

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Ordinance 12-15 (DRI #13) – Control Storage Inc./Creekwood	TYPE AGENDA ITEM	Advertised Public Hearings – Consent
DATE REQUESTED	07/12/12PC	DATE SUBMITTED/REVISED	06/28/12
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building and Development Services / Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	Lisa Barrett, Planning Manager
CONTACT PERSON TELEPHONE/EXTENSION	Rossina Leider / 748-4501 ext. 6859 DTS20120104	PRESENTER/TITLE TELEPHONE/EXTENSION	Rossina Leider / Sr. Development Review Specialist / 748-4501 ext. 6859
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
I move to recommend APPROVAL of Ordinance 12-15 per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Comprehensive Plan and Manatee County Land Development Code and Florida Statute 380.06.

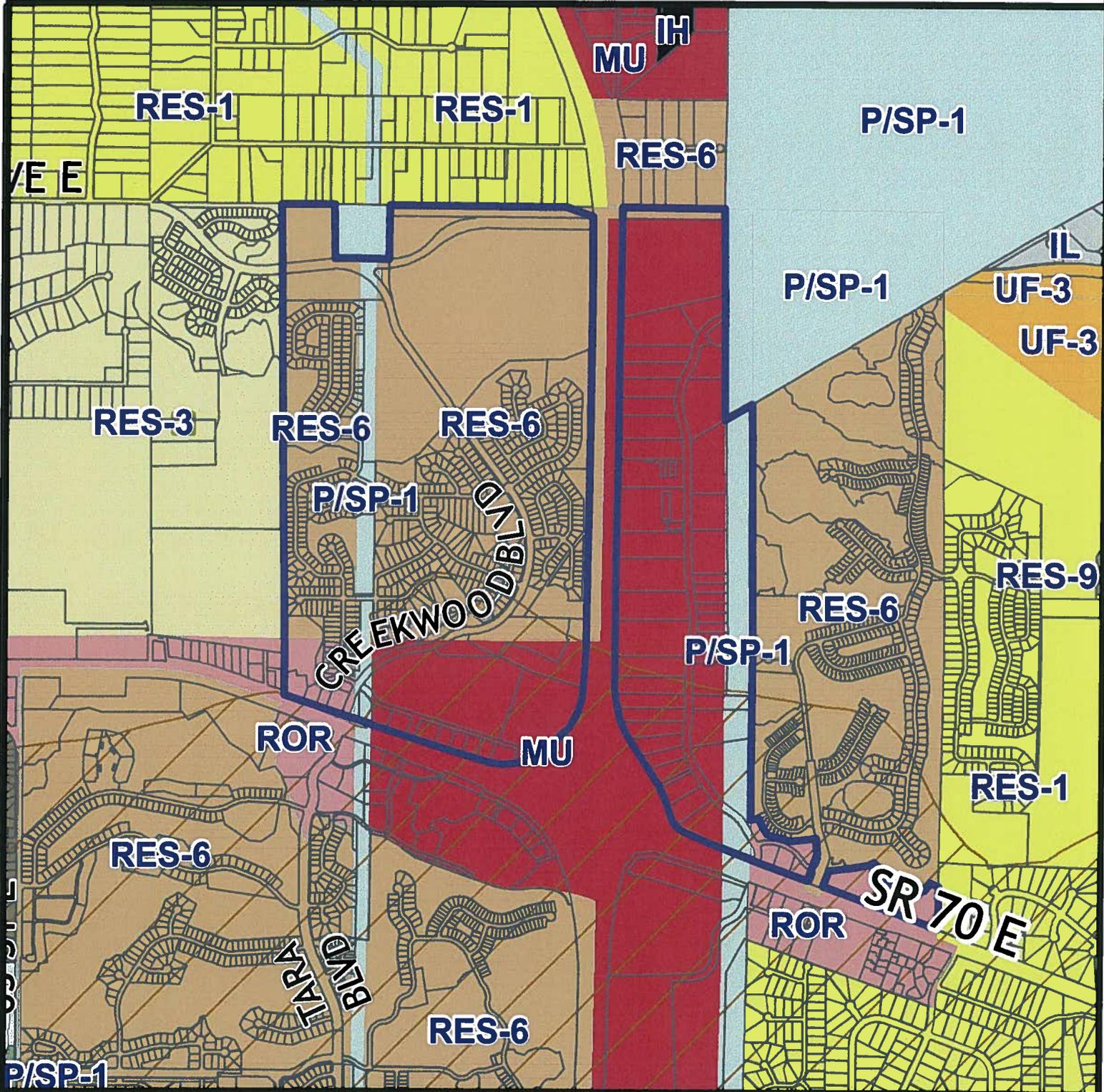
BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • This request is for an amendment to the Creekwood DRI (Development of Regional Impact). • Accompanying the amendment to the DRI as a Notice of Proposed Change (or NOPC) is the amendment to the General Development Plan and Zoning Ordinance. • The changes to the Ordinance include a determination of whether the following proposed modifications to DRI #13 constitute a Substantial Deviation to the Creekwood DRI Development Order, pursuant to Section 380.06, Florida Statutes: <ol style="list-style-type: none"> 1. Modify Map H and the Development Order with the following changes: <ol style="list-style-type: none"> A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5; B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County; C. Update the Water Quality Monitoring conditions; D. Update the Development Totals and Table 1-Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references. <p style="margin-left: 20px;">The Ordinance amends, replaces, and supersedes Ordinance 05-41, DRI #13, as amended; and providing for severability, and an effective date.</p> • The Developer has rebutted the presumption by clear and convincing evidence that the proposed NOPC modifying the Cooper Creek DRI constitutes a Substantial Deviation. • The Tampa Bay Regional Planning Council (TBRPC) has completed their review of the project. The TBRPC provided an NOPC Report that was considered and approved at the May 14, 2012 TBRPC Council Meeting. The report concludes that the proposal is not a Substantial Deviation. The TBRPC Report is attached and all recommendations/representation are provided in the proposed development order (shown in strike-thru/underline format). • This Notice of Proposed Change (NOPC) request will not create any new unmitigated external or regional impacts. Staff has no objection to the requested modifications.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments:

	<input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: SAS)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff report		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

FUTURE LAND USE



Parcel ID #(s) Multiple

Project Name: Creekwood DRI # 13
 Project #: DRI 13 / ORD12-15
 DTS#: 20120104
 Proposed Use: DRI

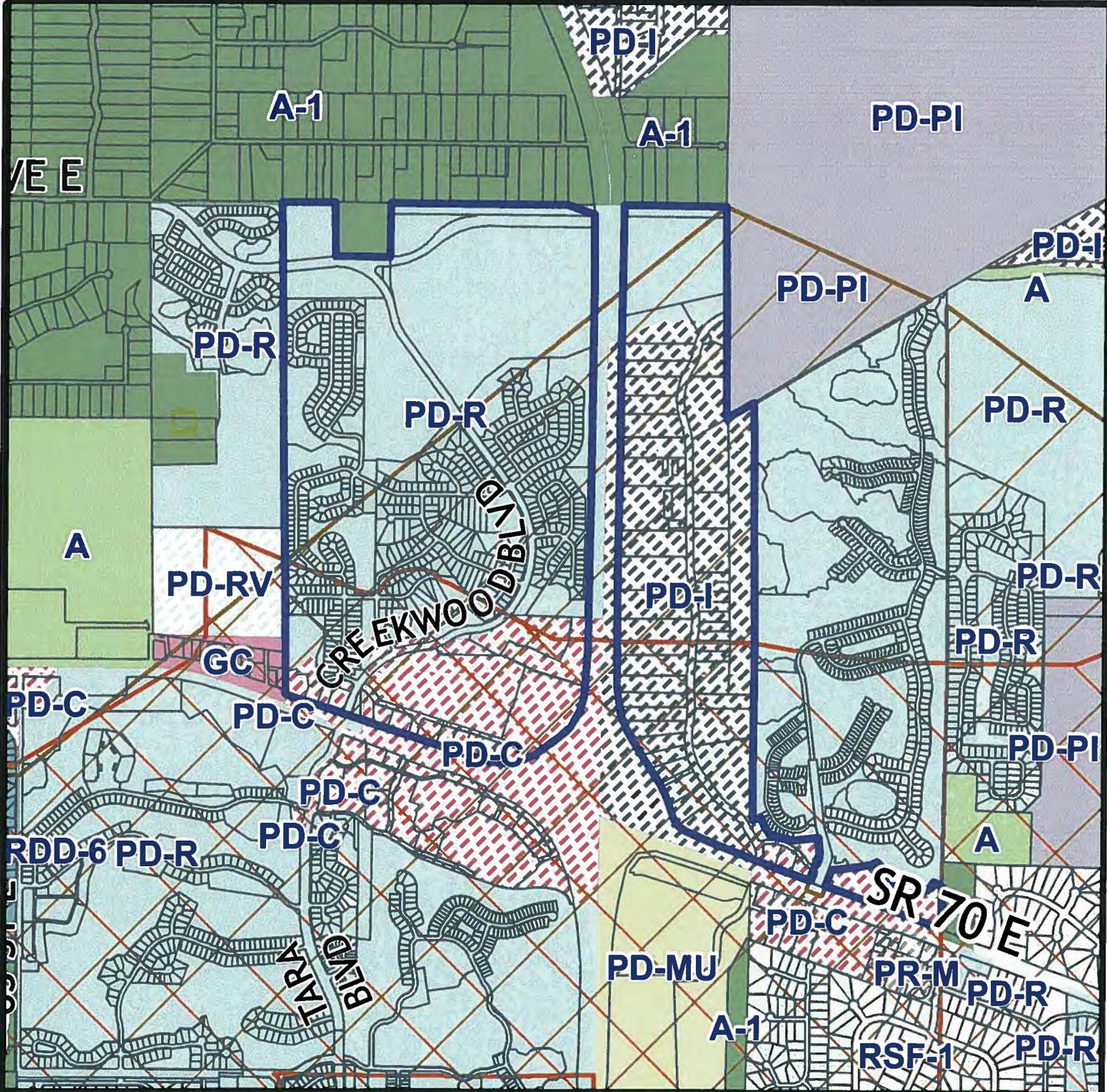
S/T/R: Sec 13 Twn 35 Rng 18
 Acreage: ± 818
 Existing Zoning: PD-C, PD-R, PD-I
 Existing FLU: ROR, MU, RES-6, P/SP-1
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, UNNAMED STREAM
 Commissioner: Donna Hayes

 Manatee County
 Staff Report Map
 Map Prepared 3/21/2012
 1 inch = 1,667 feet

 Evers Watershed (WPE)

ZONING



Parcel ID #(s) Multiple

Project Name: Creekwood DRI # 13
 Project #: DRI 13 / ORD12-15
 DTS#: 20120104
 Proposed Use: DRI

S/T/R: Sec 13 Twn 35 Rng 18
 Acreage: ± 818
 Existing Zoning: PD-C, PD-R, PD-I
 Existing FLU: ROR, MU, RES-6, PSP-1
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, UNNAMED STREAM
 Commissioner: Donna Hayes

 Special Treatment
 Evers Watershed (WPE)

Manatee County
 Staff Report Map
 Map Prepared 3/21/2012
 1 inch = 1,667 feet

AERIAL



Parcel ID #(s) Multiple

Project Name: Creekwood DRI # 13
Project #: DRI 13 / ORD12-15
DTS#: 20120104
Proposed Use: DRI

S/T/R: Sec 13 Twn 35 Rng 18
± 818
Existing Zoning: PD-C, PD-R, PD-I
Existing FLU: ROR, MU, RES-6, PSP-1
Overlays: ST
Special Areas: NONE

CHH: NONE
Watershed: WPE
Drainage Basin: BRADEN RIVER AB WARD L, UNNAMED STREAM
Commissioner: Donna Hayes



Manatee County
Staff Report Map

Map Prepared 3/21/2012
1 inch = 1,667 feet

AERIAL



Parcel ID #(s) Multiple

Project Name: Creekwood DRI # 13
 Project #: DRI 13 / ORD12-15
 DTS#: 20120104
 Proposed Use: DRI

S/T/R: Sec 13 Twn 35 Rng 18
 Acreage: ± 818
 Existing Zoning: PD-C, PD-R, PD-I
 Existing FLU: ROR, MU, RES-6, PSP-1
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, UNNAMED STREAM
 Commissioner: Donna Hayes

 Parcel C-5
 ± 11.7 acres



Manatee County
 Staff Report Map

Map Prepared 3/21/2012
 1 inch = 203 feet

ORDINANCE 12-15 (DRI # 13) – CONTROL STORAGE INC./CREEKWOOD

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Creekwood Development of Regional Impact (Ordinance 05-41) (DRI #13); A/K/A Tampa Bay Regional Planning Council (TBRPC) DRI #102; including a determination of whether the following changes constitute a Substantial Deviation to the Creekwood Development of Regional Impact in response to owner's submittal of a Notice of Proposed Change (NOPC):

1. Modify Map H and the Development Order with the following changes:
 - A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;
 - B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;
 - C. Update the Water Quality Monitoring conditions;
 - D. Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and
 - E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.

The ordinance amends, replaces, and supersedes Ordinance 05-41, DRI #13, as amended; providing for severability, and an effective date.

Creekwood is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/Watershed Protection/Special Treatment Overlay Districts).

P.C.: 07/12/12

B.O.C.C.: 08/02/12

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, and the Manatee County Land Development Code, I move to find the applicant has rebutted the presumption by clear and convincing evidence that the proposed changes as described in the NOPC to the DRI Development Order does not create a Substantial Deviation in accordance with Section 380.06, Florida Statutes, and recommend approval of Ordinance No. 12-15, as recommended by staff.

CASE SUMMARY

CASE NO.: Ordinance 12-15 – Creekwood (DRI #13)
APPLICANT: Control Storage Inc.
REQUEST: Approval of a Notice of Proposed Change to:

1. **Modify Map H and the Development Order with the following changes:**
 - A. **Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;**
 - B. **Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;**
 - C. **Update the Water Quality Monitoring conditions;**
 - D. **Update the Development Totals and Table 1- Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and**
 - E. **Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.**

**STAFF
RECOMMENDS:** APPROVAL

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- **The request is for approval of modifications to the DRI Development Order and Map H for the Creekwood DRI. These changes are accompanied by a request to amend the General Development Plan and Zoning Ordinance for Control Storage, Inc. / Storage Now (a/k/a Creekwood).**

The Creekwood DRI is located northeast and northwest of the intersection of I-75 and State Road 70, extending northward to the north of the future 44th Avenue Extension.

Present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection Evers and Special Treatment Overlay Districts) (± 818.26 acres).

- **To the NORTH, west and east of I-75, are single-family homes on large lots (Braden River Ranchettes Subdivision) zoned A-1 (Suburban Agriculture). To the northeast is the Manatee County wastewater treatment plant and landfill zoned PD-PI/WP-E (Planned Development Public Interest/ Watershed Protection Evers Overlay District).**
- **To the SOUTH, across SR 70, west of I-75, are commercial developments in the Tara DRI zoned PDC/WP-E/ST (Planned Development Commercial/Watershed Protection Evers and Special Treatment Overlay Districts). Tara DRI is zoned PDC/PDR/WP-E/ST (Planned Development Commercial, Planned Development Residential/Watershed Protection Evers and Special Treatment Overlay Districts).**

To the south, across SR 70, east of I-75, are commercial developments in the River Club Park of Commerce DRI (Wal-Mart) zoned PDMU/WP-E/ST (Planned Development Mixed Use/Watershed Protection Evers and Special Treatment Overlay Districts) and in Ranch Lake Plaza and Ranch Lake Business Center Subdivisions zoned PDC/WP-E/ST (Planned Development Commercial/Watershed Protection Evers and Special Treatment Overlay Districts) and PR-M/WP-E/ST (Professional-Medium/Watershed Protection Evers and Special Treatment Overlay Districts).

- To the EAST, are single-family homes (Rosedale Subdivision) zoned PDR/WP-E (Planned Development Residential/ Watershed Protection Evers Overlay District), and a church (Woodland Baptist Church) zoned A-1/WP-E/ST (Suburban Agriculture/Watershed Protection Evers and Special Treatment Overlay Districts).
- To the WEST, is an RV park (Pleasant Lakes RV) zoned PD-RV/ST (Planned Development Recreational Vehicle/Special Treatment Overlay District), Crossing Creek Subdivision (single-family homes) and vacant land zoned PDR, and Campbell Commercial zoned GC/WP-E/ST (General Commercial/Watershed Protection Evers and Special Treatment Overlay Districts).

SUMMARY: (RL)

The applicant requests approval of a Notice of Proposed Change (NOPC) to the Creekwood DRI and a determination of whether the changes constitute a Substantial Deviation.

History

The Creekwood DRI was originally approved on August 27, 1985 (R-85-149) for a 1,090-acre multi-use development, and revised for clarification from the Department of Community Affairs on October 22, 1985 (R-85-219).

Creekwood is a mixed-use development on ±818 acres, that includes residential, commercial, industrial, office, and recreation. The project is approved for 4 phases, with phases overlapping in time. Phases I and II have been completed. Phase III and IV have been legislatively extended to November 22, 2018 and November 22, 2019 respectively.

Approved development totals are as follow:

Phase	Buildout	Residential (Units)	Commercial (Sq. Ft.)	Industrial (Sq. Ft)	Office (Sq. Ft.)	Hotel (Rooms)
I & II	Completed	592	455,048	-	-	-
III	11/22/2018 ⁽¹⁾	140	55,000	230,000	60,000	-
IV	11/22/2019 ⁽¹⁾	518	116,952	720,000	165,000 ⁽²⁾	100
TOTAL		1,250	627,000	950,000	225,000	100

(1) Phases III & IV buildout dates reflect all legislatively approved extensions.

(2) Office space may include up to 85,000 sq. ft. of medical office.

The following amendments to the Creekwood DRI Development Order were approved by the BOCC:

- **May 20, 1986: Received approval to delete approximately 240 acres east of I-75 from the Development Order (R-86-112)**
- **July 23, 1992: Received approval to allow a six month extension for the required date to submit a preliminary site plan for Phase II (R-92-80)**
- **April 22, 1993: Received approval to amend the Development Order and Map H to reduce acreage to 818,26 ± acres, extend the buildout dates for each phase, provide additional access points from SR 70, relocate 7,500 sq. ft. of commercial, and other various changes related to zoning and land uses (R-93-25)**
- **December 15, 1998: Received approval to amend the Development Order and Map H to exchange the land use designation for Parcel G (General Commercial) with Parcel O-1 (Office), increase total commercial floor area (69,500 sq. ft.) and land area, decrease total office floor area (44,000 sq. ft.) and land area, decrease residential development (500 units), and change the designation of Parcels C-1, C-2, and O-1 and combine them to a re-designated Parcel C (ORD-98-49)**
- **March 28, 2000: Received approval to amend the Development Order and Map H to modify Phase IV to allow 447,000 sq. ft of commercial and 38,000 sq. ft of office on Parcel C, adjust development totals in Parcel C (522,000 sq. ft. of commercial and 115,000 sq. ft. of office), modify the project phasing deadlines, and modify specific conditions (ORD-00-07)**
- **January 6, 2004: Received approval to amend the Development Order and Map H to re-designate parcels identification, add an additional roadway connection to the west, modify the Project Phasing Table to clarify, eliminate, and redistribute approved development (reduce industrial to 950,000 sq. ft., clarify allocation of commercial approved in the industrial category, expand the range of commercial and industrial uses permitted east of I-75, decrease residential from 2,305 to 1,617 units), update and modify the Project Phasing Table to recognize completed development, transfer industrial, office, and commercial square feet from Phases I and II to Phases III and IV (ORD-04-28)**
- **January 5, 2006: Received approval to amend the Development Order and Map H to modify the Project Phasing Table to reduce, add, and redistribute approved development (decrease residential from 1,617 to 1,250 units, increase office to 225,00 sq. ft., transfer residential units from Phases I and II to Phase IV, and delete condition requiring Preliminary Site Plans be submitted 18 months prior to buildout date) (ORD-05-41)**

To date, 592 residential units have been completed as well as 501,594 sq. ft. of commercial development (a 50,000 sq. ft. mini-warehouse was constructed and counted as 24,000 sq. ft. of commercial), 89,084 sq. ft. of light industrial, 3,990 sq. ft. of office and 78 hotel rooms. Various site plans for industrial development are under review or have been approved.

Request

Pursuant to Section 380.06(19)(e)3, Florida Statutes, proposed changes to a previously approved Development of Regional Impact or Development Order Condition shall be presumed to create a Substantial Deviation but that presumption may be rebutted with clear and convincing evidence.

With this NOPC, the applicant proposes to modify the Development Order and Master Development Plan (Map H) to add 30,000 square feet to an existing 50,000 square feet mini-warehouse located on Parcel C-5, reflect project extensions previously authorized by the State of Florida and the Manatee County, update the Water Quality Monitoring conditions, and clarify previously approved reduction of 150,000 square feet of industrial entitlements. Under separate application, the applicant requests an amendment to the Zoning Ordinance and General Development Plan.

The Tampa Bay Regional Planning Council (TBRPC) has completed their review of the project. The TBRPC has provided an NOPC Report that was considered at the May 14th, 2012 TBRPC Council Meeting. The report concludes that the proposal is presumed not to create a Substantial Deviation, and it is the opinion of this agency that no unmitigated regional impacts would be expected upon inclusion of the recommendations/representations stated in the Discussion of the Region's Report. The TBRPC Report is attached and all recommendations/representations are provided in the proposed development order (shown in strike-thru/underline format).

POSITIVE ASPECTS OF THE APPLICATION

- The proposed addition of mini-warehouse space is not presumed to be a Substantial Deviation.
- The proposed project extensions are not presumed to be a Substantial Deviation.
- The request does not create unmitigated regional impacts.

NEGATIVE ASPECTS OF THE APPLICATION/MITIGATION FACTORS

- N/A

STAFF ANALYSIS

PRIMARY REVIEWERS

Rossina Leider (BDS)	Compatibility, Health, Safety and Welfare, Consistency with LDC and Comp Plan
Tom Gerstenberger (PW)	Impacts to Infrastructure (Utilities)
Bob Agrusa (BDS)	Impacts to Infrastructure (Transportation)
Joel Christian (BDS)	Environmental Resource Impacts

ANALYSIS OF REQUEST & SUBSTANTIAL DEVIATION ANALYSIS

Pursuant to Section 380.06(19)(a) Florida Statutes, any proposed change to a previously approved Development of Regional Impact or Development Order Condition, which, either individually or cumulatively with other changes, exceeds the criteria set out in the Statute shall constitute a Substantial Deviation and shall cause the development to be subject to further Development of Regional Impact review. For changes made pursuant to Section 380.06(19)(c) and (e), Florida Statute, depending on the magnitude, they may be presumed to be a Substantial Deviation which may be rebutted by clear and convincing evidence.

The following is an analysis of each request and whether or not the modifications constitute a Substantial Deviation to the Creekwood DRI Development Order:

1. **Modify Map H and the Development Order with the following changes:**
 - A. **Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;**
 - B. **Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;**
 - C. **Update the Water Quality Monitoring conditions;**
 - D. **Update the Development Totals and Table 1- Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and**
 - E. **Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.**

PROPOSED CHANGE

- A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5.**

Applicable Statutes

Subsection 380.06(19)(b)6, Florida Statutes, states that an increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10-percent increase, whichever is greater shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

Subsection 380.06(19)(b)10, Florida Statutes, states that a 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

Staff Discussion

The General Development Plan and Zoning Ordinance for Creekwood recognize that 24,000 square feet of commercial space is equivalent to 50,000 square feet of mini-warehouse applicable only to Parcel C-5 (east of the wetland). This equivalence and the construction of the initial 50,000 square feet of mini-warehouse are reflected in the DRI Annual Report 2007-08.

The proposed addition of 30,000 square feet of mini-warehouse in Parcel C-5 (east of the wetland) is less than the threshold identified above in Subsection 380.06(19)(b)6, FS (60,000 sq. ft.) and shall be presumed not to create a Substantial Deviation. This request does not change the geographic boundaries of Parcel C-5 and does not impact wetlands.

Additionally, the applicant has provided a transportation analysis which states that the proposed 30,000 square feet expansion to the mini-warehouse use is estimated to generate an additional nine (9) net-new external PM peak-hour trips. This is well below the 15 percent threshold established in FS 380.06(19)(b)10 and thus does not represent a Substantial Deviation.

Staff Conclusion and Recommendation

It is staff's conclusion that the change will not cause additional regional impacts, therefore, this request should not be found to be a Substantial Deviation.

However, the TBRPC NOPC Report dated May 14, 2012 requested to update Table 1 of the DRI Development Order to identify "mini-warehouse" as a specifically approved land use and adjust the amount of development as follows:

- Reduce 24,000 square feet from the commercial entitlements (equivalent to 50,000 square feet of mini-warehouse) to reflect a total amount of 603,000 square feet of commercial (627,000 sq. ft. minus 24,000 sq. ft. reduction),
- Add 80,000 square feet of mini-warehouse, consists of the existing 50,000 square feet storage facility (equivalent to 24,000 square feet of commercial) plus the 30,000 square feet addition part of this request.

PROPOSED CHANGE

B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County.

Applicable Statute

Subsection 380.06(19)(c)1, Florida Statutes, states that an extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.

Subsection 380.06(19)(c)2, Florida Statutes, states that in recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time.

Staff Discussion

The build-out date for Phase III and Phase IV is updated to reflect legislatively approved extensions as follow:

- Phase III: from 12/31/2006 to 11/22/2018
- Phase IV: from 12/31/2009 to 11/22/2019

Specifically the previously approved extensions are granted by:

- Section 380.06(19)(c), Florida Statute (3 year extension): Phase III from 12/31/2006 to 12/31/2009 and Phase IV from 12/31/2009 to 12/31/2012,
- SB 360 (2 year extension for Phase III only): from 12/31/2009 to 12/31/2011,
- SB 1752 (2 year extension): Phase III from 12/31/2011 to 12/31/2013 and Phase IV from 12/31/2012 to 12/31/2014,
- HB 7207 (4 year extension): Phase III from 12/31/2013 to 12/31/2017 and Phase IV from 12/31/2014 to 12/31/2018, and
- F.S. 252.363 (326 days): Phase III from 12/31/2017 to 11/22/2018 and Phase IV from 12/31/2018 to 11/22/2019.

The build-out date and expiration date of the current development order, Ordinance 05-41, does not reflect the 3 year extension granted in 2007 under Section 380.06(19)(c), as well as the 2 year extension granted under SB 360. An additional 2 year extension to be added to the buildout and expiration date was granted under SB 1752. The above referenced legislatively approved extensions is not a Substantial Deviation pursuant to *Subsection 380.06(19)(c)2, Florida Statutes*.

An additional 4 years added to the buildout and expiration date was granted in 2011 by HB 7207, as well 326 days pursuant F.S. 252.363 tolling period. This 4 year and 326 days is not a Substantial Deviation according to *Subsection 380.06(19)(c)2, Florida Statutes*.

Staff Conclusion and Recommendation

It is staff's conclusion that this change reflects the already approved extensions and does not create a Substantial Deviation.

PROPOSED CHANGE

C. Update the Water Quality Monitoring conditions.

Applicable Statutes

Section 380.06(19)(e)3, Florida Statutes, states that any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

Staff Discussion

The Manatee County Natural Resources Department requested an update the water quality monitoring conditions that allows more flexibility to the water monitoring program. The request to update the Development Order is a requirement pertaining to a local issue related to the water quality plan implementation as the project evolves. The change will be reflected in the Zoning Ordinance.

Staff Conclusion and Recommendation

It is staff's conclusion that the change does not create any additional regional impacts, therefore, this request is not a Substantial Deviation (see attached Development Order in strike-thru/underline format).

PROPOSED CHANGE

D. Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements.

Applicable Statutes

Section 380.06(19)(e)3, Florida Statutes, states that any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

Staff Discussion

In December 4, 2008 the Board of County Commissioners approved an amendment of the General Development Plan and Zoning Ordinance for Creekwood [Z-84-76(R8)], to decrease the industrial

entitlements from 950,000 square feet to 800,000 square feet. The reduction of 150,000 square feet of industrial entitlements was voluntarily requested by the master developer to reflect the amount of industrial space that will be constructed. No required transportation improvements were deleted as a result of the reduction of industrial space.

Although the TBRPC does not review the Zoning Ordinance, the Council does support the effort to reflect identical development entitlements in the Zoning Ordinance and the Development Order to provide consistency between the documents. With the implementation of this change, the total amount of industrial development authorized within the Development Order will be the following:

- Phase IV: 570,000 sq. ft. (720,000 sq. ft. minus 150,000 sq. ft. reduction approved by the BOCC)
- Total: 800,000 sq. ft. (950,000 sq. ft. minus 150,000 sq. ft. reduction)

Staff Conclusion and Recommendation

It is staff's conclusion that the change does not create any additional regional impacts, therefore, this request is not a Substantial Deviation. Table 1 – Phasing by Use of the Development Order and Map H will reflect the above referenced decrease in industrial entitlements.

PROPOSED CHANGE

- E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.**

Applicable Statutes

Section 380.06(19)(e)3, Florida Statutes, states that any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

Staff Discussion

Various changes, including revised department names and references as well current land Development Code and Comprehensive Plan amendments are proposed to the Development Order (see attached Development Order in strike-thru/underline format).

Staff Conclusion and Recommendation

Staff recommends the changes do not create a Substantial Deviation because the changes merely provide clarification and consistency.

ATTACHMENTS:

1. Ordinance 12-15
2. Copy of Newspaper Advertising
3. NOPC Report from TBRPC for May 14, 2012 Council Meeting

ORDINANCE ~~05-41~~ 12-15

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 THE DEVELOPMENT ORDER FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT (MANATEE COUNTY DRI #13, A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI # 102) (RESOLUTION ~~R-85-219~~ R-85-149, AS AMENDED BY RESOLUTION R-85-219, R-86-112, R-93-25, ORDINANCE 98-49, ORDINANCE 00-07, ORDINANCE 04-28, ORDINANCE 05-41); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on ~~October 22~~ August 27, 1985, Manatee County adopted Resolution ~~R-85-219~~ R-85-149 granting Creekwood a DRI Development Order; and

WHEREAS, on October 22, 1985, Manatee County approved Resolution R-85-219 amending Resolution R-85-149 by providing for clarification from the Department of Community Affairs; and

WHEREAS, on May 20, 1986, Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on April 22, 1993, Manatee County approved Resolution R-93-25 amending Resolution R-86-112 by approving amendments to Map H, extending the build out date, and other various changes; and

WHEREAS, on December 15, 1998, Manatee County approved Ordinance 98-49 amending Resolution R-93-25 increasing the commercial uses by 69,500 square feet and land area by 2.3 acres, changing the land use designation for Parcels C-1 and C-2 from Highway Tourist Oriented at General Commercial to General Commercial, and combining Parcels C-1, C-2, and O-1 into a redesignated Parcel C; and

WHEREAS, on March 28, 2002, Manatee County approved Ordinance 00-07 amending Ordinance 98-49 to amend Phase IV of the Project Phasing Conditions to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C, modify the Project Phasing Deadlines to reflect current development approvals and schedules for the balance of approved development for this DRI, amend General Condition 17 requiring all Site Plans to comply with the 1990 Land Development Code; and other various changes; and

WHEREAS, on January 6, 2004, Manatee County approved Ordinance 04-28 amending Ordinance 00-07 to redesignate parcel identifications, add an additional roadway connection to the west, modify the Project Phasing Table to clarify, eliminate, and redistribute approved development (reduce industrial to 950,000 square feet, clarify allocation of commercial approved in the industrial category, expand the range of commercial and industrial uses permitted east of I-75, decrease residential units from 2,305 to 1,617), update and modify the Project Phasing Table to recognize completed development, transfer industrial, office, and commercial square feet from Phase I and II to Phases III and IV, amend the Development Order to update terminology and departmental references; and other changes for internal consistency, and allow biennial rather than annual DRI reports.

WHEREAS, on January 5, 2006, Manatee County approved Ordinance 05-41 amending Ordinance 04-28 to decrease residential units from 1,617 to 1,250, increase office square footage from 160,000 to 225,000, transfer 6 residential units from Phases I and II, delete the footnote under Table 1 requiring Preliminary Site Plans be submitted 18 months prior to the build out date, transfer 6 residential units from Phases I and II to Phase IV (a 13-year extension to buildout; 18-year cumulative extension), and amend the Development Order to update terminology and departmental references; and other changes for internal consistency, including recodification of the existing development order.

WHEREAS, on ~~April 14, 2005~~ March 1, 2012, Creekwood Control Storage, Inc. filed a Notice of Proposed Change to the approved Development Order with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Notice of Proposed Change proposed to modify Map H and the Development Order to add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5; update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County; update the water quality monitoring conditions; update the Development Totals and Table 1 – Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references; and

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; 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 Planning Commission has reviewed the application of the Notice of Proposed Change and has filed a recommendation on this application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Planning Commission; and

WHEREAS, the Board of County Commissioners of Manatee County on ~~November 3, 2005~~ August 2, 2012, held a duly noticed public hearing on application for the Notice of Proposed Change, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, county and city agencies, the applicant, the Tampa Bay Regional Planning Council, the Department of ~~Community Affairs~~ Economic Opportunity, as well as the review and report of the Manatee County ~~Planning~~ Building and Development Services Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS ~~3rd~~ 2nd DAY OF ~~NOVEMBER, 2005~~ AUGUST, 2012 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI 13, ORDINANCE ~~04-28~~ 05-41.

The previous development order for Creekwood, which was adopted on ~~October 22~~ August 27, 1985, and all subsequent amendments are replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of approved Map H, the recommendation and findings of the Planning Commission of Manatee County, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the Notice of Proposed Change to the DRI as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a public hearing on ~~January 5, 2006~~ August 2, 2012, regarding the Notice of Proposed Change to the DRI described herein, in accordance with the requirements of Manatee County Ordinance 90-01, as amended (the Manatee County Land Development Code) and Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.

- C. The proposed change to the DRI regarding the property described in Exhibit "A" is found to be consistent with the requirements of Manatee County Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.
- D. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.
- E. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- F. The authorized agent for the Project is ~~Grimes, Goebel, Grimes, Hawkins, and Gladfelter, P.A.~~ King Engineering Associate, Inc., and their address is ~~1023 Manatee Avenue West, Bradenton~~ 2930 University Parkway, Sarasota, Florida 34205 34243.
- G. The owner of the property is Creekwood Investors, Ltd., Professional Place LLC, and Control Storage, Inc.
- H. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of ~~Community Affairs (DCA)~~ Economic Opportunity (DEO).
- I. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

SECTION 3. CONCLUSIONS OF LAW

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

- A. 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 Strategic Regional Policy Plan, and Ordinance 89-01, as amended (The 2020 Manatee County Comprehensive Plan, as amended).
- B. 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.
- C. That the review by the County, TBRPC, 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.

- D. That the changes proposed by this amendment to Ordinance ~~04-28~~ 05-41 as described in Section 4 and which were requested in the Notice of Proposed Change along with the previous changes to the DRI cumulatively do not constitute a Substantial Deviation.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application for a Notice of Proposed Change to the Creekwood DRI is hereby approved, amending the previous Development Order and its amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

- ~~1. Modify Map H and the Project Phasing Table to reduce, add, and redistribute approved development as follows:
 - ~~A. Decrease residential units from 1,617 to 1,250;~~
 - ~~B. Increase office square footage from 160,000 to 225,000;~~
 - ~~C. Transfer 6 residential units from Phases I and II;~~
 - ~~D. Delete the footnote under Table 1 requiring Preliminary Site Plans be submitted 18 months prior to the build-out date.~~~~
- ~~2. Update and modify the Project Phasing Table to:
 - ~~A. Transfer 6 residential units from Phases I and II to Phase IV (a 13-year extension to buildout; 18-year cumulative extension);~~~~
- ~~3. Amend the Development Order to update terminology and departmental references; and other changes for internal consistency, including recodification of the existing development order; and~~
- ~~4. Amend Map H to reflect the above changes.~~

1. Modify Map H and the Development Order with the following changes:
 - A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;
 - B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;
 - C. Update the Water Quality Monitoring conditions;
 - D. Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and
 - E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state, or federal regulations.

- A. 1,250 dwelling units
- B. ~~627,000~~ 603,000 square feet of commercial
- C. ~~950,000~~ 800,000 square feet of industrial
- D. 225,000 square feet of office
- E. 100 room hotel (93,000 square feet)
- F. 80,000 square feet of mini-warehouse

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

1. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 1 below:

Table 1 - Phasing by Use

Uses	PHASES				Total
	Acreage 818.3	I, II (Complete)	III (1996-2006 <u>11/22/2018</u>) [±]	IV (2001- 2009 <u>11/22/2019</u>) [±]	
RESIDENTIAL	374	592	140	518	1,250
COMMERCIAL [RETAIL AND SERVICE- 380.0651(3)(f)]	91.6	455,048	55,000	116,952 <u>92,952</u> **	627,000 <u>603,000</u> **
HOTEL [Hotel or motel - 380.0651(3)(g)]	52.53			100 rooms	100 rooms
OFFICE	16.1		60,000 _±	165,000 _±	225,000*
INDUSTRIAL	170.94		230,000	720,000 <u>570,000</u> ***	950,000 <u>800,000</u> ***
<u>MINI-WAREHOUSE</u>				<u>80,000</u> ****	<u>80,000</u> ****

OPEN SPACE (ROADS, RIGHT-OF-WAY, CONSERVATION, PRESERVATION, ETC.)	113.13				
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- * Office space may include up to 85,000 square feet of medical office.
- ** Construction of the initial 50,000 sq. ft. of Mini-Warehouse was acknowledged within the RY 2007-08 Annual Report. The Annual Report reflected that 50,000 sq. ft. of Mini-Warehouse was equivalent to 24,000 sq. ft. of Commercial. As appropriate, this amount of Commercial has been deducted from the Phase IV and overall Commercial entitlements reflected in this Table for the project.
- *** 150,000 sq. ft. reduction of industrial entitlements was requested by the master developer and approved by the Board of County Commissioners on December 4, 2008 [Z-84-76(R8)].
- **** Mini-Warehouse consists of 50,000 sq. ft. constructed during 2007-08 as well as the 30,000 sq. ft. expansion proposed with Ordinance 12-15.

2. The developer shall submit a revised transportation analysis with any request for project extension, beyond those which may be granted by State law. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a Substantial Deviation pursuant to Section 380.06 Florida Statutes.
3. The developer must adhere to the following phasing buildout schedule.
 - Phase I - 1986-1996
 - Phase II - 1993-2003
 - Phase III - 1996-2006 November 22, 2018
 - Phase IV - 2001-2009 November 22, 2019
4. Preliminary Site Plans shall be valid for a maximum period of ~~three (3)~~ five (5) years. Final Site Plans shall be valid for a maximum period of ~~three (3)~~ four (4) years, however, not to exceed the end of the phase for which development is proposed as described in the phasing build out schedule.

LAND USE CONDITIONS

- 1 Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre. Maximum density for all other parcels shall be as noted on the General Development Plan.
2. At the time of Preliminary Site Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as Entranceway requirements, aesthetic appearance from State Road 70 (S.R. 70) and Interstate 75 (I-75), ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

3. Light manufacturing, industrial service establishments, wholesale trade establishments, research and development activities, warehouse, mini-warehouse, heavy printing, and ancillary office use are permitted uses proposed within Parcel I. Construction service establishment (with no retail and rental sales) is allowed on the east side of Lena Road only. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of Preliminary Site Plan approval and shall be shown on the plan or plat for consideration and approval.
4. All buildings, parking, and service areas within Parcels MU and I shall maintain a minimum setback of 100 feet from S.R. 70 and I-75. All trash and garbage receptacles that are visible from S.R. 70, I-75, 54th Drive East, and adjacent residential shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to I-75, and S.R. 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.
5. The Developer shall provide a 20-foot wide greenway adjacent to one side of the right of way for Lena Road, from S.R. 70 to the northern terminus of Lena Road. Within this greenway, the Developer shall install a ten foot wide paved bicycle and pedestrian path.
6. The developer shall be allowed to construct a total of 1,250 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Map H.

BUFFER CONDITIONS

1. (Reserved)
2.
 - a. A building setback of at least fifty (50) feet shall be provided west of and adjacent to the existing power line easement traversing Parcels MU & I). Native trees lying within shall not be removed. Trees of a native species shall be planted within 20 feet of the FP&L line where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.
 - b. A 50-foot wide roadway buffer shall be required along east side of I-75.

- c. Buildings on the east side Lena Road in Parcel I shall be located on the western two-thirds of the lots.

3. Residential

- a. The 100-foot wide roadway buffer along the west side of I-75 shall be provided. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.
- b. Prior to Final Site Plan approval a noise analysis shall be done based on the potential 10 lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

MANATEE COUNTY NOISE STIPULATION*
<p>No residential dwelling units shall be allowed in areas where the exterior noise level is;</p> <p>Ldn > 65 dBA: Leq design hour > 65 dBA: or L10 design Hour > 68 dBA</p> <p>Unless protected by some performance equivalent measure to achieve;</p> <p>Ldn > 65 dBA, Leq design hour > 65 dBA, or L10 design Hour > 68 dBA</p>
NOISE REDUCTION REQUIRED*
<p>Sound attenuating barriers should be provided between the residential units and the noise source.</p> <p>Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.</p> <p>Buildings shall be positioned to maximize the distance between the residential units and the noise source.</p>

* For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

ENVIRONMENTAL CONDITIONS

- 1. At the time of the first Preliminary Site Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be

submitted. This Master Drainage Plan, though it may have been approved by the County, will be subject to modifications by new state-of-the-art techniques and surface water management performance standards that may be developed or adopted during the course of the development process. (Completed)

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.
3. In conjunction with the submittal of the first Preliminary Site Plan, a demonstration of compliance with the Watershed Protection, Special Treatment, and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction. (Completed)
4. The Stormwater Maintenance Plan, submitted with the first Preliminary Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project build out. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.
5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

All development shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands or a different upland community type.

7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region. In addition, the wetland on Parcel C-5 shall be preserved.
8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.
9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:
 - a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached to Resolution R-93-25).

Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

- streamflow (cu. ft./sec.);
- turbidity (ntu);
- specific conductance (umho/cm at 25 deg. C);
- dissolved oxygen (mg/l);
- biochemical oxygen demand (mg/l);
- pH;
- total orthophosphate as P (m/l);
- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms, multiple tube method, MPN (col/100 ml);
- total lead as Pb (ug/l); and
- temperature (deg. C).

Any changes to the sampling stations identified in "Exhibit B", the sampling frequency, or the above list of parameters shall be submitted to Manatee County and TBRPC for review and comment, with approval by Manatee County.

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control standards and should be submitted to Manatee County ~~Planning Department, Manatee County Environmental Management,~~ and TBRPC.

- b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June - September) and the dry season (November - February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.
2. In order to protect water quality, the following parameters shall be included in the project drainage plan.
- a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
 - proposed wetland/lake alterations;
 - control of exotic species;
 - control of on-site water quality
 - maintenance of natural hydroperiod; and
 - methods for wetland restoration/enhancement.
 - b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first inch of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.
 - c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:
 - (1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.
 - (2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.

- (3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.
- (4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.
- (5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.
- (6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.
2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

The developer shall provide to all Creekwood businesses information that:

- a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and
- b. Indicates the location of the specially-designed hazardous waste and materials containers; and

- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.
2. Development plans shall assure adequate buffering between the industrial, office, commercial, and residential designations of this development through appropriate measures such as covenants and deed restrictions.
3. Assignment of specific responsibility for open spaces shall be made at the time of Final Plat submittal, unless no plat is required, then it shall be required at time of Final Site Plan submittal.
4. The 25-acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended. (Completed)

If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the County constructs the road described in this paragraph, and the road is of a type

not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with Final Site Plan or Final Plat approval for development of the parcels adjacent to that portion of the road which the county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement. The Developer shall have the right to relocate the right-of-way or constructed roads at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)
2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)
3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on S.R. 70 and to the intersection of S.R. 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Transportation Authority with the review of an updated traffic analysis for each increment of development.
2. Developer shall provide for a 120-foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement. The developer shall enter into an agreement with the County to either oversize the internal stormwater pond system to be constructed on Parcel D or reserve capacity in the

existing stormwater pond system to accept stormwater from the future 44th Avenue extension. The agreement must be entered into prior to Preliminary Site Plan approval for Parcel D.

