring Plan Proposal
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Page 3

001/92 (Laboratory Operations and Sample Collection Activities). Analytical methods will meet all of the quality assurance requirements stipulated in 62-303.320(7).

Reporting:

Reporting for the supplemental water quality monitoring program will be performed in accordance with the provisions in Exhibit "A". Field and laboratory analytical results for the supplemental monitoring periods will be submitted to MCEMD in a quarterly status report no later than 60 days following the end of each calendar quarter. These status reports will indicate monitoring data collection frequency, location and will summarize the results. An interpretive report will be submitted at the conclusion of the pre-development monitoring (for ambient water quality conditions) period, no later than 90 days following the final (pre-development) monitoring event. All data will be submitted to STORET as specified in Exhibit "A".

Attachments: (updated) Aerial Map Exhibit (DRI/NOPC site boundaries)
Exhibit "A" (MCEMD Ambient Water Quality Monitoring Document)
Exhibit "B" (MCEMD Basin ID map)

CC: Tom Spence, TW Acquisitions, Inc.
Greg Blanchard, MCEMD
Brenda Arnold, FDEP

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GATEWAY NORTH ORL LAND USE EQUIVALENCY MATRIX (November 2016)

"A"	"B"									
	EQUIVALENT USES									
LAND USES THAT ARE TO BE TRADED	# OF SINGLE-FAMILY DWELLING UNITS	# OF SINGLE-FAMILY DWELLING UNITS ATTACHED	# OF MULTI-FAMILY APARTMENTS	# SR. ADULT HOUSING DETACHED UNITS	# OF BR. ADULT HOUSING ATTACHED UNITS	# OF SQ. FT. RETAIL	# OF SQ. FT. WAREHOUSE	# OF SQ. FT. OFFICE	# OF SQ. FT. OF WAREHOUSE	# OF HOTEL ROOMS
SINGLE FAMILY DETACHED DWELLING UNIT	(1.00)	(1.55)	(1.30)	(2.93)	(4.94)	(141.07)	(2633.33)	(328.17)	(1128.57)	(1.13)
SINGLE FAMILY ATTACHED	(0.65)	(1.00)	(0.88)	(1.89)	(3.19)	(91.07)	(1981.54)	(212.50)	(728.57)	(0.73)
MULTI FAMILY APARTMENT	(0.73)	(1.14)	(1.00)	(2.15)	(3.63)	(103.57)	(1833.33)	(241.87)	(828.57)	(0.83)
1000 SQ. FT. OF RETAIL	(7.09)	(10.98)	(8.68)	(20.74)	(35.00)	(1000.00)	(21538.46)	(2333.33)	(8000.00)	(8.00)
1000 SQ. FT. OF OFFICE	(3.04)	(4.71)	(4.14)	(8.89)	(15.00)	(428.57)	(9230.77)	(1000.00)	(3428.57)	(3.43)
1000 SQ. FT. WAREHOUSING	(0.88)	(1.37)	(1.21)	(2.59)	(4.38)	(125.00)	(2333.33)	(291.87)	(1000.00)	(1.00)

* The calculations must always start in Column "A" and end in Column "B". Start in Column "A" at appropriate row, proceed horizontally, then vertically to the equivalent use in Column "B". The equivalent Column "B" land use is noted in the () at the intersection of the "traded land use" horizontal row, and the "equivalent uses" vertical column. For example, one Single Family Detached unit (Column "A", second row) can be traded into 141.07 sq. feet of Retail. The intersection of the Single Family Detached unit row, and the Retail column is 141.07 Sq. Feet.

In order to preserve the multi-use nature of this development, Phase I land use exchanges will be limited so that the following Phase I minima and maxima for each land use will be observed:

Use	Phase I Approved Uses	
	Minimum	Maximum
Single-Family Detached (including Sr. Adult) d.u.'s	1,885	2,359
Single-Family Attached (including Sr. Adult) d.u.'s	295	371
Multi-Family Apartment d.u.'s	578	809
Commercial s.f.	396,000	463,200
Office s.f.	194,000**	220,800
Hotel rooms	0	180
Mini-warehouse s.f.	0	175,000
Warehouse s.f.	70,000	84,000

**No individual land use category shall exceed the threshold for increases as established in Subsection 390.08(19), Florida Statutes without a Notice of Proposed Change Substantial Deviation Analysis.

**184,000 square feet of office includes 30,000 square feet of office assumed in Office/Service Center.

**GATEWAY NORTH
WILDLIFE MANAGEMENT PLAN**

May 11, 1993

Prepared For:

**MAGNOLIA MANAGEMENT CORPORATION
1700 - 13th Street, Suite 1
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GATEWAY NORTH WILDLIFE MANAGEMENT PLAN

1.0 INTRODUCTION

The Gateway North project is an approved Development of Regional Impact (DRI) located in northwest Manatee County. The project consists of approximately 1070 acres bordered to the north by Buckeye Road, to the south by Moccasin Wallow Road, and to the southeast by Interstate 75 (Figure 1). The project will be a mixed-use development containing single family, townhome, and multi-family dwellings; commercial space; office space; a school site; a recreation center; and a county park/habitat preserve.

Condition C.(1) of Manatee County Ordinance 92-30 (hereinafter referred to as Development Order) requires that the Developer prepare a plan in accordance with the management guidelines of the Florida Game and Fresh Water Fish Commission (FGFWFC) and receive administrative approval by the FGFWFC, the County, and the Environmental Action Commission (EAC). Specifically the plan shall:

"Address all listed species observed on site, or which are observed frequenting the site for nesting, feeding, or breeding, to include cranes and other wading birds. This plan shall also include information on upland and wetland preserve habitat protection and management, as well as information on site maintenance, fire frequency, wetland management and boundary protection. The plan shall identify the bound entity for implementation, management, and financial responsibility."

To this end, this report provides an overview of the distribution and abundance of the protected species on the project site; a description of the various habitat management and preservation areas; the types of habitat management necessary to provide suitable