3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to Final Plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.
4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and this roadway connection shall be constructed or bonded prior to the next Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of S.R. 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6. (Completed)
5. The proposed entrance onto S.R. 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function. (Completed)
6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto S.R. 70 shall be located as far from S.R. 70 right-of-way as necessary to avoid conflict with regard to intersection function. (Completed)
7. All roads shown on the General Development Plan, including required stub-outs to the property boundary shall be dedicated to Manatee County with adequate rights-of-way as determined by the Transportation Department.
8. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.
9. The proposed owner's association documents shall contain a provision requiring the occupants of the Parcel I to coordinate shift changes to reduce peak hour traffic.
10. In accordance with the Traffic Element of the Manatee County Comprehensive Plan, adopted level of service as of the effective date of this ordinance, as determined by the procedures reported in the Highway Capacity Manual (HCM) 2000 and using the most recent version of the Highway Capacity Software (HCS), or most current HCM manual and HCS software, and in accordance

with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council, and the Department of ~~Community Affairs~~ Economic Opportunity shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:

- a. University Parkway from Lockwood Ridge Road to I-75
- b. S.R. 70 from U.S. 41 to I-75
- c. Lockwood Ridge Road from University Parkway to S.R. 70
- d. S.R. 64 from Morgan Johnson Road to I-75
- e. I-75 from University Parkway to S.R. 70
- f. S.R. 780 from Honore Avenue to I-75
- g. Intersection of S.R. 70 and S.R. 683
- h. Intersection of S.R. 70 and 45th Street East
- i. Intersection of S.R. 70 and Caruso Road
- j. Intersection of S.R. 70 and U.S. 301
- k. Intersection of S.R. 64 and Morgan Johnson Road
- l. Intersection of S.R. 70 and the Project Entrances
- m. Intersection of S.R. 70 and I-75
- n. Intersection of S.R. 70 and U.S. 41
- o. S.R. 70 from I-75 to Lorraine Road

No plat or site plan shall receive approval if the approval of such increment of development would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstance upon which the County may base traffic projections, will have the likely result of causing or contributing to a degradation of the Level of Service on these road links and intersections to a daily level below the adopted level of service as of the effective date of this ordinance. S.R. 70 shall maintain an acceptable Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes. If any

traffic study required above for any increment of development shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of S.R. 70 between S.R. 683 (15th Street East) and U.S. 301, then that increment of development shall not be approved unless the improvements necessary to achieve the adopted level of service on that segment under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under Stipulation 14 of the general conditions contained herein.

11. Access to the project shall be as shown on the Revised Map H.
12. A cross-access easement shall be provided between Residential Parcels C and E. The location shall be approved by the Planning Building and Development Services and Transportation Public Works Departments prior to or concurrent with the Preliminary Site Plan, for Parcel E.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors, and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide, wastewater treatment, solid waste disposal, electricity, police, fire, and EMS service with each Preliminary Site Plan submittal,.
2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.
3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.
4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.
5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.
6. The development of this project shall proceed in accordance with the information plans, projections, representations and materials contained in the Application for Master Development Approval and application for rezoning and General Development Plan approval, except as modified by the stipulations, conditions,

and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.

7. Nothing herein shall be construed as limiting the authority of Manatee County, in the course of review and development of this project, to implement and apply laws, ordinances, rules, and regulations under its jurisdiction, consistent with the approval hereby granted.
8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional or more detailed stipulations, conditions, and requirements to be formulated and applied at later stages of review of this project under local procedures.
9. In the event that the import of any of the stipulations contained herein appears uncertain, interpretation thereof should be by reference to the staff report presented to the Planning Commission and Board of County Commissioners in connection with their consideration of this development proposal, and by reference to the record of the hearings before these bodies.
10. In the event ownership of any portion of the property embraced by this project, or any of the development rights acquired by virtue of this or subsequent approvals, is transferred to any party other than the applicant, the applicant or other transferor of such property or rights shall notify the Board of County Commissioners thereof and shall, in writing, identify the party or parties who will then be responsible to fulfill the obligations and meet the conditions established by these stipulations and by any subsequently established stipulations.
11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan hereby approved, nor shall anything herein be construed as denying the property owner or developer any rights to the continuation of existing uses that may be provided by the Land Development Code or other applicable law.
12. The terms "fair share" and "pro-rata share" as used herein refer to a contribution or participation by the developer, whose purpose is to address an impact generated by new development upon the public domain or upon services or facilities provided by the County, in an amount or of a value that reflects as nearly as is practicable, the impact of this development as a proportion of the total of impacts upon the same services, facilities, or element of the Public domain, that are expected to be generated by all developments in the impact area that have received approval or that are specifically anticipated on the basis of submitted development requests.
13. Where these stipulations require, expressly or by implication, an exercise of discretion or judgment, but do not specify the nature or parameters thereof, or where some determination must be made or approval granted or condition satisfied, the necessary decision or judgment shall be made by the County; but

in doing so the County shall act reasonably and in good faith and, where appropriate, in accordance with accepted practice.

14. In the event the County or other government entity with jurisdiction in the matter establishes impact fees or similar charges that are designed to pay the cost of any of the types of facilities, services, or impacts upon the public domain that the developer by virtue of these stipulations has an affirmative obligation to address, and such fees are payable with respect to portions of the development thereafter completed or finally approved, appropriate reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.
15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on (October 22, 1985) and each year until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of the Manatee County Planning Building and Development Services Department who shall be responsible for assuring the developments compliance with this order, to this end the Director shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The annual report shall contain:
 - a. The information required by the State Land Planning Agency to be included in the annual report, which information is described in the Rules and Regulations promulgated by that Agency, pursuant to Section 380.06(16), Florida Statutes;
 - b. Changes in the plan of development or phasing for the reporting year and for the next year, together with a description of all development activities proposed to be conducted pursuant to this Order for the year immediately following the annual report;
 - c. A summary comparison of development activity proposed and actually conducted for the reporting year;
 - d. A summary providing the actual daily water and sanitary sewer requirements, in terms of gallons per day, for the reporting year and a projection of the expected daily water and sewer flow requirement for each of the five (5) succeeding years;

- e. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the names and addresses of any heir, assignee, or successor in interest to this Order;
 - f. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the DRI site since the Order was issued;
 - g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;
 - h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
 - i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and
 - j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.
 - k. Failure to file an annual report as provided within shall suspend any further development.
16. All references made in Ordinance ~~05-44~~ 12-15 to a conceptual development plan shall hereinafter refer to revised Map H, as amended herein.
17. All Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.
18. The Developer shall include in each Notice to Buyer for any property sold east of I-75 within the DRI boundaries, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.
19. If the Development Order is appealed by the DCA, the Developer shall pay all costs and fees of County staff and attorneys that the County is required to expend related to said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Planning Department fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the

submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DCA, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.26 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

1. This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
2. Definitions and matters contained in Chapter 380, Florida Statutes, shall control the construction of any defined terms and matters appearing in the Development Order.
3. The following are hereby incorporated by reference and made a part of this Development Order:
 - a. The "Application for Development Approval" together with supporting documents submitted by CREEKWOOD.
 - b. The Application for a Notice of Proposed Change.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to ~~September 16, 2007~~ November 22, 2019, unless the County can demonstrate that:

- (a) Substantial changes in the conditions 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 of intensity or unit density shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes 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 or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION

Physical development of the Project* shall commence within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 6. 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, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame 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.

SECTION 12. RENDITION

The ~~Planning~~ Building and Development Services Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of ~~Community Affairs~~ Economic Opportunity, and the 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 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, and to this end the provisions of this Ordinance are declared severable, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE

This Ordinance, ~~05-41~~ shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State; provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance ~~04-28~~ 05-41 during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting this 5th 2nd, day of January August, ~~2006~~ 2012.

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

BY: _____
Chairman

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

BY: _____
Deputy Clerk

EXHIBIT A

LEGAL DESCRIPTION FOR REVISED CREEKWOOD

CREEKWOOD

THE EAST ½ OF SECTION 11, TOWNSHIP 35, RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO:

THAT PART OF SECTION 12., TOWNSHIP 35., RANGE 18E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75).

ALSO:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70

ALSO:

THAT PART OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND NORTH OF STATE ROAD NO. 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST ½ OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A POINT OF BEGINNING: THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS: THENCE CONTINUE S 00°43'10" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20' 03" E. ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.37 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND SAID STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.10 FT.; THENCE S 70°20'03" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W, OF SAID STATE ROAD NO. 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E. ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52°23'42". A DISTANCE OF 568.98 FT. TO THE P.T. OF SAID CURVE; THENCE N 54°58'49" E,

ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING RADIUS OF 721.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07". A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE, THENCE N 04°55'42" E, ALONG SAID LIMITED ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST. HAVING A RADIUS OF 5530.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 33 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11, THENCE N 89°35' 09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 11; THENCE S 00°45'32" E. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 11. A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS

CREEKWOOD-EAST

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70. LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W. ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20' 03" W, ALONG SAID NORTHERLY R/W , 1492.94 FT.; THENCE N 33°10'32" W. ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W. ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'30" W, ALONG SAID NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND STATE ROAD NO. 70; THENCE N 60°14'02" W. ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93

(INTERSTATE 75), THENCE N 70°20'03" W. ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST ½ OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELAWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST ½ OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST ½ OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES; N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W

Ordinance 05-44 12-15 – Creekwood DRI #13

OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W. 1492.94 FT., THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL THE FOLLOWING COURSES AND DISTANCES; N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25"E, 72.10 FT.; THENCE S 43°52'49" E, 240.00FT.; THENCE S 34°24'49" E, 88.00 FT.; THENCE N 85°27'11" E. 175.71 FT.; THENCE N 75°17'11" E, 113.23 FT.; THENCE N 34°52'11" E. 120.63 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

CONTAINING 11.84 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

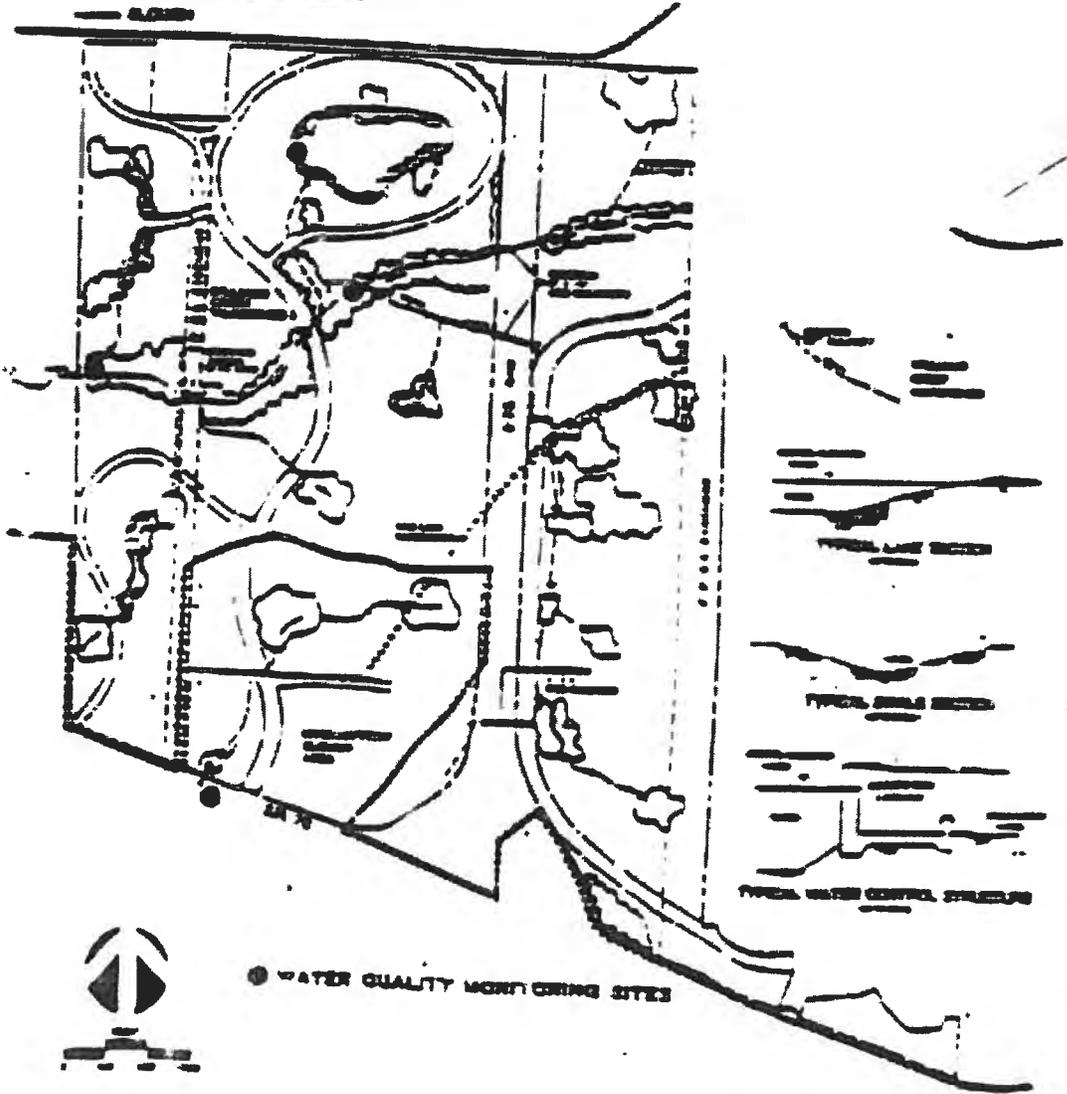
EXHIBIT B

WATER QUALITY MONITORING SITES

(PREVIOUSLY APPROVED RESOLUTION R-93-25, APPROVED ON APRIL 22, 1993)

LEGEND

- CHANNEL WAY PROPOSED
- EXISTING CHANNEL
- CANALS
- DIRECTION OF FLOW
- TYPICAL POND RECEIVING
- NATURAL RECEIVING AREA
- CANAL
- WATER CONTROL STRUCTURE
- FLOW



Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF DRI/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the **Planning Commission of Manatee County** will conduct a Public Hearing on **Thursday, July 12, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida** to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

ORDINANCE 12-15 (DRI # 13) - CONTROL STORAGE INC./CREEKWOOD

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Creekwood Development of Regional Impact (Ordinance 05-41) (DRI #13); A/K/A Tampa Bay Regional Planning Council (TBRPC) DRI #102; including a determination of whether the following changes constitute a Substantial Deviation to the Creekwood Development of Regional Impact in response to owner's submittal of a Notice of Proposed Change (NOPC):

1. Modify Map H and the Development Order with the following changes:

- A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;
- B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;
- C. Update the Water Quality Monitoring conditions;
- D. Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and
- E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.

The ordinance amends, replaces, and supersedes Ordinance 05-41, DRI #13, as amended; providing for severability, and an effective date.

Creekwood is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

Z-84-76(R9) - CONTROL STORAGE, INC. / STORAGE NOW (AKA CREEKWOOD)

DTS #20120105
Request: An Ordinance of Manatee County, Florida approving a revised Zoning Ordinance and General Development Plan to:

- 1. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5;
- 2. Increase the allowable height for Parcel C-5 from 30' to 35';
- 3. Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and Manatee County;
- 4. Revise Land Use Conditions #3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards;
- 5. Update the Water Quality Monitoring Conditions; and
- 6. Update the Zoning Ordinance to reflect department references.

Subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. Storage Now (aka Creekwood) is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

ORDINANCE 12-20 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (a.k.a. UNIVERSITY PARK COUNTRY CLUB) DRI #12

Request: Determination of whether the following modifications to the Unnamed Exclusive Golf and Country Club DRI Development Order constitute a substantial deviation pursuant to Section 380.06, Florida Statutes:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- 2.) Decrease acreage devoted to Open Space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage to accommodate Tracts B-2 and L South.
- 4.) Update Map P & C showing the removal of a conservation area in favor of two new preservation areas.
- 5.) Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 6.) Update the Development Order to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honora Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

PDR-89-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB

DTS#20120095
Request: Approval of a revised Zoning Ordinance for Unnamed Exclusive Golf and Country Club to:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- 2.) Decrease acreage devoted to open space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage to accommodate Tracts B2 and L South.
- 4.) Update the Zoning Ordinance to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 5.) Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION Manatee County Building and Development Services Department Manatee County, Florida 06/27/2012

Copy of Newspaper Advertising

Sarasota Herald Tribune

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- Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and
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- Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and

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- Increase residential acreage to accommodate Tracts B-2 and L South,
- Update Map P & C showing the removal of a conservation area in favor of two new preservation areas,
- Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
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PDR-89-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DTS#20120095

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THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

Date of pub: June 27, 2012

Notice is hereby given that the Southwest Florida Water Management District has received Environmental Resource permit application number 661938 from Scott Cannard, 3540 Thomasville Road, Tallahassee, FL 32309. Application received: March 5, 2012. Proposed activity: This project will consist of the construction of a boat ramp and canoe launch within the Terra Ceia Preserve State Park for the Florida Department of Environmental Protection Division of Recreation and parks. Project name: Terra Ceia Aquatic Preserve Boat Ramp and Canoe Launch. Project size: 4.7 acres Location: Section(s) 13 Township 33S, Range 17E, in Manatee County. Outstanding Florida Water: yes. Aquatic preserve: yes. The application is available for public inspection Monday through Friday at 2379 Broad Street, Brooksville, FL 34604. interested persons may inspect a copy of the application and submit written comments concerning the application. Comments must include the permit application number and be received within 14 days from the date of this notice. If you wish to be notified of agency action or an opportunity to request an administrative hearing regarding the application, you must send a written request referencing the permit application number to the Southwest

Florida Water Management District, Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6899 or submit your request through the District's website at www.watermatters.org. The District does not discriminate based on disability. Anyone requiring accommodation under the ADA should contact the Regulation Performance Management Department at (352)796-7211 or 1(800)423-1476, TDD only 1(800)231-6103.

Date of pub: June 27, 2012



RECEIVED
MAY 17 2012
BY: _____

Commissioner Larry Bustle
Chair

Mayor Robert Minning
Vice-Chair

Mr. Andy Núñez
Secretary/Treasurer

Vice-Mayor William Dodson
Immediate Past Chair

Manny L. Pumarlega
Executive Director

May 14, 2012

The Honorable John R. Chappie, Chairman
Manatee County Board of County Commissioners
P. O. Box 1000
Bradenton, FL 34206

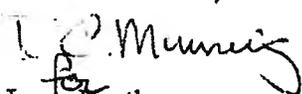
Subject: DRI #102 - Creekwood, Notice of Proposed Change Report, Manatee County

Dear Chairman Chappie:

The enclosed agenda item regarding the above-referenced matter was considered and approved by the Tampa Bay Regional Planning Council at its May 14, 2012 meeting.

Please contact the Council staff if further information concerning this item is needed.

Sincerely,


for
Larry Bustle
Chair

LB/bj

Enclosure

cc: Mr. Chris Coffin, Control Storage, Inc.
Ms. Misty Servia, King Engineering Associates
Ms. Lisa Barrett, Manatee County Building & Development Services
Mr. Rax Jung, FDOT/District One
Ms. Brenda Winningham, FDEO



NOPC

Notice of Proposed Change Report

4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782
Phone (727) 570-5151 / FAX (727) 570-5118
www.tbrpc.org

DRI #102 - CREEKWOOD MANATEE COUNTY

On March 1, 2012 (dated February 29, 2012), the Applicant submitted a Notice of Proposed Change application requesting modifications to the Development Order. Supplemental information was provided on April 6, 2012 (dated April 5, 2012). The following constitutes a summary of project entitlements and history, a description of the proposal, and the Council recommendation.

PROJECT DESCRIPTION

On August 27, 1985, Manatee County granted a Development Order (Resolution R-85-149) to Creekwood, Limited, for a 1,090-acre, multi-use development located northwest of the S.R. 70/I-75 intersection in Manatee County.

The Development Order has been previously amended seven times, most recently on January 5, 2006 (Ordinance No. 05-41). The amendments have cumulatively: deleted 512± acres from the project; downscaled residential development; revised and extended the project phases (i.e. Phase I by a period of five years, Phase II by seven years, Phase III by five years and Phase IV by four years); modified the project entitlements; increased Phase IV Office by 65,000 sq. ft.; authorized a maximum of 85,000 sq. ft. of medical office space with corresponding reduction of Phase IV office uses; decreased Phase III residential development by 367 units; transferred six residential units from Phase I/II to Phase IV; recognized hotel as an independent land use and allowed a maximum of 100 Hotel rooms; removed linear park requirement in favor of a requirement for the dedication of a 33.4-acre conservation area; and recognized two new owners (i.e. Creekwood Estates LLC and Professional Place LLC). Additional extensions of 11 years and 326 days have also been granted by Manatee County to account for 2007 (3 Years), 2009 (2 Years/SB 360), 2010 (2 Years/SB 1752) & 2011 (4 Years/HB 7207) legislation as well as the cumulative tolling period associated with three Executive Orders signed into law by Governor Scott during 2011 (326 Days). The Development Order now expires on November 22, 2019.

The following reflects the approved phasing schedule:

Phase	Buildout	Residential (Units)	Commercial (Sq. Ft.)	Industrial (Sq. Ft.)	Office (Sq. Ft.)	Hotel (Rooms)
1 & 2	Completed	592	455,048	0	0	0
3	11/22/2018 ¹	140	55,000	230,000	60,000	0
4	11/22/2019 ¹	518	116,952	720,000	165,000 ²	100
TOTAL		1,250	627,000	950,000	225,000	100

1. The Phase 3 and 4 buildout dates are reflective of all aforementioned extensions.
2. Office space may include up to 85,000 sq. ft. of medical office.

PROPOSED CHANGES UNDER THIS NOPC

The Applicant has requested the following modifications to the Development Order:

- add 30,000 sq. ft. of Mini-Warehouse to existing Mini-Warehouse development located on Parcel C-5; and
- update Development Order to reflect project extensions previously granted by Manatee County in accordance with prior legislative revisions, as well as terminology changes, current LDC and Comprehensive Plan amendments, department references and updates to Table 1 to reflect previously constructed Mini Warehouse development.

CONSISTENCY WITH SUBSECTION 380.06(19), FLORIDA STATUTES

The following statutory citations apply to this proposal:

SUBSECTION REFERENCE #	SUBSECTION VERBIAGE AND COMMENTARY (WHERE APPLICABLE)
380.06(19)(b)6.	<i>An increase in commercial development by 60,000 square feet of gross floor area, or of parking spaces provided for customers for 425 cars or a 10-percent increase of any of these, whichever is greater... shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government. However, by contrast, an increase of less than the identified threshold shall be presumed not to create a Substantial Deviation.</i>
380.06(19)(b)10.	<i>A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development of regional impact review... shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government. However, by contrast, an increase of less than the identified threshold shall be presumed not to create a Substantial Deviation.</i>
380.06(19)(c)2.	<i>In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension...</i>

DISCUSSION

The following statements serve as representations made by, or on behalf of, the applicant or are acknowledgments or recommendations made by Tampa Bay Regional Planning Council staff. These references/recommendations were relied upon by the Tampa Bay Regional Planning Council to determine that applicant has rebutted the presumption of a Substantial Deviation and that no further information would be required in conjunction with the current proposal:

1. Mr. Chris Coffin of Control Storage, Inc. was identified as the "Applicant" for this current Notice of Proposed Change application. Ms. Misty Servia of King Engineering Associates, Inc. was identified as the "Authorized Agent."
2. It is hereby requested that Table 1 of the Development Order be revised to reflect "Mini-Warehouse" as a specifically approved land use with the appropriate amount of this use identified. The following revised table would be reflective of this request. The identified footnotes would also be appropriate for inclusion.

Phase	Bulldout	Residential (Units)	Commercial (Sq. Ft.)	Industrial (Sq. Ft.)	Office (Sq. Ft.)	Hotel (Rooms)	Mini Warehouse (Sq. Ft.)
1 & 2	Completed	592	455,048	0	0	0	0
3	11/22/2018	140	55,000	230,000	60,000	0	0
4	11/22/2019	518	92,952 ²	720,000	165,000 ¹	100	80,000 ³
TOTAL		1,250	603,000²	950,000	225,000¹	100	80,000³

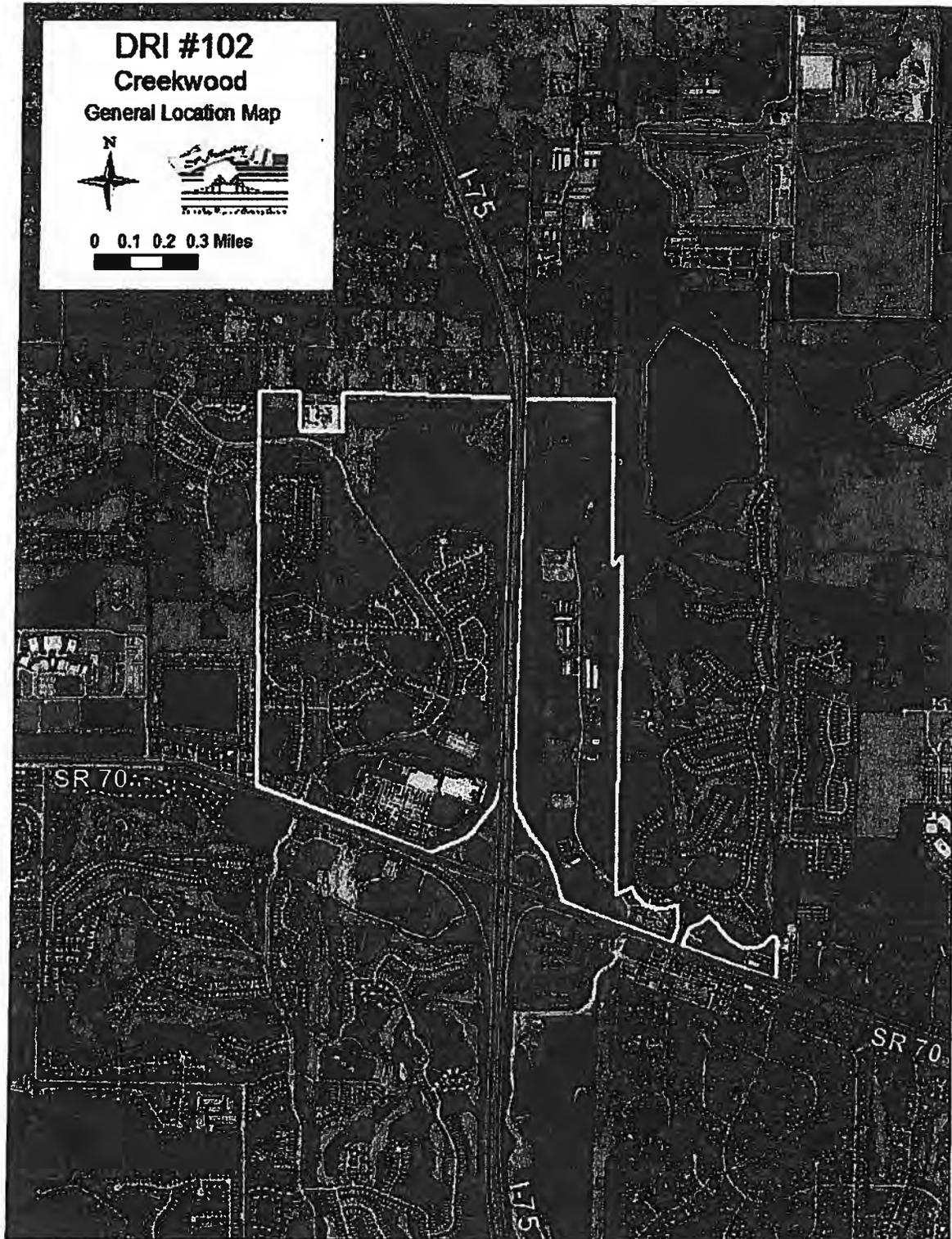
1. Office space may include up to 85,000 sq. ft. of medical office.
2. Construction of the initial 50,000 sq. ft. of Mini Warehouse was acknowledged within the RY 2007-08 Annual Report. The Annual Report also reflected that the 50,000 sq. ft. of Mini Warehouse was equivalent to 24,000 sq. ft. of Commercial. As appropriate, this amount of Commercial has been deducted from the Phase 4 and overall Commercial entitlements reflected in this Table for the project.
3. Mini Warehouse consists of the 50,000 sq. ft. constructed during 2007-08 as well as the 30,000 sq. ft. expansion proposed within the 2012 Amendment.

3. Manatee County staff has indicated that the Master Developer had voluntarily reduced the amount of approved Industrial by 150,000 sq. ft. (to 800,000) as part of a Zoning Ordinance modification approved by Manatee County in 2008. Although TBRPC does not review Zoning Ordinances, Council does support any/all efforts designed to make the development entitlements reflected in a project's Zoning Ordinance and Development Orders identical, although not specifically requested as part of this Notice of Proposed Change application.
4. The Applicant identified that the existing 50,000 sq. ft. Mini-Warehouse generates an estimated 15 p.m. peak hour trips. The proposed expansion of Mini-Warehouse would add an estimated 9 p.m. peak hour trips. (April 5, 2012 Correspondence/Page 10/Response to Manatee County Transportation Planning Question #5)
5. The Master Development Plan shall be updated and included as part of the Development Order Amendment to reflect the entitlements identical to those of Table 1 of the Development Order. Less the requested refinements, the currently proposed/revised Master Development Plan is attached as *Exhibit 2* to this Report.

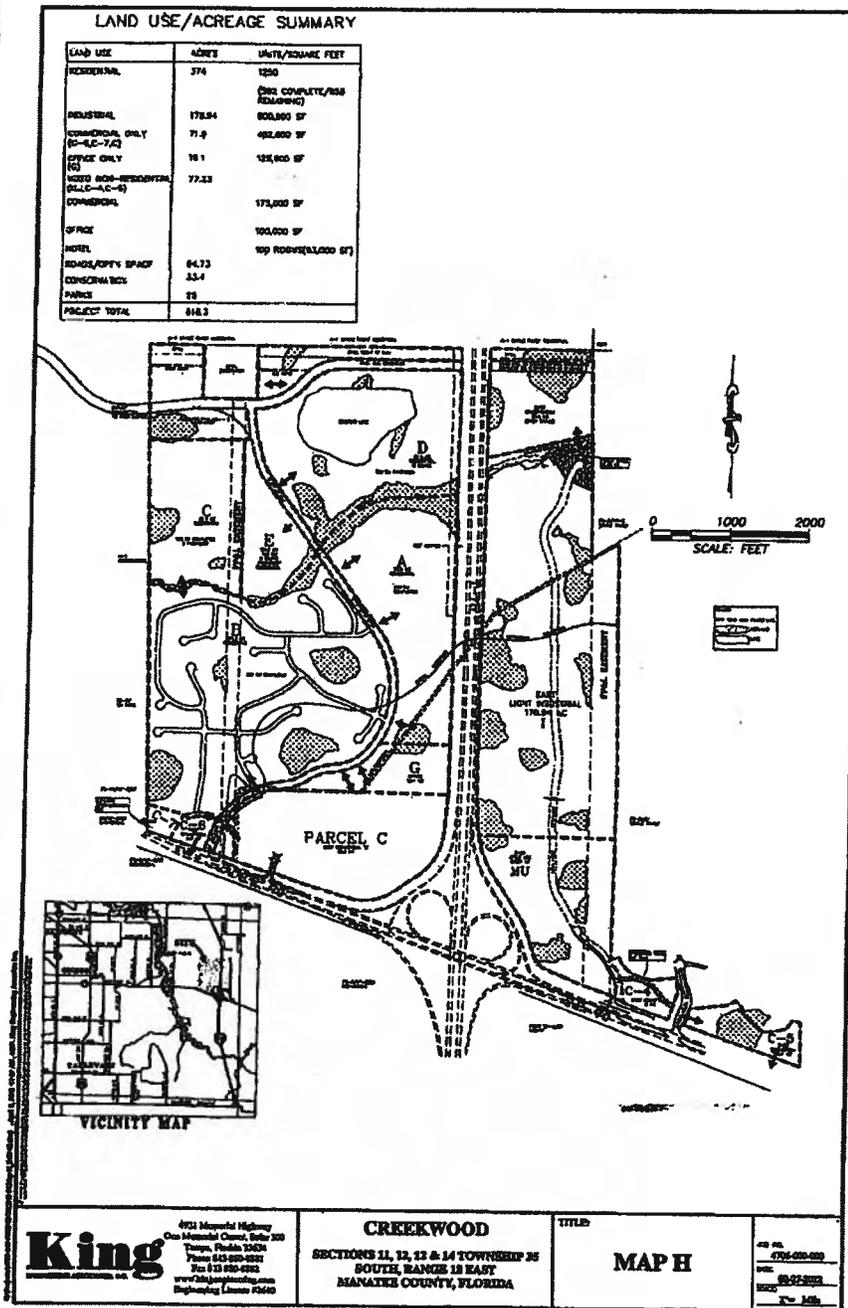
RECOMMENDED ACTION

Indicate to Manatee County and the State Land Planning Agency that the proposal is presumed not to create a Substantial Deviation, as defined above. It is the opinion of this agency that no unmitigated regional impacts would be expected upon inclusion of the recommendations/representations referenced above within the amendatory language, as may be appropriate.

**EXHIBIT 1
GENERAL LOCATION MAP**



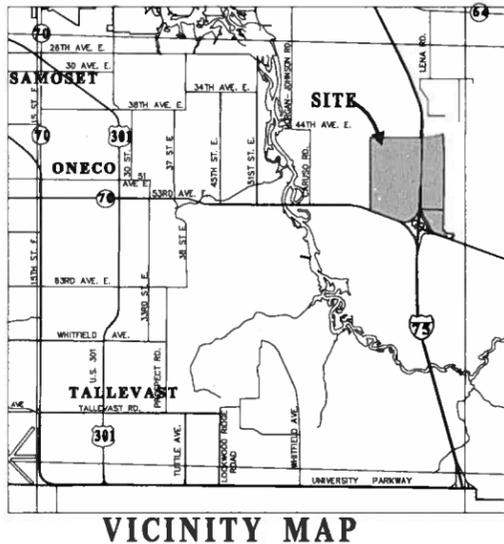
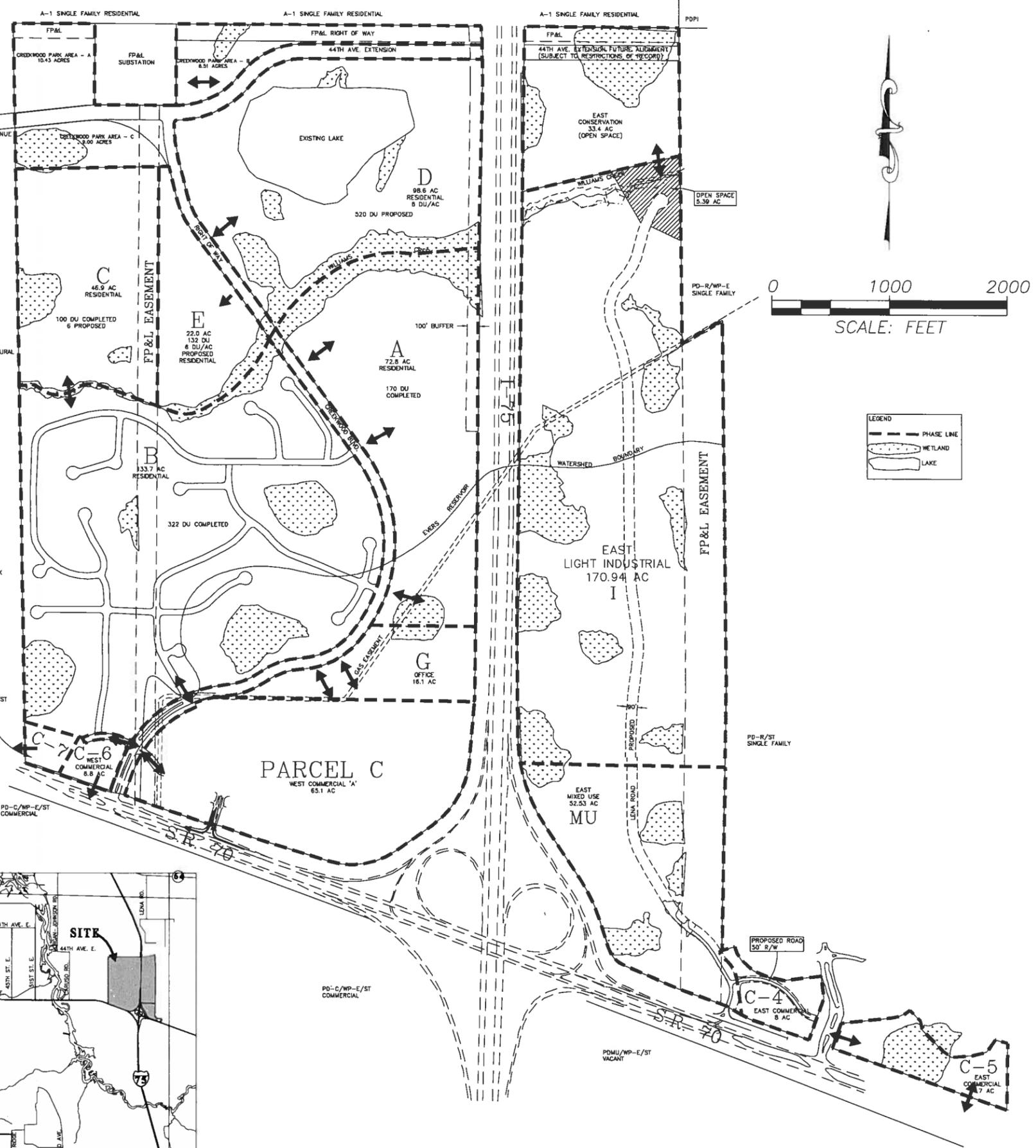
**EXHIBIT 2
PROPOSED/REVISED MASTER DEVELOPMENT PLAN (MAP H)**



* As appropriate, the entitlements reflected under the "Land Use/Acreage Summary" portion of this graphic shall be modified for consistency with those entitlements portrayed in revised Table 1 (of the Development Order).

LAND USE/ACREAGE SUMMARY

LAND USE	ACRES	UNITS/SQUARE FEET
RESIDENTIAL	374	1250 (592 COMPLETE/658 REMAINING)
INDUSTRIAL	170.94	800,000 SF
COMMERCIAL ONLY (C-6, C-7, C)	71.9	482,000 SF
OFFICE ONLY (G)	16.1	125,000 SF
MIXED NON-RESIDENTIAL (MU, C-4, C-5)	65.73	
COMMERCIAL		121,000 SF
OFFICE		100,000 SF
MINI-WAREHOUSE (ONLY C-5)	6.5	80,000 SF
HOTEL		100 ROOMS(93,000 SF)
ROADS/OPEN SPACE	54.73	
CONSERVATION	33.4	
PARKS	25	
PROJECT TOTAL	818.3	



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King
ENGINEERING ASSOCIATES, INC.

4921 Memorial Highway
One Memorial Center, Suite 300
Tampa, Florida 33634
Phone 813 880-8881
Fax 813 880-8882
www.kingengineering.com
Engineering License #2610

CREEKWOOD
SECTIONS 11, 12, 12 & 14 TOWNSHIP 35
SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

TITLE:
MAP H

JOB NO.
4706-000-000
DATE:
02-27-2012
SCALE:
1" = Mile

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Z-84-76(R9) – Control Storage, Inc./Storage Now (aka Creekwood)	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	07/12/12/ PC	DATE SUBMITTED/REVISED	06/28/12
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A <i>JB</i>
DEPARTMENT/DIVISION	Building & Development Services/ Comprehensive Planning and Public Hearing	AUTHORIZED BY TITLE	Lisa Barrett, Planning Manager
CONTACT PERSON TELEPHONE/EXTENSION	Rossina Leider / 748-4501 ext. 6859 DTS20120105	PRESENTER/TITLE TELEPHONE/EXTENSION	Rossina Leider / Sr. Development Review Specialist / 748-4501 ext. 6859
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
I move to recommend approval of Z-84-76(R9) per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Comprehensive Plan and Manatee County Land Development Code.

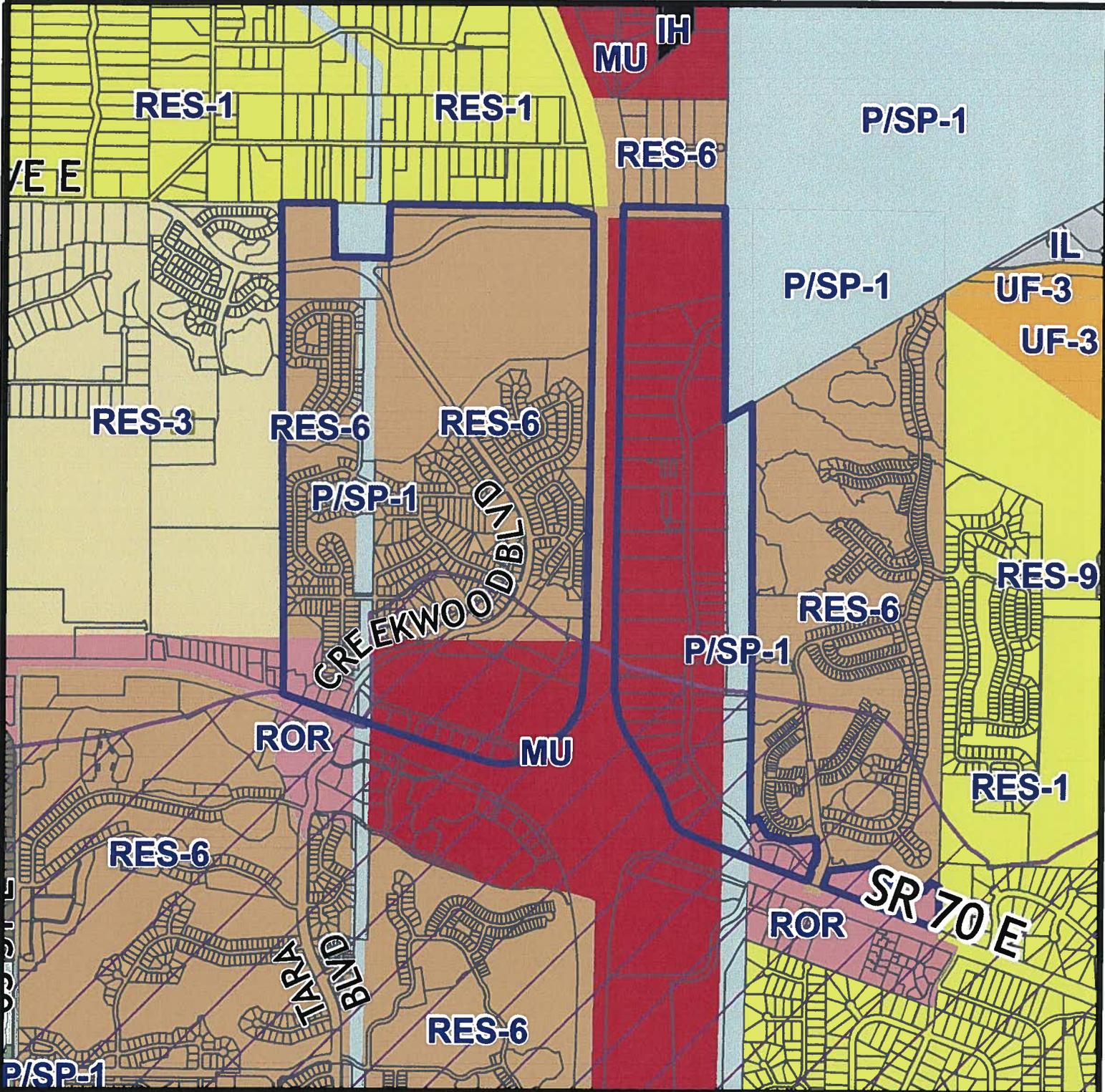
BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • Creekwood DRI is a mixed-use development, located at the NE and NW quadrants of the intersection of State Road 70 and I-75. The DRI development was approved on August 27, 1985. • On September 3, 1985, the Board of County Commissioners approved a rezone and General Development Plan (GDP) for a ±1,090 acre project (Z-84-76). The GDP was approved to allow 4,081 units, 435,000 square feet of commercial space, 2,000,000 square feet of industrial space, and 184,000 square feet of office space. • Eight amendments have been made to the GDP, the most recent on December 4, 2008. The total project acreage was reduced to ±818.26 acres and the total amount of development authorized within the latest GDP amendment is 1,250 units, 627,000 square feet of commercial space, 800,000 square feet of industrial space, 225,000 square feet of office space, and 100 hotel rooms. • The applicant requests to revise the Zoning Ordinance and General Development Plan to: <ul style="list-style-type: none"> - Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5; - Increase the allowable height for Parcel C-5 from 30' to 35'; - Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and Manatee County (Phase III to 11/22/2018 and Phase IV to 11/22/2019); - Revise Land Use Conditions #3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards; - Update the Water Quality Monitoring Conditions; and - Update the Zoning Ordinance to reflect department references. • No traffic related improvements are required as a result of this 30,000 square feet expansion. • There are existing stipulations that ensure that the increase in the allowable height from 30' to 35' on Parcel C-5 will not create visual impacts to the adjacent areas. • Staff recommends approval of the proposed changes.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: SAS)

<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff Report		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

FUTURE LAND USE



Parcel ID #(s) Multiple

Project Name: Control Storage / Storage Now
 Project #: Z-84-76 (G)(R9)
 DTS#: 20120105
 Proposed Use: Commercial

S/T/R: Sec 13 Twn 35 Rng 18
 Acreage: ± 818
 Existing Zoning: PD-C, PD-R, PD-I
 Existing FLU: ROR, MU, RES-6, P/SP-1
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, UNNAMED STREAM
 Commissioner: Donna Hayes



Manatee County
 Staff Report Map

Map Prepared 3/21/2012
 1 inch = 1,667 feet

Evers Watershed (WPE)

AERIAL



Parcel ID #(s) Multiple

Project Name: Control Storage / Storage Now
Project #: Z-84-76 (G)(R9)
DTS#: 20120105
Proposed Use: Commercial

S/T/R: Sec 13 Tw n 35 Rng 18
Acreage: ± 818
Existing Zoning: PD-C, PD-R, PD-I
Existing FLU: ROR, MU, RES-6, PSP-1
Overlays: ST
Special Areas: NONE

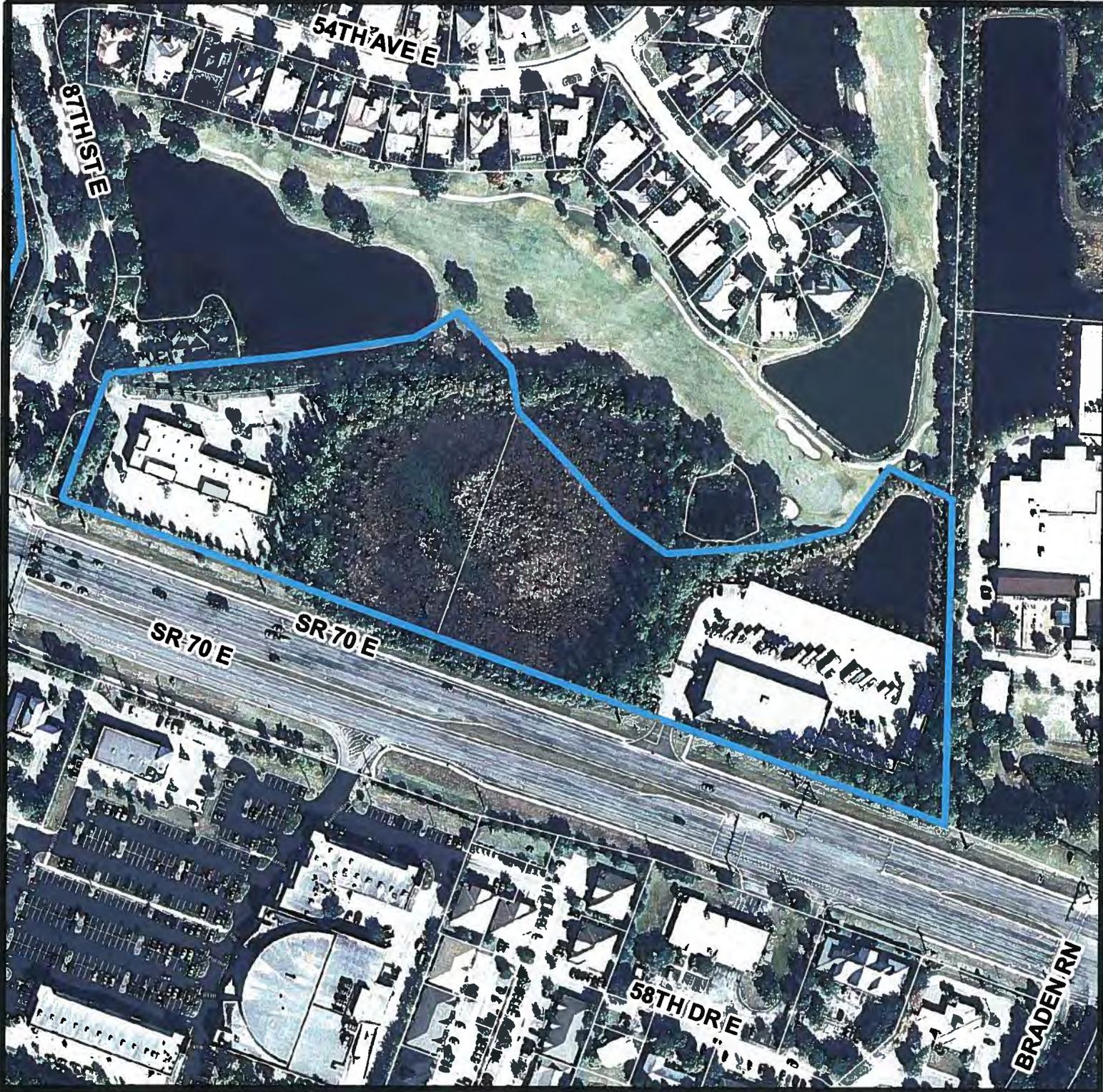
CHH: NONE
Watershed: WPE
Drainage Basin: BRADEN RIVER AB WARD L, UNNAMED STREAM
Commissioner: Donna Hayes



Manatee County
Staff Report Map

Map Prepared 3/21/2012
1 inch = 1,667 feet

AERIAL



Parcel ID #(s) Multiple

Project Name: Control Storage / Storage Now
 Project #: Z-84-76 (G)(R9)
 DTS#: 20120105
 Proposed Use: Commercial

S/T/R: Sec 13 Twn 35 Rng 18
 Acreage: ± 818
 Existing Zoning: PD-C, PD-R, PD-I
 Existing FLU: ROR, MU, RES-6, PSP-1
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, UNNAMED STREAM
 Commissioner: Donna Hayes

 Parcel C-5
 ± 11.7 acres

Manatee County
 Staff Report Map

Map Prepared 3/21/2012
 1 inch = 218 feet

Z-84-76(R9) – CONTROL STORAGE, INC. / STORAGE NOW (AKA CREEKWOOD)
(DTS #20120105)

Request: An Ordinance of Manatee County, Florida approving a revised Zoning Ordinance and General Development Plan to:

1. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5;
2. Increase the allowable height for Parcel C-5 from 30' to 35';
3. Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and Manatee County;
4. Revise Land Use Conditions #3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards;
5. Update the Water Quality Monitoring Conditions; and
6. Update the Zoning Ordinance to reflect department references.

Subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. Storage Now (aka Creekwood) is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

P.C.:

07/12/12

B.O.C.C.: 08/02/12

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to recommend APPROVAL of Manatee County Zoning Ordinance No. Z-84-76(R9) for a project that was previously granted Special Approval for a project in: 1) the Entranceway; 2) the Watershed Protection – Evers Overlay District; 3) the Special Treatment Overlay District, and 4) the MU (Mixed Use) FLUC; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval for alternatives to LDC Sections 710.1.6, 710.2.1, and 737.4.1.2.g, as recommended by staff.

PROJECT SUMMARY	
CASE#:	Z-89-76(R9) (DTS # 20120105)
PROJECT NAME:	Storage Now (aka Creekwood)
APPLICANT(S):	Control Storage, Inc.
EXISTING ZONING:	PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, and Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts)
REQUEST:	<p>Amend the Zoning Ordinance and General Development Plan to:</p> <ol style="list-style-type: none"> 1) Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5; 2) Increase the allowable height for Parcel C-5 from 30 feet to 35 feet; 3) Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and Manatee County; 4) Revise Land Use Condition #3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards; 5) Update the Water Quality Monitoring Conditions; and 6) Update the Zoning Ordinance to reflect department references.
CASE PLANNER:	Rossina Leider
STAFF RECOMMENDATION:	APPROVAL

DETAILED DISCUSSION

History

Creekwood DRI is a mixed-use development, located at the NE and NW quadrants of the intersection of State Road 70 and I-75. The development was approved in 1985, and has been amended a number of times to reduce the total project acreage, decrease amount of development and modify and redistribute project entitlements. The most recent amendment was in 2006.

Creekwood DRI is currently approved for 1,250 residential units, 627,000 square feet of commercial space, 950,000 square feet of industrial space, 225,000 square feet of office space which includes up to 85,000 square feet of medical offices, and 100 hotel rooms. The total project acreage is ± 818.26 acres.

Creekwood Zoning Ordinance (Z-84-76) was originally approved in September 3, 1985 with a General Development Plan for 4,081 units, 435,000 square feet of commercial space, 2,000,000 square feet of industrial space, and 184,000 square feet of office space. The total project acreage was ±1,090 acres.

The following amendments to the Creekwood Zoning Ordinance and General Development Plan were approved by the BOCC:

- April 22, 1993: Allow 2,805 units, 427,500 square feet of commercial space, 2,000,000 square feet of industrial space, and 184,000 square feet of office space. The total project acreage was reduced to ±818.26 acres [Z-84-76(R)].
- December 16, 1997: Change various land uses and buffers conditions [(Z-84-76(R2))].
- December 15, 1998: Exchange the land use designation for Parcel G (General Commercial) with Parcel O-1 (Office), increase total commercial floor area (69,500 sq. ft.) and land area, decrease total office floor area (44,000 sq. ft.) and land area, decrease residential development (500 units), and change the designation of Parcels C-1, C-2, and O-1 and combine them to a re-designated Parcel C [(Z-84-76(R3))].
- March 28, 2000: Delete 25,000 square feet of office space and add 25,000 square feet of commercial on Parcel C, adjust the overall total of development in Parcel C (522,000 sq. ft. of commercial and 115,000 sq. ft. of office), modify the project phasing deadlines, and modify land use, environmental, and transportation conditions [(Z-84-76(R4))].

- **January 6, 2004: Re-designate parcel identification, add an additional roadway connection to the west, modify the Project Phasing Table to eliminate and redistribute approved development (reduce industrial to 950,000 sq. ft., clarify allocation of commercial approved in the industrial category, expand the range of commercial and industrial uses permitted east of I-75, decrease residential from 2,305 to 1,617 units), modify land use, park and recreation, and transportation conditions [(Z-84-76(R5)).**
- **January 5, 2006: Decrease residential units from 1,617 to 1,250 units, increase office use from 160,000 to 225,000 square feet, and transfer residential units from Phase I and II to Phase IV [(Z-84-76(R6)).**
- **December 4, 2008: Allow telecommunication towers east of I-75 within Parcel I, and to update various provisions [(Z-84-76(R7)).**
- **December 4, 2008: Decrease industrial entitlements from 950,000 to 800,000 square feet, delete phasing and buildout condition regarding development limitations east of I-75 until completion of SR 70 improvements, delete transportation conditions, and update various provisions [(Z-84-76(R8)).**

The above referenced reduction of industrial entitlement (150,000 square feet) was voluntarily requested by the developer to reflect the amount of industrial space that will be constructed. The total amount of development authorized within the latest GDP amendment is:

USE	DEVELOPMENT TOTALS
Residential	1,250 d.u.
Commercial	627,000 sq. ft. ⁽¹⁾
Industrial	800,000 sq. ft. ⁽²⁾
Office	225,000 sq. ft. ⁽³⁾
Hotel	100 rooms

⁽¹⁾ 24,000 sq. ft./50,000 sq. ft. if used as a storage facility in Parcel C-5 east of the wetland

⁽²⁾ Includes telecommunication towers

⁽³⁾ Office space may include up to 85,000 sq. ft. of medical office

Request

The request is for an amendment to the General Development Plan (GDP) and Zoning Ordinance for Storage Now, within the Creekwood DRI. In general, the request is to add 30,000 square feet to an existing mini-warehouse facility located on Parcel C-5, increase the allowable building height on Parcel C-5, and revise the land use conditions (signs and architectural standards) applicable to the mini-warehouse project.

Additionally, the applicant is updating the phasing table to reflect legislatively approved extensions, and the water quality monitoring program.

In addition to the proposed changes to the General Development Plan, a NOPC (Notice of Proposed Change) to the DRI is being reviewed under a separate application with separate review criteria.

Request #1:

- Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5.

The applicant requests to allow the addition of 30,000 square feet to an existing 50,000 square foot mini-warehouse facility located on Parcel C-5, east of the wetland. Parcel C-5 is ± 11.7 acres, zoned PDC/WP-E/SP (Planned Development Commercial/Watershed Protection/Special Treatment Overlay Districts), and within the R/O/R (Retail/Office/Residential) Future Land Use Category. C-5 is currently approved for a maximum of 40,000 square feet of commercial as follows:

- West of the wetland (± 5.2 acres): 16,000 sq. ft. commercial.
- East of the wetland (± 6.5 acres): 24,000 sq. ft. commercial or 50,000 sq. ft. if it is used for a storage facility.

The proposed addition of square footage will be entirely within the east portion of the Parcel C-5 where a storage facility (Storage Now) is already located. The R/O/R Future Land Use Category allows a maximum Floor Area Ratio (FAR) of 0.35 and Special Approval is required for projects exceeding 0.25, except for mini-warehouses. With the 30,000 square feet addition a FAR of 0.28 is proposed.

The Florida Statute, Chapter 380.06(19) considered that:

- an increase in commercial development less than 60,000 square feet in gross floor area is not a substantial deviation, and
- an increase less than 15% in the number of internal trips generated by the development is not a substantial deviation.

The proposal is consistent with the above referenced statute since less than 60,000 square feet to an approved commercial development is proposed, and it is estimated to generate an additional nine (9) net-new external peak-hour trips, which is below to the 15% increment of internal trips referenced above. However, the Tampa Bay Regional Planning Council (TBRPC) requested to update the Table 1 of the DRI Development Order to identify “mini-warehouse” as a specifically approved land use and adjust the amount of development as follow:

- Reduce 24,000 square feet from the commercial entitlements. The General Development Plan and Zoning Ordinance for Creekwood recognize that 24,000 square feet of commercial space is equivalent to 50,000 square feet of mini-warehouse applicable only to Parcel C-5 east of the wetland. This equivalence and the construction of the initial 50,000 square feet of mini-warehouse are

reflected in the DRI Annual Report 2007-08.

- Add 80,000 square feet of mini-warehouse in Parcel C-5 (consists of the existing 50,000 square feet plus the 30,000 square feet addition).

Table 1 of the Zoning Ordinance (Development by Parcels) and Table 2 (Phasing by Uses) are revised accordingly to reflect a total amount of 603,000 square feet of commercial (627,000 sq. ft. minus 24,000 sq. ft. of commercial from Parcel C-5) and 80,000 square feet of mini-warehouse space (existing 50,000 sq. ft. plus the 30,000 sq. ft. proposed expansion).

Additionally, Table 1 is corrected to include telecommunications towers as an allowable use in Parcel I, according to [(Z-84-76(R7))] approved by the BOCC on 12/04/2008.

Table 1 and Table 2 are modified as follow:

PROJECT PHASING AND BUILDOUT CONDITIONS

1. Table 1 enumerates, by parcel, the allocation of development described in Section 4:

Table 1 - Development by Parcels

<u>LAND USE</u>	<u>PARCEL</u>	<u>SQUARE FOOTAGE</u>
Commercial	C	447,000
	C-6	20,000
	C-7	15,000
	MU/C-4/C-5	145,000*121,000*
Mini-Warehouse	C-5	80,000*
Office	G	125,000**
	MU/C-4	100,000*
Industrial	I	800,000***
Hotel	MU	100 rooms
Residential	A	170 units
	B	322 units
	C	106 units
	D	520 units
	E	132 units

* The distribution of commercial square footage among the parcels shall also be subject to the following maximum square footages per parcel:

Parcel MU 100,000 square feet
 Parcel C-4 10,000 square feet
 Parcel C-5 16,000 square feet west of the wetland
 24,000/50,000⁽⁴⁾ east of the wetland
⁽⁴⁾ only if used as a storage facility

The distribution of mini-warehouse square footage among the parcels shall be subject to the following maximum square footage per parcel:

Parcel C-5 80,000 square feet east of the wetland

The distribution of office square footage among the parcels shall also be subject to the following maximum square footages per parcel:

Parcel MU 100,000 square feet
 Parcel C-4 6,000 square feet

In no event shall the total square footage on parcels MU, C-4 and C-5 (west of the wetland) exceed ~~145,000~~ 121,000 for commercial uses or 100,000 for office uses and 80,000 of mini-warehouse on Parcel C-5 (east of the wetland).

** Office space may include up to 85,000 square feet of medical office.

*** Including telecommunication towers

2. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 2 below:

Table 2 - Phasing By Use

PHASES				
	I, II (Complete)	III (1996- 2009 <u>11/22/2018</u>)* ¹	IV (2001- <u>2012</u> <u>11/22/2019</u>)* ¹	Total
RESIDENTIAL	592	140	518	1,250
COMMERCIAL	455,048	55,000	116,952 <u>92,952</u>	627,000 <u>603,000</u>
MINI-WAREHOUSE			<u>80,000</u>	<u>80,000</u>
HOTEL			100 rooms	100
OFFICE		60,000	165,000	225,000
INDUSTRIAL		230,000	570,000	800,000

* Dates are reflective of Buildout Dates contained below within this Development Order. Preliminary Site Plans shall be submitted 1 year prior to such buildout dates.

¹ ~~Phases III and IV Buildout Dates include the three-year extension authorized pursuant to paragraph 380.06(19)(c), Florida Statutes.~~ time extensions authorized by the Florida Legislature and Manatee County.

Staff has no objection to the request with the above modifications to the Table 1

(Development by Parcels) and Table 2 (Phasing by Use).

Request #2:

- Increase the allowable height for Parcel C-5 from 30 feet to 35 feet.

The applicant proposes to increase the maximum height permitted on Parcel C-5 from 30' to 35' on Parcel C-5, applicable only to the mini-warehouse buildings on the east side of the wetland.

The existing regulation allows 30 feet in height for commercial and office buildings located on Parcel C-5. The maximum building height allowed on other commercial parcels of the Creekwood DRI is as follows:

- 40 feet on Parcel C, unless within 200 feet of Creekwood Boulevard, in which case shall not exceed 25 feet and 35 feet only for a garden center,
- 26 feet on Parcel C-6 and C-7, unless within 200 feet of any platted residential lot, in which case buildings shall not exceed 20 feet in height except for cupolas, gables peaks, and spires that may extend to 35 feet in height.

Parcel C-5 east of the wetland is actually developed with a storage facility, consisting of 4 separate buildings and 50,000 square feet of gross floor area. A fifth building will be located central to the site between two existing buildings to accommodate the 30,000 square feet addition requested as part of this application.

The new building will be separated more than 400 feet from any platted residential lot and partially screened with the existing buildings on site. Only its top portion will be visible from the SR 70 and the adjacent residential subdivision (Rosedale) to the north.

No concerns regarding this proposal have been raised by the staff since:

- There are stipulations that:
 - a) ensure the attractive appearance of all building facades (materials, design, architectural details, etc.), including measures to not allow massive blank walls.
 - b) Building elevations shall be submitted at time of Final Site Plan for review and approval by the Building and Development Services Department to assure compliance with regulations related to building appearance.
- There are no changes proposed to the landscape buffer between the storage facility and the residential area previously approved with the Final Site Plan for the existing storage facility (Z-84-76/FSP-04-160).
- Existing vegetation along SR 70 will reduce the visual impact of the visible portions of the new building.

Request #3:

- Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and Manatee County.

The applicant proposes to update the build-out date for Phase III and Phase IV to reflect legislatively approved extensions as follow:

- Phase III: from 12/31/2009 to 11/22/2018
- Phase IV: from 12/31/2012 to 11/22/2019

The most recent amendment to the zoning ordinance, Z-84-76(R8) reflects only the three year extension authorized pursuant to Section 380.06(19)(c), Florida Statute. This revision reflects previously approved extensions granted by:

- SB 360 (2 additional years for Phase III only): from 12/31/2009 to 12/31/2011,
- SB 1752 (2 additional years): Phase III from 12/31/2011 to 12/31/2013 and Phase IV from 12/31/2012 to 12/31/2014,
- HB 7207 (4 additional years): Phase III from 12/31/2013 to 12/31/2017 and Phase IV from 12/31/2014 to 12/31/2018, and
- F.S. 252.363 (326 days): Phase III from 12/31/2017 to 11/22/2018 and Phase IV from 12/31/2018 to 11/22/2019.

Staff has no objection as the extensions for the build-out dates have been granted.

Request #4:

- Revise Land Use Conditions # 3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards.

The applicant requests to modify Land Use Condition 3c related to sign regulations and Condition 15 related to design features and building appearance.

According to Land Use Condition 3.c of the Zoning Ordinance, Parcel C-5 shall be limited to one pole sign, 20 feet in height. There is already a ground sign that serves the east portion of the site (storage facility) that the owner would like to improve as a changeable copy sign (LED) according to the LDC regulations. The applicant requests to allow a ground sign for each existing development on Parcel C-5 (west and east of the wetland) as allowed in other parcels along SR 70. Additionally, the language related to the pole sign is updated to clarify that the sign shall include both portions of the Parcel C-5 (west and east of the wetland).

Land Use Condition #3c is modified as follows:

Land Use Conditions

3. c. S.R. 70 and I-75

Signs along S.R. 70 and I-75 shall be limited to one pole sign per parcel, per street frontage, as identified on the GDP. Additional permitted signs shall be limited to ground signs. All signage must provide concealment of main support

structure (e.g., pole) between 20 and 100% of sign width with materials consistent with those in the development.

Notwithstanding the above, Parcel C-4 shall be limited to one pole sign, 20 feet in height at the intersection of Lena Road, and Parcel C-5 shall be limited to one pole sign for all developments on Parcel C-5, 20 feet in height and two ground signs (one for the development on the west side of the wetland and one for the development on the east side of the wetland), as regulated by the LDC.

Staff has no objection to the above proposed language since there are other areas along SR 70 in which ground signs are allowed in addition to the permitted one pole sign. Additionally the existing developments on Parcel C-5 are separated by a wetland without the possibility to share a ground sign.

With the purpose to provide design flexibility, the applicant proposes to add language to the Land Use Condition #15. The proposal includes less restriction in the type of materials to be used when a building is completely screened from adjacent parcels and the use of a building construction material (baked enamel) that requires low maintenance. Land Use Condition #15 is proposed as follows:

Land Use Conditions

15. Multi-family, commercial, mini-warehouse, office, and industrial building facades visible from I-75, S.R. 70, and surrounding residential properties, shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls.

Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, baked enamel, or similar materials. Painted or exposed standard concrete block, or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials or provided that the portion of the building made from these materials is completely screened from adjacent parcels. In Parcel C, for the area on the north side of the shopping center, east of Shops "B", which is greater than 300 feet from Creekwood Blvd. and 52nd Place East and greater than 750 feet from I-75, standard concrete block (painted) may be permitted.

In order to insure that the buildings do not project a massive blank wall, blank walls shall be no longer than 40 feet in length in any direction for the commercial, mini-warehouse, and office buildings and no longer than 30 feet in length in any direction for multi-family buildings, unless the building is completely screened from view. Design elements including prominently visible architectural details [e.g. bumpouts, reveals and projecting ribs, cornice, offset

building planes, windows, shutters, areas of contrasting or different finish building materials, color etc.] shall be applied to the walls of buildings. Other methods, as determined by the Planning Director, may be approved, including increasing the referenced 40 and 30 foot spacing requirement, provided superior building materials and significant horizontal design features are incorporated as part of the building elevation. Facades greater than 80 feet in length shall have variation in roof lines through varying the height of the cornice, or the use of 2 or more roof types (parapet, dormers, and sloped, etc.) unless an equivalent alternative is approved by the Building and Development Services Department Director.

Chain link fences that are visible to adjacent properties and I-75 and S.R. 70 shall be prohibited. Outdoor storage areas shall be enclosed in an area attached to the main structure and shall utilize design elements and materials reflective of the main structure or decorative metal fences and grilles.

Building elevations shall be submitted at time of Final Site Plan and reviewed by staff for compliance with this condition.

Staff has no objection since the modified language is related to portions of buildings that will not be visible from any adjacent property or from the I-75 and the SR 70.

Request #5:

- **Update the Water Quality Monitoring Conditions.**

The Natural Resources Department raised concern regarding the language of the “Water Quality Monitoring Plan” of the Creekwood DRI, and proposed to add the following language to the Water Quality Conditions of the Zoning Ordinance, under subparagraph 1.a as follows:

“Any changes to the sampling stations identified in “Exhibit A”, the sampling frequency, or the above list of parameters shall be submitted to Manatee County and TBRPC for review and comment, with approval by Manatee County”.

The applicant has complied with this request.

Request #6:

Update the Zoning Ordinance to reflect department references.

Various stipulations are being amended to update departmental references.

Staff recommends approval of the request as shown in strike-thru/underline format of the attached Zoning Ordinance.

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS:	Various
GENERAL LOCATION:	Northwest and northeast intersections of State Road 70 and I-75
SIZE:	± 818.26 acres
EXISTING USE(S):	Residential, commercial, office, industrial, and mini-warehouse
FUTURE LAND USE CATEGORY:	RES-6 (Residential, 6 dwelling units per acre) MU (Mixed Use) R/O/R (Retail/Office/Residential) P/SP-1 (Public/Semi-Public(1))
SPECIAL APPROVAL(S):	Previously granted for: <ul style="list-style-type: none"> • Entranceway • Watershed Protection – Evers Overlay District • Special Treatment Overlay District • MU (Mixed Use) FLUC
OVERLAY DISTRICT(S):	<ul style="list-style-type: none"> • WP-E (Watershed Protection – Evers Overlay District) • SP (Special Treatment Overlay District)
SPECIFIC APPROVAL:	<ul style="list-style-type: none"> • Reduce off-street loading space – LDC Section 710.2.1
SURROUNDING USES & ZONING	
NORTH	<ul style="list-style-type: none"> • To the north, west and east of I-75, are single-family homes on large lots (Braden River Ranchettes Subdivision) zoned A-1 (Suburban Agriculture). To the northeast is the Manatee County wastewater treatment plant and landfill zoned PD-PI (Planned Development Public Interest).

<p style="text-align: center;">SOUTH</p>	<ul style="list-style-type: none"> • West of I-75, across SR 70, are commercial developments in the Tara DRI zoned PDC/WP-E/ST (Planned Development Commercial/Watershed Protection Evers and Special Treatment Overlay Districts). • East of I-75, across SR 70, are commercial developments in the River Club Park of Commerce DRI (Wal-Mart) zoned PDMU/WP-E/ST (Planned Development Mixed Use/Watershed Protection Evers and Special Treatment Overlay Districts) and in Ranch Lake Plaza and Ranch Lake Business Center Subdivisions zoned PDC/WP-E/ST (Planned Development Commercial/Watershed Protection Evers and Special Treatment Overlay Districts) and PR-M/WP-E/ST (Professional-Medium/Watershed Protection Evers and Special Treatment Overlay Districts).
<p style="text-align: center;">EAST</p>	<ul style="list-style-type: none"> • Single-family homes (Rosedale Subdivision) zoned PDR/WP-E (Planned Development Residential/ Watershed Protection Evers Overlay District), and a church (Woodland Baptist Church) zoned A-1/WP-E/ST (Suburban Agriculture/Watershed Protection Evers and Special Treatment Overlay Districts).
<p style="text-align: center;">WEST</p>	<ul style="list-style-type: none"> • Is an RV park (Pleasant Lakes RV) zoned PD-RV/ST (Planned Development Recreational Vehicle/Special Treatment Overlay District), Crossing Creek Subdivision and vacant land zoned PDR, and Campbell Commercial zoned GC/WP-E/ST (General Commercial/Watershed Protection Evers and Special Treatment Overlay Districts).

POSITIVE ASPECTS

- The addition of 30,000 square feet of mini-warehouse space will not significantly impact the traffic pattern of the surrounding area. The proposed expansion will generate an additional nine (9) net-new external peak-hour trips.
- No traffic related improvements have been required as a result of this request.

NEGATIVE ASPECTS

- Increasing maximum height allowed in Parcel C-5 from 30 feet to 35 feet may create visual impacts to the residential area to the north of the site.

MITIGATING MEASURES

- There are stipulations that ensure the attractive appearance of all building facades (materials, design, architectural details, etc), including measures to do not allow massive blank walls.
- New building will be separated at least 400 feet to the adjacent residential areas and partially screened with the existing building on site.

STIPULATIONS

See attached Zoning Ordinance

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

None

CONCURRENCY

CLOS APPLIED FOR: Y _____ N x
TRAFFIC STUDY REQ'D: Y _____ N x

Concurrency must be deferred with a General Development Plan. The applicant will be required to address all concurrency components prior to approval of the Final Site Plan.

Wastewater and potable water determined with FSP/Construction Plans

SPECIFIC APPROVAL – ANALYSES, RECOMMENDATIONS, FINDINGS

Section 603.3 of the Land Development Code allows the Board of County Commissioners to make specific modifications to the general zoning and subdivision regulations, where the Board of County Commissioners makes a written finding that the public purpose of the regulations is satisfied to an equivalent or greater degree.

1. Request:

LDC Section 710.1.6 requires one parking space per 10 storage units plus two parking spaces at manager's office = 54 spaces (372 existing units and proposed additional 151 units = 523 units). The applicant requests to reduce the number of parking spaces to 35 since a storage business is currently operating at this location and the owner clearly understands the needs of parking for the facility.

Staff Analysis and Recommendation:

The applicant proposes 35 parking spaces which is less than the 54 spaces required by the LDC. Staff's observation of other self-storage facilities revealed little or no activity. Therefore, staff believes this type of use to be one requiring a low parking demand and believes the use will not generate the need for 54 spaces. The number of parking spaces proposed by the applicant are equivalent to a parking ratio of 6.69 vehicles/spaces per 100 storage units, which is higher than the ratio found in the Institute of Transportation Engineers Parking Generation 3rd Edition = 1.39 vehicles/spaces per 100 storage units.

The addition of 9 net-new PM Peak Hour trips on this section of SR 70 East would have a very minimal impact on the LOS, and no additional traffic related improvements have been required. Additionally, the site has constraints; it is developed with a storage facility (4 buildings), contains a wetland area to the west and the stormwater detention pond to the north. The new building result of this request will be located central to the site between two existing buildings. Staff believes the LDC parking requirements may be in excess of what is actually needed and that the 35 spaces provided for parking should be adequate.

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 710.1.6, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate parking is provided.

2. Request:

LDC Section 710.2.1 requires that all commercial buildings shall provide accessory off-street loading space, and when an existing structure or use is expanded accessory off-

street loading space shall be provided in accordance with such expansion. The applicant requests to share one (1) loading zone between two adjacent buildings based on the business functionality that includes a very limited amount of daily internal traffic circulation.

Staff Analysis and Recommendation:

The applicant proposes four (4) loading zones to serve five buildings (four (4) existing and one additional result of the 30,000 sq. ft. expansion requested with this application). Two adjacent buildings will share one loading zone since the new building will be located central to the site between existing buildings.

The site is developed, and has constraints, as a wetland area to the west and a stormwater facility to the north. Staff believes the LDC off-street loading space requirements may be in excess for this type of use and four loading zones should adequately serve the proposed use.

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 710.2.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate off-street loading space is provided.

3. Request:

LDC Section 737.4.1.2.g requires foundation landscape in the amount of forty (40) square feet per one thousand (1,000) square feet of gross floor area, with at least sixty (60) percent of the required foundation landscape located along foundations visible from entranceway roadways. The applicant requests to eliminate the foundation landscaping requirement for the 30,000 square feet mini-warehouse expansion.

Staff Analysis and Recommendation:

The purpose of the foundation landscape requirements is to beautify the building façade along the Entranceway. The new building will be located central to the site between two existing storage buildings, and partially screened by them. Staff supports the request to eliminate foundation landscaping requirements for this new building, since only its top portion will be visible from the SR 70 and the adjacent residential subdivision and will not create negative impacts to the County's Entranceway design standards.

In addition, the existing storage facility site has a conservation area along SR 70 in which an extensive amount of native vegetation is preserved.

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 737.4.1.2.g, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the building will not be visible and there is sufficient vegetation along SR 70.

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Zoning Ordinance Z-84-76(R9)**
- 3. Specific Approval request**
- 4. Copy of Newspaper Advertising**

APPLICABLE COMP PLAN POLICIES

Policy: 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include:

- consideration of existing development patterns,
- types of land uses,
- transition between land uses,
- density and intensity of land uses,
- natural features,
- approved development in the area,
- availability of adequate roadways,
- adequate centralized water and sewer facilities,
- other necessary infrastructure and services.
- limiting urban sprawl
- (See also policies under Objs. 2.6.1 - 2.6.3)

Policy: 2.2.1.12 **RES-6:** Establish the Residential-6 Dwelling Units/Gross Acre future land use category as follows:

Policy: 2.2.1.12.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established for a low density urban, or a clustered low-moderate density urban, residential environment. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban areas.

Policy: 2.2.1.12.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, neighborhood retail uses, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy: 2.2.1.12.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:
6 dwelling units per acre

Maximum Net Residential Density:
2 dwelling units per acre

(except within the WO or CSVA Overlay Districts pursuant to Policies 2.3.1.4 and 4.3.1.5)

Maximum Floor Area Ratio:
0.23 (0.35 for mini-warehouse uses only)

Maximum Square Footage for Neighborhood
Retail Uses: Medium (150,000sf)

Policy: 2.2.1.12.4 Other Information:

- a) All mixed and multiple-use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- b) All projects for which gross residential density exceeds 4.5 dwelling units per acre, or in which any net residential density exceeds 6 dwelling units per acre shall require special approval.
- c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.
- d) Professional office uses not exceeding 3,000 square feet in gross floor area within this category may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, and detailed in the Land Use Operative Provisions Section E (1) provided such office is located on a roadway classified as a minor or principal arterial, however, not including interstates and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).

Policy: 2.2.1.17 **R/O/R:** Establish the Retail/Office/Residential future land use category as follows:

Policy: 2.2.1.17.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established and developed areas exhibiting a broad range of commercial, residential and, in certain cases, light industrial uses, and to recognize the continued existence of such areas through the long range planning timeframe. Also, to provide for orderly transition from, or redevelopment of, these existing and developed multiple-use areas. Also, to prohibit the intrusion of new industrial areas into these ROR areas, which typically fail to exhibit a planned or integrated approach to multiple use development, and instead exhibit an incremental or unplanned history of multiple use development. Also to establish at a few major and highly accessible, but currently undeveloped, sites for the development of major future community or region-serving commercial uses with a variety and permitted

intensity of use which allows for a multi-purpose commercial and office node, with residential uses. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

Policy: 2.2.1.17.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Retail, wholesale or office commercial uses which function in the market place as neighborhood, community, or region-serving. Also residential uses, lodging places, public or semi-public uses, schools, recreational uses, appropriate water-dependent/ water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4), and short-term agricultural uses.

Policy: 2.2.1.17.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:

For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 16 dwelling units per acre

For new development -

9 dwelling units per acre

Minimum Gross Residential Density: 7.0 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

Maximum Net Residential Density:

For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 20 dwelling units per acre

For new development -

16 dwelling units per acre

24 dwelling units per acre inside the CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

Maximum Floor Area Ratio: 0.35

1.0 inside the CRA's and UIRA

Maximum Floor Area Ration for Hotels: 1.0

Maximum Square Footage for Neighborhood, Community, or Region-Serving Uses: Large 300,000sf

Policy: 2.2.1.17.4 Other Information:

a) All mixed and multiple-use projects shall require special approval, as defined herein, and as further defined in any land development

regulations developed pursuant to § 163.3202, F.S.

- b) All projects for which either gross residential density exceeds 6 dwelling units per acre, or for which any net residential density exceeds 9 units per acre, shall require special approval.
- c) All non-residential projects, or part thereof, exceeding 0.25 FAR shall also require special approval except mini-warehouse.
- d) Non-residential projects exceeding 150,000 square feet gross building area may be considered only if consistent with the requirements for large commercial uses, as described in this element.
- e) In areas where existing development is recognized utilizing the Retail/Office/Residential category, or where the spatial form of the Retail/Office/Residential designation on the Future Land Use map is accordingly inconsistent with the commercial locational criteria contained in this element; development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Sections 2.10.4.1 and 2.10.4.2 of this element. However, any such development or redevelopment shall still be required to achieve compliance with other commercial development standards contained in this element, and be consistent with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).
- f) In areas where the Retail/Office/Residential category is designated in a manner entirely consistent with the commercial locational criteria, all commercial development or redevelopment shall be conducted in a manner consistent with the commercial location criteria and development standards contained in this element.
- g) In order to distinguish between uses which may be permitted in the R/O/R category, as compared to those which require siting within an industrial category, the following guidelines shall be utilized:
 - I. No uses which have a primary purpose of distribution of goods from that site shall be permitted in the Retail/ Office/ Residential designation.
 - II. No new areas (a new area, for the purposes of this policy, shall be defined as property beyond those parcel configurations as of May 11, 1989 which had light industrial uses established upon them) engaging in the manufacturing, processing, and assembly of goods shall be permitted in the

Retail/Office/ Residential designation except as provided below:

- III. Legally established light industrial uses existing prior to the adoption of this Comprehensive Plan shall be considered legally conforming uses, limited to their approved location. With special approval, other light industrial uses and additional square footage within the same parcel may be approved if there are no additional impacts to adjoining properties and all special approval criteria are met.
- iv. If a legally established light industrial use ceases operation for over six months with no action to re-establish and/or continue such use, the use shall now be prohibited from development within the R/O/R designation.

Policy:2.2.1.21 **MU:** Establish the Mixed-Use future land use category as follows:

Policy:2.2.1.21.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Map, areas which are established as major centers of suburban/urban activity and are limited to areas with a high level of public facility availability along expressways. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

Policy:2.2.1.21.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Retail, wholesale, office uses, light industrial uses, research/corporate uses, warehouse/ distribution, suburban or urban residential uses, lodging places, recreational uses, public or semi-public uses, schools, hospitals, short-term agricultural uses, other than special agricultural uses, agriculturally-compatible residential uses, and water-dependent uses.

Policy:2.2.1.21.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:
9 dwelling units per acre

Maximum Net Residential Density:
20 dwelling units per acre

Maximum Floor Area Ratio: 1.0
Maximum Square Footage for Neighborhood, Community, or Region-Serving Uses:
Large (300,000sf)

Policy: 2.2.1.21.4 Other Information:

- a) All projects require special approval and are subject to the criteria within b, c, d below, unless all the following are applicable:
1. The proposed project consists of a single family dwelling unit located on a lot of record which is not subject to any change in property boundary lines during the development of the proposed land use, and
 2. The proposed project is to be developed without generating a requirement for either subdivision review, or final site or development plan review, or equivalent development order review.
- b) Non-Residential uses exceeding 150,000 square feet of gross building area (region-serving uses) may be considered only if consistent with the requirements for large commercial uses, as described in this element.
- c) Development in each area designated with the Mixed Use category shall:
- contain the minimum percentage of at least three of the following general categories of land uses;
- 10 %Residential,
 - 10 %Commercial / Professional,
 - 10 %Light Industrial / Distribution.
 - 5 %Recreation / Open Space,
 - 3 %Public / Semi Public,
- d) Access between these uses shall be provided by roads other than those shown on the Major Thoroughfare Map Series of this Comprehensive Plan or alternative vehicular and pedestrian access methods acceptable to the County:
- (e) Development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Objectives 2.10.4.1 and 2.10.4.2 of this element.

Policy: 2.2.1.22 **P/SP (1):** Establish the Public/Semi-Public (1) future land use category as follows:

Policy: 2.2.1.22.1 Intent: To recognize major existing and programmed public/quasi-public facilities, primarily those facilities associated with public or private utilities, including electrical transmission corridors occupied by transmission lines of 240KV or more. Also, to recognize, and provide a unique designation within the Future Land Use Element, for those public or semi-public facilities which have adverse aesthetic or health, safety, or welfare impacts on adjacent property or residents. Additional areas under this category may be recognized by amendments to the Future Land Use Map, if appropriate, and why such uses are programmed.

Policy: 2.2.1.22.2 General Range of Potential Uses: Recreational uses, sanitary landfills, permanent water and wastewater treatment/storage/disposal facilities and other major public facilities including, but not limited to, airports owned or operated by a public entity, major maintenance facilities, solid waste transfer stations, major utility transmission corridors. Also, when the P/SP (1) designation is an easement on privately-held property, other uses consistent with the adjacent future land use category or categories, where consistent with the purpose of the easement and consistent with all other goals, objectives, and policies of this Comprehensive Plan, may also be considered. (See also Policy 2.1.1.5)

Policy: 2.2.1.22.3 Range of potential Density/Intensity:

Maximum Net Residential Density:
0 dwelling units per acre

except where the area designated as P/SP (1) is utility easement on property owned by applicants for a proposed project. Under this exception, property designated as P/SP (1) shall, during the development review process, be counted toward gross residential acreage, as defined herein, and the limits on gross density associated with the category adjacent to the P/SP (1) designation shall be applied to the area shown as P/SP (1). When there are different future land use categories designated adjacent to the P/SP (1) category, the area shown on the Future Land Use Map as P/SP (1) shall be reviewed as being designated under both adjacent future land use categories, with the centerline of the easement utilized as the line separating both adjacent categories.

Maximum Net Residential Density:
0 dwelling units per acre

Maximum Floor Area Ratio:
0 FAR
(except for structures reasonably related to the operation of the public or quasi-public facilities)

However, where P/SP (1) is an easement on privately-held property, the property designated as P/SP (1) shall be counted toward gross non-residential acreage, as defined herein, and the Maximum Floor Area Ratio associated with adjacent category or categories shall be applied to the area designated as P/SP (1), and included in the definition of Gross Non-residential Acreage.

Policy: 2.2.1.22.4 Other Information:

- a) Recognizing that the relocation of any utility transmission corridor may occur to the benefit of current and future Manatee County residents, or visitors, any such relocation within the boundaries of a proposed project site may be considered without the approval of a plan amendment, as defined in § 1631.31.87, F.S., only if such relocation is determined, during the review of a proposed project through the special approval process, to reduce any adverse impact of such corridor on adjacent existing and future land uses. Where such proposed relocation generates an increased adverse impact on adjacent land uses, a plan amendment would be required unless mitigation of such increase in adverse impact is successfully accomplished through the special approval process.
- b) In all instances where the P/SP(1) future land use category is applied, except regarding utility easements as is provided in Policy 2.2.1.22.3 above, the following shall apply:
 - I) An applicant shall be required to declare a specific use or uses for a specific piece of property for which the applicant is proposing to amend the existing future land use category to P/SP(1).
 - II) At such time the applicant is proposing to amend the existing future land use category of a specific piece of property to P/SP(1), the applicant shall provide information and analysis on the compatibility of the proposed use or uses, as specified according to paragraph (ii) above, with surrounding development.
 - III) Property with the future land use category of P/SP(1), shall required Planned Development zoning to be developed.

Policy: 2.6.1.1 Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development review)
- appropriate building design
- limits on duration/operation of uses
- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Policy: 2.6.5.1. Provide incentives for, and otherwise encourage the use of the planned unit development procedure to achieve quality, highly functional, and well-integrated project designs.

Policy: 2.6.5.2 Encourage, in locations which are suited to diverse uses, mixed and multiple use projects to provide for integration and synergy between land uses. Nothing in this policy shall preclude single use or homogenous projects if mixing of uses on a single project, or intrusion of a different use into a homogenous area, will create inappropriate diversity or incompatibilities between adjacent land uses.

Policy: 2.6.5.5 Maximize the conservation and/or protection of public or private open space, including common open space, through the land development process by requiring that minimum percentages of the upland area on any project be maintained as undisturbed or landscaped areas.

Policy: 2.9.1.9 Require where feasible, pedestrian and bicycle access to community spaces, schools, recreational facilities, adjacent neighborhoods, employment opportunities, professional and commercial uses. (See also Obj. 3.3.3)

Policy: 2.10.1.2 Promote the development of commercial uses in planned commercial centers, and discourage scattered, incremental commercial development.

**MANATEE COUNTY ORDINANCE Z-84-76 (R89)
CONTROL STORAGE, INC./STORAGE NOW (AKA CREEKWOOD)**

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING AND RESTATING ORDINANCE Z-84-76(R78) TO AMEND THE GENERAL DEVELOPMENT PLAN TO DECREASE INDUSTRIAL ENTITLEMENTS FROM 950,000 TO 800,000 SQUARE FEET; DELETE PROJECT PHASING AND BUILDOUT CONDITION #10; DELETE TRANSPORTATION CONDITIONS; UPDATE VARIOUS PROVISIONS ADD 30,000 SQUARE FEET TO AN EXISTING 50,000 SQUARE FOOT MINI-WAREHOUSE PROJECT ON PARCEL C-5; INCREASE THE ALLOWABLE HEIGHT FOR PARCEL C-5 FROM 30' TO 35'; UPDATE THE ZONING ORDINANCE TO REFLECT THE PROJECT EXTENSIONS PREVIOUSLY AUTHORIZED BY THE STATE OF FLORIDA AND MANATEE COUNTY; REVISE LAND USE CONDITIONS #3 AND #15 TO ALLOW GROUND SIGNS ON PARCEL C-5 AND AMEND ARCHITECTURAL STANDARDS; UPDATE THE WATER QUALITY MONITORING CONDITIONS; UPDATE THE ZONING ORDINANCE TO REFLECT DEPARTMENT REFERENCES; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. AMENDMENT AND RESTATEMENT OF ORDINANCE Z-84-76(R78).