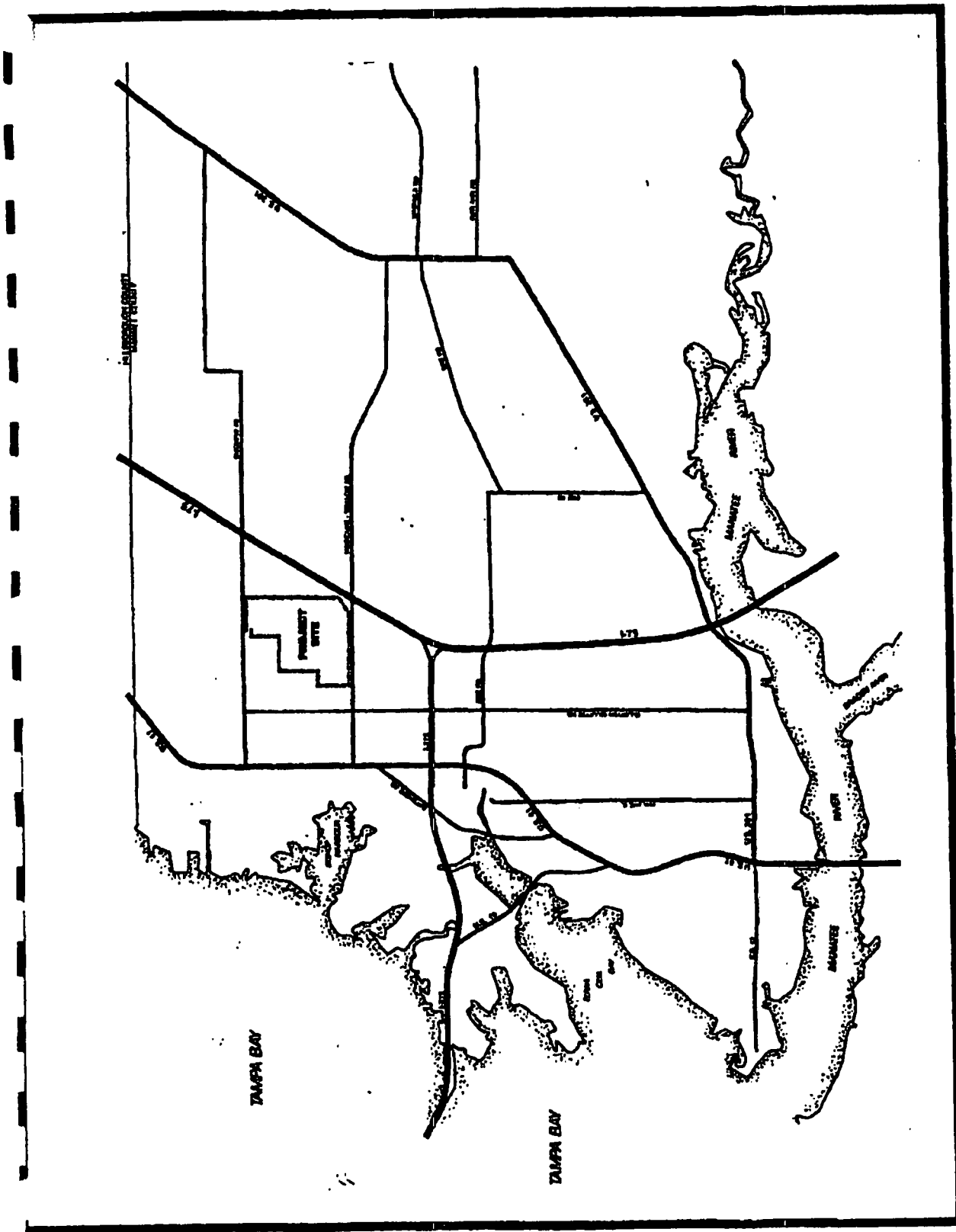


FIGURE 1. GATEWAY NORTH PROJECT LOCATION.

SOURCE: GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT/APPLICATION FOR DEVELOPMENT APPROVAL.

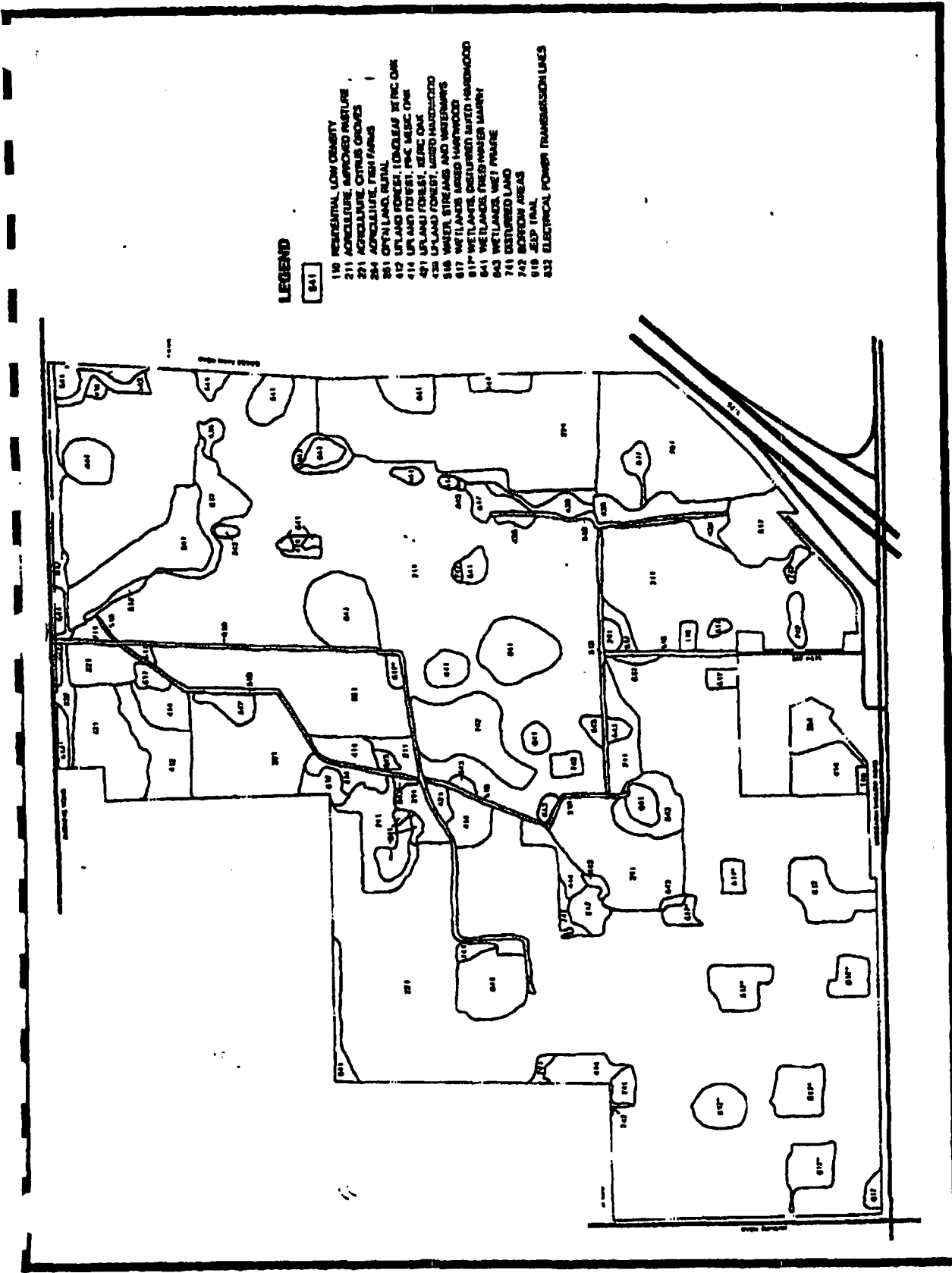
conditions for protected species; the management techniques to be used to accomplish the objectives; and an outline of a monitoring program which will allow periodic analysis of the success of the management plan. The approvals required by Condition C. (1) of the Development Order are also requested.

2.0 SITE CHARACTERISTICS

The Gateway North site exhibits extensive improvements for agriculture including conversion to citrus groves (437 acres), pasture (299 acres), fallow crop land (34 acres) and fish farming (5 acres). The dominant natural systems include freshwater marsh and wet prairie wetlands (100 acres), mixed hardwood wetlands (44 acres), pine-mesic oak upland forests (30 acres), and disturbed mixed hardwood wetlands (28 acres). Figure 2, prepared for the Gateway North DRI Application for Development Approval (DRI/ADA) (Dames and Moore, 1990), identifies the extent and configuration of the various habitat types and land uses on the site. The acreage of the various habitat types or land uses, as categorized by the Florida Land Use, Cover and Forms Classification System (Department of Transportation, 1985) is provided in Table 1.