Ordinance Z-84-76(R78) is hereby amended and restated in its entirety below. All prior ordinances (and any site plans approved pursuant thereto) shall be superseded by this ordinance.

Section 2. FINDINGS OF FACT

The Board of County Commissioners, after considering the testimony, evidence, documentation, application to amend the General Development Plan Ordinance, as well as all other matters presented to the Board at the Public Hearing hereinafter referenced, hereby makes the following findings of fact:

- A. CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and
- B. On ~~October 22~~ September 3, 1985, Manatee County adopted Ordinance Z-84-76 granting the Creekwood Zoning Ordinance; and
- C. On April 22, 1993, Manatee County approved Ordinance Z-84-76(R) amending Ordinance Z-84-76 by approving amendments to Map H, extending the build out date, and other various changes; and
- D. On December 16, 1997, Manatee County approved Creekwood Zoning Ordinance Z-84-76(R2) to modify Land Use Conditions 2.c., 10, and 11, Buffer Condition 6, and Transportation Condition 4.
- E. On December 15, 1998, Manatee County approved the Creekwood Zoning Ordinance Z-84-76(R3) by modifying the General Development Plan to exchange uses (General Commercial in Parcel G for Office Park in Parcel O-1); increase the total commercial floor area by 69,500 square feet; decrease residential units by 500; and other various changes.

- F. On March 28, 2000, Manatee County approved the Creekwood Zoning Ordinance Z-84-76(R4) by modifying the General Development Plan to modify development totals, the phasing schedule, and some conditions.
- G. On January 6, 2004, Manatee County approved the Creekwood Zoning Ordinance Z-84-76(R5) modifying the General Development Plan to redesignate parcel identifications, add a roadway connection to the west, modify the Project Phasing Table to eliminate and redistribute development, expand the range of permitted commercial uses east of I-75, recognize completed development, extend buildout dates, and amend various development conditions.
- H. On April 15, 2005, Creekwood filed an application to amend the approved Zoning Ordinance and General Development Plan with the Manatee County Board of County Commissioners; and
- I. On January 5, 2006, Manatee County approved the Creekwood Zoning Ordinance Z-84-76 (R6) amending the General Development Plan to decrease residential from 1,617 to 1,250 units with a simultaneous increase in office from 160,000 to 225,000 square feet, and transferring 6 residential units from Phases I and II to Phase IV.
- J. On November 7, 2007, Ridan Industries submitted an application for a revision to the Creekwood Zoning Ordinance [Z-84-76(R7)] and General Development Plan to update the allowable uses to include a telecommunications tower east of I-75 in the Creekwood East Corporate Park. This request is scheduled for public hearing before the Planning Commission and Board of County Commissioners simultaneously with revision Z-84-76(R8).
- K. On May 7, 2008, Creekwood Investors Limited and Creekwood East Corporate Park LLC submitted and application to amend the Creekwood Zoning Ordinance [Z-84-76(R8)] and General Development Plan to decrease industrial from 950,000 to 800,000 square feet; delete Project Phasing and Buildout Condition #10; Delete Transportation Conditions; and update various provisions.
- L. On February 27, 2012, Control Storage, Inc. filed an application to amend the approved Zoning Ordinance and General Development Plan with the Manatee County Board of County Commissioners; and
- M. The Board of County Commissioners held a Public Hearing on August 2, 2012, regarding the proposed General Development Plan Amendment described herein in accordance with the requirements of Manatee County Ordinance 90-01, the Manatee County Land Development Code, and has further considered the information received at said Public Hearing.
- N. The proposed amendment to the General Development Plan ordinance regarding the property described in Section 5 herein is found to be consistent with the requirements of Manatee County Ordinance 89-01, as amended, the 2020 Manatee County Comprehensive Plan.

Section 3.

The Master Development Plan (~~revised Map H date stamped November 6, 2008~~ February 27, 2012)

included as Exhibit "B", has been approved as the General Development Plan for the real property described in Section 5 hereof, subject to the conditions included herein in Section 5.

Section 4.

- A. The revised General Development Plan entitled Creekwood, has been APPROVED to allow 1,250 residential units, ~~627,000~~ 603,000 square feet commercial space, 800,000 square feet industrial space, 225,000 square feet office space, 80,000 square feet of mini-warehouse space, and a 100-room hotel (93,000 square feet), subject to the conditions included in Section 5.
- B. The previous Development Order for Creekwood, which was adopted on ~~October 22~~ September 3, 1985, and all subsequent amendments are hereby amended by this Ordinance.

Section 5. PROJECT PHASING AND CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

- 1. Table 1 enumerates, by parcel, the allocation of development described in Section 4:

Table 1 - Development by Parcels

<u>LAND USE</u>	<u>PARCEL</u>	<u>SQUARE FOOTAGE</u>
Commercial	C	447,000
	C-6	20,000
	C-7	15,000
	MU/C-4/C-5	145,000* <u>121,000*</u>
Mini-Warehouse	C-5	<u>80,000*</u>
Office	G	125,000**
	MU/C-4	100,000*
Industrial	I	800,000***
Hotel	MU	100 rooms
Residential	A	170 units
	B	322 units
	C	106 units
	D	520 units
	E	132 units

* The distribution of commercial square footage among the parcels shall also be subject to the following

maximum square footages per parcel:

Parcel MU 100,000 square feet
 Parcel C-4 10,000 square feet
 Parcel C-5 16,000 square feet west of the wetland
 24,000/50,000⁽⁴⁾ east of the wetland
⁽⁴⁾ only if used as a storage facility

The distribution of mini-warehouse square footage among the parcels shall be subject to the following maximum square footage per parcel:

Parcel C-5 80,000 square feet east of the wetland

The distribution of office square footage among the parcels shall also be subject to the following maximum square footages per parcel:

Parcel MU 100,000 square feet
 Parcel C-4 6,000 square feet

In no event shall the total square footage on parcels MU, C-4 and C-5 (west of the wetland) exceed 145,000 121,000 for commercial uses or 100,000 for office uses and 80,000 of mini-warehouse on Parcel C-5 (east of the wetland).

** Office space may include up to 85,000 square feet of medical office.

*** Including telecommunications towers

2. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 2 below:

Table 2 - Phasing By Use

PHASES				
	I, II (Complete)	III (1996-2009 11/22/2018)* ¹	IV (2001-2012 11/22/2019)* ¹	Total
RESIDENTIAL	592	140	518	1,250
COMMERCIAL	455,048	55,000	116,952 <u>92,952</u>	627,000 <u>603,000</u>
MINI-WAREHOUSE			<u>80,000</u>	<u>80,000</u>
HOTEL			100 rooms	100 rooms
OFFICE		60,000	165,000	225,000
INDUSTRIAL		230,000	570,000	800,000

* Dates are reflective of Buildout Dates contained below within this Development Order. Preliminary Site Plans shall be submitted 1 year prior to such buildout dates.

¹ Phases III and IV Buildout Dates include the ~~three year extension authorized pursuant to paragraph 380.06(19)(c), Florida Statutes~~ time extensions authorized by the Florida Legislature and Manatee County.

3. The developer shall submit a revised transportation analysis with any request for project extension. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a substantial deviation pursuant to Section 380.06 Florida Statutes.
4. With each Preliminary and Final Site Plan submittal, a Development Land Use Summary Table shall be provided to include the number of units or square footages that have Preliminary or Final Site Plan approval for the applicable use category and phase as identified in Table 2.
5. With each Preliminary and Final Site Plan submitted for development in either Parcel MU, C-4 or C-5, the applicant shall quantify the amount of commercial and office space requested, together with the amounts previously approved in Parcels MU, C-4 and C-5.
6. The developer must adhere to the following phasing buildout schedule.

Phase I	1986-1996
Phase II	1993-2003
Phase III	1996-2009 <u>11/22/2018</u>
Phase IV	2001-2012 <u>11/22/2019</u>

7. Preliminary Site Plans shall be valid for a maximum period of five (5) years. Final Site Plans shall be valid for a maximum period of four (4) years, however, not to exceed the end of the phase for which development is proposed as described in the phasing buildout schedule.
8. Because the phasing, quantity, and type of uses have been modified with this approval, prior to the first Preliminary Site Plan for a building in Parcels I, MU, or C-4, revised Final Site Plans for the approved Creekwood East Corporate Park (PDC-88-05[R4]/FSP-01-05) and Creekwood East (PDC-88-05[R4]/FSP-01-131), as amended, shall be obtained to reflect compliance with the amendments of this Ordinance. (Completed)
9. Because expired building entitlements were transferred to a later phase with prior approvals, the Preliminary Site and Final Site Plans for Parcels D and E, as identified on Map H, shall be revised to reflect compliance with the amendments of this Ordinance.

LAND USE CONDITIONS

1. Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre. Maximum density for all other parcels shall be as noted on the General Development Plan.
2. Maximum heights permitted within the project shall be as follows:
 - a. Multi-family - 3 stories and 35 feet.

b. All other residential uses - 3 stories

c. Commercial uses in Parcel MU

1. 40 feet west of Lena Rd.
2. 30 feet east of Lena Rd.

d. Hotels in Parcel MU

1. 45 feet west of Lena Rd.
2. 30 feet east of Lena Rd.

e. Commercial uses in Parcels C - 40 feet. except:

Buildings or structures within 200 feet of Creekwood Boulevard shall not exceed 25 feet in height and buildings within 175 feet of Interstate 75 (I-75) shall not exceed 25 feet in height, except for a garden center, which may be a maximum height of 35 feet.

f. Commercial Uses in Parcels C-6 and C-7 - 26 feet, except:

Buildings within 200 feet of any platted residential lot shall not exceed 20 feet in height, with the exception of cupolas, gables peaks, and spires, which may extend to a height of 35 feet.

g. Commercial Uses in Parcels C-4 and C-5 - 30 feet; except

Buildings north of 54th Drive East shall not exceed 20 feet.
Mini-Storage buildings on Parcel C-5 shall not exceed 35 feet

h. Office buildings - The maximum height for office buildings shall not exceed 35 feet, except in Parcels C-4, C-5, C-6, C-7, and MU which shall be limited in height as specified in 2. c, f, & g above.

i. Parcel I - 20 feet east of Lena Road.
40 feet west of Lena Road.

3. Signs within the boundaries of the Creekwood development shall comply with all regulations in effect at the time of permitting.

a. Creekwood Boulevard

All signage along Creekwood Boulevard shall be ground signs, not to exceed 6 feet in height, and limited to one sign at the 52nd Drive East entrance and one sign at the entrance to Parcel G.

b. 54th Drive East and Lena Road

Signs along 54th Drive East in Parcel C-4 and along Lena Road in Parcel I shall be

monument style and not exceed 8 feet in height.

c. S.R. 70 and I-75

Signs along S.R. 70 and I-75 shall be limited to one pole sign per parcel, per street frontage, as identified on the GDP. Additional permitted signs shall be limited to ground signs. All signage must provide concealment of main support structure (e.g., pole) between 20 and 100% of sign width with materials consistent with those in the development.

Notwithstanding the above, Parcel C-4 shall be limited to one pole sign, 20 feet in height at the intersection of Lena Road, and Parcel C-5 shall be limited to one pole sign for all developments on Parcel C-5, 20 feet in height and two ground signs (one for the development on the west side of the wetland and one for the development on the east side of the wetland), as regulated by the LDC.

4. At the time of Preliminary and Final Site Plan submittals the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as entranceway requirements, aesthetic appearance from S.R. 70 and I-75, ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.
5. Light manufacturing, industrial service establishments, wholesale trade establishments, research and development activities, warehouse, mini-warehouse, heavy printing, and ancillary office use are permitted uses within Parcel I. Telecommunication towers shall be allowed west of Lena Road within Parcel I. Construction service establishment (with no retail and rental sales) is allowed on the east side of Lena Road only. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of Preliminary Site Plan approval and shall be shown on the plan or plat for consideration and approval.
6. All buildings and service areas within Parcels MU and I shall maintain a minimum setback of 100 feet from S.R. 70 and I-75. All trash and garbage receptacles that are visible from S.R. 70, I-75, 54th Drive East, and adjacent residential shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage and parking of heavy equipment, semi-trucks and/or trailers or other vehicles over 1½ tons shall be located at the non-street side of the building when adjacent to I-75, and S.R. 70, unless they are not visible from a height of five feet (5') at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.
7. The Developer shall provide a 20-foot wide greenway adjacent to one side of the right-of-way for Lena Road, from S.R. 70 to the northern terminus of Lena Road. Within this greenway, the Developer shall install a six-foot wide bicycle and pedestrian path.

8. The developer shall be allowed to construct a total of 1,250 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Master Development Plan.
9. Prior to issuance of a Certificate of Occupancy for any use on Parcel C-6, a continuous barrier shall be provided between Parcel C-6 and the residential subphase to the north, extending westward from the Creekwood Boulevard to the western property line of Lot 1 in Creekwood, Phase 1, Subphase 1, Unit A-1. The wall shall be of finished concrete block construction and be at least 8 feet in height or wall/berm combination in which the wall is at least 6 feet in height. In the event 52nd Drive East is not vacated, an opening in the wall, not to exceed 34 feet in width, for a driveway may be permitted, provided that the driveway is located east of 72nd Street East and is as close to Creekwood Boulevard as permitted by the Land Development Code. The opening width may be adjusted pursuant to County engineering requirements. (Completed)
10. The following setbacks shall apply to Parcels C, C-6, C-7, C-4, C-5, D, and E:

- a. Parcel C-6

The minimum building setback from the current north property line in Parcel C-6, adjacent to or across the street from the residential property to the north, shall be 60 feet. This setback may be reduced to 40 feet for office uses provided:

- (1) The landscape buffer, referenced in Buffer Condition 5, is increased in width to 40 feet; and
- (2) The office building has a stucco finish and painted using light color hues.

- b. Parcel C-7

The minimum building, parking, or loading and service area setback in Parcel C-7 from any residential lot shall be 200 feet.

- c. Parcel C

The building setback from Creekwood Boulevard and I-75 shall not be less than 100 feet, provided however a garden center may have a reduced setback from I-75 of 80 feet.

Building Materials Establishments shall maintain a minimum setback of 400 feet from Creekwood Boulevard and 175 feet from I-75 right-of-way, except for the garden center referenced above. Motor Vehicle Repair Establishments shall only have indoor bays, shall be closed between the hours of 10:00 p.m. and 7:00 a.m. and shall maintain a minimum setback of 800 feet from Creekwood Boulevard and 200 feet from I-75, measured perpendicular to the applicable roadway from the opening of any repair bay, and shall be at least 600 feet from any residential property. Exterior loud speakers shall maintain a setback distance of 750 feet from Creekwood Boulevard or any residential property and shall be directed away from Creekwood Residential parcels. Intercoms shall not be restricted.

d. Parcels C-4

The minimum building setback adjacent to Rosedale shall be 30 feet.

e. Parcels C-5

The minimum building setback adjacent to Rosedale shall be 45 feet.

Other setbacks are based on building height, as referenced in Land Use Condition 2 and in accordance with the Land Development Code for the PDC zoning district.

f. Parcels D and E

Multi-family units constructed on Parcels D and E shall be setback from Creekwood Boulevard and 44th Avenue extension as follows:

1. 35 feet for 1 or 2 story buildings
2. 55 feet for 3-story buildings

11. The following use restriction shall apply to Parcels C-6, C-7, C, C-4, C-5, and MU.

a. Parcels C-6 and C-7

Uses in Parcels C-6 and C-7 shall be limited to Private Community Uses, Neighborhood Commercial, and Professional Uses. Any use designed with parking to accommodate semi-trailer truck parking shall not be permitted. Gas pumps shall not be permitted on Parcel C-6.

b. Parcel C

Uses in Parcel C shall be limited to retail sales establishments, eating establishments (including drive-thru), gas pumps, service stations, banks (including drive-thru), business service establishments, health services, hotels, offices, car washes, dry cleaners, funeral homes and chapels, personal service establishments, repair service establishments, and neighborhood and community serving motor vehicle repair, and building materials establishments. No adult entertainment uses or drinking establishments (as both are defined by the Land Development Code) shall be permitted. No businesses may be open on a 24 hour basis, except for businesses within the outparcels along S.R. 70, grocery stores, or for special promotions no more than twice a year for each such business.

c. Parcels C-4 and C-5

Uses in Parcels C-4 and C-5 shall be limited to Retail Sales (excluding convenience stores), Eating (with no drive-thru), Banking (with drive-thru), Business Services, Offices, Clinics, Small Printing, and Personal Service, however, parcels north of 54th Drive East in Parcel C-4 shall be further limited to Business Services and Offices. (Mini-warehouse east of the wetland in Parcel C-5 only).

d. Parcel MU

Uses in Parcel MU shall be limited to Retail Sales, Eating (including Drive Thru), Gas Pumps, Banking (with drive-thru), Business Services, Offices, Clinics, Dry Cleaners, Printing, Personal Services, Rental Services, mini-warehouses, Neighborhood Serving Motor Vehicle Repair, and Hotel.

12. Truck Deliveries in Parcels I, MU, C-4, C-5, C-6, C-7, C, and G

a. Parcels C-6, and C-7

Trucks involved in deliveries to Parcels C-6 or C-7 shall not utilize 52nd Avenue Drive East and shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

b. Parcel C

Trucks involved in deliveries to Parcels C shall not utilize the access north of 52nd Avenue Drive East between the hours of 10:00 p.m. and 7:00 a.m. The Developer shall install signage at each entrance to Parcel C from Creekwood Boulevard, and at the terminus of the back entrance into Parcel C, indicating this restriction.

c. Parcels C-4 and C-5

Trucks involved in deliveries to Parcels C-4 or C-5 shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., except deliveries relating pharmaceutical supplies to a drug store. Trucks arriving into Parcel C-4 shall enter from Lena Road.

d. Parcel I

Trucks involved in deliveries to the east side of Lena Road in Parcel I shall be prohibited between the hours of 8:00 p.m. to 8:00 a.m.

There shall not be any overnight parking of trucks or trailers, except for trailers in trailer parking spaces that do not have any motors running. This shall be posted in all loading areas.

e. Parcel G

Trucks involved in deliveries shall be prohibited between the hours of 8:00 p.m. and 8:00 a.m.

There shall be no overnight parking of trucks or trailers. This shall be posted in all loading areas.

13. All roof mounted H.V.A.C. mechanical equipment, loading areas, outdoor storage, and dumpsters shall be screened from view from I-75, S.R. 70, and residential properties to the north, with a solid parapet wall or other noise deflecting materials, consistent with the exterior finish materials of the buildings.

14. Lighting

a. Exterior lights shall be directed to the interior of Parcels MU, I, C-4, C-5, C-6, C-7, D, E, and G.

b. Parcel C

Except for street lights consistent with existing street lights along Creekwood Boulevard, no external lights shall be allowed within 100 feet of Creekwood Boulevard. All external lights in Parcel C shall be "box lighting," directed downward to the ground, shall not be in excess of 40 feet high on the front of the shopping center and 30 feet high on the rear or residential side of the shopping center and shall not allow more than 1.5 lumens beyond the boundary of Parcel C. The lighting within the area along the southern boundary of Parcel C, within 100 feet of S.R. 70, east of the Florida Power and Light (FP&L) easement, may exceed 1.5 lumens provided the standards and requirements of Section 709.2.3 of the LDC are met. The applicant shall submit a Photometric Plan at time of Final Site Plan approval for any plan (not including outparcels on S.R. 70). Building security lighting shall be mounted and directed downward.

c. Creekwood Boulevard

Developer shall install "box lighting" street lights along Creekwood Boulevard from S.R. 70 to the north end of Parcel G. Such lights shall be installed adjacent to Parcel C prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for any building in Parcel C (not including outparcels on S.R. 70) and adjacent to Parcel G prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for any building in Parcel G.

d. Parcels C-4 and C-5

Pole and building mounted lights on Parcels C-4 and C-5 and adjacent streets shall be limited to 20 feet in height, directed to the interior of the development using horizontal cut-off fixtures, and be amber in color. However, where federal, state, and local regulatory requirements dictate different standards for uses such as for financial institutions, the requirements of those agencies shall be considered to supersede this condition only to the extent necessary to meet such requirements as long as the resulting lighting is not directed at Rosedale without shielding.

All pole lights on these parcels shall maintain a consistent style and color. This shall be determined prior to the first Final Site Plan approval for either parcel. Pole shall be muted, earth-tone colors.

e. Building Signs

Lighted building signs in Parcels MU, C-4, and C-5 shall not be visible from Rosedale. Lighted building signs in Parcel G shall not be visible from the residential portion of Creekwood.

f. Parcels D, E, and G

The design and shielding of any on-site lighting shall comply with LDC Section 709, as amended, for all Final Site Plans submitted after the date of this approval (January 5, 2006).

15. Multi-family, commercial, mini-warehouse, office, and industrial building facades visible from I-75, S.R. 70, and surrounding residential properties, shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls.

Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, baked enamel or similar materials. Painted or exposed standard concrete block, or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials or provided that the portion of the building made from these materials is completely screened from adjacent parcels. In Parcel C, for the area on the north side of the shopping center, east of Shops "B", which is greater than 300 feet from Creekwood Blvd. and 52nd Place East and greater than 750 feet from I-75, standard concrete block (painted) may be permitted.

In order to insure that the buildings do not project a massive blank wall, blank walls shall be no longer than 40 feet in length in any direction for the commercial, mini-warehouse, and office buildings and no longer than 30 feet in length in any direction for multi-family buildings, unless the building is completely screened from view. Design elements including prominently visible architectural details [e.g. bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, color etc.] shall be applied to the walls of buildings. Other methods, as determined by the Planning Director, may be approved, including increasing the referenced 40 and 30 foot spacing requirement, provided superior building materials and significant horizontal design features are incorporated as part of the building elevation. Facades greater than 80 feet in length shall have variation in roof lines through varying the height of the cornice, or the use of 2 or more roof types (parapet, dormers, and sloped, etc.) unless an equivalent alternative is approved by the Building and Development Services Department Director.

Chain link fences that are visible to adjacent properties and I-75 and S.R. 70 shall be prohibited. Outdoor storage areas shall be enclosed in an area attached to the main structure and shall utilize design elements and materials reflective of the main structure or decorative metal fences and grilles.

Building elevations shall be submitted at time of Final Site Plan and reviewed by staff for compliance with this condition.

16. All truck loading and service areas shall be located at the non-street side of the building when adjacent to I-75 and S.R. 70. Additional buffering may be required if visible from I-75, Creekwood Boulevard or any residential property.
17. Safe and efficient cross access for automobiles, bicycles, and pedestrians shall be provided through the proposed General Commercial and Office Park. A minimum of 5-foot wide sidewalks and pedestrian ways shall be provided to facilitate internal pedestrian circulation within the development including commercial (outparcels included) and office. The location of the sidewalks and pedestrian ways shall be approved by the Planning Department with future plan submittals. Bicycle parking facilities shall be provided for each individual project in the development. A minimum of 1 bike rack for each single business exceeding 75,000 square feet of shopping center building area and 1 bike rack for each additional 75,000 square feet of shopping center building area shall be provided. These facilities shall be conveniently located to the entrances of the commercial and office buildings, and shall include facilities that secure the frame of the bicycle.
18. The preservation of significant oak trees within the parking areas for the shopping center on Parcel C and for office uses on Parcel G shall be a condition of Preliminary and Final Site Plan approvals. Sufficient area around the trees, as determined by a registered Landscape Architect shall be provided to reasonably guarantee their survival.
19. Prior to the first Certificate of Occupancy in Parcel C, a 5-foot wide sidewalk shall be constructed along the east side of Creekwood Boulevard, from S.R. 70 to the northern limits of Parcel C. Prior to the first Certificate of Occupancy in Parcel G, a 5-foot sidewalk shall be constructed along the east side of Creekwood Boulevard, from Parcel C to the existing sidewalk in the Westbrooke Subdivision.
20. Exterior loud speakers, bells, or similar audio communications shall not be permitted on Parcels C-4 or C-5 provided, however, that directed (non-broadcast) communication devices and intercoms shall not be restricted.
21. Exhaust and other filtering systems in Food Service Establishments east of I-75 shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the Environmental Management Department, Air Quality Section, with each Final Site Plan that includes a Food Service Establishment.
22. Construction traffic in Parcels MU, I, and C-4 shall utilize Lena Road, except where left turns, exiting the project are prohibited. Construction traffic and traffic associated with tree harvesting on Parcel C-5 shall utilize S.R. 70 if such temporary access is permitted by FDOT. Temporary signs shall be posted at S.R. 70 and the Rosedale entrance directing construction traffic to Lena Road. All lot owners shall inform their contractors of this requirement.

23. Tree harvesting on Parcel C-5 within 70 feet of the adjacent residential property to the north shall not occur until the construction of the required wall or the building itself should the Planning Director approve an alternative as permitted under Buffer Condition 5.e.(ii).
24. Overhead doors associated with the mini-warehouse use shall be located so as to generally not be visible from S.R. 70 or Rosedale.
25. Parcel G - 60,000 square feet of office uses may be constructed in the RES-6 portion of this parcel. The remaining 65,000 square feet of office shall be constructed entirely within the MU FLUC and shall meet the development requirements of the 1990 Land Development Code, as amended, and the specific requirements of this Zoning Ordinance.

BUFFER CONDITIONS

1. Parcels I and MU

- a. A building setback of at least fifty (50) feet shall be provided west of and adjacent to the existing power line easement traversing Parcels MU & I. Native trees lying within shall not be removed. Trees of a native species shall be planted within 20 feet of the FP&L line where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.
- b. A 50-foot wide buffer shall be required along east side of I-75.
- c. Buildings on the east side Lena Road in Parcel I shall be located on the western two-thirds of the lots.

2. Residential

- a. The 100-foot wide buffer along the west side of I-75 shall be provided. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.
- b. Prior to Final Site Plan approval a noise analysis shall be done based on the potential 10-lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

<p>MANATEE COUNTY NOISE STIPULATION*</p> <p>No residential dwelling units shall be allowed in areas where the exterior noise level is;</p> <p>Ldn > 65 dBA.; Leq design hour > 65 dBA; or L10 design Hour > 68 dBA</p> <p>Unless protected by some performance equivalent measure to achieve;</p> <p>Ldn # 65 dBA, Leq design hour # 65 dBA, or L10 design Hour # 68 dBA</p>
<p>NOISE REDUCTION REQUIRED*</p> <p>Sound attenuating barriers should be provided between the residential units and the noise source.</p> <p>Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.</p> <p>Buildings shall be positioned to maximize the distance between the residential units and the noise source.</p>

* For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

c. **Parcels D and E**

- (i) The roadway buffers along Creekwood Boulevard and 44th Avenue extension shall be a minimum of 20 feet wide planted with 3 canopy trees (3-inch caliper as measured 6 inches from the base of the tree, 12 feet high, 5-foot spread) and 6 understory evergreen trees (2-inch caliper as measured from the base of the tree, 6 feet high, 3 foot spread) with 33 shrubs (30 inches at time of planting) per 100 linear feet.
- (ii) The greenbelt buffer along the west side of Parcel E, excluding the FP&L easement shall be a minimum of 20 feet wide planted with 3 canopy trees (3-inch caliper as measured 6 inches from the base of the tree, 12 feet high, 5-foot spread) and 33 shrubs (30 inches at time of planting) per 100 linear feet.

3. The following buffering requirements shall apply to Parcels C-6, C-7, C, G, C-4, and C-5:

a Parcel C-6

A thirty (30) foot wide landscaped buffer shall be provided along the north side of Parcel C-6, adjacent to the residential land uses. Prior to any Certificate of Occupancy in Parcel C-6, two staggered rows of 3-inch dbh live oak trees of at least 14 feet in height shall be planted with trees in each row 50 feet apart. Existing live oak trees meeting this criteria may remain and may count to satisfy this condition. Any existing pine trees removed to satisfy this condition shall not be required to be replaced pursuant to County tree replacement requirements.

b. Parcel C-7

A 75-foot wide buffer from southwest corner of lot 1 of Phase 1, Subphase 1, Unit A-1 shall be provided along the east side of parcel C-7. Prior to the issuance of a Certificate of Occupancy for any use on Parcel C-7, screening consistent with the requirements of the Land Development Code, including the installation of a hedge to be a minimum of 6 feet high at maturity and 80 percent opaque, shall be provided along the east side of Parcel C-7, adjacent to the residential lots to the east. Within the 30-foot waterfront setback required by the Land Development Code, the developer shall provide tree landscaping consistent with Buffer Condition 5.A. above.

c. Parcels C and G.

- (i) A 200-foot wide buffer, containing the existing wetland on the residential development north of Parcel G, shall be maintained. All native vegetation shall be preserved within the buffer.
- (ii) A 50-foot wide buffer shall be provided along the eastern boundary of Parcels C and G adjacent to I-75 and the exit ramp. All native vegetation (i.e., oaks, pines, palmettos, wax myrtles, etc.) shall be preserved, except for limited view corridors, designed to allow the view of buildings and signage in Parcel C, while maintaining lower story vegetation (such as palmettos) and significant trees, may be allowed, subject to Planning Department review and approval.
- (iii) The existing native vegetation located between Creekwood Boulevard and the FP&L easement between S.R. 70 and 52nd Place East, shall be preserved, except where removal may be necessitated by the expansion of Creekwood Boulevard, in which case landscaping, at a minimum, shall conform to the Land Development Code.
- (iv) A landscape buffer shall be provided along the east side of Creekwood Boulevard from the FP&L easement to the north end of Parcel G, consistent with the landscape plan submitted in the public record for a portion of this area, which shall include a 3 foot high berm with a 4 to 6 foot high hedge. The landscaping adjacent to Parcel C shall be installed prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for any building in Parcel C (not including outparcels on S.R. 70) and the landscaping adjacent to Parcel G shall be installed prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy

for any building in Parcel G. The hedge shall obtain 80% opacity within 2 years of planting.

- (v) The existing fence and landscaping on the west side of Creekwood Boulevard from its current end, south to 73rd Street East shall be installed, consistent with the plan submitted in the public record, prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for any building in Parcel C.

d Parcels C-4

Prior to Final Plat approval, the following shall be installed within the 15 foot wide buffer along the entire eastern and northern boundary:

- (i) Canopy trees spaced 30 feet apart and a minimum 5-inch caliper; and
- (ii) Beginning at the current Rosedale wall on the east and extending to the west of Parcel C-4, a decorative concrete block wall (or a construction alternative with the same appearance for any portion of the wall in excess of 8 feet in height above grade), finished and painted consistent with the existing Rosedale wall. The top of the wall shall be approximately 8 feet above the finished floor elevations of the adjacent residences in Rosedale. Construction of the wall shall be concurrent with the horizontal improvements associated with the plat (Completed).

e. Parcel C-5

- (i) A thirty five (35) foot wide landscaped buffer shall be provided along the north side of Parcel C-5; and
- (ii) Within the southerly portion of this buffer, excluding the wetland, a decorative concrete block wall (or a construction alternative with the same appearance for any portion of the wall in excess of 8' in height above grade), generally 8 feet in height above existing grade and finished and painted consistent with the existing Rosedale wall, shall be installed. In order to prevent tree removal within this buffer from occurring any earlier than necessary, the wall shall be installed during building construction for each portion (east or west of the wetland) of this parcel, and shall be completed prior to the first Certificate of Occupancy on that portion of the parcel. The wall shall not be required for that portion of the property containing the wetland. The Planning Director, or designee, shall have the authority to approve a superior alternative to a wall in which the building shall serve the purpose of a wall. Should this alternative be approved, tree removal shall not occur on this parcel until such time as the building is constructed.
- (iii) Existing trees shall be maintained within this buffer to the extent practical and additional canopy trees of a minimum 5-inch caliper, shall be installed within this buffer in order to achieve canopy trees at least 30 foot on center. Timing shall be as outlined above and shall be verified prior to the issuance of the Certificate of

Occupancy (Completed.)

f. Parcels C-4 and C-5

A coordinated landscape plan shall be developed for the 30-foot wide buffer along S.R. 70. This plan shall be determined prior to the first Final Plat approval for either parcel. (Completed)

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Site Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though it may have been approved by the County, will be subject to modifications by new state-of-the-art techniques and surface water management performance standards that may be developed or adopted during the course of the development process. (Completed)
2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.
3. In conjunction with the submittal of the first Preliminary Site Plan, a demonstration of compliance with the Watershed Protection, Special Treatment and Agricultural Fringe Overlay zones, shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction. (Completed)
4. The Stormwater Maintenance Plan, submitted with the first Preliminary Site Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project buildout. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.
5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

All Preliminary and Final Site Plans shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the

most recent approval, provided that such approval has not expired.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands and/or a different upland community type.
7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted *Future of the Region*. In addition, the wetland on Parcel C-5 shall be preserved.
8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.
9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.
10. A Wetland Buffer Restoration Plan shall be submitted to the Planning Department for review with each Final Site Plan in accordance with Section 719.11.2.1. of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
11. The developer shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Planning Department with each Final Site Plan.
12. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to Final Site Plan approval for each phase. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to issuance of the first Certificate of Occupancy or Final Plat approval, in accordance with Section 715.4 of the LDC.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:
 - a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit BA".

Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June -

September) and the dry season (November - February). Significant water quality parameters should include, but not be limited to, the following:

- streamflow (cu. ft. /sec.);
- turbidity (ntu);
- specific conductance (umho/cm at 25 deg. C);
- dissolved oxygen (mg/l);
- biochemical oxygen demand (mg/l);
- pH;
- total orthophosphate as P (m/l);
- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms, multiple tube method, MPN (col/100 ml);
- total lead as Pb (ug/l); and
- temperature (deg. C).

Any changes to the sampling stations identified in "Exhibit BA", the sampling frequency, or the above list of parameters shall be submitted to Manatee County and Tampa Bay Regional Planning Council (TBRPC) for review and comment, with approval by Manatee County.

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control standards and should be submitted to Manatee County Planning, Permitting and Inspections Department, Manatee County Environmental Action Commission Control and TBRPC.

- b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June - September) and the dry season (November - February). In addition, the developer shall provide for review annually updated ground water contour maps as described above, until the project reaches completion.
2. In order to protect water quality, the following parameters shall be included in the project drainage plan.
- a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
 - proposed wetland/lake alterations;
 - control of exotic species;
 - control of on-site water quality;
 - maintenance of natural hydroperiod; and
 - methods for wetland restoration/enhancement.
 - b. The drainage system shall be designed to provide retention, or detention with

filtration/assimilation treatment for the first inch of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.

c. The proposed retention/detention wetland systems shall be designed to be consistent with the *Stormwater and Lake Systems Maintenance and Design Guidelines* (TBRPC 1978). The design criteria of this system should include the following elements:

- (1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.
- (2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.
- (3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.
- (4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.
- (5) The littoral shelf shall be vegetated with a diverse group of native species, which can include *Sagittaria*, pickerel-weed, *Juncus*, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.
- (6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.
2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of

the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

The developer shall provide to all Creekwood businesses information that:

- a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and
- b. Indicates the location of the specially-designed hazardous waste and materials containers; and
- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.
2. Development plans shall assure adequate buffering between the industrial, office, commercial and residential designations of this development through appropriate measures such as covenants and deed restrictions.
3. Assignment of specific responsibility for open spaces shall be made at the time of Final Plat submittal, unless no plat is required, then it shall be required at time of Final Site Plan submittal.
4. The 25-acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended. (Completed)

If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes

construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including but not limited to provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the county constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement. The Developer shall have the right to relocate the right-of-way and/or constructed road at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)
2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)
3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on S.R. 70 and to the intersection of S.R. 70 and I-75. The improvements required at the S.R. 70 and Creekwood Boulevard intersection are generally described in the Intersection Analysis prepared by Roy Chapman P.E. and dated December, 1998. An updated intersection analysis shall be submitted prior to platting of the 101st residential lot north of Williams Creek. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Transportation Authority with the review of an updated traffic analysis for each increment of development. This will require an overall maintenance of Level of Service "D" during peak hour of the intersection of Creekwood Boulevard and S.R. 70, as well as left-turns, right-turns, in and out of Creekwood Boulevard at S.R. 70.
2. Developer shall provide for a 120-foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the

project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement. The developer shall enter into an agreement with the County to either oversize the internal stormwater pond system to be constructed on Parcel D or reserve capacity in the existing stormwater pond system to accept stormwater from the future 44th Avenue extension. The agreement must be entered into prior to Preliminary Site Plan approval for Parcel D.

3. Construction of approximately 1,600 feet of 44th Avenue East from the west property boundary west to the existing pavement, by the developer to a two lane section, including payment for acquisition of necessary right of way, shall be required prior to final plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.
4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and this roadway connection shall be constructed or bonded prior to the next Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of S.R. 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6. (Completed)
5. The proposed entrance onto S.R. 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function. (Completed)
6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto S.R. 70 shall be located as far from S.R. 70 right-of-way as necessary to avoid conflict with regard to intersection function.
7. All roads shown on the General Development Plan, including required stub-outs to the property boundary, shall be dedicated to Manatee County with adequate rights-of-way as determined by the Transportation Department.
8. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.
9. The proposed owner's association documents shall contain a provision requiring the occupants of the industrial park to coordinate shift changes to reduce peak hour traffic.
10. In accordance with the Traffic Element of the Manatee County Comprehensive Plan, the adopted level of service as of the effective date of this ordinance, as determined by the procedures reported in the Highway Capacity Manual (HCM) 2000 and using the most recent version of the Highway Capacity Software (HCS), or most current HCM manual and HCS software, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional

Planning Council and the Department of Community Affairs shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five (5%) percent or more of daily Level of Service "C" capacity:

- a. University Parkway from Lockwood Ridge Road to I-75
- b. S.R. 70 from U.S. 41 to I-75
- c. Lockwood Ridge Road from University Parkway to S.R. 70
- d. S.R. 64 from Morgan Johnson Road to I-75
- e. I-75 from University Parkway to S.R. 70
- f. S.R. 780 from Honore Avenue to I-75
- g. Intersection of S.R. 70 and S.R. 683
- h. Intersection of S.R. 70 and 45th Street East
- i. Intersection of S.R. 70 and Caruso Road
- j. Intersection of S.R. 70 and U.S. 301
- k. Intersection of S.R. 64 and Morgan Johnson Road
- l. Intersection of S.R. 70 and the Project Entrances
- m. Intersection of S.R. 70 and I-75
- n. Intersection of S.R. 70 and U.S. 41
- o. S.R. 70 from I-75 to Lorraine Road

No plat or site plan shall receive approval if the approval of such increment of development would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstances upon which the County may base traffic projections, will have the likely result of causing or contributing to a degradation of the Level of Service on these road links and intersections to a daily level below the adopted level of service as of the effective date of this ordinance. S.R. 70 shall maintain an acceptable Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes. If any traffic study required above for any increment of development shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of S.R. 70 between S.R. 683 (15th Street East) and U.S. 301, then that increment of development shall not be

approved unless the improvements are necessary to achieve the adopted level of service on that segment under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under Stipulation 14 of the General Conditions contained herein.

11. Access to the project shall be as shown on the Revised Map H.
12. A cross-access easement shall be provided between Parcels C and E. The location shall be approved by the Planning and Transportation Departments prior to or concurrent with Preliminary Site Plan approval for Parcel E.
13. Prior to Final Plat approval for Parcel I, a 90-foot right-of-way for Lena Road, from the terminus of the cul-de-sac in Parcel I to the eastern boundary of the Creekwood project, shall be dedicated to Manatee County. The intersection crossing with the eastern property boundary shall be south of Williams Creek and shall align in such a manner so that the road will not conflict with power poles in the easement. (Completed)
14. Prior to the next Preliminary Site Plan approval east of I-75, the Developer shall provide Manatee County with a mechanical means to monitor the new project trip traffic inbound and outbound at appropriate locations determined by Manatee County. (Completed)
15. Prior to issuance of Certificate of Occupancy for the 65,000 square feet of office on Parcel G the following improvement must be completed:

At the intersection of S.R. 70 and Creekwood Boulevard, construct an additional southbound left-turn lane (dual left-turn lanes) with a separate southbound through-lane and a separate southbound right-turn lane. (Completed)
16. Prior to or in conjunction with Final Site Plan or Final Plat approval for any phase or subphase of Parcel D, the developer shall dedicate right-of-way to provide for a 250-foot half width right-of-way for the future 10-lane configuration of I-75.
17. Until there are dual left turn lanes on S.R. 70 to the Northbound I-75 ramp and receiving lanes for those turn lanes there shall be no increase in PM peak hour trips using the east side northbound ramp to I-75 above the 99 total trips currently approved for with the project prior to the NOPC approved January 5, 2006. As each Final Site Plan is brought forward there shall be an analysis of the proposed new trips to the ramp and the already approved trips from the project to ensure that the number of trips on the ramp does not exceed 99, until the above identified improvements are in place. (Completed)

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors, and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide wastewater treatment, solid waste disposal, police, fire, and EMS service with each Preliminary Development Plan submittal.
2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.
3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.
4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.
5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.
6. The development of this project shall proceed in accordance with the information plans, projections, representations and materials contained in the Application for Master Development Approval and application for rezoning and Conceptual Plan approval, except as modified by the stipulations, conditions and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.
7. Nothing herein shall be construed as limiting the authority of Manatee County, in the course of review and development of this project, to implement and apply laws, ordinances, rules and regulations under its jurisdiction, consistent with the approval hereby granted.
8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional and/or more detailed stipulations, conditions and requirements to be formulated and applied at later stages of review of this project under local procedures.
9. In the event that the import of any of the stipulations contained herein appears uncertain, interpretation thereof should be by reference to the staff report presented to the Planning Commission and Board of County Commissioners in connection with their consideration of this development proposal, and by reference to the record of the hearings before these bodies.
10. In the event ownership of any portion of the property embraced by this project, or any of the

development rights acquired by virtue of this or subsequent approvals, is transferred to any party other than the applicant, the applicant or other transferor of such property or rights shall notify the Board of County Commissioners thereof and shall, in writing, identify the party or parties who will then be responsible to fulfill the obligations and meet the conditions established by these stipulations and by any subsequently established stipulations.

11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan hereby approved, nor shall anything herein be construed as denying the property owner or developer any rights to the continuation of existing uses that may be provided by the *Land Development Code* or other applicable law.
12. The terms "fair share" and "pro-rata share" as used herein refer to a contribution or participation by the developer, whose purpose is to address an impact generated by new development upon the public domain or upon services or facilities provided by the County, in an amount or of a value that reflects as nearly as is practicable, the impact of this development as a proportion of the total of impacts upon the same services, facilities, or element of the Public domain, that are expected to be generated by all developments in the impact area that have received approval or that are specifically anticipated on the basis of submitted development requests.
13. Where these stipulations require, expressly or by implication, an exercise of discretion or judgment, but do not specify the nature or parameters thereof, or where some determination must be made or approval granted or condition satisfied, the necessary decision or judgment shall be made by the County; but in doing so the County shall act reasonably and in good faith and, where appropriate, in accordance with accepted practice.
14. In the event the County or other government entity with jurisdiction in the matter establishes impact fees or similar charges that are designed to pay the cost of any of the types of facilities, services, or impacts upon the public domain that the developer by virtue of these stipulations has an affirmative obligation to address, and such fees are payable with respect to portions of the development thereafter completed or finally approved, appropriate reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.
15. All references made in Ordinance ~~05-41~~ 12-15 to a General Development Plan shall hereinafter refer to revised Map H, as amended herein.
16. All Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

Section 5. LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR REVISED CREEKWOOD

CREEKWOOD

THE EAST ½ OF SECTION 11, TOWNSHIP 35, RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO:

THAT PART OF SECTION 12., TOWNSHIP 35., RANGE 18E., LYING WEST OF STATE ROAD 93 (INTERSTATE 75).

ALSO:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD 70

ALSO:

THAT PART OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD 93 (INTERSTATE 75), AND NORTH OF STATE ROAD 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST ½ OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A POINT OF BEGINNING: THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS: THENCE CONTINUE S 00°43'10" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20' 03" E. ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.37 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD. 93 (INTERSTATE 75), AND SAID STATE ROAD. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.10 FT.; THENCE S 70°20'03" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W, OF SAID STATE ROAD 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E. ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE,

THROUGH A CENTRAL ANGLE OF 52°23'42". A DISTANCE OF 568.98 FT. TO THE P.T. OF SAID CURVE; THENCE N 54°58'49" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING RADIUS OF 721.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07". A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE, THENCE N 04°55'42" E, ALONG SAID LIMITED ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST. HAVING A RADIUS OF 5530.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 33 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11, THENCE N 89°35' 09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 11; THENCE S 00°45'32" E. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 11. A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS

CREEKWOOD-EAST

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD 70. LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W. ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20' 03" W, ALONG SAID NORTHERLY

R/W , 1492.94 FT.; THENCE N 33°10'32" W. ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W. ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'30" W, ALONG SAID NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD 93 (INTERSTATE 75), AND STATE ROAD 70; THENCE N 60°14'02" W. ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD 93 (INTERSTATE 75), THENCE N 70°20'03" W. ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST ½ OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELAWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST ½ OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST ½ OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES; N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE

RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A POINT OF BEGINNING: THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W. 1492.94 FT., THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL THE FOLLOWING COURSES AND DISTANCES; N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25"E, 72.10 FT.; THENCE S 43°52'49" E, 240.00FT.; THENCE S 34°24'49" E, 88.00 FT.; THENCE N 85°27'11" E. 175.71 FT.; THENCE N 75°17'11" E, 113.23 FT.; THENCE N 34°52'11" E. 120.63 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

CONTAINING 11.84 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

SECTION 6. SEVERABILITY

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE

This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the ~~4th day of December, 2008~~ 2nd day of August, 2012.