3.0 DISTRIBUTION AND ABUNDANCE OF PROTECTED SPECIES

The methodology presented below generally outlines the field procedures and evaluations used to identify and confirm the presence of animal species listed by the Florida Game and Freshwater Fish Commission (FGFWFC) and/or the U. S. Fish and Wildlife Service (USFWS) and plant species listed by the USFWS. The DRI/ADA wildlife sampling program was conducted in general accordance with the Florida Game and



LEGEND

- 116 RESIDENTIAL, LOW DENSITY
- 211 AGRICULTURE, IMPROVED PASTURE
- 221 AGRICULTURE, CITRUS GROVES
- 254 AGRICULTURE, FISH FARMS
- 361 OPEN LAND, RURAL
- 412 UPLAND FOREST, ILEX/OAKLEAF YUCCA OAK
- 414 UPLAND FOREST, PINE MOSAIC OAK
- 421 UPLAND FOREST, YUCCA OAK
- 422 UPLAND FOREST, WOOD HARDWOOD
- 516 WATER, STREAMS AND WETLANDS
- 617 WETLANDS, MIXED HARDWOOD
- 618 WETLANDS, DISTURBED WATER HARDWOOD
- 643 WETLANDS, WET PRAIRIE
- 741 DISTURBED LAND
- 742 BOTTOM AREAS
- 816 RIPARIAN
- 832 ELECTRICAL POWER TRANSMISSION LINES

FIGURE 2. GATEWAY NORTH LAND USE AND EXISTING VEGETATIVE ASSOCIATIONS.

SOURCE: GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT/APPLICATION FOR DEVELOPMENT APPROVAL.

TABLE 1. EXISTING LAND USE AND COVER CLASSIFICATIONS FOR THE GATEWAY-NORTH SITE

Cover	Description	Acreage	% of Total Acreage
110	Residential, Low Density	1.7	0.2
211	Improved Pastures	298.8	27.9
221	Agricultural, Citrus Groves	437.1	40.9
254	Agricultural, Fish Farms	5.1	0.5
261	Open Land, Rural	33.8	3.2
412	Longleaf Pine-Xeric Oak	9.0	0.8
419	Pine-Mesic Oak	29.5	2.8
421	Xeric Oak	15.0	1.4
438	Mixed Hardwoods	12.4	1.2
510	Water, Streams & Waterways	9.6	0.9
617	Mixed Hardwood Wetland	44.3	4.1
617*	Disturbed Mixed Hardwood Wetlands	27.5	2.6
641	Freshwater Marsh	83.8	7.8
643	Wet Prairie	15.8	1.5
741	Disturbed Land	12.7	1.2
742	Borrow Areas	18.9	1.8
810	Jeep Trail	6.2	0.6
832	Electrical Power Transmission Lines	8.5	0.8
		1,069.8	100.0

Source: Gateway North Development of Regional Impact Application for Development Approval. September 1990.

Fresh Water Fish Commission's Wildlife Methodology Guidelines (FGFWFC, 1988). As described in the DRI/ADA (Dames and Moore, 1990).

"Surveys were performed to determine existing wildlife usage of the property. The previously discussed vegetative community mapping was reviewed to select representative areas of the various habitats and to concentrate efforts in areas of suitable habitat. In May 1990, approximately 130 man-hours were logged in the field performing the wildlife assessment. The surveys generally consisted of meandering pedestrian transects in all vegetative communities on the property."

3.1 Wetland Surveys

Marshes, wet prairies, mixed wetland hardwoods and borrow areas were included in the wetland surveys. Wetlands were surveyed during the morning and evening hours for four days. Due to recent drought conditions, most of the wetlands were dry. The investigation was concentrated at two sites, a freshwater marsh in the northeast and a borrow area in the central portion of the property. These two areas provided the most suitable forage habitat for wildlife utilizing on-site wetlands at the time of the surveys.

A follow-up survey was conducted in an effort to determine the presence of a reported Florida Sandhill Crane nest. A supplemental pedestrian survey of herbaceous wetland habitats was conducted to seek evidence of on-site nesting by Sandhill Cranes (Dames and Moore, 1991).

3.2 Upland Surveys

The upland wildlife surveys consisted primarily of linear and meandering pedestrian transects through areas of suitable habitat in May 1990. Meandering transects were used to maximize site coverage.

Because vegetative mapping indicated that potential Gopher Tortoise habitat occurred on site, the presence of Gopher Tortoise habitats was determined using pedestrian transect surveys through these habitat areas (Figure 3). The status of each burrow was recorded according to the following criteria: active - obvious tortoise tracks or shell scraping signs at the burrow entrance; inactive - no tracks or shell scrapings; burrow unoccluded by debris, but recent use apparent; abandoned - burrow covered with sticks, weeds, grass, burrow collapsed or dilapidated. A Gopher Tortoise population estimate was calculated according to methodology described by Auffenberg and Franz (1982).

3.3 Results

Six bird species observed on the site are listed by the FGFWFC and/or the USFWS; Wood Stork, Florida Sandhill Crane, Little Blue Heron, Tri-colored Heron, Snowy Egret, and Roseate Spoonbill. The Wood Stork is listed as Endangered by the FGFWFC and USFWS, the Florida Sandhill Crane is listed as Threatened by the FGFWFC, but is unlisted by the USFWS, and the Little Blue Heron, Tri-colored Heron, Snowy Egret and Roseate Spoonbill are all listed as Species of Special Concern by the FGFWFC and unlisted by the USFWS.

No endangered or threatened mammal, reptile, or amphibian species were observed on the site. However, one reptile, the Gopher Tortoise, and one mammal, the Sherman's Fox Squirrel, found on the site are listed as Species of Special Concern by the FGFWFC. A list of protected wildlife species observed on the site is provided in Table 2 and sighting locations are depicted on Figure 4.

No plant species listed by the U.S. Fish and Wildlife Service were found on the site.