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

By: _____
John R. Chappie, Chairman

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

By: _____
Deputy Clerk

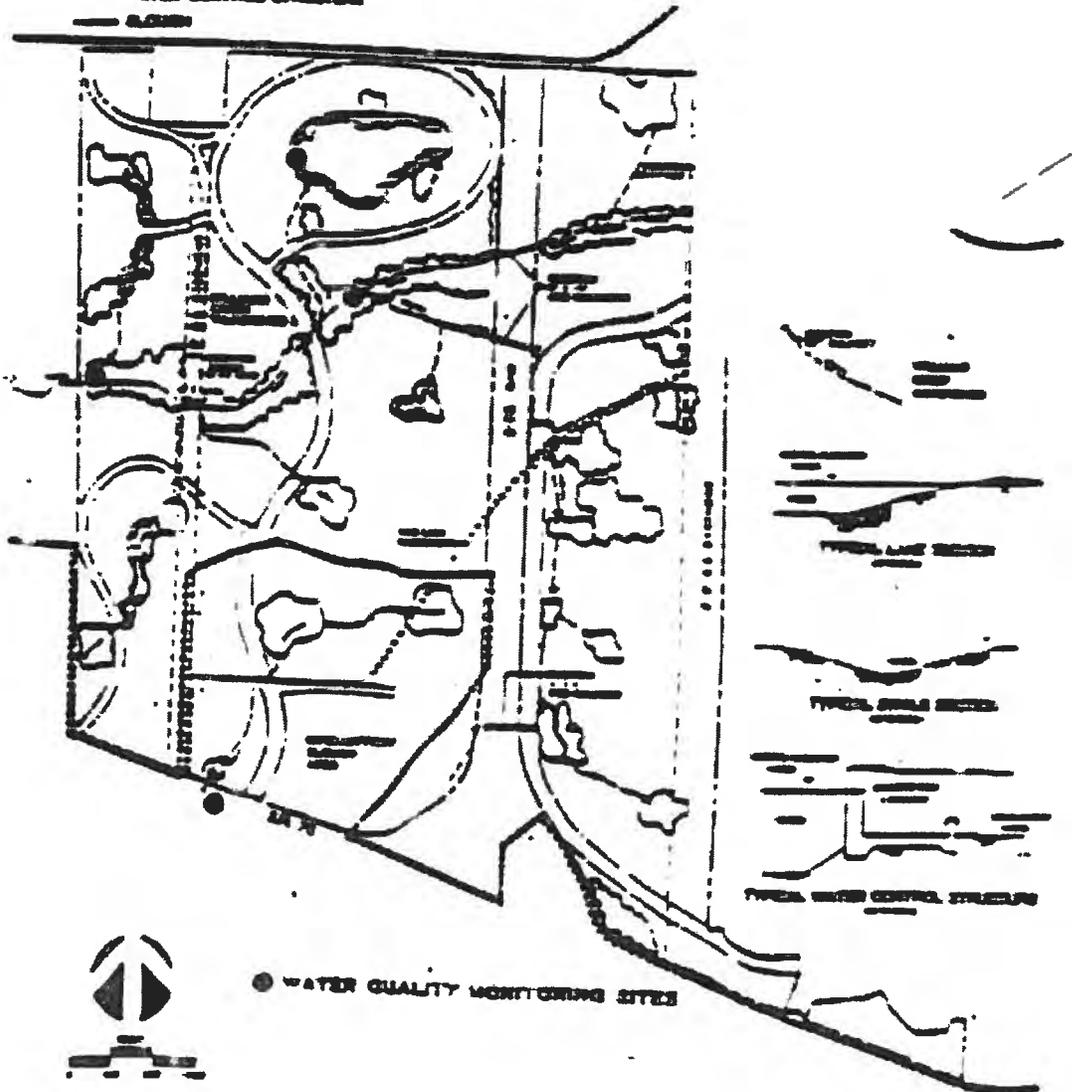
EXHIBIT A

WATER QUALITY MONITORING SITES

(PREVIOUSLY APPROVED RESOLUTION R-93-25, APPROVED ON APRIL 22, 1993)

LEGEND

- CHANNEL WAY PROPOSED
- EXISTING CHANNEL
- CHANNEL
- DIRECTION OF FLOW
- UPLAND FORD RESERVE
- NATURAL RESERVE AREA
- LAKE
- WEIR CONTROL STRUCTURE
- SLUICE





June 25, 2012

SERVICES

- Civil Engineering
- Environmental Engineering
- Transportation Planning & Engineering
- Pavement Management
- Land Planning
- Ecological Services
- Surveying & Mapping
- Construction Management
- GIS Mapping
- Landscape Architecture
(FL #LC26000183)

OFFICE LOCATIONS

FLORIDA

- Jacksonville
- Miami
- Sarasota
- Tampa

TEXAS

- Austin

Ms. Lisa Barrett, Planning Manager
 Manatee County Planning Department
 P.O. Box 1000
 Bradenton, FL 34206-1000

Re: Creekwood Revised GDP - Specific Approval Request (2nd Revised)

Dear Lisa:

This letter is written in accordance with Section 603.3.2 of the Land Development Code to request Specific Approval for alternatives to standard Land Development Code requirements for a Planned Development project. On behalf of Controlled Storage, Inc., King Engineering Associates respectfully requests approval of the following:

1. Section 710.1.6 – Off-Street Parking

Section 710.2.1.6 requires conformance to Table B when calculating parking for a particular land use. This section of the Code reads:

Parking Ratios. In addition to handicap parking requirements the minimum off-street parking spaces accessory to the uses shall be in accordance with Table B, Parking Ratios. Handicap parking spaces shall be counted as part of the total parking space requirement.

Table B requires the following amount of parking for a mini-warehouse use:

Warehouse-Mini	1/10 Storage Units + 2 Spaces at Manager's Office
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The applicant owns an existing mini-warehouse facility, developed with 50,000 square feet of gross floor area, consisting of four (4) separate buildings. The current project will add a fifth building to the development, which will be located between two existing buildings, central to the site. Per the Land Development Code, 54 parking spaces are required. The site plan shows 35 spaces.

Based on the business functionality, which includes a very limited amount of daily traffic, the business owner plans to share parking spaces between two adjacent buildings. A majority of the parking spaces for a mini-warehouse establishment are used by customers who are loading items into or removing items from a storage unit. The Storage Now business owner is currently

2930 University Parkway
 Sarasota, Florida 34243
 phone 941.358.6500
 fax 941.358.6540

operating at this location and has an excellent understanding of the parking needs of the facility.

Reducing the parking requirements meets the intent of the LDC requirement to an equivalent standard by providing adequate amount of parking spaces for all buildings to allow for the site to adequately function. It is also important to note that this site is located in the Watershed Protection – Evers Overlay District, and limiting the amount of impervious area will benefit the overall district.

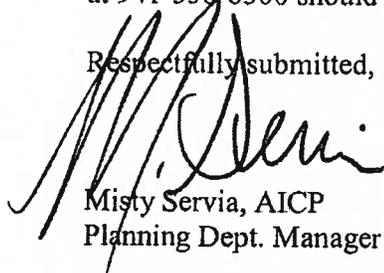
2. Section 737.4.g Foundation Landscaping in the Entranceway

Foundation landscaping shall be required in the amount of forty (40) square feet per one thousand (1,000) square feet of gross floor area, with at least sixty (60) percent of the required foundation landscaping located along foundations visible from entranceway roadways.

The applicant requests to eliminate the requirement for foundation landscaping for the expansion of this business. The new mini-warehouse building is planned between two existing storage buildings and will not be visible from SR 70 (the Entranceway roadway). The rationale for the required amount of foundation landscaping is to beautify the building façade along the Entranceway. Eliminating foundation landscaping requirements, in this particular case, will not negatively impact the County's Entranceway.

Thank you for carefully considering this request, and don't hesitate to contact me at 941-358-6500 should you need additional information or have questions.

Respectfully submitted,



Misty Servia, AICP
Planning Dept. Manager

MMS/dck



February 22, 2012

SERVICES

- Civil Engineering
- Environmental Engineering
- Transportation Planning & Engineering
- Pavement Management
- Land Planning
- Ecological Services
- Surveying & Mapping
- Construction Management
- GIS Mapping
- Landscape Architecture
(FL #LC26000183)

OFFICE LOCATIONS

- FLORIDA
 - Jacksonville
 - Miami
 - Sarasota
 - Tampa

- TEXAS
 - Austin

Ms. Lisa Barrett, Planning Manager
 Manatee County Planning Department
 P.O. Box 1000
 Bradenton, FL 34206-1000

Re: Creekwood Revised GDP - Specific Approval Request

Dear Lisa:

This letter is written in accordance with Section 603.3.2 of the Land Development Code to request Specific Approval for alternatives to standard Land Development Code requirements for a Planned Development project. On behalf of Controlled Storage, Inc., King Engineering Associates respectfully requests approval of the following:

1. Section 710.2.1 – Off-Street Loading

Section 710.2.1604.10.3.5.1 requires a loading zone for all commercial buildings, with few exceptions. This section of the Code reads:

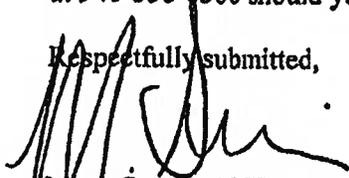
" Applicability. With the exception of residential, financial institutions and office, all buildings built or erected and all uses established after the effective date of the Code shall provide accessory off-street loading space in accordance with this Section. When an existing structure or use is expanded in floor area, volume, or capacity, accessory off-street loading space shall be provided in accordance with this Section for the area, or capacity of such expansion. "

The applicant owns an existing mini-warehouse facility, developed with 50,000 square feet of gross floor area consisting of four (4) separate buildings. The current project will add a fifth building to the development, which will be located between two existing buildings, central to the site. Based on the business functionality, which includes a very limited amount of daily traffic, the business owner plans to share one (1) loading zone between two adjacent buildings. This meets the intent of the LDC requirement to an equivalent standard by providing adequate amount of loading space for all buildings to allow for the site to adequately function. Eliminating one (1) loading space will also reduce the amount of impervious area in the Watershed Protection – Evers Overlay District.

2930 University Parkway
 Sarasota, Florida 34243
 phone 941.358.6500
 fax 941.358.6540

Thank you for carefully considering this request, and don't hesitate to contact me at 941-358-6500 should you need additional information or have questions.

Respectfully submitted,



Misty Servia, AICP
Planning Dept. Manager

MMS/dck

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF DRI/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, July 12, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

ORDINANCE 12-15 (DRI # 13) - CONTROL STORAGE INC./CREEKWOOD

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Creekwood Development of Regional Impact (Ordinance 05-41) (DRI #13); A/K/A Tampa Bay Regional Planning Council (TBRPC) DRI #102; Including a determination of whether the following changes constitute a Substantial Deviation to the Creekwood Development of Regional Impact in response to owner's submittal of a Notice of Proposed Change (NOPC):

1. Modify Map H and the Development Order with the following changes:
- A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;
- B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;
- C. Update the Water Quality Monitoring conditions;
- D. Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and
- E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.

The ordinance amends, replaces, and supersedes Ordinance 05-41, DRI #13, as amended; providing for severability, and an effective date.

Creekwood is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

Z-84-76(R9) - CONTROL STORAGE, INC. / STORAGE NOW (AKA CREEKWOOD)

DTS #20120105
Request: An Ordinance of Manatee County, Florida approving a revised Zoning Ordinance and General Development Plan to:

1. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5;
2. Increase the allowable height for Parcel C-5 from 30' to 35';
3. Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and Manatee County;
4. Revise Land Use Conditions #3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards;
5. Update the Water Quality Monitoring Conditions; and
6. Update the Zoning Ordinance to reflect department references.

Subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. Storage Now (aka Creekwood) is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

ORDINANCE 12-20 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (a.k.a. UNIVERSITY PARK COUNTRY CLUB) DRI #12

Request: Determination of whether the following modifications to the Unnamed Exclusive Golf and Country Club DRI Development Order constitute a substantial deviation pursuant to Section 380.06, Florida Statutes:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- 2.) Decrease acreage devoted to Open Space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage to accommodate Tracts B-2 and L South.
- 4.) Update Map P & C showing the removal of a conservation area in favor of two new preservation areas.
- 5.) Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 6.) Update the Development Order to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

PDR-89-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB

DTS#20120095
Request: Approval of a revised Zoning Ordinance for Unnamed Exclusive Golf and Country Club to:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- 2.) Decrease acreage devoted to open space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage to accommodate Tracts B2 and L South.
- 4.) Update the Zoning Ordinance to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 5.) Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

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THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION Manatee County Building and Development Services Department Manatee County, Florida 06/27/2012

NOTICE OF DRI/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, July 12, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

ORDINANCE 12-15 (DRI # 13) - CONTROL STORAGE INC./CREEKWOOD

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Creekwood Development of Regional Impact (Ordinance 05-41) (DRI #13); A/K/A Tampa Bay Regional Planning Council (TBRPC) DRI #102; including a determination of whether the following changes constitute a Substantial Deviation to the Creekwood Development of Regional Impact in response to owner's submittal of a Notice of Proposed Change (NOPC):

1. Modify Map H and the Development Order with the following changes:

- A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;
B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;
C. Update the Water Quality Monitoring conditions;
D. Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and
E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.

The ordinance amends, replaces, and supersedes Ordinance 05-41, DRI #13, as amended; providing for severability, and an effective date.

Creekwood is located at the northwest and northeast intersections of State Road 70 and I-75 (±18.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

Z-84-76(R9) - CONTROL STORAGE, INC. /STORAGE NOW (AKA CREEKWOOD) DTS #20120105

Request: An Ordinance of Manatee County, Florida approving a revised Zoning Ordinance and General Development Plan to:

- 1. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5;
2. Increase the allowable height for Parcel C-5 from 30' to 35';
3. Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and

Manatee County;

- 4. Revise Land Use Conditions #3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards;
5. Update the Water Quality Monitoring Conditions; and
6. Update the Zoning Ordinance to reflect department references.

Subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. Storage Now (aka Creekwood) is located at the northwest and northeast intersections of State Road 70 and I-75 (±18.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

ORDINANCE 12-20 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (a.k.a. UNIVERSITY PARK COUNTRY CLUB) DRI #12

Request: Determination of whether the following modifications to the Unnamed Exclusive Golf and Country Club DRI Development Order constitute a substantial deviation pursuant to Section 380.06, Florida Statutes:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
2.) Decrease acreage devoted to Open Space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
3.) Increase residential acreage to accommodate Tracts B-2 and L South.
4.) Update Map P & C showing the removal of a conservation area in favor of two new preservation areas.
5.) Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
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Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

PDR-89-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DTS #20120095

Request: Approval of a revised Zoning Ordinance for Unnamed Exclusive Golf and Country Club to:

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3.) Increase residential acreage to accommodate Tracts B2 and L South.
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It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County

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Date of pub: June 27, 2012

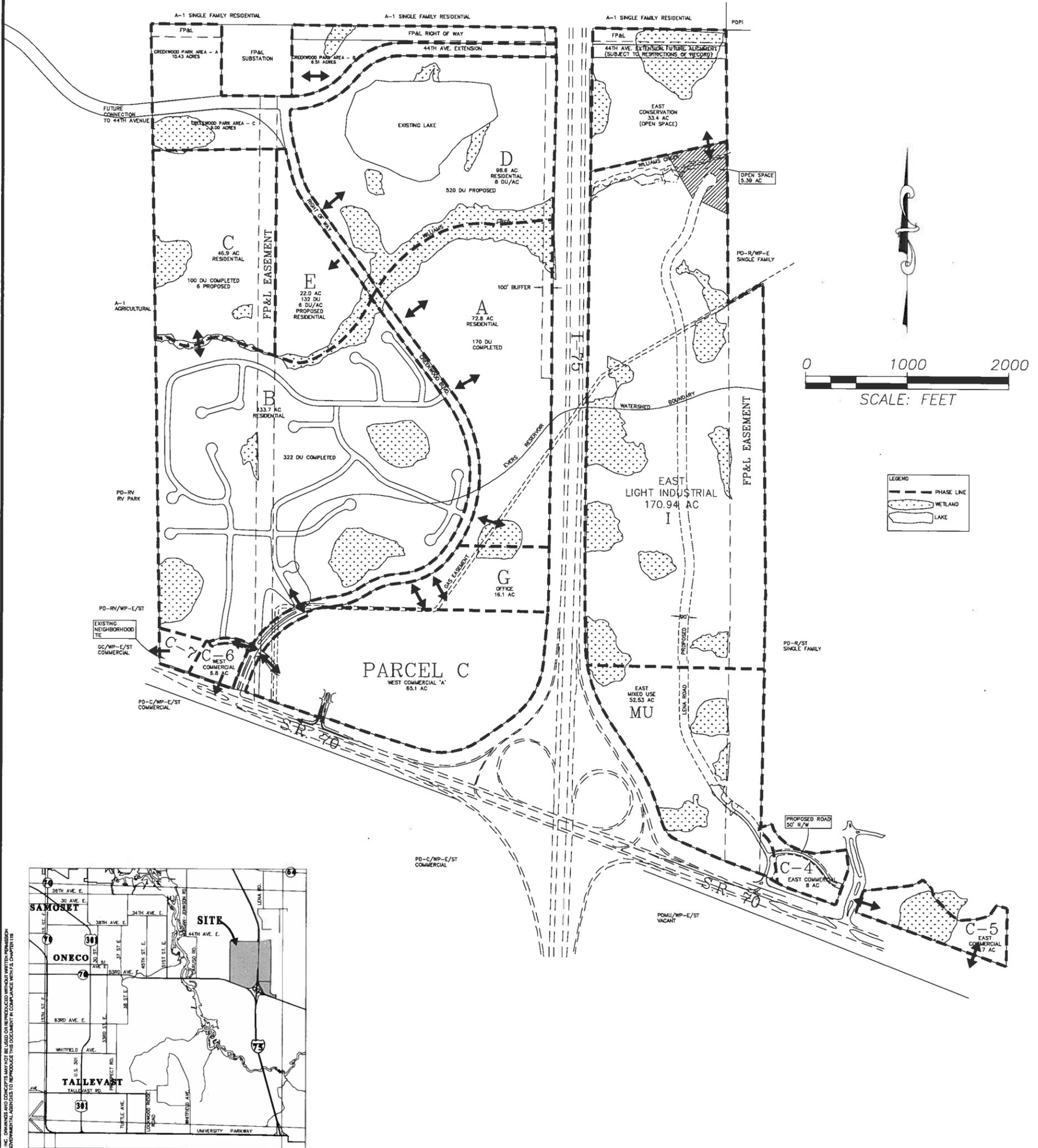
Notice is hereby given that the Southwest Florida Water Management District has received Environmental Resource permit application number 661938 from Scott Cannard, 3540 Thomasville Road, Tallahassee, FL 32309. Application received: March 5, 2012. Proposed activity: This project will consist of the construction of a boat ramp and canoe launch within the Terra Cela Preserve State Park for the Florida Department of Environmental Protection Division of Recreation and parks. Project name: Terra Cela Aquatic Preserve Boat Ramp and Canoe Launch. Project size: 4.7 acres Location: Section(s) 13 Township 33S, Range 17E, in Manatee County. Outstanding Florida Water: yes. Aquatic preserve: yes. The application is available for public inspection Monday through Friday at 2379 Broad Street, Brooksville, FL 34604. Interested persons may inspect a copy of the application and submit written comments concerning the application. Comments must include the permit application number and be received within 14 days from the date of this notice. If you wish to be notified of agency action or an opportunity to request an administrative hearing regarding the application, you must send a written request referencing the permit application number to the Southwest

Florida Water Management District, Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6899 or submit your request through the District's website at www.watmatters.org. The District does not discriminate based on disability. Anyone requiring accommodation under the ADA should contact the Regulation Performance Management Department at (352)796-7211 or 1(800)423-1476, TDD only 1(800)231-6103.

Date of pub: June 27, 2012

LAND USE/ACREAGE SUMMARY

LAND USE	ACRES	UNITS/SQUARE FEET
RESIDENTIAL	374	1250 (592 COMPLETE/658 REMAINING)
INDUSTRIAL	170.94	800,000 SF
COMMERCIAL ONLY (C-6,C-7,C)	71.9	482,000 SF
OFFICE ONLY (G)	16.1	125,000 SF
MIXED NON-RESIDENTIAL (MU,C-4,C-5)	65.73	
COMMERCIAL OFFICE		121,000 SF
MINI-WAREHOUSE (ONLY C-5)	6.5	100,000 SF
HOTEL		80,000 SF
ROADS/OPEN SPACE	54.73	100 ROOMS(93,000 SF)
CONSERVATION	33.4	
PARKS	25	
PROJECT TOTAL	818.3	



C:\w\14706\002\001\PLANNING\Map H_2-23-12.dwg - June 25, 2012 2:49 PM, MSP - King Engineering Associates Inc.

King
ENGINEERING ASSOCIATES, INC.

4921 Memorial Highway
One Memorial Center, Suite 300
Tampa, Florida 33634
Phone 813 880-8881
Fax 813 880-8882
www.kingengineering.com
Engineering License #2610

CREEKWOOD
SECTIONS 11, 12, 12 & 14 TOWNSHIP 35
SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

TITLE: **CREEKWOOD MASTER DEVELOPMENT PLAN**

JOB NO. 4706-000-000
DATE: 02-27-2012
SCALE: 1" = Mile

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Plan Amendment PA-12-04/Ordinance 12-25 – Fire Flow and Florida International Gateway	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	07/12/12 PC	DATE SUBMITTED/REVISED	06/29/12
BRIEFINGS? Who?	No	CONSEQUENCES IF DEFERRED	N/A JB
DEPARTMENT/DIVISION	Building & Development Services Department/Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	Lisa Barrett, Planning Manager
CONTACT PERSON TELEPHONE/EXTENSION	Kathleen Thompson / 941-748-4501 ext. 6841	PRESENTER/TITLE TELEPHONE/EXTENSION	Kathleen Thompson, AICP / Planning Manager (Comprehensive Planning) / 941-748-4501 ext. 6841

ADMINISTRATIVE APPROVAL

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to recommend approval of PA-12-04/Ord. 12-25 per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

- To recognize the wide ranging impact of Port Manatee and the surrounding areas, staff recommends amending the name of "North County Gateway" to "Florida International Gateway" overlay to more accurately reflect the successful activities of the area.
- The legend on the Future Land Use Map Series will also be amended from North County Gateway Overlay to Florida International Gateway Overlay.
- Any reference to the fire flow requirements are being removed from the Comprehensive Plan.
- Fire Flows are in accordance with NFPA 1(National Fire Protection Association) Standards and will be implemented by the various Fire Departments.

COUNTY ATTORNEY REVIEW

Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: SAS)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)	INSTRUCTIONS TO BOARD RECORDS:
Staff Report	n/a
COST: n/a	SOURCE (ACCT # & NAME): n/a

COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	
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PLAN AMENDMENT PA-12-04 (ORDINANCE 12-25)

Transmittal of a Plan Amendment of Manatee County, Florida amending Ordinance 89-01, as amended, (The Manatee County Comprehensive Plan), providing for a Comprehensive Plan text amendment to the Water Element to remove reference to fire flow requirements, an amendment to the Future Land Use Element to amend the title of an overlay designation to more accurately reflect the area, and an amendment to the Future Land Use Element – Future Land Use Map Series (Maps 1-29) to amend a legend on the map series, providing for severability; and providing an effective date.

P.C.:	07/12/12	B.O.C.C. Transmittal	08/02/12
Type of Amendment: Text			

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the Public Hearing, the technical support documents, and finding the request to be CONSISTENT with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, I move to recommend TRANSMITTAL of Plan Amendment PA-12-04

PLAN AMENDMENT SUMMARY SHEET

Name: County Initiated Text Amendments

File Number: PA-12-04 / Proposed Ordinance-12-25

REQUEST: Transmittal of a Comprehensive Plan text amendment to the Water Element to remove reference to fire flow requirements, an amendment to the Future Land Use Element to amend the title of an overlay designation to more accurately reflect the area, and an amendment to the Future Land Use Element – Future Land Use Map Series (Maps 1-29) to amend a legend on the map series.

ITEM # 1 FLORIDA INTERNATIONAL GATEWAY

BACKGROUND

To recognize the wide ranging impact of Port Manatee and the surrounding areas, staff recommends amending the name “*North County Gateway*” overlay to more accurately reflect the successful activities of the area to “*Florida International Gateway*”.

PROPOSED LANGUAGE (shown in ~~strikeout~~ and underline format)

**TABLE 2-1
SUMMARY OF FUTURE LAND USE CLASSIFICATION SYSTEM
PART II: FUTURE LAND USE OVERLAY DISTRICTS**

7) North County <u>Florida International</u> Gateway Overlay	NCG	Provide an area to meet the long term needs of Manatee County, near Port Manatee, for industrial light development integrated with low density or clustered low-moderate density mixed use environment.
---	-----	---

- Policy: 2.2.2.9 **NC FIG:** Establish the ~~North County~~ Florida International Gateway Overlay District as follows:
- GOAL: 2.12 **Ensure that future development in the ~~North County~~ Florida International Gateway area is compatible and complementary to existing and proposed uses.**
- Objective: 2.12.1 Future development which is compatible and provides for efficient transportation mobility that includes adequate road, rail, water, and air facilities.
- Policy: 2.12.1.1 Designate the ~~North County~~ Florida International Gateway Future Land Use Overlay with appropriate boundaries

consistent with Objective 2.1.4.

- Policy: 2.12.1.2 Protect freight mobility and facilitate the establishment of the Port Connector Road between Port Manatee and I-75 and extended rail service as necessary.
- Policy: 2.12.1.3 Evaluate the existing future Land Use and Zoning designations within the ~~North County~~ Florida International Gateway, to promote compatible land uses that support the long term viability of Port Manatee and the economic diversification of Manatee County.
- Policy: 2.12.1.4 Establish zoning district(s) which provide design parameters to ensure compatibility between residential and light industrial uses.
- Policy: 2.12.1.5 Annually review the existing, approved, and pending development applications within the ~~North County~~ Florida International Gateway overlay and amend the facility impact projections, population projections, and capital improvement schedules as appropriate.
- Policy: 2.2.2.9.3 Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the ~~NCG FIG~~ Overlay District are contained under Objective 2.1.4, 2.11.1, 2.11.2, 2.12.1 of the Future Land Use Element. Consistency with other goals, objectives, and policies of this Manatee County Comprehensive Plan, and land development regulations prepared pursuant to §163.3202 F.S. is required for all activity within the ~~NCG FIG~~ Overlay District.
- Policy: 2.2.2.9.4 Effect of Mapping:
- a) Any project, or portion of a project which is included within the ~~NCG FIG~~ Overlay District shall be subject to the applicable requirement listed under Policies 2.2.2.9.1, 2.2.2.9.2, and 2.2.2.9.3 above.
 - b) The area designated under the ~~NCG FIG~~ Overlay District on the Future Land Use Map may also be developed pursuant to the goals, objectives, and policies of the future land use category underlying the ~~NCG FIG~~ Overlay.
 - c) In addition to the range of uses, density and intensity provided for in the underlying Future Land use Category, land within the ~~NCG FIG~~ Overlay may also be considered for the range of uses, and intensity provided for under the 2.2.1.18 policies upon a determination that:

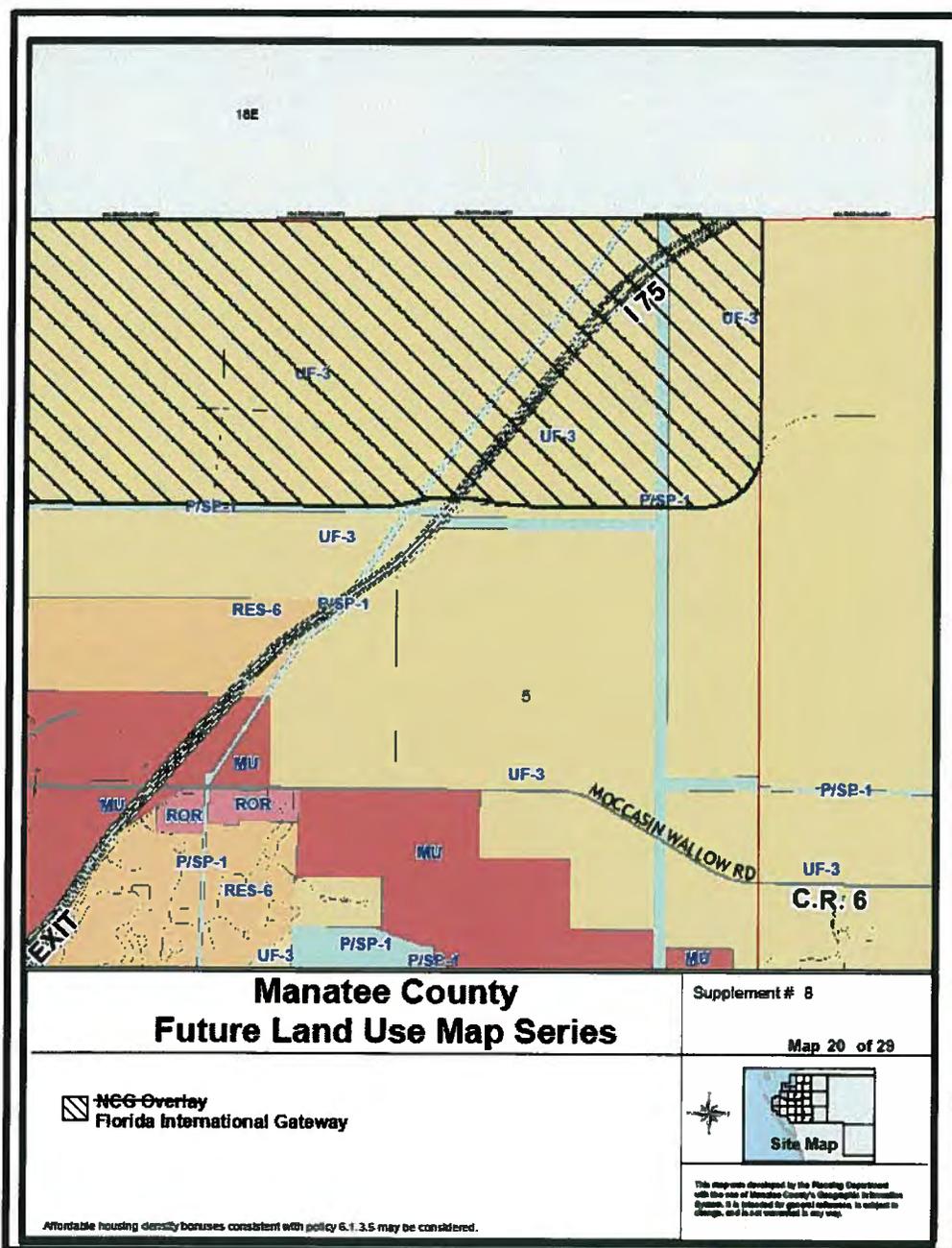
ITEM # 2 FUTURE LAND USE MAP SERIES

BACKGROUND

To be consistent with the new nomenclature of "Florida International Gateway" overlay, a legend in the Future Land Use Map Series will be updated on maps 1 - 29 as follows:

PROPOSED LANGUAGE (shown in ~~strikeout~~ and underline format)

NGG FIG Overlay



ITEM # 3 POTABLE WATER FIRE FLOW

BACKGROUND

Any reference to fire flow requirements are being removed from the Comprehensive Plan. Fire flows are in accordance with NFPA 1 (National Fire Protection Association) Standards and will be implemented by the various Fire Departments.

FIRE FLOW REFERENCE TO BE DELETED (shown in strikethrough format)

Policy: ~~9.6.1.4~~ ~~Require that development provide the following minimum fire flows or acceptable alternatives as set forth herein:~~

~~[note: reclaimed water distribution systems may be used to provide this level of service, reducing the sizing requirements for the potable distribution system];~~

~~Residential Land Uses:~~

~~Up to and including 3 du/ga requires 750 gallons per minute (gpm) or if each dwelling unit is to be provided with a residential fire sprinkler system require 400 gallons per minute (gpm)~~

~~3+ to 6 du/ga requires 1,000 gallons per minute (gpm) or if each dwelling unit is to be provided with a residential fire sprinkler system, require 500 gallons per minute (gpm).~~

~~6+ to 9 du/ga requires 1,500 gallons per minute (gpm) or if each dwelling unit is to be provided with a residential fire sprinkler system require 500 gallons per minute (gpm).~~

~~9+ du/ga requires 2,000 gallons per minute (gpm) or if each dwelling unit is to be provided with a residential fire sprinkler system require 1,000 gallons per minute (gpm).~~

~~Where no potable water supply and distribution system exists, compliance with NFPA Standard 1231, Standards for Water Supplies for Suburban and Rural Firefighting apply, provided however, that an individual single family dwelling unit on an unplatted parcel of land of one acre or more is exempt from these provisions.~~

~~Nonresidential Land Uses:~~

~~Nonresidential development less than or equal to 10,000 square feet may opt to calculate their specific fire flow by allocating one (1) gallon per minute fire flow per ten (10) square feet of floor area provided, however, that under no circumstances shall the minimum fire flow be less than seven hundred and fifty (750) gallons per minute.~~

~~Nonresidential development over 10,000 square feet requires a minimum of 2,000 gallons per minute (gpm) unless the development is provided with a fire sprinkler system, in which case the requirement may be reduced to 1,000 gallons per minute (gpm) upon the approval of the fire district.~~

~~Industrial or high-hazard uses may require flows in excess of 2,000 gpm or may be appropriately reduced in cases where a fire sprinkler system is installed, as approved by the fire district.~~

Implementation Mechanism:

- ~~(a) Planning Department coordination with individual fire districts to ensure policy compliance.~~

RENUMBER POLICY AND DEPARTMENT NAME CHANGE

Policy: 9.6.1-5 4

Require new development to coordinate with the appropriate fire district prior to final development approval.

Implementation Mechanism:

- (a) Planning Building and Development Services Department coordination with fire departments during development review to ensure consistency with this policy.

ATTACHMENTS:

1. Consistency with State Statues and Rules
2. Copy of Newspaper Advertising

ATTACHMENT #1

**CONSISTENCY OF THE LOCAL COMPREHENSIVE
PLAN AMENDMENT WITH FLORIDA STATUTES**

PA-12-04 (Proposed Ordinance 12-25)

The proposed amendment is consistent with
Florida Statutes 163 Part II

163.3184 Process for adoption of comprehensive plan or plan amendment states "in compliance" means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245 and 163.3248

163.3177 Required and optional elements of comprehensive plan; studies and surveys
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3178 Coastal Management
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3180 Concurrency
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3191 Evaluation and appraisal of comprehensive plan
Manatee County completed the required EAR and the EAR based plan amendments in 2004 and 2006. The next EAR update is scheduled for December 2013.

163.3245 Sector plans
There are no sector plans established at this time.

163.3248 Rural Land Stewardship areas
There are no Rural Land Stewardship areas established at this time.

All State goals and policies taken from Chapter 187.201, Florida Statutes.

The proposed amendment is consistent with the following goals and policies
of the State Comprehensive Plan:

187.201(21)(b)(1)

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF LAND USE CHANGE

OFFICIAL ACTIONS AFFECTING OR REGULATING USE OR REAL PROPERTY IN UNINCORPORATED MANATEE COUNTY – NOTICE TO REAL PROPERTY OWNERS AND GENERAL PUBLIC

The Manatee County Planning Commission will hold a public hearing to consider an amendment to the Manatee County Comprehensive Plan and changes to the use of certain lands within the unincorporated area of Manatee County with the intent to make a recommendation to the Board of Manatee County Commissioners:

Date: Thursday, July 12, 2012
Time: 9:00 A.M. or soon thereafter
Place: Manatee County Government Administrative Center
1112 Manatee Ave. West; Board Chambers (1st Floor)

Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

PLAN AMENDMENT PA-12-04 (ORDINANCE 12-25) – FIRE FLOW REQUIREMENTS AND TITLE OF OVERLAY DESIGNATION

A Plan Amendment of the Board of County Commissioners of Manatee County, Florida amending Ordinance 89-01, as amended, (The Manatee County Comprehensive Plan), providing for a Comprehensive Plan text amendment to the Water Element to ensure consistency with the National Fire Protection fire flow requirements and an amendment to the Future Land Use element to amend the title of an overlay designation to more accurately reflect the area, providing for severability; and providing an effective date.

Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Planning Commission to consider.

Rules of Procedure for this public hearing are in effect pursuant to Resolution 05-239(PC). Copies of this Resolution may be obtained from the Planning Department (See address below).

Please Send Comments To: Manatee County Building and Development Services Department
Attn: Project Coordinator
1112 Manatee Ave. West, 2nd Floor
Bradenton, FL 34206
planning.agenda@mymanatee.org

All written comments will be entered into the record.

For More Information: Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 748-4501, Ext. 6878, between 8:00 AM and 5:00 PM.

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A Plan Amendment of the Board of County Commissioners of Manatee County, Florida amending Ordinance 89-01, as amended, (The Manatee County Comprehensive Plan), providing for a Comprehensive Plan text amendment to the Water Element to ensure consistency with the National Fire Protection fire flow requirements and an amendment to the Future Land Use element to amend the title of an overlay designation to more accurately reflect the area, providing for severability; and providing an effective date.

Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Planning Commission to consider.

Rules of Procedure for this public hearing are in effect pursuant to Resolution 05-239(PC). Copies of this Resolution may be obtained from the Planning Department (See address below).

Please Send Comments To: Manatee County Building and Development Services Department
Attn: Project Coordinator
1112 Manatee Ave. West, 2nd Floor
Bradenton, FL 34206
planning.agenda@mymanatee.org

All written comments will be entered into the record.

For More Information: Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 748-4501, Ext. 6878, between 8:00 AM and 5:00 PM.