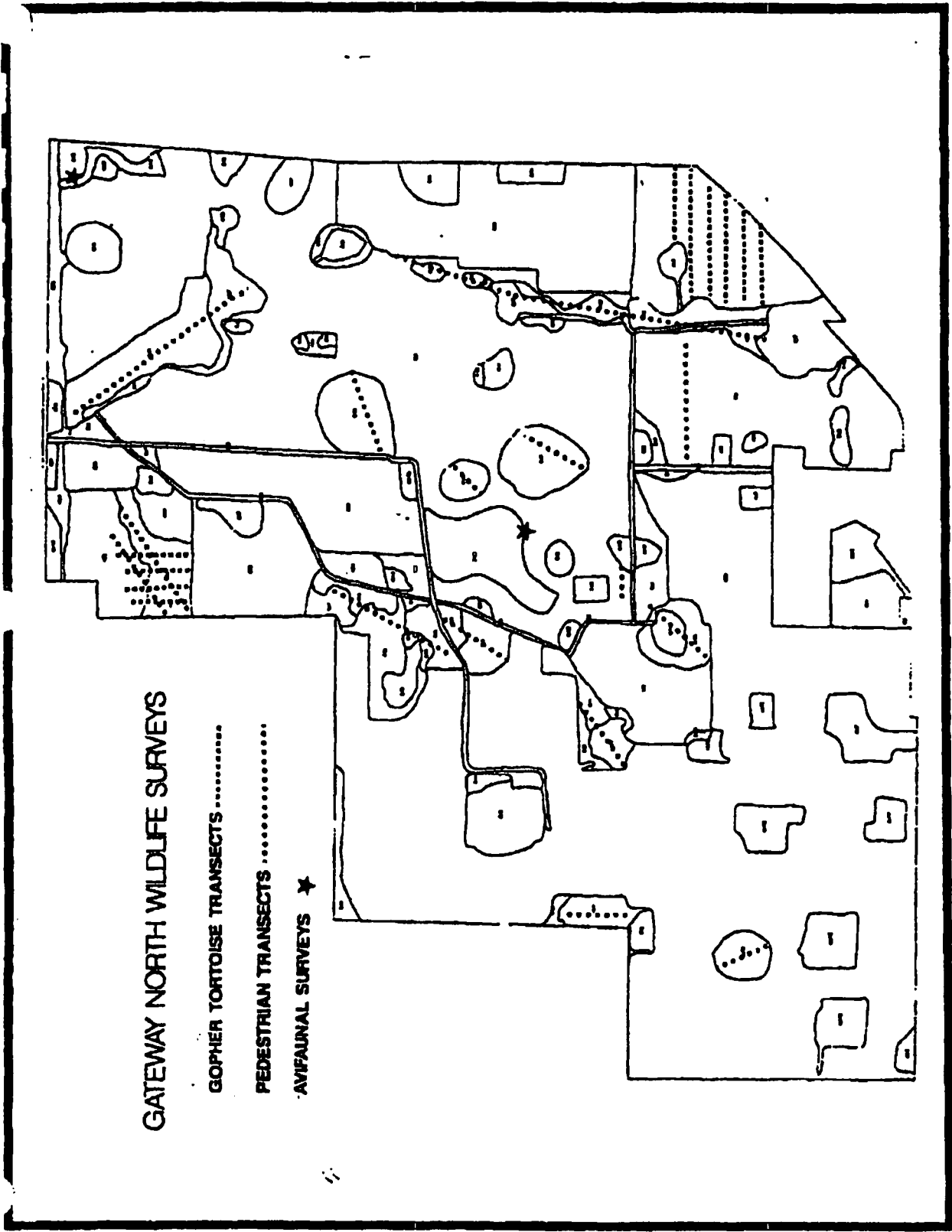


FIGURE 3. GATEWAY NORTH WILDLIFE SURVEYS.

SOURCE: GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY RESPONSE.

TABLE 2. PROTECTED WILDLIFE OBSERVED ON THE GATEWAY NORTH SITE

SPECIES	STATUS
Birds	
Wood Stork <i>(Mycteria americana)</i>	Endangered (FGFWFC ¹ , USFWS ²)
Florida Sandhill Crane <i>(Grus canadensis pratensis)</i>	Threatened (FGFWFC)
Little Blue Heron <i>(Egretta caerulea)</i>	Species of Special Concern (FGFWFC)
Snowy Egret <i>(E. thula)</i>	Species of Special Concern (FGFWFC)
Tri-colored Heron <i>(E. tricolor)</i>	Species of Special Concern (FGFWFC)
Roseate Spoonbill <i>(Ajaja ajaja)</i>	Species of Special Concern (FGFWFC)
Reptiles	
Gopher Tortoise <i>(Gopherus polyphemus)</i>	Species of Special Concern (FGFWFC)
Mammals	
Sherman's Fox Squirrel <i>(Sciurus niger shermani)</i>	Species of Special Concern (FGFWFC)

¹Florida Game and Fresh Water Fish Commission (Section 39-27.03-05, Florida Administrative Code).

²U.S. Fish and Wildlife Service (50 CFR 17.11).

Source: Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida. November 1, 1992.

GATEWAY NORTH LISTED SPECIES SIGHTINGS

- #1 SANDHILL CRANE (T)
- #2 WOODSTORK (B)
- #3 LITTLE BLUE HERON (SSC)
- #4 TRICOLORED HERON (SSC)
- #5 SNOWY EGRET (SSC)
- #6 ROSEATE SPOONBILL (SSC)
- #7 GOPHER TORTOISE (SSC)
- #8 SHERMANS FOX SQUIRREL (SSC)

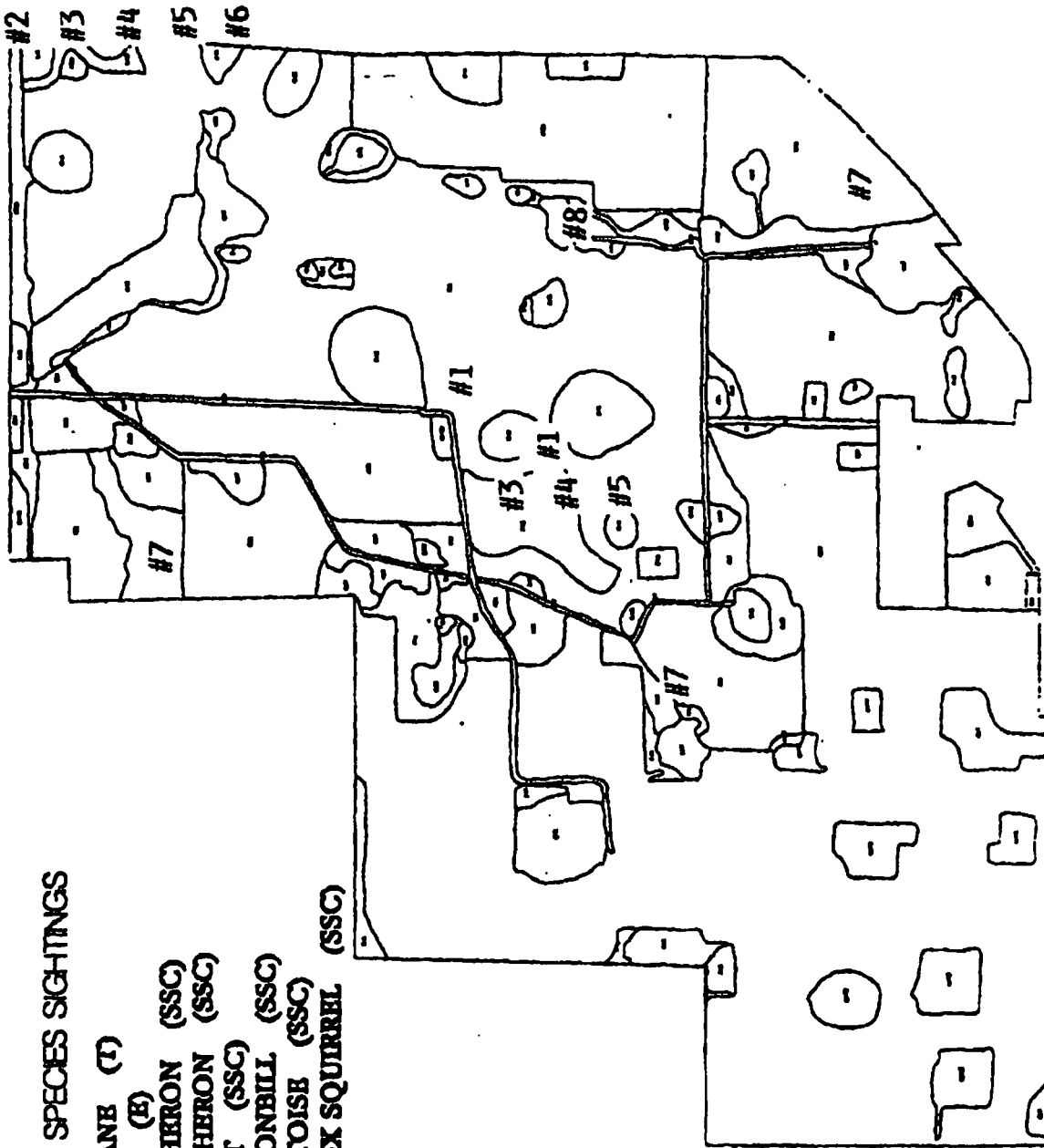


FIGURE 4. GATEWAY NORTH LISTED SPECIES SIGHTINGS.

SOURCE: GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY RESPONSE.

Wood Stork (Endangered): Wood Storks were observed feeding in one wetland on the site. These birds sometimes prefer to wade in shallow water where they feed primarily on fish and will frequent water filled ditches and shallow ponds. It is likely that this species seasonally utilizes the wetland resources on site for feeding. Wood Storks typically nest in large colonies, usually in cypress trees. Suitable nest area is not expectedly available on site and no nesting was observed.