Americans with Disabilities: The Manatee County Planning Commission does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 second; FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

041073

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Ordinance 12-20 – Unnamed Exclusive Golf and Country Club (a.k.a. University Park Country Club) DRI #12	TYPE AGENDA ITEM	Advertised Public Hearings – Regular
DATE REQUESTED	07/12/12 PC	DATE SUBMITTED/REVISED	07/03/12
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	None <i>LB</i>
DEPARTMENT/DIVISION	Building and Development Services Department / Public Hearings	AUTHORIZED BY TITLE	Lisa Barrett, Planning Manager
CONTACT PERSON TELEPHONE/EXTENSION	Kathleen Thompson / 941-748-4501 ext. 6841	PRESENTER/TITLE TELEPHONE/EXTENSION	Kathleen Thompson / Planning Manager (Comp Planning) / 941-748-4501 ext. 6841
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to recommend approval of Ordinance 12-20 per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Land Development Code
 Manatee County Comprehensive Plan
 Florida Statutes 380.06

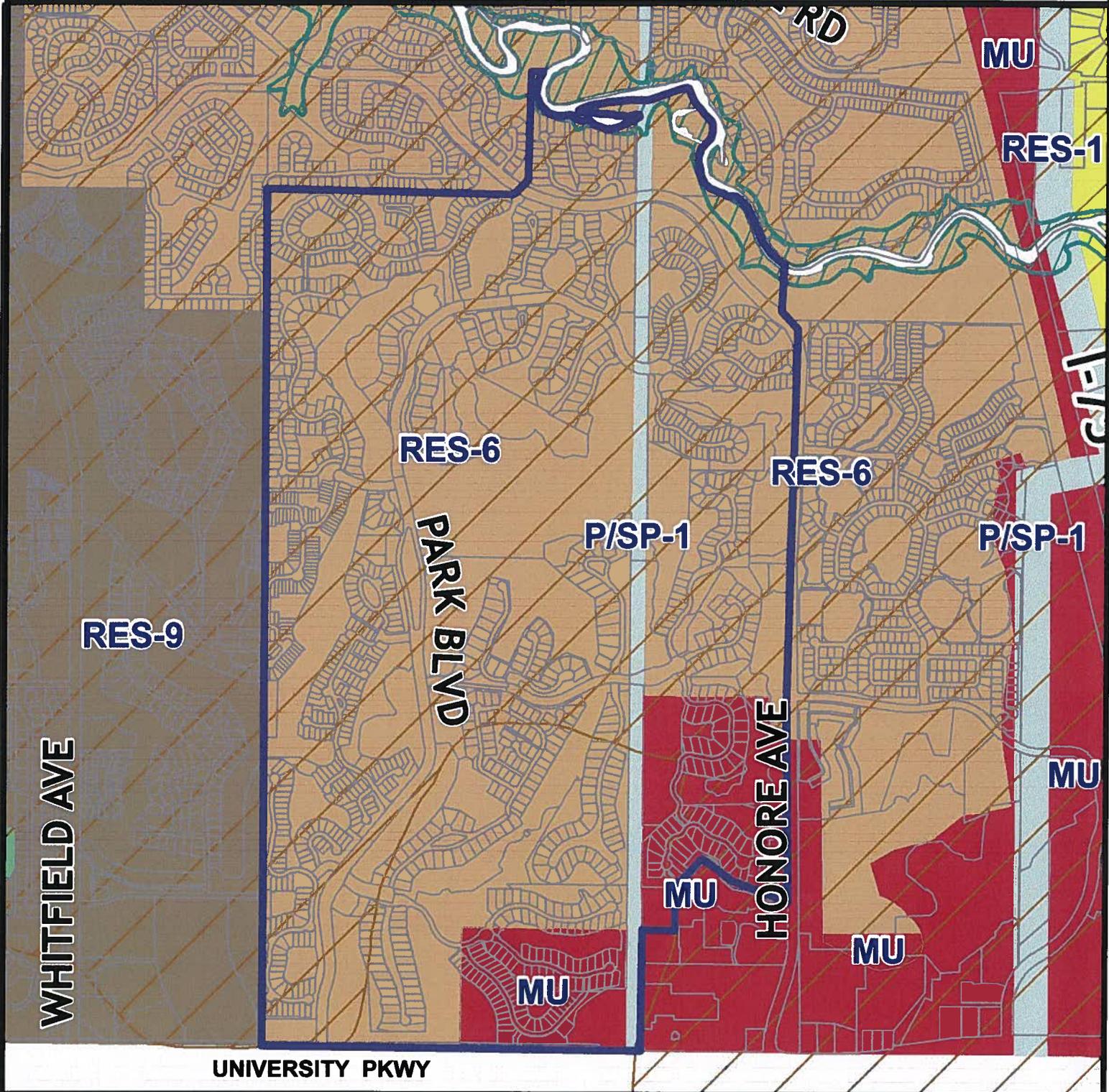
BACKGROUND/DISCUSSION

- This request is for an amendment to the Unnamed Exclusive Golf & Country Club (aka University Park Country Club) DRI (Development of Regional Impact).
- Accompanying the amendment to the DRI as a Notice of Proposed Change (NOPC) is the amendment to the General Development Plan and Zoning Ordinance.
- The changes to the Ordinance include a determination of whether the following proposed modifications to DRI #12 constitute a Substantial Deviation to the Unnamed Exclusive Golf & Country Club Development Order, pursuant to Section 380.06, Florida Statutes:
 Modifications requested are as follows:
 1. Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
 2. Decrease acreage devoted to open space (roads, right-of-way, etc.) by 11.59± acres (from 168.59± acres to 157± acres) in favor of the new Tracts B2 and L South.
 3. Increase residential acreage by 11.59± acres (from 699± acres to 710.59± acres) to accommodate Tracts B2 and L South.
 4. Update Map P & C showing the removal of a conservation area in favor of new preservation areas,
 5. Update the Zoning Ordinance to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
 6. Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes
- The Ordinance amends, replaces, and supersedes Ordinance 09-46, DRI #12, as amended; and providing for severability, and an effective date.
- The Tampa Bay Regional Planning Council (TBRPC) has completed their review of the project. The TBRPC provided an NOPC Report that was considered and approved June 15, 2012 by the Executive Director. The report concludes that the proposal is not a Substantial Deviation. The TBRPC Report is attached and all recommendations/representation are provided in the proposed development order (shown in strike-thru/underline format).
- This Notice of Proposed Change (NOPC) request will not create any new unmitigated external or regional impacts.
- Staff has no objection to the requested modifications.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: SAS)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff Report		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:	n/a	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	n/a

FUTURE LAND USE



Parcel ID #(s) Multiple

Project Name: Unnamed Exclusive Golf & Country Club
 Project #: DRI #12 / ORD-12-20
 DTS#: 20120133
 Proposed Use: DRI

S/T/R: Sec 35,36,26 Twn 35 Rng 18
 Acreage: 1,221
 Existing Zoning: PD-R
 Existing FLU: P/SP-1, MU, RES-6
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: UNNAMED DITCH, BRADEN RIVER AB WARD L, CEDAR CREEK
 Commissioner: Donna Hayes

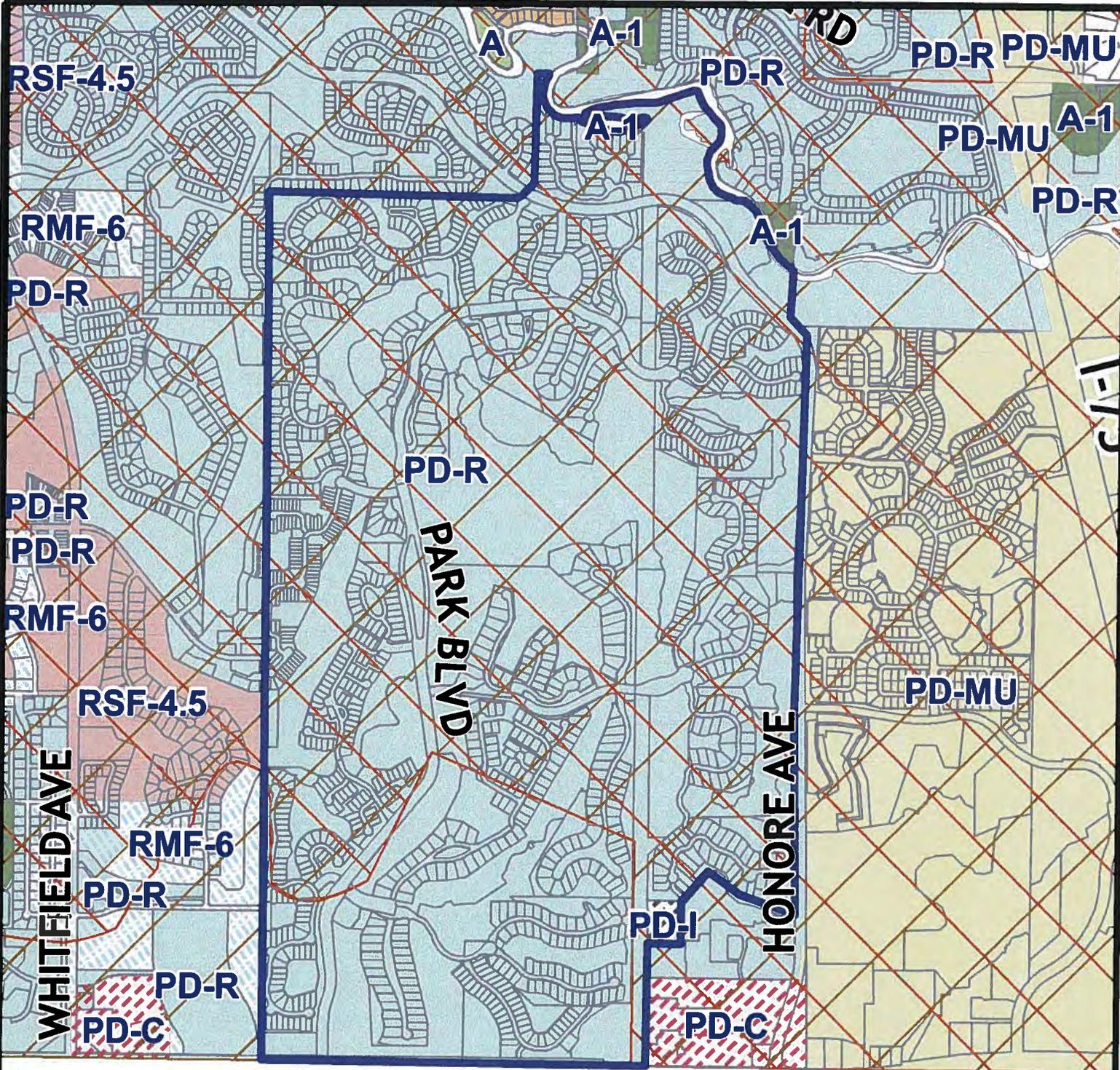


Manatee County
 Staff Report Map

Map Prepared 4/16/2012
 1 inch = 1,505 feet

- CHH - FLU (2008)
- Evers Watershed (WPE)

ZONING



Parcel ID #(s) Multiple

Project Name: Unnamed Exclusive Golf & Country Club
 Project #: DRI #12 / ORD-12-20
 DTS#: 20120133
 Proposed Use: DRI

S/T/R: Sec 35,36,26 Twn 35 Rng 18
 Acreage: 1,221
 Existing Zoning: PD-R
 Existing FLU: P/SP-1,MU,RES-6
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: UNNAMED DITCH,BRADEN RIVER AB WARD L,CEDAR CREEK
 Commissioner: Donna Hayes

Manatee County
 Staff Report Map
 Map Prepared 4/16/2012
 1 inch = 1,505 feet

 Special Treatment
 Evers Watershed (WPE)

AERIAL



Parcel ID #(s) Multiple

Project Name: Unnamed Exclusive Golf & Country Club
Project #: DRI #12 / ORD-12-20
DTS#: 20120133
Proposed Use: DRI

S/T/R: Sec 35,36,26 Twn 35 Rng 18
Acreage: 1,221
Existing Zoning: PD-R
Existing FLU: P/SP-1,MU,RES-6
Overlays: ST
Special Areas: NONE

CHH: NONE
Watershed: WPE
Drainage Basin: UNNAMED DITCH,BRADEN RIVER AB WARD L,CEDAR CREEK
Commissioner: Donna Hayes



Manatee County
Staff Report Map

Map Prepared 4/16/2012
1 inch = 1,505 feet

P.C. 07/12/12

**ORDINANCE 12-20 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
(a.k.a. UNIVERSITY PARK COUNTRY CLUB) DRI #12**

Request: Determination of whether the following modifications to the Unnamed Exclusive Golf and Country Club DRI Development Order constitute a substantial deviation pursuant to Section 380.06, Florida Statutes:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2,
- 2.) Decrease acreage devoted to Open Space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South,
- 3.) Increase residential acreage to accommodate Tracts B-2 and L South,
- 4.) Update Map P & C showing the removal of a conservation area in favor of new preservation areas,
- 5.) Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 6.) Update the Development Order to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

P.C.: 07/12/12

B.O.C.C.: 08/02/12

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Section 380.06, Florida Statutes, and Rule 73C-40.025 (fka 9J-2.025), Florida Administrative Code, as conditioned herein, I move to recommend APPROVAL of the finding that the proposed NOPC modifying the Unnamed Exclusive Golf and Country Club DRI Development Order does not constitute a substantial deviation and approval of Manatee County Ordinance 12-20, amending and restating Ordinance 01-19, as recommended by staff.

CASE SUMMARY

CASE NO.: ORDINANCE 12-20 (DRI #12, TBRPC DRI #202)

APPLICANT: Unnamed Exclusive Golf and Country Club

REQUEST: Notice of Proposed Change to:

- 1.) Reallocate 46 previously approved residential units to newly created parcels L South and B2.
- 2.) Decrease acreage devoted to Open Space (roads, right-of-way, etc.) by 11.59± (from 168.59± acres to 157± acres) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage by 11.59± (from 699± acres to 710.59± acres) to accommodate Tracts B2 and L South.
- 4.) Update Map P & C showing the removal of a conservation area in favor of new preservation areas,
- 5.) Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County and
- 6.) Update the Development Order to reflect terminology changes, Department references and other minor changes.

STAFF RECOMMENDS: APPROVAL

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- The Unnamed Exclusive Golf & Country Club DRI is generally located north of University Parkway and west of the Honore Ave.
- To the NORTH is Mote Ranch (single family-residences) and the Braden River zoned PDR/WP-E/ST.
- To the SOUTH, across University Parkway, are residences in Sarasota County.
- To the EAST is a shopping center zoned PDC/WP-E/ST and multi-family development zoned PDR/WP-E/ST. East of Honore Avenue is the Cooper Creek DRI (zoned PDMU/WP-E/ST).
- To the WEST are single-family residences zoned RSF-4.5/WP-E/ST and PDR/WP-E/ST and multi-family residences zoned RMF-6/WP-E and PDR/WP-E/ST.

SUMMARY: (KLT)

History

The Development Order and Zoning Ordinance for Unnamed Exclusive were originally approved on September 27, 1993 and included approval of 1,238 single-family residential units, a 27 hole golf course, 200 multi-family units adjacent to University Parkway (with an option to exchange these units for 40,000 square feet of neighborhood commercial space), and a Village Center for 40,000 square feet of neighborhood commercial adjacent to the clubhouse, all on 1,058 acres. In 1995, the Development Order was amended to add 164.23 acres of property that had previously been part of the Arvida DRI. The Unnamed Development Order was amended in 2000 to reduce the project area by 13.8 acres from 1,223 acres to the current 1,201.37 acres to reflect right-of-way dedication for Honore Avenue.

To date, UPCC is approved for 1,238 residential units and 32,000 square feet for a Country Club/Restaurant.

1,160 residential units (4 units added since 10/01/10), 27 golf holes, and 24,600 square feet of Country Club and Restaurant have been constructed to date.

The County is in the process of acquiring acreage (3.86±) along Honore Avenue for a future bridge crossing. The County is also negotiating the purchase of approximately 22 adjacent acres.

On March 12, 2012, the applicant submitted this application for a Notice of Proposed Change concurrent with an application for an amendment to the Zoning Ordinance.

ANALYSIS OF REQUEST & SUBSTANTIAL DEVIATION ANALYSIS:

Pursuant to Section 380.06(19).b, Florida Statutes, any proposed change to a previously approved Development of Regional Impact or Development Order Condition, which, either individually or cumulatively with other changes, exceeds the criteria set-out in the Statute shall constitute a substantial deviation and shall cause the development to be subject to further Development of Regional Impact review. For changes made pursuant to Section 380.06(19)(c) and (e), Florida Statutes, depending on the magnitude they may be presumed to be a substantial deviation which may be rebutted by clear and convincing evidence.

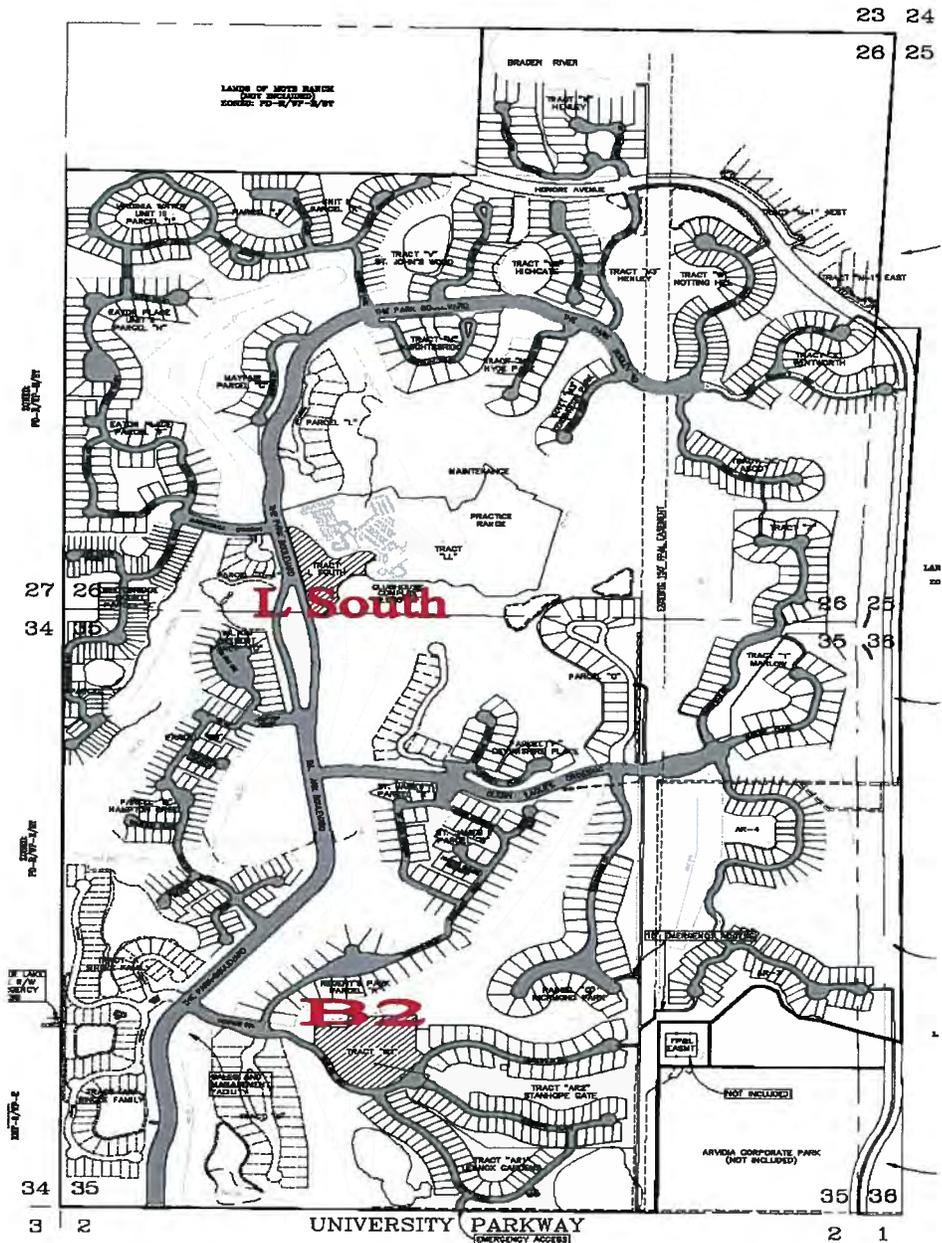
The following is an analysis of each request and whether or not the modifications constitute a Substantial Deviation to the Unnamed Exclusive Golf & Country Club DRI Development Order:

REQUEST #1

- 1. Reallocation of 46 previously approved residential units to newly created Tracts L South and B2.

ANALYSIS

The applicant is requesting the reallocation of 46 residential units to a new location within the project. The 46 units are inclusive of the 1,238 dwelling units approved. Tract "L South" is proposed adjacent to the clubhouse complex/golf driving range area and is approximately 4.34 acres with 21 dwelling units proposed. Tract "B2" is proposed along the north side of Hoy Lake Way and Langley Place and is approximately 7.25 acres with 25 dwelling units proposed. There are no multi-family units allowed within this project and Tracts L South & B2 shall be limited to single-family detached lots only.



REQUEST #2

- 2. A decrease in the acreage devoted to open space (roads, right-of-way, etc.) of 11.59 from 168.59 acres to 157 acres.**

ANALYSIS

To accommodate Tracts "L South" and "B2", 11.59 +/- acres are being decreased from the Open Space category and added to the Residential category. The overall Open Space acreage is not being reduced by 5% or 20 acres so the request does not create a substantial deviation [§ 380.06(19)].

REQUEST #3

- 3. An increase in the residential acreage of 11.59 acres (from 699 acres to 710.59 acres) to accommodate Tracts B2 and L South.**

ANALYSIS

The applicant is requesting an increase of approximately 11.59 residential acres to accommodate Tracts "L South" and "B2". The project is approved for 1,238 dwelling units. With the exception of the 46 units, all units have been allocated to parcels throughout the development. The location of the 46 units was not identified on original plan.

REQUEST #4

- 4. Removal of a 4.5 acre conservation area in favor of four new preservation areas totaling 8.04 acres.**

ANALYSIS

The existing conservation area is located along University Parkway, just west of the FPL easement. The new preservation areas are internal to the site, near existing residential development. See Exhibit C for location map.

The 4.5 acre conservation area is a non-jurisdictional isolated wetland and therefore is not subject to the Wetland Protection Policies of the Manatee County Comprehensive Plan. This area was included in a wetland determination that was approved for the original DRI, Circle N Bar Ranch, prior to legislation which gave the State jurisdiction over isolated wetlands (Warren Henderson Act of 1984).

No new development or access to University Parkway is proposed in the conservation area (northwest corner of University Parkway and FPL easement) at this time. However, should development be proposed in this area, at a minimum, the General Development Plan would need to be amended requiring a public hearing.

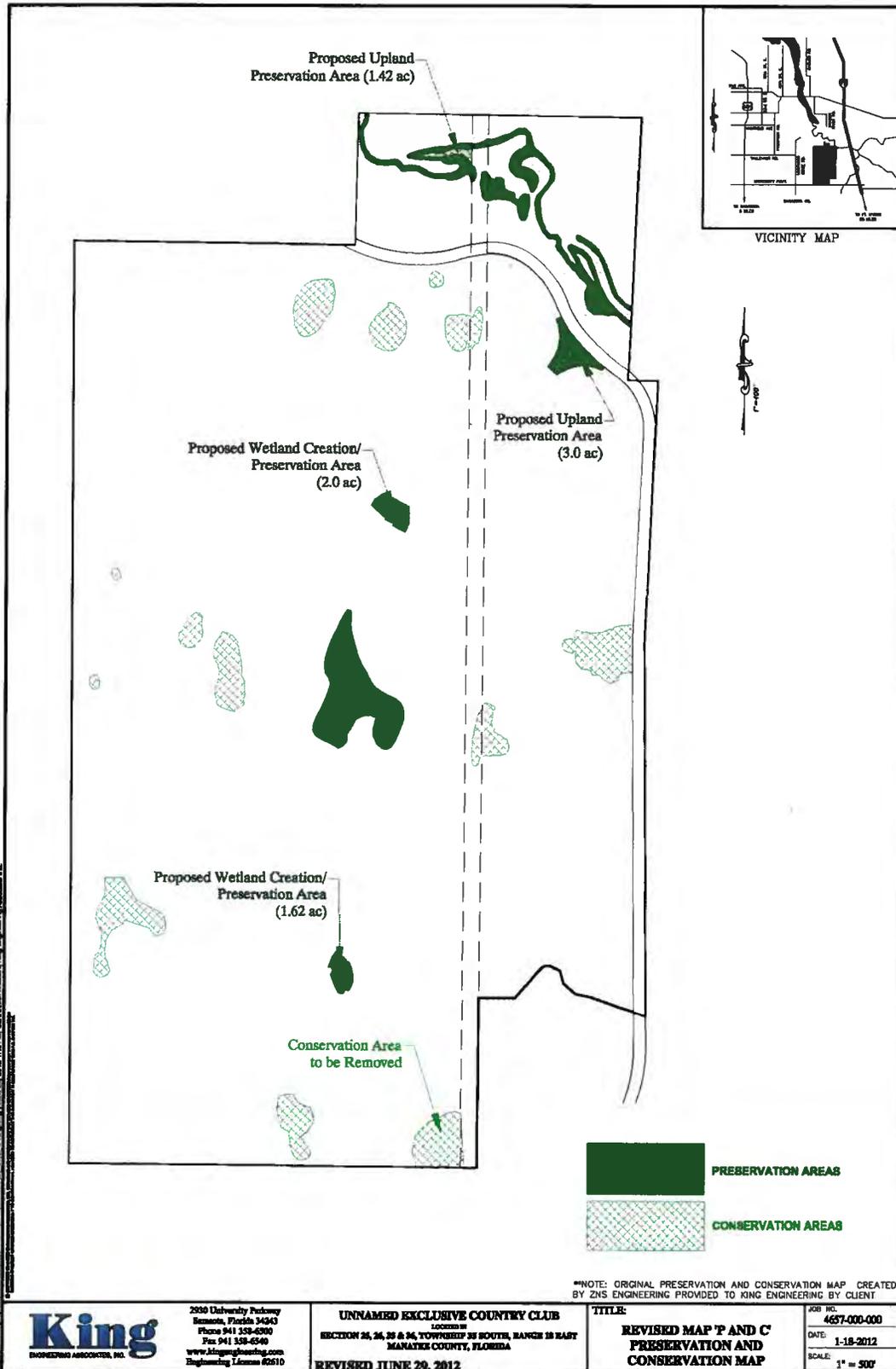


Exhibit C

REQUEST #5

- 5. Update the Development Order to reflect the project expiration and buildout dates as previously authorized by the State of Florida and Manatee County.**

ANALYSIS

Previous project expiration and buildout analysis

1995:

The Board of County Commissioners adopted Ordinance 95-13, approving amendments to extend the build out date by 2 years and 364 days.

1997:

The Board of County Commissioners adopted Ordinance 97-24, approving amendments to extend the build out and expiration dates for an additional 3 years.

2007:

Per the legislative session, Section 380.06(19)(c) Florida Statutes was amended to extend all build out and expiration dates for DRIs that were under active construction as of July 1, 2007 by three years. The build out and expiration dates were extended to December 30, 2010 and July 8, 2015, respectively.

2009:

Per the legislative session, Section 380.06(19)(c)(14) Florida Statutes was amended to allow for an additional two year extension bringing the build out and expiration dates to December 30, 2012 and July 8, 2017, respectively.

Current project expiration and build out analysis (May 2012)

2011:

Per the 2011 legislative session, a four year extension of all commencement, phasing, build out and expiration dates on current Developments of Regional Impacts (DRI).

2011:

The Florida Legislation authorized the tolling of permits for the duration of a state of emergency. With additional extensions of time, the new build out date is extended to **11/21/2020** with an expiration of the general development plan is extended to **05/31/2025**.

2012:

The Board of County Commissioners adopted an amendment to the LDC to delete the durational limitations on the validity of General Development Plans. Therefore, this General Development Plan will not expire. (Ordinance 12-11). However, the project will still need to be consistent with the Development Order (DRI) expiration.

2011:

Per the 2011 legislative session, a four year extension of all commencement, phasing, build out and expiration dates on current Developments of Regional Impacts (DRI).

2011:

The Florida Legislation authorized the tolling of permits for the duration of a state of emergency. With additional extensions of time, the new build out date is extended to **11/21/2020** with an expiration of the general development plan is extended to **05/31/2025**.

2012:

The Board of County Commissioners adopted an amendment to the LDC to delete the durational limitations on the validity of General Development Plans. Therefore, this General Development Plan will not expire. (Ordinance 12-11). However, the project will still need to be consistent with the Development Order (DRI) expiration.

REQUEST #6

- 6. Update the Development Order to reflect terminology changes, Department references and other minor changes.**

ANALYSIS

These are department name changes and other minor changes.

CONCLUSION

Based on the above analysis, staff recommends that it be found that the presumption of a Substantial Deviation has been rebutted by the applicant by clear and convincing evidence to support the finding that the proposed changes are not creating a Substantial Deviation to the Unnamed Exclusive Golf and Country Club DRI.

Staff recommended changes are shown in ~~striketrough~~ and underline in the attached Ordinance 09-46.

ATTACHMENTS:

1. Ordinance 12-20
2. TBRPC comments
3. Copy of Newspaper Advertising
4. Public Comment Letter

ORDINANCE 09-46 12-20

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 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (FORMALLY KNOWN AS CIRCLE-N-BAR RANCH AND ALSO KNOWN AS UNIVERSITY PARK COUNTRY CLUB) DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 93-21 AS AMENDED BY ORDINANCES 95-13, 97-24, 99-55, 01-19, AND 09-46); ALSO KNOWN AS DRI #12, (TBRPC DRI #202); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle-N-Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development, and a planned industrial development on approximately 1,134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI), filed an Application for Development Approval* (ADA) of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners, pursuant to Section 380.06, Florida Statutes. This Woodlands Country Club Associates ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 (which included amendments to add a 74.5 acre parcel known as the Simms Tract*); and

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County issued a Development of Regional Impact ("DRI") Development Order (Ordinance 93-21) to Woodland Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, upon adoption of Development Order, Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders; and

WHEREAS, on November 22, 1994, a request was made to amend the DRI to add back in the 164.23 acre parcel (known as the Arvida Tract*); the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, on February 23, 1995, The Board of County Commissioners adopted Ordinance 95-13, approving amendments to add 164 acres and extend the buildout date by 2 years and 364 days to the Development Order for the Unnamed Exclusive Golf and Country Club, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on July 8, 1997, The Board of County Commissioners adopted Ordinance 97-24, approving amendments to: extend the buildout and expiration dates; decrease the commercial acreage; and approve Development Order modifications to more accurately reflect the option selected to administer the transportation conditions and the status of compliance with certain conditions of approval; which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on January 25, 2000, the Board of County Commissioners adopted Ordinance 99-55, approving amendments to delete a proposed roadway connection within the project, revise the legal description and acreage totals to reflect the dedication of Honore Road right-of-way, and amend the traffic monitoring requirements.

WHEREAS, on April 24, 2001, the Board of County Commissioners adopted Ordinance-01-19, approving amendments to reduce project acreage, delete the commercial space, reduce the size of the clubhouse, reduce the conservation area, delete condition pertaining to platting, and modify wastewater stipulations.

WHEREAS, development of the property is underway in accordance with the Development Order approvals referenced above; and

WHEREAS, said Unnamed Exclusive Golf and Country Club is a residential project on approximately one-thousand two-hundred two acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, on September, 2009, the Board of County Commissioners adopted Ordinance 09-46, approving amendments to extend the development build out date and project expiration date by 3 years, 1 day and extend the prohibition for the county to downsize the property until the new project expiration date.

WHEREAS, on March 12, 2012, the developers of Unnamed Exclusive Golf and Country Club have proposed the following changes to the Development:

- 1.) Reallocate 46 previously approved residential units to newly created parcels L South and B2.
- 2.) Decrease acreage devoted to Open Space (roads, right-of-way, etc.) by 11.59± (from 168.59± acres to 157± acres) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage by 11.59± (from 699± acres to 710.59± acres) to accommodate Tracts B2 and L South.
- 4.) Removal of a 4.5 acre conservation area in favor of new preservation areas
- 5.) Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County and
- 6.) Update the Development Order to reflect terminology changes, Department references and other minor changes.

- ~~1.) Extend the development buildout date and project expiration date by 3 years, 1 day;~~
- ~~2.) Extend the date to prohibition for the county to downzone the property until the new project expiration date; and~~
- ~~3.) Amend terminology and other provisions to reflect the above changes to this DRI.~~

WHEREAS, the above described changes cumulatively with all previous changes detailed below are presumed not to constitute a Substantial Deviation to the Development Order for Unnamed Exclusive Golf and Country Club, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the buildout date and expiration date extension requested by the Notice of Proposed Change submitted on ~~May 4, 2009, March 12, 2012~~ coupled with those approved by the Florida Legislative in 2007 and 2009, establish new build out and expiration dates of ~~December 31, 2013 November 21, 2020 and July 9, 2018~~ May 31, 2025, respectively; and

WHEREAS, ~~the extension approved in this Ordinance provides for an additional 1 year, 1 day extension, together with cumulative extensions granted to date based upon the finding by the Board of County Commissioners that the Applicant has proven by clear and convincing evidence that these changes do not constitute a Substantial Deviation, and as such, result in a 7 year total extension; and~~

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Notices of Proposed Changes (NOPC) for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, 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 Board of County Commissioners of Manatee County on ~~September 3, 2009~~ August 2, 2012 held duly noticed public hearings on said NOPC and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County and City agencies, the applicant, and 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, AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #12, ORDINANCE 01-19 12-20.

Ordinance 01-19 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Unnamed Exclusive Golf and Country Club Development of Regional Impact. All prior Development Orders 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

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, NOPC, the recommendation and findings of the Planning Commission of Manatee County, and all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

All "WHEREAS" clauses proceeding Section 1 of this Ordinance are adopted as findings of fact.

- A. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 93-21, as amended by Ordinances 95-13, 97-24, 99-55, ~~and 01-19~~ and 09-46.

- B. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised Zoning Ordinance for the entire 4,202 1,187+/- acre project.
- C. Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for a NOPC to a Development Order pursuant to Section 380.06, Florida Statutes.
- D. The Board of County Commissioners held public a hearing on ~~September 3, 2009~~ August 2, 2012 regarding the NOPC and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the ~~2020~~ Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments, and information received at the Public Hearing.
- E. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.
- F. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.
- G. This amended Development Order is issued based on information provided by the Developer* in the ADA*, as amended, information provided in the sufficiency responses, NOPCs, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions listed in Section 4, the County has determined that adequate Levels of Service exist until ~~December 31, 2013~~ November 22, 2018 for this project in each of these areas referenced in subsection 1.F., above.
- H. The proposed changes to the Development of Regional Impact regarding the property described in Section 7 herein are found to be consistent with the requirements of the previously adopted Development Orders (Ordinance-93-21, Ordinance-95-13, 97-24, 99-55, and 01-19 and 09-46), and the Manatee County Comprehensive Plan, provided all development after September 3, 2009 proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.
- I. The "Developer*" submitted to Manatee County, Florida a NOPC identified in Section 1, which is incorporated herein by reference.

- J. Upon adoption of Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.
- K. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.
- L. Proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- M. Authorized agent for Durable Investments, Inc., Erop Corporation, Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; and A.B. Simms ; is Patrick K John Neal.
- N. The Owners* of the property, which ~~Woodlands Country Club Associates~~ who intends to develop, are Durable Investments, Inc., Erop Corporation, Woodlands Country Club Associates, to Island Investment Properties, LTD., a Florida Limited Partnership; and Kabara Corporation, N.V., a Netherlands Antilles Corporation ; and ~~W.T Harrison Jr., as trustee; Northern Capital Group, a Florida General Partnership; and Lawrence Lott Edge Pacific Equity Associates, LLP.~~
- O. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of ~~Community Affairs~~ Economic Opportunity, in conjunction with the original Development Order, as amended, and the NOPC for Ordinance ~~01-19~~ 12-20.
- P. The provisions of Transportation Condition B (1) a. have been complied with and fulfilled as follows:

Pursuant to the County Transportation Authority's* review and approval on February 7, 1994 of a Transportation Condition Option 2 Traffic Study, the requirement for "Dual left turn lanes eastbound I-75 East Ramps to northbound must have adequate storage lengths" (Transportation Condition, Table 2), was found to be not warranted.

The University Parkway and Project Entrance intersection improvements set forth in Transportation Condition, Table 2 have been constructed and are operational.

An area for a bus stop has been provided as required by Transportation Condition B. (2).

Therefore, all transportation facility conditions of the Development Order have been complied with by the Developer* and the Developer* has no further responsibility or

liability for the provision of said facilities. The Developer* remains responsible for conducting transportation monitoring in accordance with B.(1).b.

- Q. The Florida Department of Environmental Protection, in a letter dated February 5, 1996 (attached as Exhibit K) verified that it had completed a jurisdictional determination for the then Circle-N-Bar Ranch, J.D.-41-0000-3, now Unnamed Exclusive Golf and Country Club, and that said determination was still valid and would be valid until completion of the project. The letter also states that activities proposed within the boundaries of the revalidated jurisdictional determination shall continue to be reviewed under rules adopted pursuant to Sections 403.91 - 403.929 (1984 Supp, as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under Section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to Section 373.414(9). The applicant has not elected to have any activities reviewed under the new environmental resource rules. The original jurisdictional determination (letter to Robert M Rhodes, dated January 21, 1985) is included as part of exhibit.

SECTION 3. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:
1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan (Ordinance 90-01, as amended*) and previously approved Development Orders.
 2. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202, and on November 28, 1994, regarding the first NOPC, on August 16, 1996 regarding the second NOPC, on September 8, 1999 regarding the third NOPC, on March 7, 2001 regarding the 4th NOPC, and on June 8, 2009 regarding the 5th NOPC and on June 15, 2012 regarding the 6th NOPC .
 3. Development Order Ordinance 93-21 superseded the Circle-N-Bar Master Development Order* and the portion approved as Arvida, with the exception of the 51.46 acres, which were part of the Arvida DRI and not a part of this Unnamed Exclusive Golf and Country Club DRI, or included as part of this Development Order.
- B. That these proceedings have been duly conducted pursuant to applicable laws 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.

- C. That 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 NOPC. To the extent that the ADA* or NOPC is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.
- D. Upon adoption of Ordinance 93-21 for the Unnamed Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.
- E. Pursuant to Subsection 380.06(19)(c) and Paragraph 380.06(19)(e)3, Florida Statutes the changes proposed pursuant to the NOPC submitted on ~~May 4, 2009~~ March 12, 2012 and approved with conditions pursuant to Ordinance ~~09-46~~ 12-20 are presumed not to be a Substantial Deviation based upon the rebuttal by the Applicant by clear, convincing evidence that these changes do not constitute a Substantial Deviation requiring further Development of Regional Impact Review.

SECTION 4. DEFINITIONS

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

- A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).
- B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992; and amendments submitted on April 20, 1993.
- BB. "Arvida Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida, containing 150.45 acres more or less and more particularly described in Exhibit E.
- C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a

level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

- D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on Revised "Map H", last revised on ~~March 26, 2004~~ March 12, 2012 for the Unnamed Exclusive Golf and Country Club, and attached hereto as Exhibit B.
- E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised ~~February 5, 2004~~ March 12, 2012.
- F. "County Transportation Authority*" shall be defined as the Manatee County Department of Transportation, or whatever County entity is responsible for roadway approvals.
- G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; its heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.
- H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.
- I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:
1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or
 2. Actual construction; or
 3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or
 4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.
- J. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadway, drainage, water, sewer, communication, utilities, etc.).

- K. "Master Development Order* (MDO*) shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.
- L. "Master Development Plan*" shall be defined as Revised Map H, last revised on ~~March 26, 2004~~ March 12, 2012 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.
- LL. "Notice of Proposed Change" shall mean the NOPC submitted on November 22, 1994, the second NOPC submitted on July 15, 1996, the third NOPC submitted on September 1, 1999, the fourth NOPC submitted on January 5, 2001 as amended, and the fifth NOPC submitted on May 4, 2009, and the sixth submitted on March 12, 2012 included as Exhibit "A".
- M. "Owner*" shall mean Durable Investments, Inc., Erop Corporation, Woodland Country Club Associates, Pacific Equity Associates, LLP, Island Investment Properties LTD., Kabara Corporation N.V., W.T. Harrison Jr., as trustee, Northern Capital Group, a Florida general partnership, and Lawrence Lott Edge; their heirs, assigns, designees, agents, and successors in interest to Durable Investments, Inc. and Erop Corporation, as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.
- N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.
- O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.
- P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.
- Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised ~~February 5, 2004~~ March 12, 2012.
- R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, Section 26, Township 35 south, Range 18 east, lying south of the Braden River, Manatee County, Florida, containing 74.5 acres, more or less.
- S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

- T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21, as amended. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order was the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.
- U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Economic Opportunity (fka the Department of Community Affairs) to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.
- V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was submitted with the ADA*.
- W. "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.
- X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South 1/2 of the SW 1/4 of the SW 1/4 of Section 26, Township 35 South, Range 18 East, Manatee County, Florida, containing 63 acres, more or less.
- Y. "Warranted*" shall mean a determination by the Manatee County Transportation Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statutes, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1, 1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order.

SECTION 5. DEVELOPMENT CONDITIONS

A.(1) The Development Order approval shall be limited to Table 1, as shown below:

**TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY**

TYPE OF DEVELOPMENT:	Residential	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		1,187.59 Acres
Residential		699 710.59Acres
Golf Course/Clubhouse		320 Acres
Open Space (Roads, Right-of-Way, etc.)		168.59 157Acres
Residential Units		1,238 d.u.
Golf Course*		27 Holes
Country Club & Restaurant**		32,000Sq. Ft.
BUILD-OUT DATE		<u>December 31, 2013</u> <u>November 21, 2020</u>

- * Includes related facilities typically associated with the function of a golf course
- ** Includes administrative offices and promotional center accessory to this development.

A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Level of Service Certificate which will expire ~~at buildout date~~ on November 22, 2018.

A.(3) (Reserved)

A.(4) Development Order 93-21 Subsumed and superseded* all terms and conditions of the Preliminary Development Agreement with the Department of Economic Opportunity (fka the Department of Community Affairs) and the Circle-N-Bar Master Development Order* as applied to property referenced in Section 6.

A.(5) Any change in external access shall create a Substantial Deviation (§ 380.06(19)(e)2.d)

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and the University Parkway and development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

- a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer* selected Option 2 of Condition B.(1) of Ordinance 95-13 to mitigate the impacts.

**TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
DEVELOPMENT**

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	Completed
University Parkway/	100	This intersection shall include	Completed

Project Entrance		the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	
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b. TRANSPORTATION MONITORING

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to Final Site Plan approval for the 826th dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than tri-annually (every three years). If any report indicates that the total project P.M. peak-hour trips reach 75% of projected counts, counts will be required bi-annually (every two years). If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. 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. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further Final Site Plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

B.(2) The Developer* has provided a location for a bus stop along University Parkway near the project entrance when Manatee County Transit commences regularly scheduled

service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

- C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.
- C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust, and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

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

The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analysis shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

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

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

- D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent

incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

- D.(4) The Developer* shall continue to conduct the approved comprehensive ground water quality and quantity monitoring program as previously approved by the County. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J.

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

- D.(5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,187 acre shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.

- D.(6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.

- D.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any

permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

- D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.

- D.(9) The Conservation Areas* on site encompass approximately 30.49 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately ~~22.33~~ 30.37 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

The newly established preservation areas (approx. 8.04 acres shown on Exhibit C) shall be conveyed to Manatee County as a conservation easement no later than six (6) months from date of approval of this ordinance.

**TABLE 3
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS**

AREAS	MITIGATION RATIOS*	
	HERBACEOUS	FORESTED
TBRPC Conservation Area* except those located in Simms Tract*, or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1 ♦	4:1 ♦

♦ May be reduced in accordance with Section 719.8.5 of the Land Development Code.

Ratio is Mitigated Wetland: Disturbed Wetlands*.

- D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District and Comprehensive Plan. Within one (1) year after D.O. approval, Manatee County Planning Director and Manatee County Environmental Management Department approved all such guidelines.
- D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

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

ECONOMICS

- F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

- G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Fish and Wildlife Conservation Commission FWCC, Manatee County, and the Department of ~~Community Affairs~~ Economic Opportunity. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.
- G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. (Completed) Said plan shall be prepared in consultation with the Florida Fish and Wildlife Conservation Commission, FDEP, and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods, and methods of Wetland* restoration and enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

- a. No hydroperiod alteration shall be permitted in Preservation Areas*.
- b. Dredging, filling, and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing, boardwalk locations, and passive recreational facilities approved by FWCC, FDEP, and Manatee County, as applicable.
- c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FWCC, FDEP, and Manatee County.

- d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.
- e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

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

WASTEWATER

- I.(1) Wastewater services shall be provided by Manatee County.

WATER

- J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.
- J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.
- J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

- K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:

- a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas;
- b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and
- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:

- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;
- b. Obtain energy audits provided by energy companies or other qualified agencies;
- c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
- d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction;
- e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
- f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- g. Institute and utilize recycling programs; and
- h. Utilize energy efficient packaging or recyclable materials.

L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and the first annual report.

EDUCATION

M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This

agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

- N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.
- N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

- O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)
- O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

GENERAL CONDITIONS

- P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.
- P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, September 27, 1997 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of 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 Director decide that 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, waiver, or

change of any conditions, or any terms or conditions of this Development Order. The annual 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 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. An 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, the TBRPC, or the Department of ~~Community Affairs~~ Economic Opportunity as 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 statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes;
- j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
- k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and
- l. Reports or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), and L(2).

P.(3) Any changes in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.

- P.(4) The Manatee County Planning Building and Development Services Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that the original Development Order was issued on September 24, 1993. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.
- P.(6) This Development Order shall expire on ~~July 9, 2018~~ May 31, 2025. Buildout shall be completed by ~~December 31, 2013~~ November 21, 2020. 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.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- P.(8) In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal of behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning Building and Development Services fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

SECTION 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*), First (SR), Second (SRII), Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer, and electricity, along with roadway paving, will be in place prior to homesite development. (ADA*, pg. 32-2)

All commercial areas will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2; SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Management Practices* to minimize adverse impacts to on and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality. (ADA*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting, and equipment. (ADA*, 25-3)

Water

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The total drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 62-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV,pg.17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 7. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the ±1,187.59 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

SECTION 8. COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. 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, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

Prior to ~~July 9, 2018~~ May 31, 2025, 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 conditions 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 shall be effected only through the usual and customary procedures required by statute and/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 development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners* and their successors in interest.

SECTION 11. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 12. RENDITION

The ~~Planning~~ Building and Development Services Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval of this Development Order to the Developer*, the DCA DEO, and the 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~~ Building and Development Services Department 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 provisions or portions 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 shall become effective upon filing with the Secretary of State, provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 01-19 during the pendency of any appeal.

SECTION 16. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order for administrative convenience and is not intended to provide for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida this the ~~3rd day of September, 2009.~~ 2nd day of August, 2012.

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

**BY: _____
John Chappie, Chairman**

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

**BY: _____
Deputy Clerk**

EXHIBIT E - LEGAL DESCRIPTION

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2,699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1,349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1,374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1,346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHWEST CORNER OF THE N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1,380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1,981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1,333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2,840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1,334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2,807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2,673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1,461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2,560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1,800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1,320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2,154.66 FEET TO THE POINT OF BEGINNING.
CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.
CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: TOGETHER WITH THAT PORTION OF THE UNNAMED EXCLUSIVE COUNTRY CLUB DESCRIBED AS THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.
CONTAINING 74.5 ACRES, MORE OR LESS.

ARVIDA TRACT: FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1,406.29 FEET TO THE EAST LINE OF A 160

FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1,354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 605.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1,320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2,560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2,561.09 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59" A DISTANCE OF 192.91 FEET; THENCE N 17°33'00" E, A DISTANCE OF 68.92 FEET; THENCE N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THENCE S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1,320.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 164.23 ACRES, MORE OR LESS.

LESS AND EXCEPT 21± ACRES FOR HONORE ROAD RIGHT OF WAY DEDICATED TO MANATEE COUNTY AS REQUIRED IN DEVELOPMENT OR DEED; AND

LESS AND EXCEPT THE FOLLOWING 13.8± ACRES DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 00°20'22" W, ALONG THE EAST LINE OF THE S.E. 1/4 OF SAID SECTION 35, A DISTANCE OF 1320.16 FEET TO THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 35 AND THE POINT OF BEGINNING; THENCE N 89°27'25" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4, A DISTANCE OF 1132.12 FEET TO AN INTERSECTION WITH A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1184, PAGE 3443 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 58°38'01" W, AT A DISTANCE OF 800.00 FEET; THENCE ALONG THE OUTLINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'59", A DISTANCE OF 192.91 FEET TO A POINT OF TANGENCY; (2) N 17°33'00" E, A DISTANCE OF 68.92 FEET; (3) N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE S 89°27'25" E, A DISTANCE OF 11.27 FEET; THENCE N 41°08'00" E, A DISTANCE OF 394.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°30'00", A DISTANCE OF 133.52 FEET TO A POINT OF TANGENCY; THENCE 62°22'00" E, A DISTANCE OF 84.95'; THENCE S 15°20'00" E, A DISTANCE OF 131.26'; THENCE S 48°35'00" E, A DISTANCE OF 163.63 FEET; THENCE S 78°20'00" E, A DISTANCE OF 155.00 FEET; THENCE S 70°00'00" E, A DISTANCE OF 306.75 FEET; THENCE S 72°19'56" E, A DISTANCE OF 154.48 FEET; THENCE S 00°20'22" E, A DISTANCE OF 273.93 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°17'25" W, ALONG SAID SOUTH LINE, A DISTANCE OF 183.57 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

EXHIBIT J

SURFACE AND GROUND WATER MONITORING PLANS UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(4) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall have developed a monitoring plan addressing the criteria listed below within six months of approval of Ordinance 93-21.

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

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

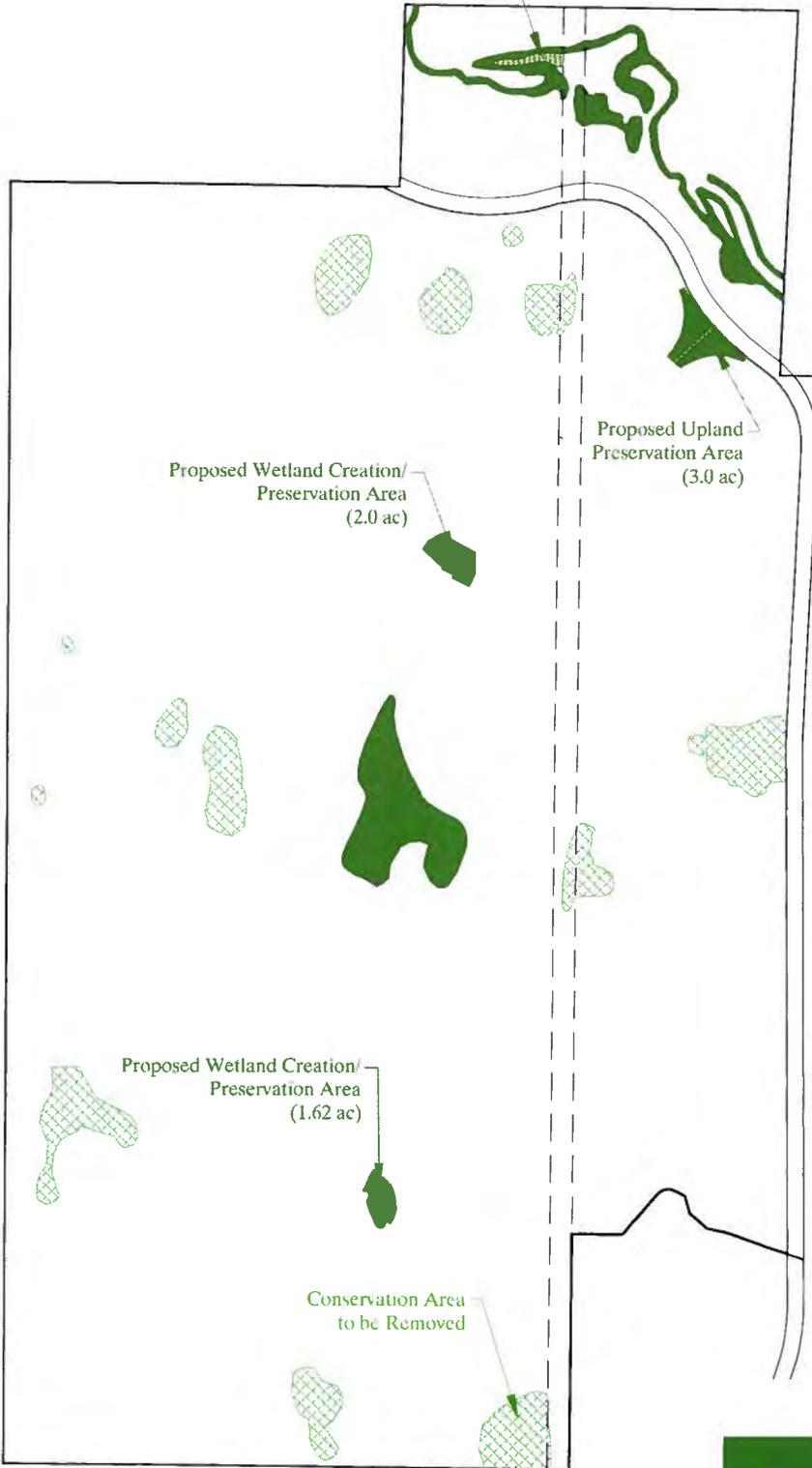
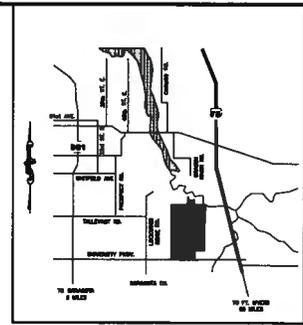
Any modifications to the above listed criteria shall be subject to review by Manatee County, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.

EXHIBITS B (Master Plan – Map H), C (Preservation/Conservation Map), E (Legal Description) AND J (Surface and Ground Water Monitoring Plans)
ARE ATTACHED

EXHIBITS A, ~~B, C~~, D, F, G, H, I, AND K

ARE NOT ATTACHED, BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER 97-24 APPROVED ON JULY 8, 1997 FOR THE UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB.

Proposed Upland
Preservation Area (1.42 ac)



**NOTE: ORIGINAL PRESERVATION AND CONSERVATION MAP CREATED BY ZNS ENGINEERING PROVIDED TO KING ENGINEERING BY CLIENT

H:\PLANNING\projects\4657\000\000\ExhibitC\Map\Manatee ExhibitC\Map.dwg, June 29, 2012 1:48 PM, CLARK, COHILLER, King Engineering Associates, Inc.
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ENGINEERING ASSOCIATES, INC.

2930 University Parkway
Sarasota, Florida 34243
Phone 941 358-6500
Fax 941 358-6540
www.kingengineering.com
Engineering License #2610

UNNAMED EXCLUSIVE COUNTRY CLUB
LOCATED IN
SECTION 25, 26, 35 & 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA
REVISED JUNE 29, 2012

TITLE:
**REVISED MAP 'P' AND 'C'
PRESERVATION AND
CONSERVATION MAP**

JOB NO:
4657-000-000
DATE:
1-18-2012
SCALE:
1" = 500'

Exhibit C



Commissioner Larry Bustle
Chair

Mayor Robert Minning
Vice-Chair

Mr. Andy Núñez
Secretary/Treasurer

Vice-Mayor William Dodson
Immediate Past Chair

Manny L. Pumariega
Executive Director

June 15, 2012

Mr. Misty Servia
King Engineering Associates, Inc.
2930 University Parkway
Sarasota, FL 34243

**Subject: DRI #202 - Unnamed Exclusive Golf & Country Club NOPC Report,
Manatee County**

Dear Ms. Servia:

Enclosed please find a copy of the above-referenced Report dated June 15, 2012. This Report has is approved by me as Executive Director under authority delegated to me by the Tampa Bay Regional Council. Please note that this Report will be provided to the Council as informational at their next scheduled meeting (August 13, 2012).

Attached to this Report, please find comments received from Manatee County and the Florida Department of Transportation.

Please do not hesitate to contact John Meyer (ext. 29 or johnm@tbrpc.org) if more information or clarification is needed concerning the contents of this Report.

Sincerely,

Manny L. Pumariega, AICP
Executive Director

cc: Mr. John Neal
Ms. Lisa Barrett, Manatee County
Mr. Rax Jung, FDOT District 1

Mr. Mike Maholtz, Sarasota-Manatee MPO
Ms. Brenda Winningham, FDEO
Ms. Maya Burke, SWFWMD



NOPC

Notice of Proposed Change Report

4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782
Phone (727) 570-5151 / FAX (727) 570-5118
www.tbrpc.org

DRI #202 - UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB MANATEE COUNTY

On March 13, 2011 (dated March 12, 2012), the Applicant submitted a Notice of Proposed Change application requesting modifications to the Development Order. Supplemental information was received on May 17, 2012 (dated May 16, 2012). The following constitutes a summary of project entitlements and history, a description of the proposal, and the Council recommendation.

PROJECT DESCRIPTION

On May 15, 1984, Manatee County adopted a Master Development Order for Circle-N-Bar Ranch (DRI #101), in which the aforementioned project site was designated as Increment 2. On September 27, 1993, Woodlands Country Club Associates, Inc. was granted a Development Order (Ordinance 93-21) for the Unnamed Exclusive Golf and Country Club Development of Regional Impact, to be located in southern Manatee County, west of I-75 and south of the Braden River.

The Development Order has been amended a total of five times, most recently on September 3, 2009 (Ordinance 09-46). The amendments have cumulatively: modified the project acreage generally associated with DRI #154 - Arvida Corporate Park; extended the buildout date of the project to December 31, 2019 (inclusive of extensions granted in accordance with 2007 revisions to Subsection 380.06(19)(c), F.S., 2010 legislation - SB1752, and 2011 legislation - HB7207 and three Executive Orders signed into law during 2011); acknowledged the developer's election to construct 200 additional residential units (Option 2); eliminated the Timber Lake Drive extension to the western property line; modified the frequency of traffic count monitoring to every third year until the earlier of a request by Manatee County or the generation of 75 percent of the approved p.m. peak hour trips; reduced the Country Club/Quality restaurant by 3,000 sq. ft. (to 32,000 sq. ft.) and eliminated the (formerly approved) 40,000 sq. ft. of commercial space; and modified the groundwater and surface water quality monitoring requirements. The Development Order expires on May 31, 2025.

The approved phasing schedule is as follows:

PROJECT BUILDOUT	RESIDENTIAL (Single Family Units)	COUNTRY CLUB/RESTAURANT (Sq. Ft.)
November 21, 2020	1,238	32,000

PROPOSED CHANGES UNDER THIS NOPC

The Applicant has requested the following modifications to the Development Order:

- allocation of 46 previously unallocated Residential units to newly-created Parcels “L South” (4.34 acres) and “B2” (7.25 acres);
- decrease the category entitled “Right-of-Way/Open Space/Maintenance Easement and other Accessory uses” by 11.59 acres (to 156.91);
- increase Residential acreage 11.59 acres (to 710.59 acres);
- removal of a 4.5-acre “Conservation Area” in favor of two new “Preservation Areas” totaling 5.52 acres;
- modify Development Order language to reflect all extensions of buildout and Development Order expiration dates previously granted by Manatee County; and
- update Development Order to reflect “*terminology changes, current :LDC and Comprehensive Plan Amendments, Department references and other minor changes.*”

CONSISTENCY WITH SUBSECTION 380.06(19), FLORIDA STATUTES

The following statutory citations apply to this proposal:

SUBSECTION REFERENCE #	SUBSECTION VERBIAGE AND COMMENTARY (WHERE APPLICABLE)
380.06(19)(b)8.	<i>“A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less” shall constitute a Substantial Deviation.</i>
380.06(19)(c)2.	<i>In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension... The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension. [This extension period was previously granted by Manatee County]</i>
380.06(19)(e)2.b.	<i>“changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources” is not a Substantial Deviation.</i>
380.06(19)(e)2.i.	<i>“Any renovation or redevelopment within a previously approved development of regional impact which does not change land use or increase density or intensity of use” is not a Substantial Deviation.</i>
380.06(19)(e)2.j.	<i>“Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order” is not a Substantial Deviation.</i>

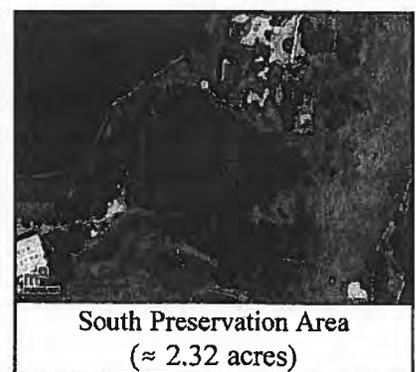
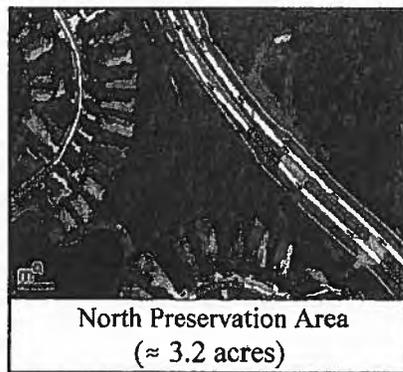
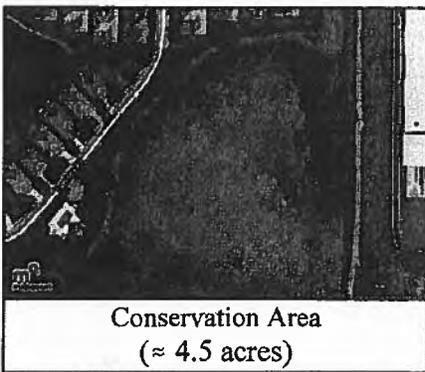
DISCUSSION

The following statements serve as representations made by, or on behalf of, the applicant or are acknowledgments or recommendations made by Tampa Bay Regional Planning Council staff. These references/recommendations were relied upon by the Tampa Bay Regional Planning Council to determine that applicant has rebutted the presumption of a Substantial Deviation and that no further information would be required in conjunction with the current proposal:

1. *The residential project is currently approved for 1,238 residential units. With the exception of [the final] 46 units, all units are allocated to parcels throughout the development... Any changes in traffic distribution by allocating these units will be de minimus given the small number of units that will be spread throughout the project. Additionally, there are no changes proposed to any of the approved external access points. (March 12, 2012 Correspondence/"Narrative for Unnamed Exclusive Country Club NOPC Application")*
2. *The applicant does not propose a development plan for the Conservation Area (shown in photograph #1, below). This area currently consists of a nuisance and exotic species dominated system, providing non-desirable seed sources, and minimal environmental function. Please note the DRI Development Order allows, and the Manatee County Comprehensive Plan encourages the maintenance and enhancement of wetland systems for water quality purposes. Removal of the degraded system and the creation of a more valuable and higher functioning system will be the end result. (May 16, 2012 Correspondence/Page 3/Response to TBRPC #5 & Page 8/Response to Manatee County Environmental Planning Division #A)*
3. *The southern Preservation Area will be cleared of nuisance vegetation and "will be planted with desirable native wetland vegetative species." (May 16, 2012 Correspondence/Page 3/Response to TBRPC #5)*
4. *A note on the existing Master Development Plan currently indicates "13.8± acre parcel to be removed." in the southeast corner of the Map. The Developer has acknowledged that the note was carried forward from a prior plan but that it will be removed. In order to alleviate confusion in the future, please ensure that this reference is removed from the future Master Development Plan, as would be appropriate and agreed upon. (May 16, 2012 Correspondence/Page 3/Response to TBRPC #6 and Page 10/Response to Manatee County Environmental Planning Division #E)*
5. *There are no additional access points to University Parkway planned with this application and we have not shown a use for the former Conservation Area. (May 16, 2012 Correspondence/Page 4/Response to TBRPC #8)*
6. *Although submitted as part of the Current NOPC application, "no changes are proposed" for either the Surface and Ground Water Monitoring Plans (Exhibit J) or the Legal Description (Exhibit E). (May 16, 2012 Correspondence/Page 7/Response to TBRPC #19)*
7. *The Right of Way will not be reduced. (May 16, 2012 Correspondence/Page 11/Response to Manatee County Building & Development Services/Concurrency Section)*
8. *As defined above, Subsection 380.06(19)(b)8., F.S., identifies that "a decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less" shall constitute a Substantial Deviation. However, to accurately make this determination, one would need to isolate the amount of Open Space independently from all other uses associated with the project. The Development Order currently recognizes that the project consists of 168.59 acres of "Right-of-Way, Open Space, Maintenance Easements, and other Accessory Units" (combined). As identified by the Applicant, even if the entire allocation was classified as "Open*

Space,” this tabulation is exclusive of the existing 320± acre golf course which could easily and additionally be considered as Open Space.

9. *Based on a review of the record plats and the unplatted open spaces, which includes the golf course, we estimate that UPCC project has an overall total of 59% open space.* [June 5, 2012 e-mail to John Meyer (TBRPC Staff) from Jorge Talosa (GMB Engineers & Planners, Inc./FDOT Consultant) through Ms. Misty Servia (Authorized Representative)]
10. *My reports and UMAM analysis are based upon the 2 acre wetland creation area (south preservation area) and the 3.2 acre upland preservation area (north preservation area), if we add 0.32 acres of buffer around the 2 acre wetland creation area, we get approximately 5.52 acres of preservation.* [June 6, 2012 e-mail to John Meyer (TBRPC Staff) from Ms. Misty Servia/Authorized Representative) through John Henslick (Applicant’s Environmental Consultant)]
11. The following satellite images depict the current Conservation area and the two Preservation areas proposed for exchange respectively. It was acknowledged that “the *Conservation Area* planned for removal is an area that is not recognized as a jurisdictional wetland by SWFWMD.”



12. It shall be ensured that the revised Master Development Plan (*Exhibit 2* of this Report), as modified in accordance with Discussion Item #4 above, and the Preservation and Conservation Areas Map (*Exhibit 3* of this Report) be incorporated into the amendatory language and as separate exhibits to the Development Order.

Several of the recommendations presented above are based on the premise that the proposed Preservation Areas are not already protected from future development by other means (e.g. Conservation Easements). If these areas are already protected, then any future action relating to the Conservation Area should remain subject to the conditions of the Development Order.

RECOMMENDED ACTION

With the presumption that the project presently consists of more than 231.8 acres of Open Space as addressed in Discussion item #8 above, indicate to Manatee County and the State Land Planning Agency that the proposal is not a Substantial Deviation, as defined above. However, it is requested that the recommendations/representations referenced above be incorporated into the corresponding amendatory language, as would be appropriate.

EXHIBIT 1

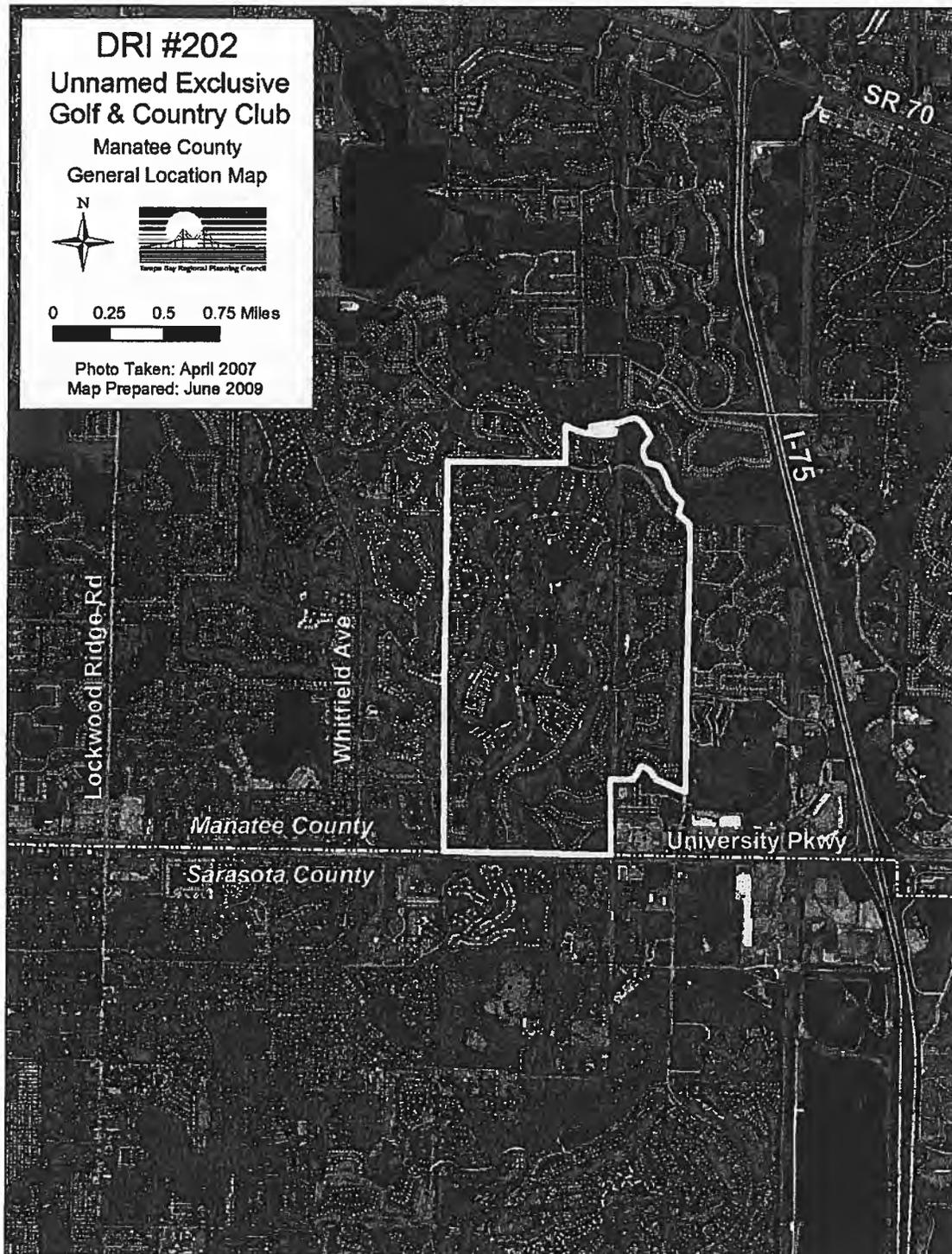
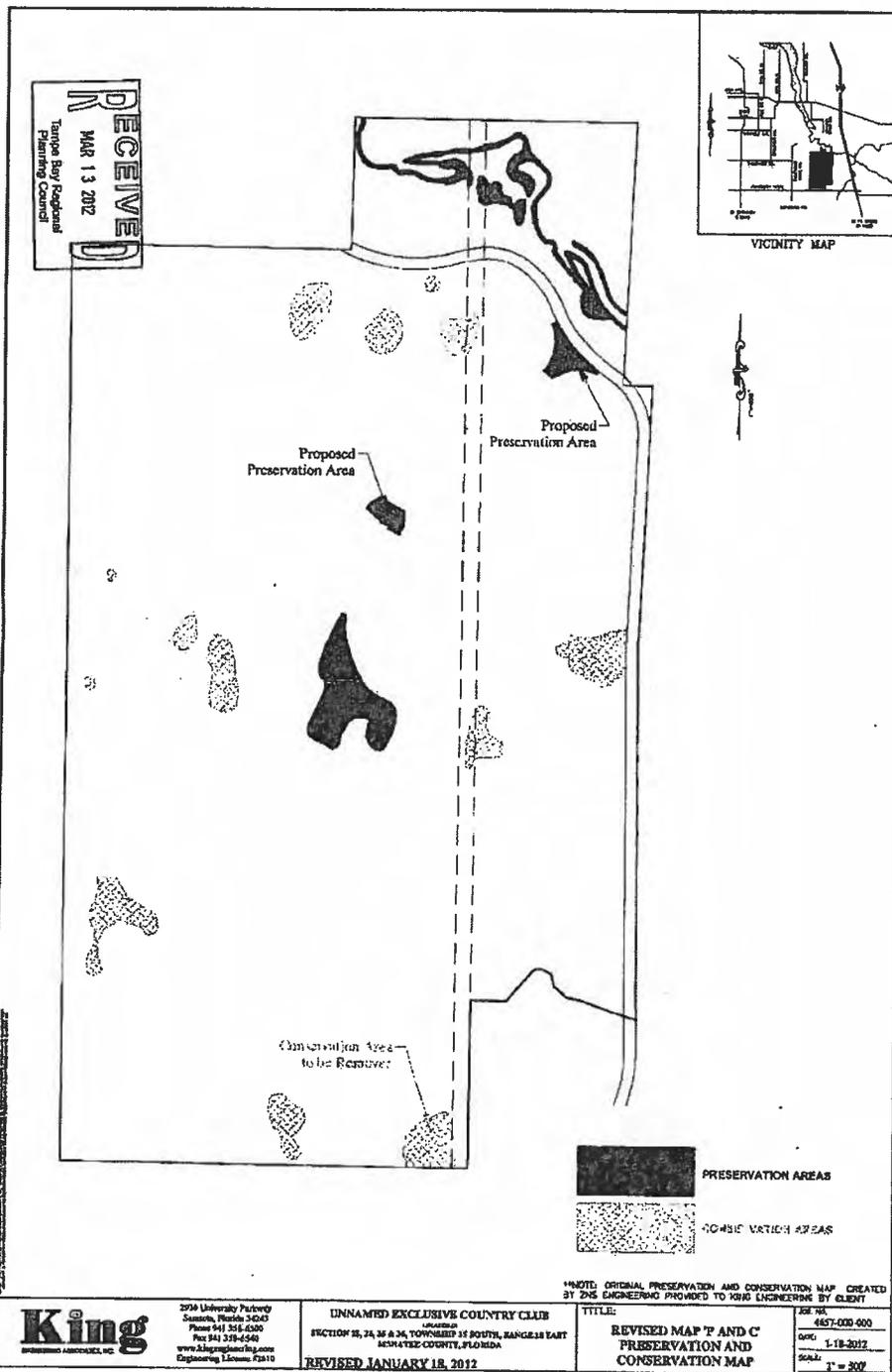


EXHIBIT 3



Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF DRI/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the **Planning Commission of Manatee County** will conduct a Public Hearing on **Thursday, July 12, 2012 at 9:00 a.m.** at the **Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida** to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

ORDINANCE 12-15 (DRI # 13) - CONTROL STORAGE INC./CREEKWOOD

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Creekwood Development of Regional Impact (Ordinance 05-41) (DRI #13); A/K/A Tampa Bay Regional Planning Council (TBRPC) DRI #102; including a determination of whether the following changes constitute a Substantial Deviation to the Creekwood Development of Regional Impact in response to owner's submittal of a Notice of Proposed Change (NOPC):

1. Modify Map H and the Development Order with the following changes:
 - A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;
 - B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;
 - C. Update the Water Quality Monitoring conditions;
 - D. Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and
 - E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.

The ordinance amends, replaces, and supersedes Ordinance 05-41, DRI #13, as amended; providing for severability, and an effective date.

Creekwood is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

Z-84-76(R9) - CONTROL STORAGE INC. / STORAGE NOW (AKA CREEKWOOD)
DTS #20120105

- Request: An Ordinance of Manatee County, Florida approving a revised Zoning Ordinance and General Development Plan to:
1. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5;
 2. Increase the allowable height for Parcel C-5 from 30' to 35';
 3. Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and Manatee County;
 4. Revise Land Use Conditions #3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards;
 5. Update the Water Quality Monitoring Conditions; and
 6. Update the Zoning Ordinance to reflect department references.

Subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. Storage Now (aka Creekwood) is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

ORDINANCE 12-20 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (a.k.a. UNIVERSITY PARK COUNTRY CLUB) DRI #12

Request: Determination of whether the following modifications to the Unnamed Exclusive Golf and Country Club DRI Development Order constitute a substantial deviation pursuant to Section 380.06, Florida Statutes:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2,
- 2.) Decrease acreage devoted to Open Space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South,
- 3.) Increase residential acreage to accommodate Tracts B-2 and L South,
- 4.) Update Map P & C showing the removal of a conservation area in favor of two new preservation areas,
- 5.) Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 6.) Update the Development Order to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

PDR-89-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
DTS#20120095

Request: Approval of a revised Zoning Ordinance for Unnamed Exclusive Golf and Country Club to:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- 2.) Decrease acreage devoted to open space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage to accommodate Tracts B2 and L South.
- 4.) Update the Zoning Ordinance to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 5.) Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION Manatee County Building and Development Services Department Manatee County, Florida 06/27/2012

NOTICE OF DRI/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, July 12, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

ORDINANCE 12-15 (DRI # 13) - CONTROL STORAGE INC./CREEKWOOD

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Creekwood Development of Regional Impact (Ordinance 05-41) (DRI #13); A/K/A Tampa Bay Regional Planning Council (TBRPC) DRI #102; including a determination of whether the following changes constitute a Substantial Deviation to the Creekwood Development of Regional Impact in response to owner's submittal of a Notice of Proposed Change (NOPC):

1. Modify Map H and the Development Order with the following changes:

- A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;
- B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;
- C. Update the Water Quality Monitoring conditions;
- D. Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and
- E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.

The ordinance amends, replaces, and supersedes Ordinance 05-41, DRI #13, as amended; providing for severability, and an effective date.

Creekwood is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

Z-84-76(R9) - CONTROL STORAGE, INC. / STORAGE NOW (AKA CREEKWOOD) DTS #20120105

Request: An Ordinance of Manatee County, Florida approving a revised Zoning Ordinance and General Development Plan to:

- 1. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5;
- 2. Increase the allowable height for Parcel C-5 from 30' to 35';
- 3. Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and

Manatee County;

- 4. Revise Land Use Conditions #3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards;
- 5. Update the Water Quality Monitoring Conditions; and
- 6. Update the Zoning Ordinance to reflect department references.

Subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. Storage Now (aka Creekwood) is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

ORDINANCE 12-20 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (A.K.A. UNIVERSITY PARK COUNTRY CLUB) DRI #12

Request: Determination of whether the following modifications to the Unnamed Exclusive Golf and Country Club DRI Development Order constitute a substantial deviation pursuant to Section 380.06, Florida Statutes:

- 1.) Reallocate 48 previously approved residential units to newly created Tracts L South and B2.
- 2.) Decrease acreage devoted to Open Space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage to accommodate Tracts B-2 and L South.
- 4.) Update Map P & C showing the removal of a conservation area in favor of two new preservation areas.
- 5.) Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 6.) Update the Development Order to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

PDR-89-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DTS#20120095

Request: Approval of a revised Zoning Ordinance for Unnamed Exclusive Golf and Country Club to:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- 2.) Decrease acreage devoted to open space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage to accommodate Tracts B2 and L South.
- 4.) Update the Zoning Ordinance to reflect the project expiration and buildout dates as previously authorized by the State of Florida and Manatee County, and
- 5.) Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County

Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

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THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

Date of pub: June 27, 2012

Notice is hereby given that the Southwest Florida Water Management District has received Environmental Resource permit application number 661938 from Scott Cannard, 3540 Thomasville Road, Tallahassee, FL 32309. Application received: March 5, 2012. Proposed activity: This project will consist of the construction of a boat ramp and canoe launch within the Terra Cela Preserve State Park for the Florida Department of Environmental Protection Division of Recreation and Parks. Project name: Terra Cela Aquatic Preserve Boat Ramp and Canoe Launch. Project size: 4.7 acres. Location: Section(s) 13 Township 33S, Range 17E, in Manatee County, Outstanding Florida Water: yes. Aquatic preserve: yes. The application is available for public inspection Monday through Friday at 2379 Broad Street, Brooksville, FL 34604. Interested persons may inspect a copy of the application and submit written comments concerning the application. Comments must include the permit application number and be received within 14 days from the date of this notice. If you wish to be notified of agency action or an opportunity to request an administrative hearing regarding the application, you must send a written request referencing the permit application number to the Southwest

Florida Water Management District, Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6899 or submit your request through the District's website at www.watermatters.org. The District does not discriminate based on disability. Anyone requiring accommodation under the ADA should contact the Regulation Performance Management Department at (352)796-7211 or 1(800)423-1476, TDD only 1(800)231-6103.

Date of pub: June 27, 2012



To:
Cc:
Bcc:
Subject: Fw: UNIVERSITY PARK DRI CHANGE

Father1997

Dear Commissioners:

07/02/2012 01:09:35 PM



UNIVERSITY PARK DRI CHANGE

Father1997 to: andreart, donna.hayes, Johnjchappie2,
joemcclash, buskets, michalen, robindisab

07/02/2012 01:09 PM

alfallie, granwalker, TKOPPEIN, peirinwu, 1ken.masson, father1997,
PEGGYJO13, inmanmays1, jondo7511, larryt, Jazydoc, jerrytaz1,
stokes7423, DYANKOWITZ, chimbosflorida, arhh2o, bobbieandbob,
Cc: westnorwood, gerinew, srqbob, mcenroe7535, sueconstable,
LENNIE01, cyn920, TRIFONEF, mercator, KHBates7, dth007,
cyankowitz, kermitnsusie41, cjcorogin, dlmaxwell5963,
rick_mcdaniel, SLHH2o, jandgwalsh52, ncipr, alhfla, kathy5546

From: Father1997@aol.com

To: andreart@aol.com, donna.hayes@mymanatee.org, Johnjchappie2@tampabay.rr.com,
joemcclash@gmail.com, buskets@tampabay.rr.com, michalen@mymanatee.org,
robindisab@gmail.com

Cc: alfallie@comcast.net, granwalker@yahoo.com, TKOPPEIN@GMAIL.COM, peirinwu@aol.com,
1ken.masson@bell.net, father1997@aol.com, PEGGYJO13@FRONTIER.COM,
inmanmays1@comcast.net, jondo7511@aol.com, larryt@Q.com, Jazydoc@aol.com,
jerrytaz1@aol.com, stokes7423@comcast.net, DYANKOWITZ@OPTONLINE.NET,
chimbosflorida@comcast.net, arhh2o@msn.com, bobbieandbob@comcast.net,
westnorwood@msn.com, gerinew@aol.com, srqbob@aol.com, mcenroe7535@aol.com,
sueconstable@comcast.net, LENNIE01@FRONTIER.COM, cyn920@aol.com,
TRIFONEF@COMCAST.NET, mercator@comcast.net, KHBates7@gmail.com,
dth007@verizon.net, cyankowitz@optonline.net, kermitnsusie41@msn.com,
cjcorogin@aol.com, dlmaxwell5963@aol.com, rick_mcdaniel@comcast.net,
SLHH2o@msn.com, jandgwalsh52@aol.com, ncipr@aol.com, alhfla@comcast.net,
kathy5546@rogers.com

Dear Commissioners:

**As a 12 year University Park resident and a registered voter since
the year 2000, I am shocked to receive a notice of
PDR-89-05(G)(R10)--UPC DRI No. 12.**

I have the following for your consideration:

[1] Why did you allow an Ordinance 12-20 and the PDR to be submitted for Planning Meetings when 80% of residents are not in Florida ?

[2] Considering the above I question the meeting dates of 07/12/2012 and 08/02/2012 ?

[3] Why is a request for removing of a conservation area being considered by the Commission ?

[4] Why does the application not show Tracts B 2 and L South ?

[5] Are you sure, as the application indicates, that the DRI is 12 and not 202 ?

[6] The impact on property values by reducing the UP acreage for open space and extending the negative effect of later build out dates on the quality of life we paid premium rates for in the Park.

[7] Many other considerations should be raised as well.

It seems reasonable to me that the meetings be changed to December/2012 when most residence are here in Florida and can attend the meeting to voice their opinions.

Your consideration is appreciated.

***Joe McEnroe
7535 Ascot Court***



Fw: University Park Country Club Ordinance 12-20 question
Bobbi Roy to: Kathleen Thompson

07/02/2012 02:06 PM

History:

This message has been forwarded.

----- Forwarded by Bobbi Roy/MCG on 07/02/2012 02:06 PM -----



University Park Country Club Ordinance 12-20

shirley ashton to: planning.agenda

07/02/2012 11:04 AM

I am in receipt of the notice regarding modifications to UPCC specifically quoting Tracts L South and B2. Unfortunately the information provided fails to mention either of these locations on the zoning map. The only codes being PD-R, PD-1, A-1?

As my husband is the Chair of our sub-division he has already received e-mails requesting more information. How can I locate the area to which the modification refers.

Shirley P Ashton

attached memo

Elkan Ries

to:

FRANK Archino, James Golden, John Colon, Tom Dell, Vanessa Baugh
07/02/2012 06:50 AM

Cc:

"Kathleen Thompson", "Betsy Benac"

Show Details

History: This message has been forwarded.

To Candidates for BOCC in 2012

This memo was sent to the BOCC

Should you be elected you might want to keep this in mind.

To: BOCC

This 3 page memo was US mailed to all University Park residents, therefore it certainly is not private.

Do you think the average citizen can understand this?

Can you?

In the day of an enlighten electorate and Occupy x., this is a disgrace

We think its one more maneuver by a vested sponsor to do the 'legal' thing but slide past reality for those impacted.

If The Manatee commissioner's really care to be open and fair (that might be a conundrum) they should:

1) Require your staff to make these type required notices in PLAIN English and stop with required obfuscation (look it up)

2) Require that more advanced notice be sent (10 days over a holiday is not clever, its manipulative)

3) Require this type of memo be sent 'in season' when more of YOUR voters can be present to speak their mind. (Is there a fear factor at work?)

Keep in mind this is an election year!!

We often feel helpless but rarely stupid.

**Elkan Ries also for other UP residents, more commonly known as citizen voters
University Park
941-360-6464**

Re: attached memo

Carolyn

to:

Elkan Ries, kathleen.thompson@mymanatee.org

07/01/2012 04:47 PM

Show Details

History: This message has been forwarded.

Mr Ries,

We have not seen this issue any sooner than you. This is going to the planning commission mid-July and then to us after. Our ordinances state how the notification will be noticed. Call Kathleen Thompson Monday to her her explain in detail the specifics. If this ends up being quasi judicial before us, we cannot comment.

Carol Whitmore

Sent from my iPhone

On Jul 1, 2012, at 8:54 AM, "Elkan Ries" <elkanries@comcast.net> wrote:

To: BOCC

This 3 page memo was US mailed to all University Park residents, therefore it certainly is not private.

Do you think the average citizen can understand this?

Can you?

In the day of an enlighten electorate and Occupy x., this is a disgrace

We think its one more maneuver by a vested sponsor to do the 'legal' thing but slide past reality for those impacted.

If The Manatee commissioner's really care to be open and fair (that might be a conundrum) they should:

- 1) Require your staff to make these type required notices in PLAIN English and stop with required obfuscation (look it up)
- 2) Require that more advanced notice be sent (10 days over a holiday is not clever, its manipulative)
- 3) Require this type of memo be sent 'in season' when more of YOUR voters can be present to speak their mind. (Is there a fear factor at work?)

Keep in mind this is an election year!!

We often feel helpless but rarely stupid.

Elkan Ries also for other UP residents, more commonly known as citizen voters

University Park

941-360-6464

<Elkan Ries.vcf>

<BOCC 1.jpg>

<BOCC 2.jpg>

<BOCC 3.jpg>



To:
Cc:
Bcc:
Subject: Fw: Ordinance 12-20 & PDR-89-05 (G) (R-10) -- If This Was Your Intention -- You Succeeded

--- Forwarded by Kathleen Thompson/MCG on 07/03/2012 11:02 AM ---

From: Jim Nellis <jimnellis@aol.com>
To: kathleen.thompson@mymanatee.org
Date: 07/03/2012 10:51 AM
Subject: Ordinance 12-20 & PDR-89-05 (G) (R-10) -- If This Was Your Intention -- You Succeeded

Just received a two-page (plus map enclosure) memorandum entitled ORDINANCE 12-20 & PDR-89-05(G)(R10) -- UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (a.k.a. UNIVERSITY PARK COUNTRY CLUB) DRI#12 in the mail from Manatee County Planning Commission. After studying the document several times over several days and speaking with numerous neighbors throughout University Park Country Club, I'm contacting you to better understand the intent of this document and the process being followed.

(1) Was this document and attached map designed as an exercise in obfuscation? Or was it designed to so bewilder recipients that the majority will simply throw up their hands in frustration and discard it in the trash? Or is this a test to determine the intelligence of the average Manatee County resident?

Clearly this document was not designed to communicate any information that would provide the average recipient with an understanding of the subject. The prime example is the references to "Tracts L South" and "B2", neither of which are identified on the map provided. Another example is the reference to updating Map P & C, again without the benefit of identification.

(2) Were the Hearing Dates (July 12 and August 2) selected to offer the majority of residents an opportunity to participate in the process? Or, were the Hearing Dates selected so the fewest possible residents could participate?

The scheduling of the Hearings when the majority of University Park Country Club residents are away for the summer suggests the selection was either ill-advised or influenced by the developer. Regardless, these dates will ensure the Planning Commission and the County Commissioners will hear from the fewest possible residents.

(3) Are the notification letter and selected dates for the Hearings designed to reinforce the widely-held belief that developers operating in Manatee County have "bought" elected officials?

These actions have done nothing to dissuade that belief.

I strongly encourage you, the Commissioners and members of the Planning Commission to at the very least issue a memorandum that clearly communicates what these Hearings involve and schedule the Hearings for dates later in the year at which time the majority of residents can participate.

Sincerely,

James M. Nellis
7504 Ascot Court
University Park, FL 34201



To:
Cc:
Bcc:
Subject: Fw: UNIVERSITY PARK DRI CHANGE

From: "Sue Constable" <sueconstable@comcast.net>
Date: July 2, 2012 3:46:56 PM EDT
To: <Father1997@aol.com>, <andreat@aol.com>, <donna.hayes@mymanatee.org>, <Johnjchappie2@tampabay.rr.com>, <joemcclash@gmail.com>, <buskets@tampabay.rr.com>, <michalen@mymanatee.org>, <robindisab@gmail.com>
Cc: <alfallie@comcast.net>, <granwalker@yahoo.com>, <TKOPPEIN@GMAIL.COM>, <peirinwu@aol.com>, <1ken.masson@bell.net>, <father1997@aol.com>, <PEGGYJO13@FRONTIER.COM>, <inmanmays1@comcast.net>, <jondo7511@aol.com>, <larryt@Q.com>, <Jazydoc@aol.com>, <jerrytaz1@aol.com>, <stokes7423@comcast.net>, <DYANKOWITZ@OPTONLINE.NET>, <chimbosflorida@comcast.net>, <arhh2o@msn.com>, <bobbieandbob@comcast.net>, <westnorwood@msn.com>, <gerinew@aol.com>, <srqbob@aol.com>, <mcenroe7535@aol.com>, <LENNIE01@FRONTIER.COM>, <cyn920@aol.com>, <TRIFONEF@COMCAST.NET>, <mercator@comcast.net>, <KHBates7@gmail.com>, <dth007@verizon.net>, <cyankowitz@optonline.net>, <kermitsusie41@msn.com>, <cjcorogin@aol.com>, <dlmaxwell5963@aol.com>, <rick_mcdaniel@comcast.net>, <SLHH2o@msn.com>, <jandgwalth52@aol.com>, <ncipr@aol.com>, <alhfla@comcast.net>, <kathy5546@rogers.com>
Subject: Re: UNIVERSITY PARK DRI CHANGE

Commissioners.

I totally agree with everything Joe McEnroe has stated in his attached letter. Previously Pat Neal tried to rezone University Park. It was decided not to be done, why would this be brought up again and worst of all even be considered as an action item by you. I also agree that if this is to be considered it certainly should be done when the majority of University Park Residents are in Florida.

The information we received was incomplete. It does not show what is being considered. Please forward the total information so we can address specific areas of concern.

Thank you,

Sue Constable
7515 Ascot Court
University Park, Fl

941-350-8157

From: Father1997@aol.com

Sent: Monday, July 02, 2012 1:09 PM

To: andreart@aol.com ; donna.hayes@mymanatee.org ; Johnjchappie2@tampabay.rr.com ; joemcclash@gmail.com ; buskets@tampabay.rr.com ; michalen@mymanatee.org ; robindisab@gmail.com

Cc: alfallie@comcast.net ; granwalker@yahoo.com ; TKOPPEIN@GMAIL.COM ; peirinwu@aol.com ; 1ken.masson@bell.net ; father1997@aol.com ; PEGGYJO13@FRONTIER.COM ; inmanmays1@comcast.net ; jondo7511@aol.com ; larryt@Q.com ; Jazydoc@aol.com ; jerrytaz1@aol.com ; stokes7423@comcast.net ; DYANKOWITZ@OPTONLINE.NET ; chimbosflorida@comcast.net ; arhh2o@msn.com ; bobbieandbob@comcast.net ; westnorwood@msn.com ; gerinew@aol.com ; srqbob@aol.com ; mcenroe7535@aol.com ; sueconstable@comcast.net ; LENNIE01@FRONTIER.COM ; cyn920@aol.com ; TRIFONEF@COMCAST.NET ; mercator@comcast.net ; KHBates7@gmail.com ; dth007@verizon.net ; cyankowitz@optonline.net ; kermitsusie41@msn.com ; cjcorogin@aol.com ; dlmaxwell5963@aol.com ; rick_mcdaniel@comcast.net ; SLHH2o@msn.com ; jandgwalsch52@aol.com ; ncipr@aol.com ; alhfla@comcast.net ; kathy5546@rogers.com

Subject: UNIVERSITY PARK DRI CHANGE

Dear Commissioners:

As a 12 year University Park resident and a registered voter since the year 2000, I am shocked to receive a notice of PDR-89-05(G)(R10)--UPC DRI No. 12.

I have the following for your consideration:

[1] Why did you allow an Ordinance 12-20 and the PDR to be submitted for Planning Meetings when 80% of residents are not in Florida ?

[2] Considering the above I question the meeting dates of 07/12/2012 and 08/02/2012 ?

[3] Why is a request for removing of a conservation area being considered by the Commission ?

[4] Why does the application not show Tracts B 2 and L South ?

[5] Are you sure, as the application indicates, that the DRI is 12 and not 202 ?

[6] The impact on property values by reducing the UP acreage for open space and extending the negative effect of later build

out dates on the quality of life we paid premium rates for in the Park.

[7] Many other considerations should be raised as well.

It seems reasonable to me that the meetings be changed to December/2012 when most residence are here in Florida and can attend the meeting to voice their opinions.

Your consideration is appreciated.

***Joe McEnroe
7535 Ascot Court***

(1a) UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB (DRI #202)
 A PARCEL OF LAND IN SECTIONS 25, 26, 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 2699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 682.30 FEET TO THE SOUTHWEST CORNER OF THE N 1/2 OF SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°03'48" E, A DISTANCE OF 1981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF NW 1/4; THENCE S 01°28'28" W, A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE 89°11'03" E, ALONG THE NORTH LINE OF SAID SECTION 25, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25; A DISTANCE OF 2673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUES S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1461.89 FEET; THENCE 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF SAID SECTION 36; THENCE CONTINUES S 02°45'45" W, A DISTANCE OF 2560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1800 FEET; THENCE S 00°28'00" W, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.84 ACRES, MORE OR LESS.

TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

(1b) LEGAL DESCRIPTION WALLACE TRACT (INCLUDED IN DRA #202)

TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, CONTAINING 63 ACRES MORE OR LESS.

THAT PORTION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTERLINE OF THE BRADEN RIVER, LYING AND BEING IN MANATEE COUNTY, FLORIDA

CONTAINING 74.5 ACRES, MORE OR LESS.