Florida Sandhill Crane (Threatened): Florida Sandhill Cranes have been observed within the improved pasture near the large central freshwater marsh. Two adults and two young were observed in May 1990. No nests were observed during the surveys and no documentation of Florida Sandhill Crane nesting on site is available. The adult and young cranes observed in May 1990 may have nested elsewhere but feed on the site. The cranes observed are believed to be the Threatened Florida Sandhill Crane subspecies because of the presence of chicks.

Little Blue Heron, Tri-colored Heron, Snowy Egret, and Roseate Spoonbill (Species of Special Concern): These wading birds were not observed nesting on the site but were observed perching and wading within wetlands and the open water bodies.

Gopher Tortoise (Species of Special Concern): The survey of Gopher Tortoise habitat discovered two disjunct tortoise colonies and two isolated burrows. The first colony contained 11 active and 6 abandoned burrows in the longleaf pine/xeric oak habitat (FLUCFCS code 412) in the northwest corner of the parcel. Approximately 4 acres of the habitat had sufficiently thin understory to be acceptable to tortoises. The second colony contained 9 active and 1 abandoned burrows in improved pasture (FLUCFCS

code 211) comprising 5 acres. The isolated, active burrows were located 900 feet southwest, and 600 feet west-northwest, respectively, of the large borrow pit.

Using a conversion factor of 0.614 (Auffenberg and Franz, 1982), the composite number of active and inactive burrows yields estimated colony sizes of 7 and 6. Assuming each of the isolated burrows has one resident, the estimated total number of Gopher Tortoises on the parcel is 15. The estimated density of tortoises in the two colonies is 1.7 and 1.2 tortoises per acre, respectively.

Sherman's Fox Squirrel (*Sciurus niger shermani*): A single Sherman's Fox Squirrel was observed within a wetland adjacent to an upland mixed forest on the site. Sherman's Fox Squirrels typically prefer sandhills and longleaf pine/turkey oak associations and sand pine scrub. In the absence of these habitats Fox Squirrels prefer open pine/oak woodlands and mixed forests where they can build their tree nests and feed on nuts and seeds.

4.0 HABITAT CONSERVATION AND MANAGEMENT

The Gateway North development plan sets aside over 431 acres of habitat (Table 3). Both upland and wetland habitats will be preserved and additional wetland habitats will be created as compensation for impacts to wetlands and as open water bodies (Figure 5). Specific requirements of the protected species found on site are addressed below.

4.1 Wading Birds

The protected wading birds observed on site, the Wood Stork, Florida Sandhill Crane, Little Blue Heron, Snowy Egret, Tri-colored Heron, and Roseate Spoonbill will be

TABLE 3. WILDLIFE HABITAT PRESERVED AND CREATED, GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT.

	<u>Acres</u>
<u>NATIVE HABITAT</u>	
<u>Upland</u>	
Park	
Upland Forest, Xeric Oak (421)	12.7
Upland Forest, Longleaf Pine/Xeric Oak (412)	8.1
Upland Forest, Pine Mesic Oak (414)	3.5
Wetland Buffers	•
<u>Wetland</u>	155.9
Total Native Habitat (excluding wetland buffers)	> 180.2
 <u>CREATED HABITAT</u>	
Wetland	
Mitigation	26.5
Lake	72.9
Stormwater Lakes	151.6
Total Created Habitat (excluding wetland buffer)	<u>251.0</u>
Total Habitat Preserved and Created	> 431.2

* To be determined.

protected by providing sufficient wetland and open water habitat. Both wetland and open water habitats will receive net area increases in acreage.

These species will be accommodated by 155.9 acres of preserved wetland habitat, 26.5 acres of mitigation wetlands, and 224.5 acres of lake and stormwater ponds for foraging. In addition to the wetland acreage, a thirty-foot wide upland buffer will be maintained around preserved and created wetlands. Although there is no documentation that any of these species utilize the site for nesting, one of the proposed mitigation areas has been designed to replace sandhill crane nesting habitat which would be impacted by creation of the 72.9 acre lake. This mitigation area, which was required in the permit for the lake, is provided for recreation east of the lake and is expected to exceed the quality of the currently available nesting habitat for Florida Sandhill Cranes. This mitigation area was designed based upon FGFWFC Sandhill Crane Nesting Site Criteria.

4.2 Sherman's Fox Squirrel

The area where the Sherman's Fox Squirrel was observed on the site is upland forest/mixed hardwood (438) adjacent to mixed hardwood wetland (617). The preservation of this wetland and its associated upland buffer of mixed hardwoods habitat is expected to provide sufficient habitat for this species. This species may utilize the pine mesic oak habitat (414) to be preserved with the park/habitat preserve, as well.

4.3 Gopher Tortoise

The protection of the Gopher Tortoise on site will be accomplished through preservation, maintenance and management as appropriate, of a 24.3 acre upland park/habitat

preserve in the northwest corner of the project. A colony of tortoise currently resides in this area. The park is comprised of three upland land use types: xeric oak forest (421) (~ 12.7 acres), longleaf pine/xeric oak forest (412) (~ 8.1 acres), and pine mesic oak forest (414) (~ 3.5 acres). In accordance with the Development Order requirements, the upland park/habitat preserve will be conveyed to Manatee County prior to future development approvals.

The acreage of tortoise habitat and the number of individuals on site does not meet the threshold for habitat protection as discussed in "Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Large-Scale Development in Florida". (Cox, *et al.*, 1987). However, the proposed protection of the entire four (4) acres (44%) of occupied longleaf pine/xeric oak forest on site exceeds the 25% (2.25 acres) protection guideline for the nine acres (4 acres of pine/oak plus 5 acres of improved pasture) of occupied habitat occurring on the property. The proposed park/habitat preserve area, therefore satisfies the guidelines for the habitat protection option for obtaining a gopher tortoise "taking" permit (Hartman, 1992).

4.4 Habitat Management Techniques

The primary objective of management is to maintain native plant community characteristics which fulfill the habitat requirements of the protected species found on the site. No active management is proposed for preserved wetlands and wetland buffers. The wetland areas will be maintained by designing the project's surface water management system to maintain wetland hydroperiods.

Created wetlands will be maintained as required by the appropriate wetland regulatory agencies. Typical management includes removal of exotic and nuisance vegetation and replanting if the survival rate is unacceptably low. In addition, thirty foot wide upland buffers will be provided around created wetlands.

Both natural and created wetlands, with their associated buffers, will be recorded as conservation easements at the time of platting. As such, they will be subject to the protection afforded such areas by Manatee County regulations.

4.4.1 Park Site

The features that characterize Gopher Tortoise habitats are: the presence of well drained, sandy soils which allow easy burrowing; an abundance of herbaceous ground cover for food; and an open canopy and sparse shrub cover which allows sunlight to reach the surface of the ground (Cox, *et al.*, 1987). The park site/habitat preserve currently fully satisfies only the first (soils) condition. Because the site is overgrown with saw palmetto (*Serenoa repens*), muscadine grape (*Vitis* spp.), and oak (*Quercus* spp.) seedlings, saplings and runner plants, the herbaceous cover is low to moderate.

Techniques that shall be employed as appropriate to enhance and maintain the park area consist of mechanical treatment alone or in combination with prescribed burning. Because of the existing overgrown vegetative character of the park site and thick leaf litter layer (0 - 9"), an initial mechanical treatment could reduce the fuel load and make possible a prescribed burning plan. Prescribed burning could effectively lower the available fuel quantity, but is recommended only if it can be done in a manner that is safe and does not cause irreparable harm to the canopy. However, if in the future

controlled burning is deemed inappropriate because of smoke or fire safety concerns, mechanical treatment should provide satisfactory results for continuance and improvement of the tortoise habitat.

4.4.1.1 Prescribed Burning

Fire plays a major role in native communities such as the xeric oak, longleaf pine/xeric oak, and pine/mesic oak upland forests on the site. Fire is the dominant controlling agent of succession. Controlled burns have been successfully conducted in upland forests to prevent the buildup of ground fuel, which reduces the chance of catastrophic wildfires, and to release the nutrients bound in the organic material. Fire controls the hardwoods, allowing for regeneration of the forest.

In the absence of fire, the upland forest vegetation continually increases in height and cover, eventually eliminating all open spaces, causing a decrease in wildlife species dependent on herbaceous ground cover such as Gopher Tortoises (Cox, *et al.*, 1987). Burning stimulates an increase in the quantity and quality of many herbaceous plants that are important wildlife foods and creates openings in the canopy that will allow sunlight to penetrate to the ground. Saw palmetto can cover upland forest habitats to the exclusion of other species if not controlled. Fire controls saw palmetto, opening the canopy and allowing an increase in herbaceous species. Based on the condition of the park site, it appears that fire has been absent for some time.

Historically, summer fires initiated by lightning strikes during thunderstorms were common. Although summer burning is more consistent with the natural regime, adjustments to the season of burn may be altered to coincide with the mechanical

treatment techniques scheduled during periods of reduced Gopher Tortoise activity (See 4.4.1.2 below). Adjustments to the burning schedule may also be made based upon the results of vegetative monitoring.

All burning will be conducted by an experienced and licensed control-burn contractor. The burn plan will adhere to applicable regulatory guidelines and will be coordinated with the appropriate Manatee County Fire District and the State of Florida Division of Forestry. The burn plan will consider the following applicable criteria in determining the most appropriate weather and site conditions:

- fuel moisture
- temperature
- relative humidity
- wind speed
- rainfall three days prior to burn
- stagnation index

Firebreaks along the perimeter of the park will be double plowed where cleared breaks do not already exist to insure fire containment. Existing fire barriers and watering will be utilized where possible. Fire breaks will be established only if the park will be burned that year. The prescribed burn contractor will oversee the placement and construction of any fire breaks.

4.4.1.2 Mechanical Treatment and Light Burn

Mechanical treatment may include mowing, roller chopping, and web plowing. This treatment may suppress the encroachment of woody perennials in an effort to open the shrub layer and create more sandy and grassy areas. Mechanical treatment may be used to precede an initial burn to remove fuel.

All three mechanical treatment practices will be conducted only during periods of reduced Gopher Tortoise mobility, *i.e.*, when daytime temperatures are below 70°F (12°C) and between October and February to minimize disruption of courtship and reproductive activities of Gopher Tortoises.

When mechanical treatment is utilized as the method of management, a light burn will follow contingent upon approval from appropriate authorities.

Since the park site/habitat preserve appears to have been without fire, mechanical treatment of the habitats will precede the initial burning of the park. Roller chopping of the saw palmetto areas only will be conducted in an effort to open the shrub layer and create more sandy or grassy areas. This effort is expected to improve the quality of presently unoccupied areas as tortoise habitat.

4.4.1.3 Management Schedule

Initiation of active management of the park will precede or be concurrent with commencement of the development. The park will be burned (or mechanically treated) on a six-year cycle to suppress succession of ground cover in the upland forest.

5.0 MONITORING

The evaluation of the success of management efforts and the need for management treatment and/or schedule modification will be based upon the results of the following monitoring programs.

5.1 Vegetative Monitoring

Monitoring of the park/habitat preserve parcel will assess the vegetative features characteristic of suitable Gopher Tortoise habitat. Specifically, Gopher Tortoises attain their greatest densities where habitats are characterized by an abundance of herbaceous ground cover for food and an open canopy and sparse shrub cover which allows sunlight to reach the surface of the ground (Cox, *et al.*, 1987).

Vegetative monitoring of the park/habitat preserve habitats will include visual estimates of:

- 1) The average height of saw palmettos;
- 2) The cover of canopy (*i.e.*, with a dbh greater than 4") trees;
- 3) The cover of herbaceous vegetation less than six inches tall and bare ground.

A baseline survey of the three habitat types will also be conducted prior to initiation of management. Success evaluation monitoring will be performed in the spring following summer period burning or mechanical treatment, if applicable. Results of monitoring will be submitted to Manatee County and the FGFWFC within 60 days of the monitoring event. The park will be monitored again after six years.

6.0 ASSURANCE OF HABITAT PRESERVATION, MANAGEMENT AND MONITORING

Preservation and maintenance of wetland habitat and adjacent buffers will be assured through the Manatee County development approval process and conditions in

subsequent wetland permits. Wetland protection is also assured through the requirements of the project's Development Order.

Prior to further development approvals for the project site, the developer will transfer ownership of the park to Manatee County. The County will then assume all preservation, management and monitoring responsibilities and will become the responsible entity.

7.0 PROVISION AND ACCEPTANCE

7.1 Manatee County/Environmental Action Commission

With issuance of a letter of acceptance, a letter of no objection, or other written instrument, the Manatee County/Environmental Action Commission grants approval of the Wildlife Management Plan and acknowledges compliance with Condition C.(1) of the Development Order.

7.2 Florida Game and Fresh Water Fish Commission

With issuance of a letter of acceptance, a letter of no objection, or other written instrument indicating approval of the Gateway North Wildlife Management Plan, the Florida Game and Fresh Water Fish Commission certifies that the park/habitat preserve site identified in this plan provides adequate habitat protection for the Gopher Tortoise as required by Ch. 39-27.002(4) F.A.C. and agrees that upon written request of the owner, the Executive Director will grant such permits and/or approvals without time limitations as may be necessary to provide for the incidental taking of Gopher Tortoise on the remainder of the Gateway North DRI site.

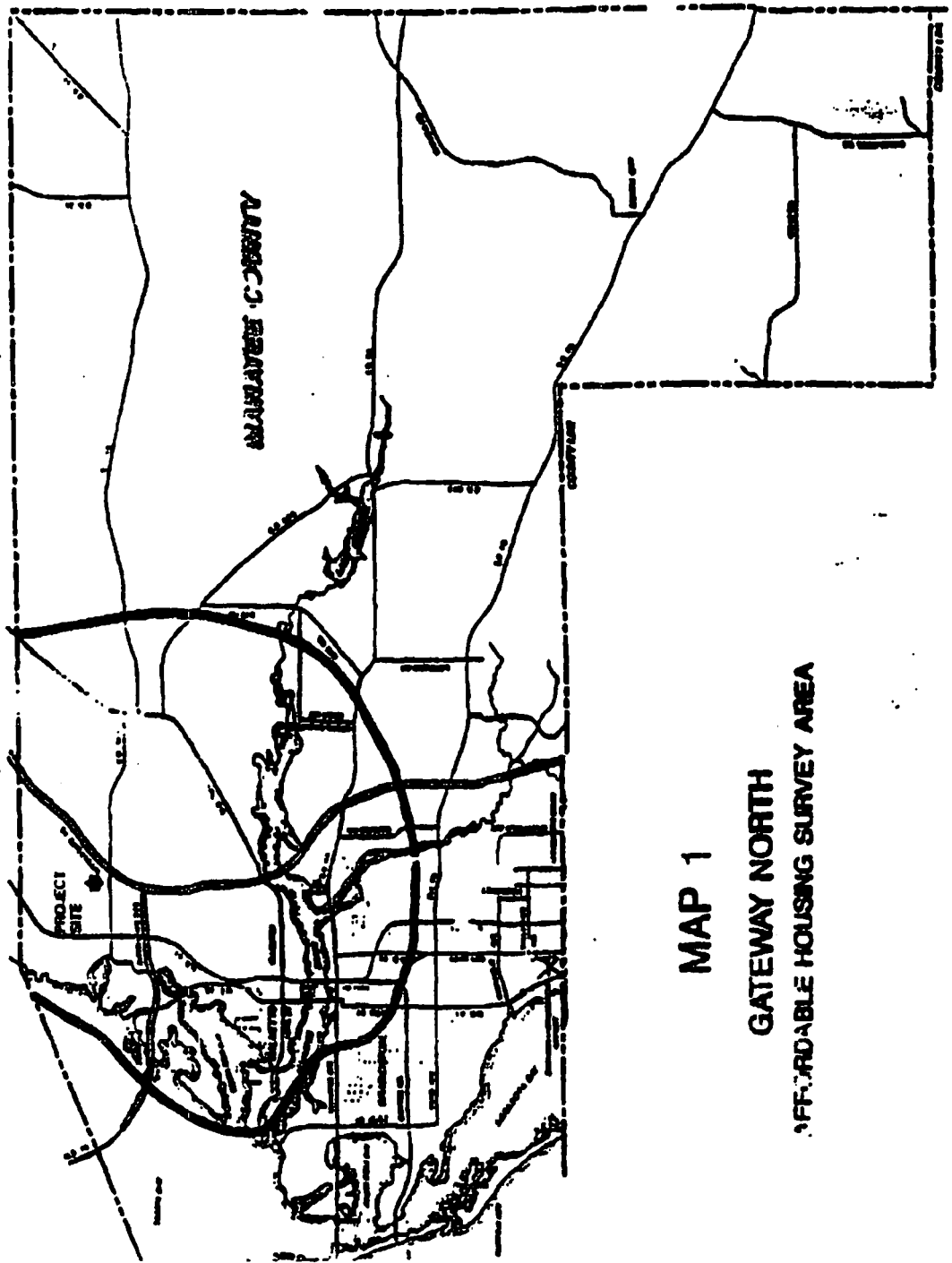
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- Florida Department of Transportation. 1985. Florida Land Use, Cover and Forms Classification System.
- Florida Game and Fresh Water Fish Commission. 1988. Wildlife Methodology Guidelines for Completing Section 18.D of the Application for Development Approval.

GATEWAY NORTH
Affordable Housing Analysis

Prepared for:
MAGNOLIA MANAGEMENT CORP.

Prepared by:
DAMES & MOORE
August, 1991



MAP 1
GATEWAY NORTH
AFFORDABLE HOUSING SURVEY AREA

TABLE 2 - GATEWAY NORTH
ESTIMATE OF 1991 AFFORDABLE HOUSING INCOME LIMITS FOR 4-PERSON
HOUSEHOLD, BRADENTON MSA

Annual Income Limits 4.0 PPH	
Median	\$33,100 ¹
Low	\$26,480 ²
Very Low	\$16,550 ³

NOTES:

1. 1991 median income provided by HUD, 2/15/91.
2. Low income limits established by HUD at 80% of median.
3. Very low income limit established by HUD at 50% of median.

TABLE 3 - GATEWAY NORTH
PROJECTED PERMANENT EMPLOYMENT
(By Category and Phase)

Employment Category	PHASE			TOTAL
	I	II	III	
Retail	400	375	338	1,113
Office	1,442	1,400	1,777	4,619
Manufacturing	175	250	258	683
TOTAL	2,017	2,025	2,373	6,415

Source: Dames & Moore, July 1991

- NOTES:** 1. Calculations based on the following ratios:
 Retail 1 employee/400 s.f.
 Office 1 employee/250 s.f.
 Manufacturing 1 employee/400 s.f.

In order to determine rental opportunities available within this area, a survey of apartment complexes was conducted. Table 6 contains the name and location of each complex, the total units, the number of units renting for \$377 or less per month, and the number of units with a monthly rent between \$378 and \$662. These monthly rents are the affordable housing limits minus a \$35 average utility payment.

TABLE 5 - GATEWAY NORTH						
HOUSING PRICES BASED ON MONTHLY PAYMENT ABILITY						
Income Status	Monthly Payment	Taxes Insurance	Net payment	Interest Rate	Term (Yrs)	Home Price
Very low	\$412.5	36.1	376.4	10.0%	30	\$42,500
Low	\$661.9	76.9	585.0	10.0%	30	\$66,190

NOTE: Taxes based on 18 mills, \$23,000 homestead exemption.
Insurance based on .23% of home price per year.

Source: Fishkind & Associates, Inc.

Table 7 provides an estimate of the total # of affordable housing units within the survey area that can be expected to be available each year. Total units available annually for Very Low Income household is estimated at 146. Total available for Low Income households is estimated at 270.

The number of units available annually for purchase is assumed to remain consistent. In order to assure that an adequate number of homes would be available in a shorter time period, Multiple Listing was consulted to determine the number of homes actually on the market at affordable prices during the month of June, 1990. During June, 91 homes were available for Very Low Income households and 223 were available for Low Income households.

An estimate of rental units available was made by assuming that 5% of the total affordable supply within the study area would be vacant on an annual basis. Previous studies conducted in Manatee County indicated a 5% vacancy rate. Actual turn-over rates are generally much higher, ranging from 10% to 30%.

TABLE 7 - GATEWAY NORTH:			
ESTIMATED ANNUAL AFFORDABLE HOUSING SUPPLY GATEWAY NORTH SURVEY AREA			
Monthly Housing Cost	# Units Available Annually		
	For Sale ¹	For Rent ²	Total
Very Low \$0 - \$377	106	60	166
Low \$378 - \$662	294	42	336
TOTAL:	400	102	502
Source: James & Moore, July, 1991			
NOTE: 1. For Sale Units from Multiple Listing Service. 2. For Rent assumes 5% vacancy rate.			

The supply survey conducted for the Gateway North area did not include mobile homes for sale or for rent, roommate opportunities, or single-family for-sale by owners.

Artisan Lakes MOPC
Proportionate Share Roadway Cost Calculations
(September 2010)

PROPORTIONATE SHARE TABLE FOR PHASE I

Location	Improvement	Cost	Estimated ROW Cost	Project Percent Impact	Project Proportionate Share
US 41 @ Buckeye	Signalize when warranted	\$382,714		25.3%	\$95,827
	Add 1 WB Left-turn lane	\$116,475		25.3%	\$29,468
	Add WB LT Transition	\$119,272		25.3%	\$30,176
Buckeye Road @ Artisan Lakes Parkway	Signalize when warranted	\$382,714		44.7%	\$171,073
	Add EB right-turn lane	\$284,868	\$85,460	44.7%	\$165,537
	Add WB Left-turn lane	\$116,475	\$34,943	44.7%	\$67,684
	Add WB LT Transition	\$119,272	\$35,782	44.7%	\$89,308
US 41 @ Moccasin Willow Road	Signalize when warranted	\$382,714		27.6%	\$105,829
	Add 2 WB left-turn lanes	\$232,950	\$69,885	27.6%	\$83,582
	Add LT Transition for 2 WB LT	\$477,088	\$143,126	27.6%	\$171,178
	Signalize when warranted	\$382,714		30.6%	\$117,110
	Add 1 WB Left-turn lane	\$116,475		30.6%	\$35,841
US 41 @ I-275 SB	Signalize when warranted	\$382,714		24.1%	\$92,234
	Modify Signal	\$55,000		13.5%	\$8,775
US 41 @ 73rd Street East (Erle Road)	Add 1 WB Left-turn lane	\$116,475	\$34,943	13.5%	\$20,441
	Add LT Transition	\$238,544	\$71,563	13.5%	\$41,884
	Add 1 WB Right-turn lane	\$284,868	\$85,460	13.5%	\$49,894
	Add 1 SB Left-turn lane	\$116,475		13.5%	\$15,724
	Add SB Left-turn receiving lane	\$372,725	\$111,817	13.5%	\$65,413
	Add 1 WB Left-turn lane	\$116,475		12.6%	\$14,676
US 41 @ 49th Street East	Add WB LT Transition	\$119,272		12.6%	\$15,028
	Add 1 EB Left-turn lane	\$116,475		12.6%	\$14,676
	Add EB LT Transition	\$119,272		12.6%	\$15,028
	Add 1 EB Right-turn lane	\$284,868		12.6%	\$35,893
	Add 1 WB Right-turn lane	\$284,868		12.6%	\$35,893
	Signalize when warranted	\$382,714		41.9%	\$160,357

Artisan Lakes MOPC
Proportionate Share Roadway Cost Calculations
(September 2010)

Moccasin Willow Road @ Bud Rhoden/Ellerton-Gillette Road	Add 1 SB Left-turn lane	\$118,475		41.9%	\$48,803
	Add SB LT Transition	\$119,272		41.9%	\$49,975
	Add 1 SB Right-turn lane	\$284,868		41.9%	\$119,360
	Add 1 NB Left-turn lane	\$118,475		41.9%	\$48,803
	Add NB LT Transition	\$119,272		41.9%	\$49,975
	Add 1 NB Right-turn lane	\$284,868	\$85,460	41.9%	\$155,167
Other improvements are included in Moccasin Willow widening					
Moccasin Willow Road @ Artisan Lakes Parkway	N/A				N/A
	Signalize when warranted	\$404,472		52.0%	\$210,325
	Add 1 EB Left-turn lane	\$232,950		52.0%	\$121,134
	Add EB LT Transition	\$372,725		52.0%	\$193,817
Moccasin Willow Road @ Gateway/Keystone Ranch	Signalize when warranted	\$382,714		50.5%	\$193,271
	Add 1 SB Left-turn lane	N/A - Site Improvement			N/A - Site Improvement
Moccasin Willow Road @ Frontage/Gillette	Signalize when warranted	\$382,714		55.8%	\$213,554
	Add 2 SB Left-turn lanes	\$232,950		55.8%	\$129,988
	Add 1 WB Right-turn lane	\$284,868		55.8%	\$158,956
	Extend EB Left-turn lane 320 feet	\$68,811		55.8%	\$38,397
Moccasin Willow @ I-75 NB	Signalize when warranted	\$382,714		33.6%	\$128,592
Moccasin Willow @ I-75 SB	N/A - Site Improvement				\$158,061
	Signalize when warranted	\$382,714		41.3%	
Moccasin Willow @ US 301	Signalize when warranted	\$380,955		12.7%	\$45,841
	Add 1 EB Left-turn lane	\$118,475	\$34,843	12.7%	\$19,230
	Add EB LT Transition	\$119,272	\$35,782	12.7%	\$19,682
	Modify Signal	\$275,000		30.5%	\$83,875
Ellerton-Gillette @ 73rd Street East/60th Street East	Add 1 SB Left-turn lane	\$118,475		30.5%	\$35,525
	Add SB LT Transition	\$119,272		30.5%	\$36,378
	Add 1 SB Right-turn lane	\$284,868		30.5%	\$86,865
	Add 1 EB Left-turn lane	\$118,475		30.5%	\$35,525
	Add EB LT Transition	\$119,272		30.5%	\$36,378
	Add 1 EB Through and Receiving lane	\$745,450		30.5%	\$227,362
	Add 1 EB Right-turn lane	\$284,868		30.5%	\$86,865

**Artisan Lakes NOPC
Proportionate Share Roadway Cost Calculations
(September 2010)**

	Add 1 NB Left-turn lane	\$116,475		30.5%	\$35,525
	Add NB LT Transition	\$119,272		30.5%	\$36,376
	Add 1 NB Right-turn lane	\$284,868		30.5%	\$86,885
	Signalize when warranted	\$380,955		27.8%	\$100,345
	Add 1 NB Left-turn lane	\$116,475		27.8%	\$32,380
	Add NB LT Transition	\$119,272		27.8%	\$33,158
	Add 1 NB Right-turn lane	\$284,868	\$85,460	27.8%	\$102,951
	Add 1 SB Left-turn lane	\$116,475		27.8%	\$32,380
	Add SB LT Transition	\$119,272		27.8%	\$33,158
	Add 1 WB Right-turn lane	\$284,868	\$85,460	27.8%	\$102,951
	Widen to 4-lanes	\$4,444,027	\$172,027	80.8%	\$3,728,771
Ellenton-Gillette @ Mendoza					
Moccasin Wallow Road from 1/4-mile west of Ellenton Gillette to existing 4-lane section					
Artisan Lakes Parkway from Moccasin Wallow to Drive #1	Construct 4-lane divided roadway	N/A - Site Improvement			N/A - Site Improvement
Artisan Lakes Parkway from Drive #1 to Buckeye Road	Construct 2-lane divided roadway	N/A - Site Improvement			N/A - Site Improvement
Artisan Lakes Parkway from Drive #1 to Buckeye Road	Additional 2-lanes to create 4-lane divided roadway	\$2,606,679	\$219,538	64.3%	\$1,817,259
Total					\$10,804,103

ROW Cost for ALP based on 1991 Impact Fee Credit Agreement valuation of 19,958 per acre for 11 acres. Other ROW cost estimates use Manatee County 30% of construction cost factor.

Location	cost/mile	length (miles)	# of units	cost	Design (15%)	CEI (15%)
MW widening	\$2,293,691.25	1.25	1	\$2,867,114.06	\$430,067.11	\$430,067.11
US 41 @ 73rd roving lane	\$2,293,691.25	0.25	0.5	\$286,711.41	\$43,006.71	\$43,006.71
EG @ 73rd through lane	\$2,293,691.25	0.5	0.5	\$573,422.81	\$86,013.42	\$86,013.42
Artisan Lakes Pkwy	\$515,867.67	1.63	2	\$1,681,728.60	\$252,259.29	\$252,259.29
Left-Turn Transition - Opp LT or T intersection	\$2,293,691.25	0.08	0.5	\$91,747.65	\$13,762.15	\$13,762.15

Artisan Lanes NOFC
Proportionate Share Roadway Cost Calculations
(September 2010)

Item	Value	Value	Value	Value	Value
Left-Turn Transition - No Opp.	\$2,283,691.25	\$183,495.30	0.5	\$27,524.30	\$27,524.30
LT	\$2,283,691.25	\$286,711.41	0.5	\$43,006.71	\$43,006.71
MW @ ALP EB Left Trans.	\$2,283,691.25	\$68,811	0.5	\$10,321.61	\$10,321.61
Extend EB Left Turn Lane					

Left-Turn Transition - No Opp.
LT
MW @ ALP EB Left Trans.
Extend EB Left Turn Lane



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 3rd day of December, 2010

R.B. SHORE
Clerk of Circuit Court

[Signature] D.C.



FLORIDA DEPARTMENT of STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

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Governor

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CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA
DAWN K. ROBERTS
Interim Secretary of State

December 9, 2010

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

Attention: Ms. 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 3, 2010 and certified copies of Manatee County Ordinance Nos. 10-44, 10-65, 10-72, PDMU-91-01 (G)(R5) and PDC-09-08 (Z)(P), which were filed in this office on December 8, 2010.

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

Sincerely,

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

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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