(1d) UNIVERSITY PARK COUNTRY CLUB EXPANSION PARCEL

FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE 1406.28 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1978, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE 606.51 FEET; THENCE N 00°28'00" E, A DISTANCE OF 1320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°28'00" E, ALONG SAID WEST LINE A DISTANCE OF 2560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18E; THENCE CONTINUE SOUTH 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2561.09 FEET; THEN N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59", A DISTANCE OF 197.91 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°28'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THEN S 00°28'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 164.23 ACRES MORE OR LESS.

LESS AND EXCEPT 21± ACRES FOR HONORE ROAD RIGHT OF WAY DEDICATED TO MANATEE COUNTY AS REQUIRED IN DEVELOPMENT OR DEED.

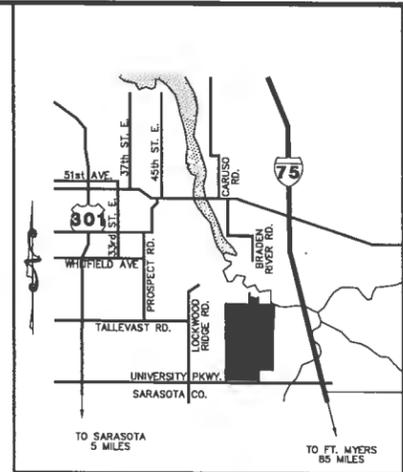
LESS AND EXCEPT 13.78± ACRES DESCRIBED AS FOLLOWS:

DESCRIPTION:

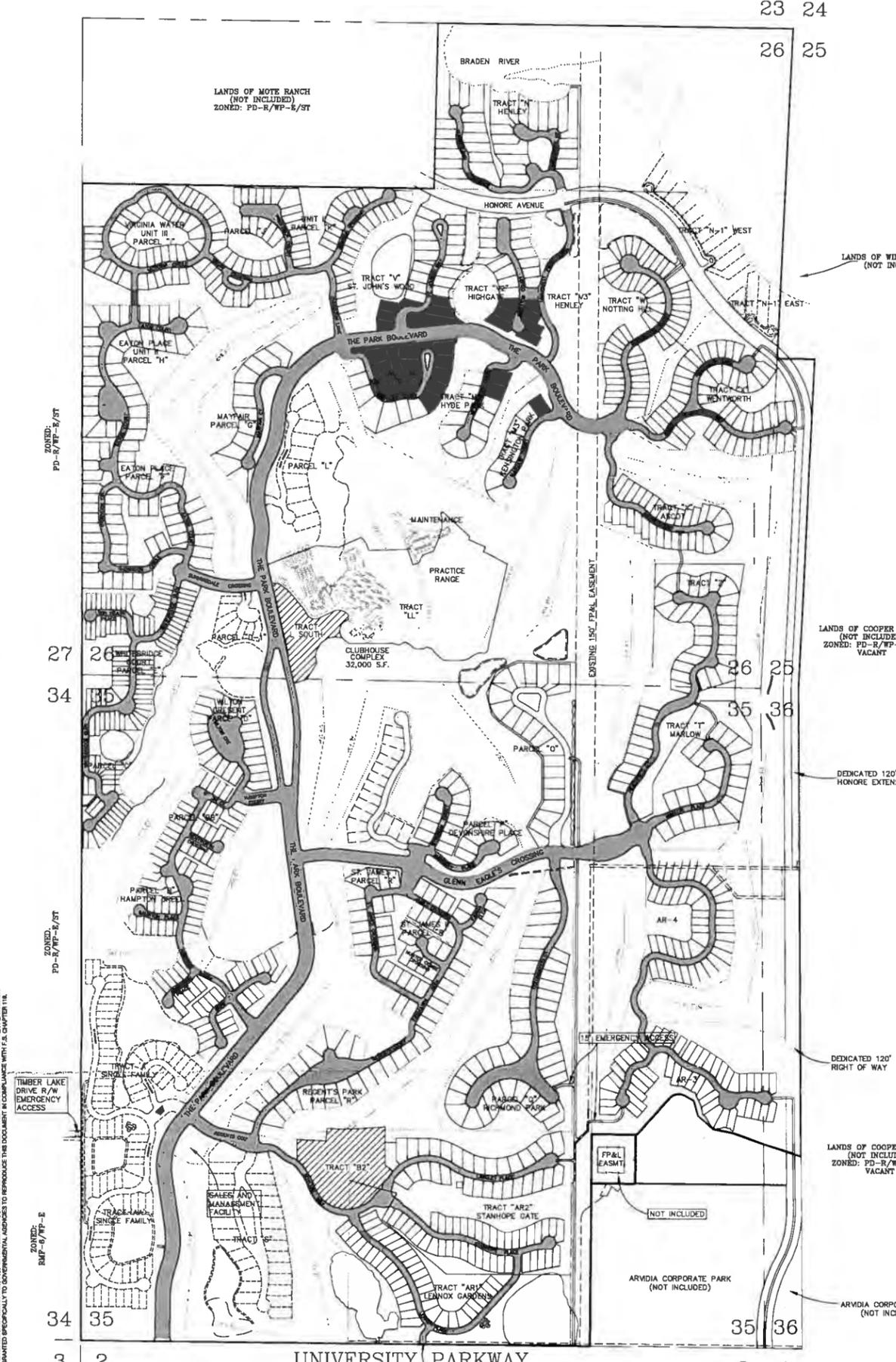
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 00°20'22" W, ALONG THE EAST LINE OF THE S.E. 1/4 OF SAID SECTION 35, A DISTANCE OF 1320.16 FEET TO THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 35 AND THE POINT OF BEGINNING; THENCE N 89°27'25" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 35, A DISTANCE OF 1132.12 FEET TO AN INTERSECTION WITH A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1184, PAGE 3443 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 58°38'01" W, AT A DISTANCE OF 800.00 FEET; THENCE ALONG THE OUTLINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'59", A DISTANCE OF 192.91 FEET TO A POINT OF TANGENCY; (2) N 17°33'00" E, A DISTANCE OF 68.92 FEET; (3) N 00°28'00" E, A DISTANCE OF 158.17 FEET; THENCE S 89°27'25" E, A DISTANCE OF 11.27 FEET; THENCE N 41°08'00" E, A DISTANCE OF 394.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°30'00", A DISTANCE OF 133.52 FEET TO A POINT OF TANGENCY; THENCE S 62°22'00" E, A DISTANCE OF 84.95 FEET; THENCE S 15°20'00" E, A DISTANCE OF 151.26 FEET; THENCE S 48°35'00" E, A DISTANCE OF 306.75 FEET; THENCE S 72°19'58" E, A DISTANCE OF 154.48 FEET; THENCE S 00°20'22" E, A DISTANCE OF 273.93 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°27'25" W, ALONG SAID SOUTH LINE, A DISTANCE OF 183.57 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 13.78 ACRES, MORE OR LESS.



VICINITY MAP



LAND USE SUMMARY		
RESIDENTIAL	1238 UNITS	±710.57 AC
GOLF COURSE	27 HOLES	320.00 AC
COUNTRY CLUB,	32,000 SF	
EXCLUDING OFFICES		
R/W, OPEN SPACE, MAINTENANCE EASEMENTS,		
AND OTHER ACCESSORY USES.		157.00± AC
TOTAL		±1,187.57 AC

DRI-12/ORD-12-20
20120133(2)
Unnamed Exclusive Golf and Country Club

**NOTE: ORIGINAL MAP-H FILE CREATED BY ZNS ENGINEERING PROVIDED TO KING ENGINEERING BY CLIENT



2930 University Parkway
 Sarasota, Florida 34243
 Phone 941 358-6500
 Fax 941 358-6540
 www.kingengineering.com
 Engineering License #2610

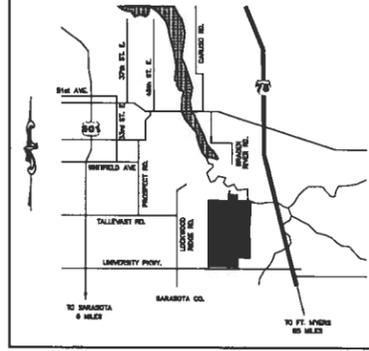
UNNAMED EXCLUSIVE COUNTRY CLUB
 LOCATED IN
 SECTION 25, 26, 35 & 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST
 MANATEE COUNTY, FLORIDA
REVISED MARCH 12, 2012

TITLE:
REVISED MAP "H"
MASTER DEVELOPMENT PLAN

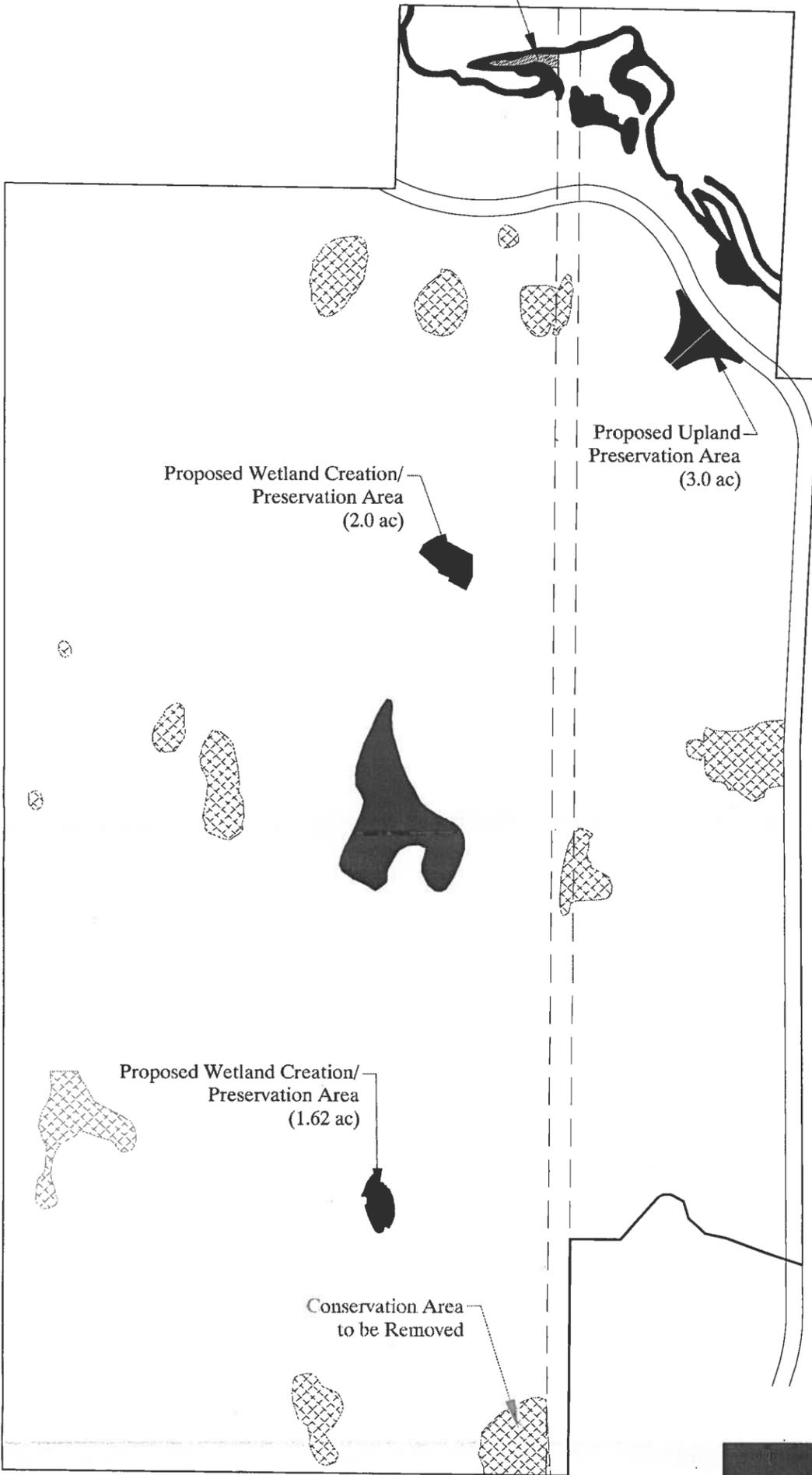
JOB NO.
 4657-000-000
DATE:
 1-18-2012
SCALE:
 1" = 500'

H:\PLANNING\projects\4657\000\000\Exhibits\Map_H-2-2012-revised per county comments\Map-H-King.dwg July 2, 2012 10:27 AM, CLARK LO-MILLER, King Engineering Associate Inc.

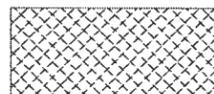
Proposed Upland
Preservation Area (1.42 ac)



VICINITY MAP



PRESERVATION AREAS



CONSERVATION AREAS

**NOTE: ORIGINAL PRESERVATION AND CONSERVATION MAP CREATED BY ZNS ENGINEERING PROVIDED TO KING ENGINEERING BY CLIENT

H:\PLANNING\projects\4657\000\000\Exhibits\GPD\Manatee Exhibit\GPD-King.dwg - June 29, 2012 1:48 PM, CLARK LOHMEYER, King Engineering Associates Inc.

King
ENGINEERING ASSOCIATES, INC.

2930 University Parkway
Sarasota, Florida 34243
Phone 941 358-6500
Fax 941 358-6540
www.kingengineering.com
Engineering License #2610

UNNAMED EXCLUSIVE COUNTRY CLUB
LOCATED IN
SECTION 25, 26, 35 & 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA
REVISED JUNE 29, 2012

TITLE:
**REVISED MAP 'P AND C'
PRESERVATION AND
CONSERVATION MAP**

JOB NO.
4657-000-000
DATE: 1-18-2012
SCALE: 1" = 500'

Exhibit C

DRI-12/ORD-12-20
20120133(2)
Unnamed Exclusive Golf
and Country Club

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	PDR-89-05(G)(R10) – Unnamed Exclusive Golf and Country Club	TYPE AGENDA ITEM	Advertised Public Hearing – Regular
DATE REQUESTED	07/12/12 PC	DATE SUBMITTED/REVISED	07/03/12
BRIEFINGS? Who?	No	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services Department/Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	Lisa Barrett, Planning Manager
CONTACT PERSON TELEPHONE/EXTENSION	Kathleen Thompson / 941-748-4501 ext. 6841	PRESENTER/TITLE TELEPHONE/EXTENSION	Kathleen Thompson, AICP, Planning Manager (Comprehensive Planning) / 941-748-4501 ext. 6841
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to recommend approval of PDR-89-05(G)(R10) per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

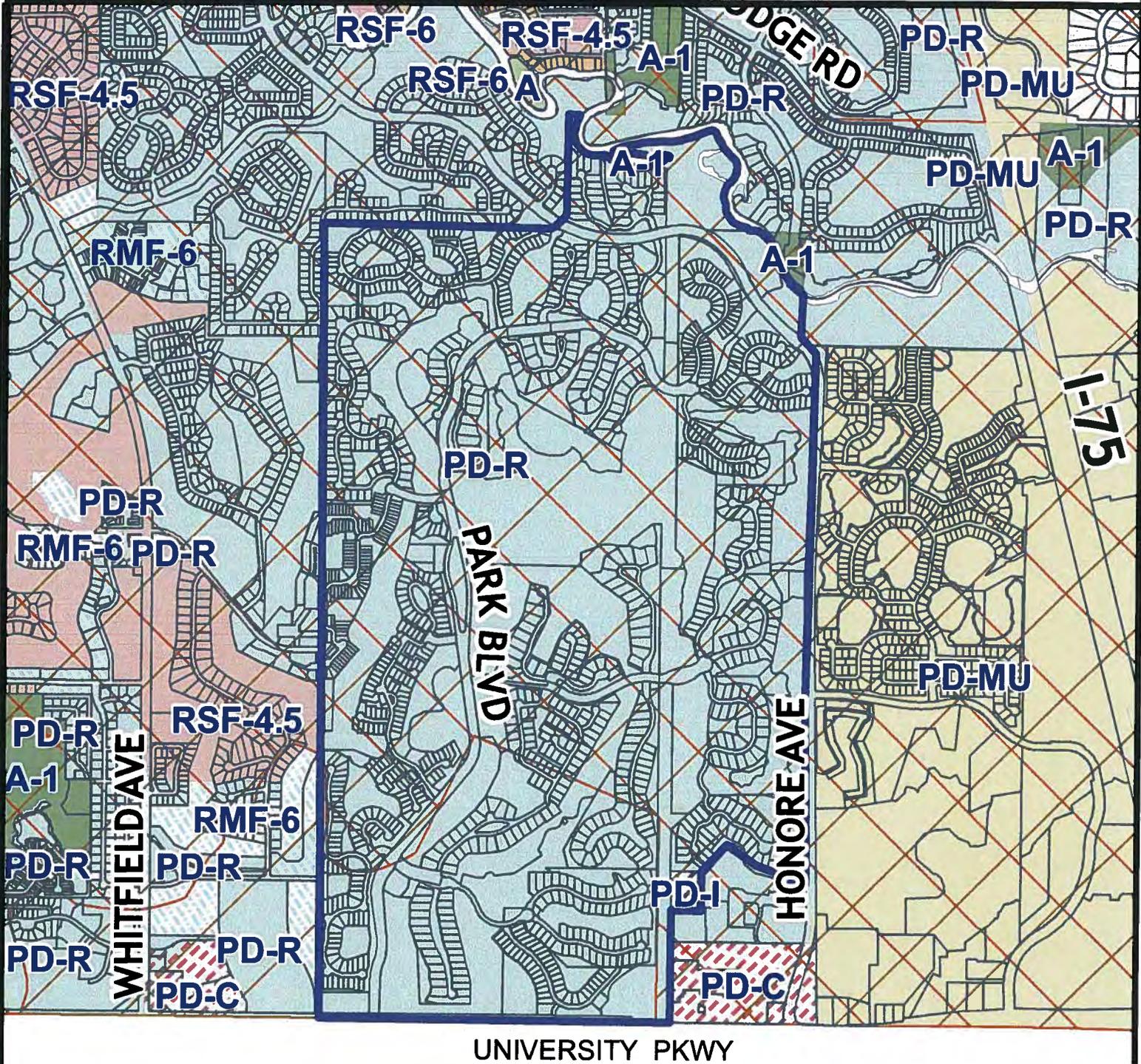
BACKGROUND/DISCUSSION

- This is a request for an amendment to the Zoning Ordinance for Unnamed Exclusive Golf and Country Club (a.k.a. University Park Country Club).
- The site is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River on 1,187+/- acres.
- The present zoning is PDRWP-E/ST (Planned Development Residential, Watershed Protection-Evers, and Special Treatment Overlay Districts).
- The request is for a revised Zoning Ordinance to:
 - Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
 - Decrease acreage devoted to open space (roads, right-of-way, etc.) by 11.59± acres (from 168.59± acres to 157± acres) in favor of the new Tracts B2 and L South.
 - Increase residential acreage by 11.59± acres (from 699± acres to 710.59± acres) to accommodate Tracts B2 and L South.
 - Update Map P & C showing the removal of a conservation area in favor of new preservation areas,
 - Update the Zoning Ordinance to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
 - Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes.
- To date, UPCC is approved for 1,238 residential units and 32,000 square feet for a Country Club/Restaurant.
- 1,160 residential units (4 units added since 10/01/10), 27 golf holes, and 24,600 square feet of Country Club and Restaurant have been constructed to date.
- The County is in the process of acquiring acreage (3.86±) along Honore Avenue for a future bridge crossing. The County is also negotiating the purchase of approximately 22 adjacent acres.
- The applicant submitted this application for an amendment to the Zoning Ordinance to be consistent with the Notice of Proposed Change that was submitted on March 12, 2012
- Staff recommends approval of this request.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: SAS)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff Report		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

ZONING



Parcel ID #(s) Multiple

Project Name: University Park Golf & Country Club
 Project #: PDR-89-05 (G)(R10)
 DTS#: 20120095
 Proposed Use: Residential

S/T/R: Sec 26 Twn 35 Rng 18
 Acreage: ± 1,187
 Existing Zoning: PD-R
 Existing FLU: P/SP-1, RES-6, MU
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, CEDAR CREEK
 Commissioner: Donna Hayes



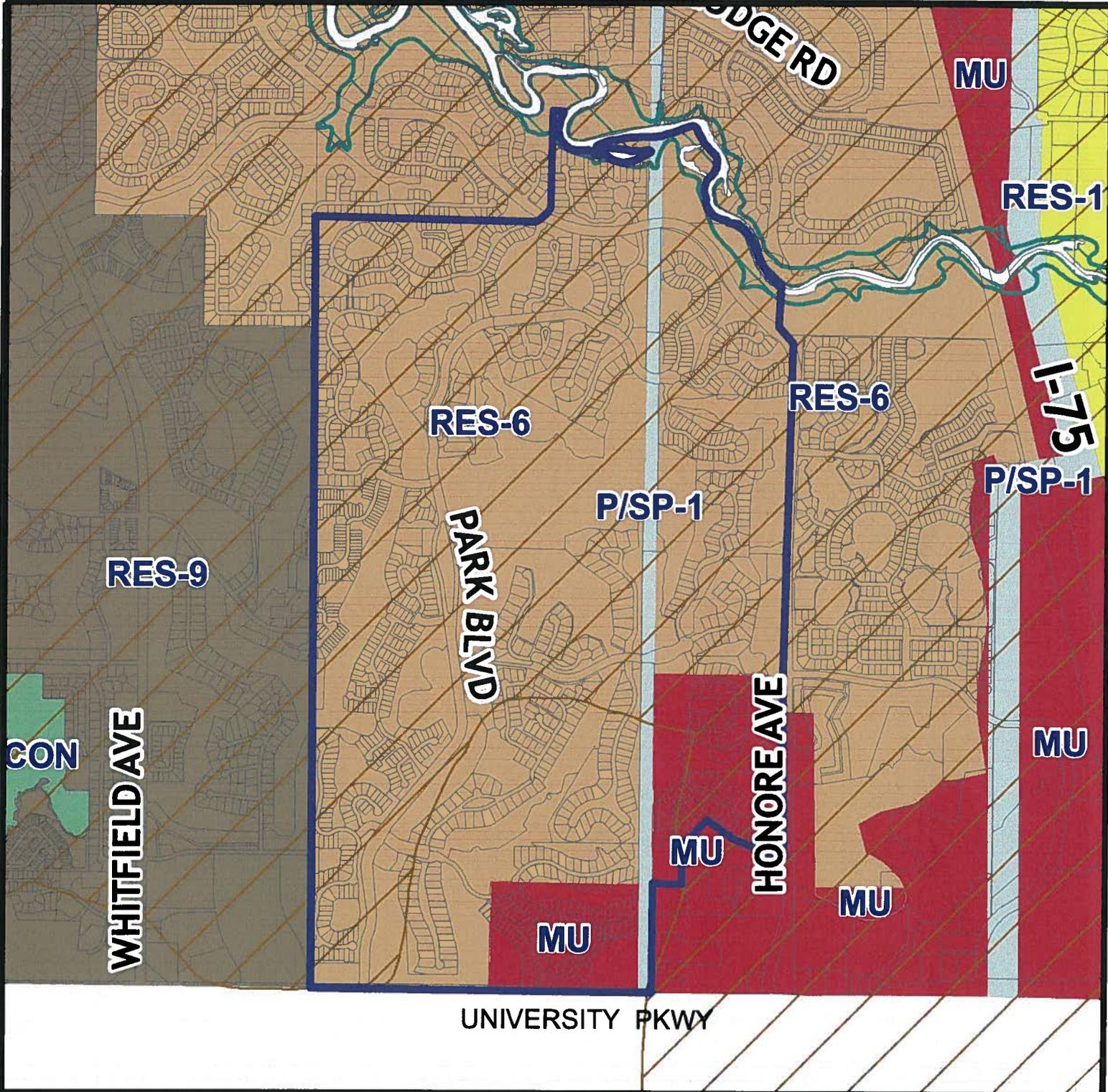
Manatee County
 Staff Report Map
 Map Prepared 3/13/2012
 1 inch = 1,667 feet



Special Treatment

Evers Watershed (WPE)

FUTURE LAND USE



Parcel ID #(s) Multiple

Project Name: University Park Golf & Country Club
 Project #: PDR-89-05 (G)(R10)
 DTS#: 20120095
 Proposed Use: Residential

S/T/R: Sec 26 Twn 35 Rng 18
 Acreage: ± 1,187
 Existing Zoning: PD-R
 Existing FLU: P/SP-1, RES-6, MU
 Overlays: ST
 Special Areas: NONE

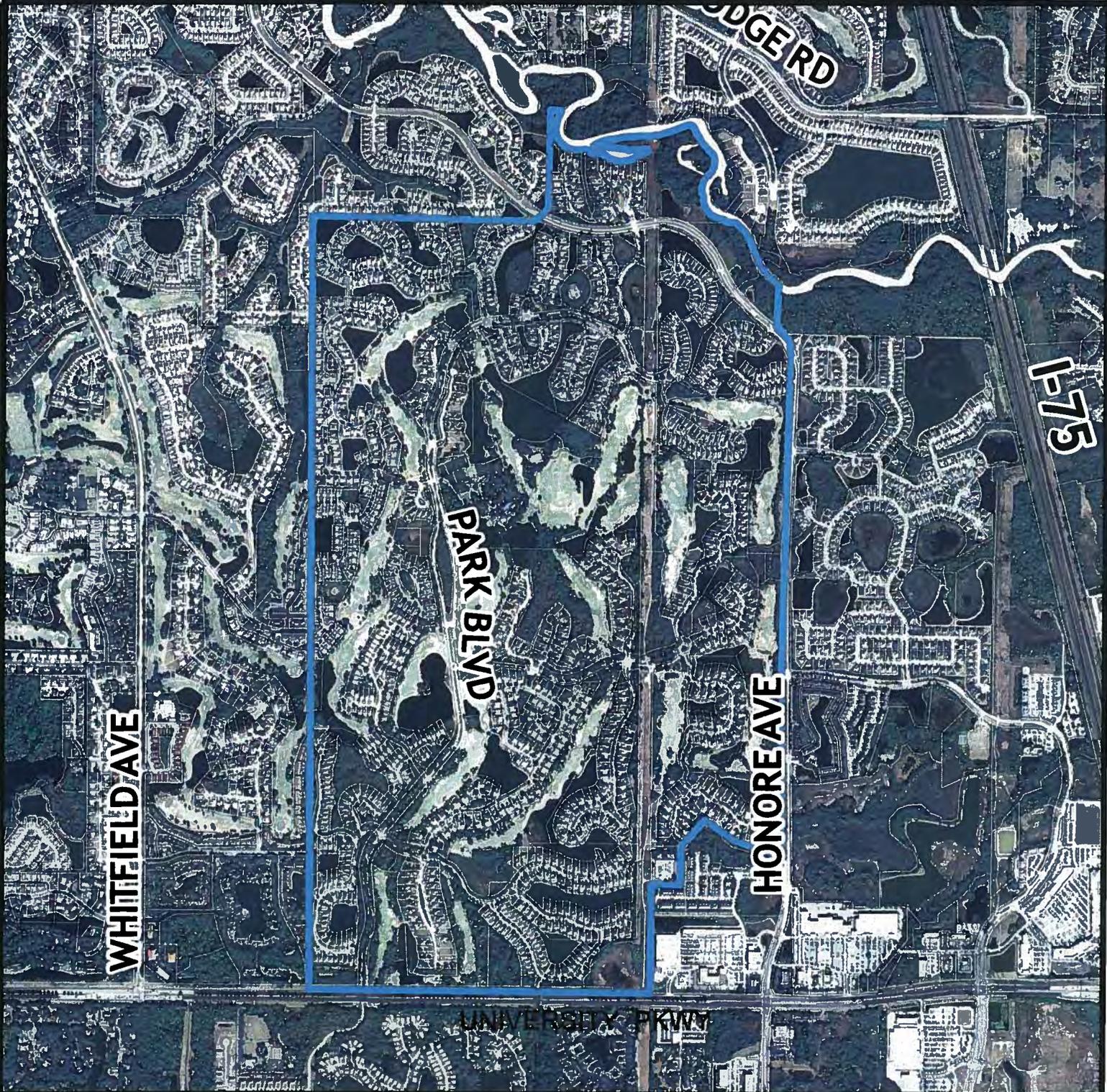
CHH: NONE
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, CEDAR CREEK
 Commissioner: Donna Hayes



Manatee County
 Staff Report Map
 Map Prepared 3/13/2012
 1 inch = 1,667 feet

 Evers Watershed (WPE)

AERIAL



Parcel ID #(s) Multiple

Project Name: University Park Golf & Country Club
Project #: PDR-89-05 (G)(R10)
DTS#: 20120095
Proposed Use: Residential

S/T/R: Sec 26 Twn 35 Rng 18
Acreage: ± 1,187
Existing Zoning: PD-R
Existing FLU: P/SP-1, RES-6, MU
Overlays: ST
Special Areas: NONE

CHH: NONE
Watershed: WPE
Drainage Basin: BRADEN RIVER AB WARD L, CEDAR CREEK
Commissioner: Donna Hayes



Manatee County
Staff Report Map
Map Prepared 3/13/2012

1 inch = 1,667 feet

P.C. 07/12/12

PDR-89-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB

Request: Approval of a revised Zoning Ordinance for Unnamed Exclusive Golf and Country Club to:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- 2.) Decrease acreage devoted to open space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage to accommodate Tracts B2 and L South
- 4.) Update Map P & C showing the removal of a conservation area in favor of new preservation areas,
- 5.) Update the Zoning Ordinance to reflect the project expiration and buildout dates as previously authorized by the State of Florida and Manatee County, and
- 6.) Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

P.C.: 07/12/12

B.O.C.C.: 08/02/12

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to recommend ADOPTION of Manatee County Ordinance PDR-89-05(G)(R10), and APPROVAL of the amended Zoning Ordinance that was previously granted specific approval, as recommended by staff.

CASE SUMMARY

CASE NO.: PDR-89-05(G)(R10)
APPLICANT: Unnamed Exclusive Golf and Country Club
REQUEST: Approval of a revised Zoning Ordinance to:

1. Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
2. Decrease acreage devoted to open space (roads, right-of-way, etc.) by 11.59± acres (from 168.59± acres to 157± acres) in favor of the new Tracts B2 and L South.
3. Increase residential acreage by 11.59± acres (from 699± acres to 710.59± acres) to accommodate Tracts B2 and L South.
4. Update Map P & C showing the removal of a conservation area in favor of new preservation areas,
5. Update the Zoning Ordinance to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
6. Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes.

STAFF
RECOMMENDS: APPROVAL

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- The Unnamed Exclusive Golf & Country Club DRI is generally north of University Parkway and west of the future Honore Ave.
- To the NORTH is Mote Ranch (single family-residences) and the Braden River zoned PDR/WP-E/ST.
- To the SOUTH, across University Parkway, are residences in Sarasota County.
- To the EAST is a shopping center zoned PDC/WP-E/ST and multi-family development zoned PDR/WP-E/ST. East of Honore Avenue is the Cooper Creek DRI (zoned PDMU/WP-E/ST).
- To the WEST are single-family residences zoned RSF-4.5/WP-E/ST and PDR/WP-E/ST and multi-family residences zoned RMF-6/WP-E and PDR/WP-E/ST.

SUMMARY: (KLT)

The Development Order and Zoning Ordinance for Unnamed Exclusive were originally approved on September 27, 1993 and included approval of 1,238 single-family residential units, a 27 hole golf course, 200 multi-family units adjacent to University Parkway (with an option to exchange these units for 40,000 square feet of neighborhood commercial space), and a Village Center for 40,000 square feet of neighborhood commercial adjacent to the clubhouse, all on 1,058 acres. In 1995, the Development Order was amended to add 164.23 acres of property that had previously been part of the Arvida DRI. In 2001, the Unnamed Exclusive Golf and Country Club project area was reduced by 13.8 acres from 1,201.37 to 1,187.57 acres.

To date, UPCC is approved for 1,238 residential units and 32,000 square feet for a Country Club/Restaurant.

1,160 residential units (4 units added since 10/01/10), 27 golf holes, and 24,600 square feet of Country Club and Restaurant have been constructed to date.

The County is in the process of acquiring acreage (3.86±) along Honore Avenue for a future bridge crossing. The County is also negotiating the purchase of approximately 22 adjacent acres.

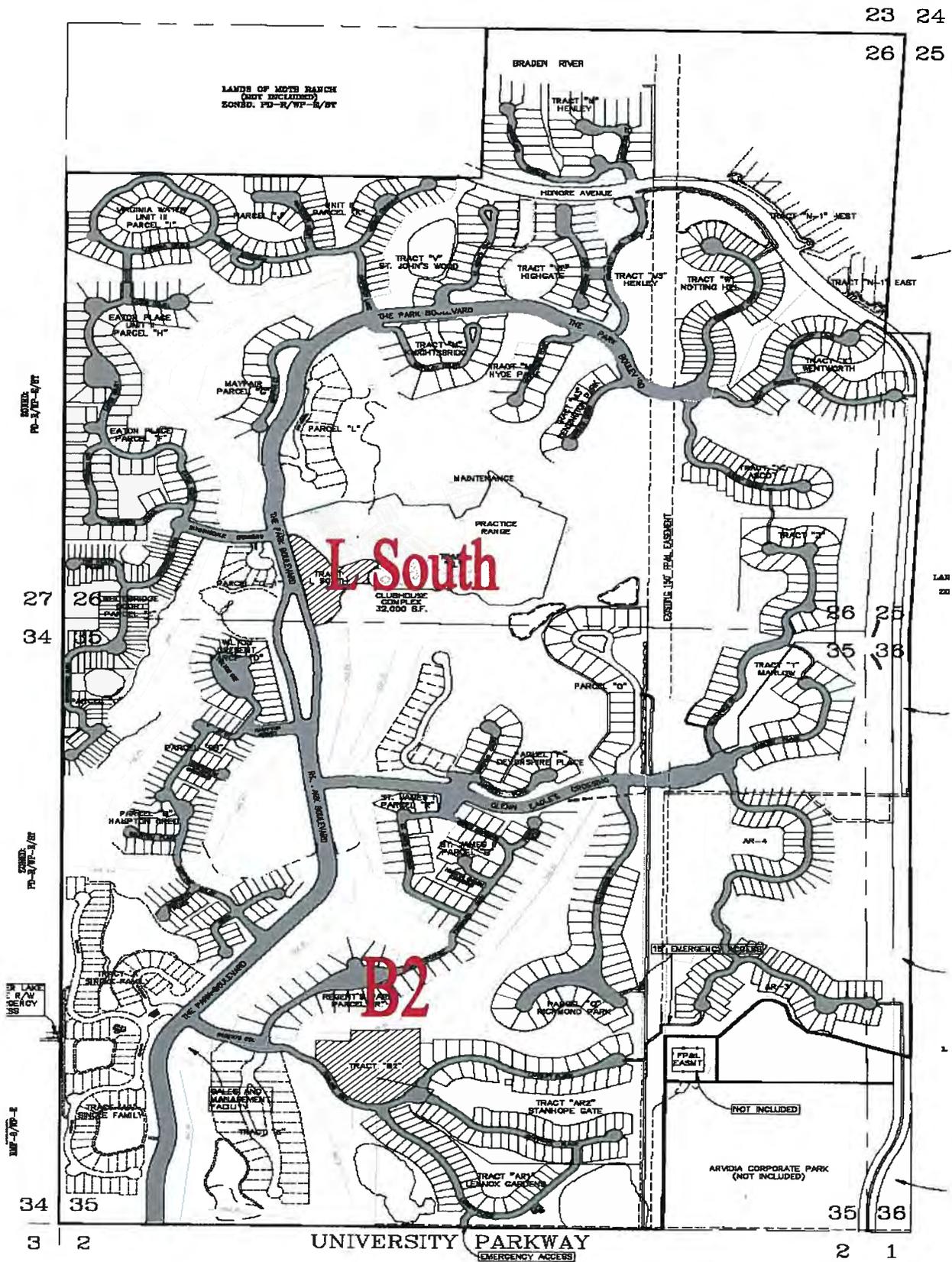
The applicant submitted this application for an amendment to the Zoning Ordinance to be consistent with the Notice of Proposed Change that was submitted on March 12, 2012.

REQUEST #1

- 1. Reallocation of 46 previously approved residential units to newly created Tracts L South and B2.**

ANALYSIS

The applicant is requesting the reallocation of 46 residential units to a new location within the project. The 46 units are inclusive of the 1,238 dwelling units approved. Tract "L South" is proposed adjacent to the clubhouse complex/golf driving range area and is approximately 4.34 acres with 21 dwelling units proposed. Tract "B2" is proposed along the north side of Hoy Lake Way and Langley Place and is approximately 7.25 acres with 25 dwelling units proposed. There are no multi-family units allowed within this project and Tracts L South & B2 shall be limited to single-family detached lots only.



REQUEST #2

- 2. A decrease in the acreage devoted to open space (roads, right-of-way, etc.) of 11.59 from 168.59 acres to 157 acres.**

ANALYSIS

To accommodate Tracts "L South" and "B2", 11.59 +/- acres are being decreased from the Open Space category and added to the Residential category. The overall Open Space acreage is not being reduced by 5% or 20 acres so the request does not create a substantial deviation [§ 380.06(19)].

REQUEST #3

- 3. An increase in the residential acreage of 11.59 acres (from 699 acres to 710.59 acres) to accommodate Tracts B2 and L South.**

ANALYSIS

The applicant is requesting an increase of approximately 11.59 residential acres to accommodate Tracts "L South" and "B2". The project is approved for 1,238 dwelling units. With the exception of the 46 units, all units have been allocated to parcels throughout the development. The location of the 46 units was not identified on original plan.

REQUEST #4

- 4. Removal of a 4.5 acre conservation area in favor of four new preservation areas totaling 8.04 acres.**

ANALYSIS

The existing conservation area is located along University Parkway, just west of the FPL easement. The new preservation areas are internal to the site, near existing residential development. See Exhibit C for location map.

The 4.5 acre conservation area is a non-jurisdictional isolated wetland and therefore is not subject to the Wetland Protection Policies of the Manatee County Comprehensive Plan. This area was included in a wetland determination that was approved for the original DRI, Circle N Bar Ranch, prior to legislation which gave the State jurisdiction over isolated wetlands (Warren Henderson Act of 1984).

No new development or access to University Parkway is proposed in the conservation area (northwest corner of University Parkway and FPL easement) at this time. However, should development be proposed in this area, at a minimum, the General Development Plan would need to be amended requiring a public hearing.

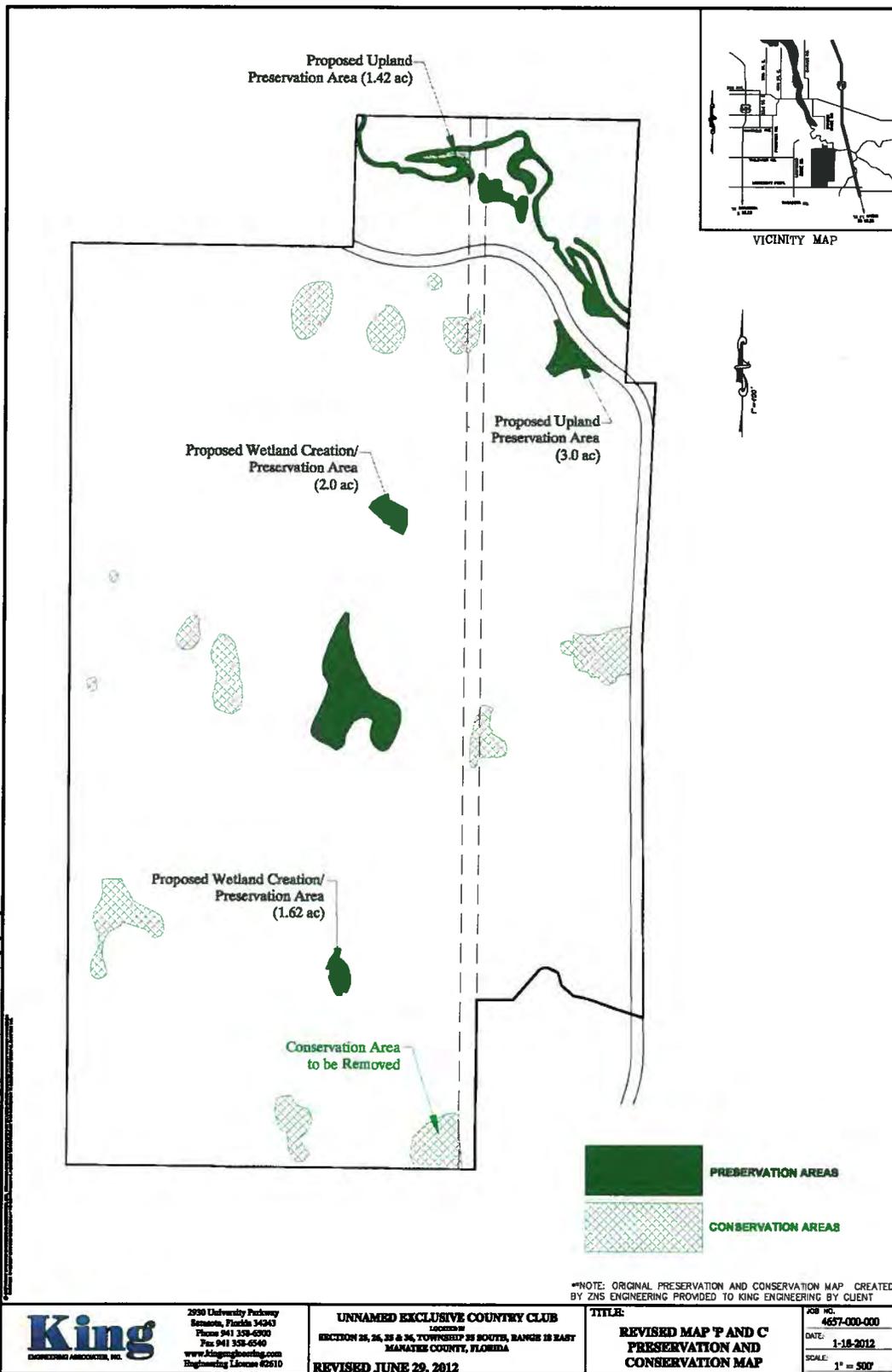


Exhibit C

REQUEST #5

5. **Update the Zoning Ordinance to reflect the project expiration and buildout dates as previously authorized by the State of Florida and Manatee County.**

ANALYSIS

Previous project expiration and buildout analysis

1995:

The Board of County Commissioners adopted Ordinance 95-13, approving amendments to extend the build out date by 2 years and 364 days.

1997:

The Board of County Commissioners adopted Ordinance 97-24, approving amendments to extend the build out and expiration dates for an additional 3 years.

2007:

Per the legislative session, Section 380.06(19)(c) Florida Statutes was amended to extend all build out and expiration dates for DRIs that were under active construction as of July 1, 2007 by three years. The build out and expiration dates were extended to December 30, 2010 and July 8, 2015, respectively.

2009:

Per the legislative session, Section 380.06(19)(c)(14) Florida Statutes was amended to allow for an additional two year extension bringing the build out and expiration dates to December 30, 2012 and July 8, 2017, respectively.

Current project expiration and build out analysis (May 2012)

2011:

Per the 2011 legislative session, a four year extension of all commencement, phasing, build out and expiration dates on current Developments of Regional Impacts (DRI).

2011:

The Florida Legislation authorized the tolling of permits for the duration of a state of emergency. With additional extensions of time, the new build out date is extended to **11/21/2020** with an expiration of the general development plan is extended to **05/31/2025**.

2012:

The Board of County Commissioners adopted an amendment to the LDC to delete the durational limitations on the validity of General Development Plans. Therefore, this General Development Plan will not expire. (Ordinance 12-11). However, the project will still need to be consistent with the Development Order (DRI) expiration.

REQUEST #6

- 6. Update the Development Order to reflect terminology changes, Department references and other minor changes.**

ANALYSIS

These are department name changes and other minor changes.

CONCLUSION

Based on the above analysis, staff recommends that the proposed changes be approved. Revisions to the Zoning Ordinance for the Unnamed Exclusive Golf and Country Club that reflect the staff recommendations are shown in the attached PDR-89-05(G)(R10).

Staff recommended deletions are shown in ~~strike-through~~ and staff recommended additions are underlined.

ATTACHMENTS:

1. Zoning Ordinance, PDR-89-05(G)(R10)
2. Copy of Newspaper Advertising

**MANATEE COUNTY ZONING ORDINANCE
PDR-89-05(G)(R 9 10) [F.K.A. Z-84-81]
ISLAND INVESTMENT, ET. AL.
[FKA ISLAND INVESTMENT, ET. AL., A.B. SIMMS/
ISLAND INVESTMENT PROPERTIES, INC. AND CIRCLE-N-BAR]
(UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB)**

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING A GENERAL DEVELOPMENT PLAN TO REFLECT REALLOCATE 46 PREVIOUSLY APPROVED RESIDENTIAL UNITS TO NEWLY CREATED TRACTS L SOUTH AND B2; DECREASE ACREAGE DEVOTED TO OPEN SPACE (ROADS, RIGHT-OF-WAY, ETC.) IN FAVOR OF THE NEW TRACTS B2 AND L SOUTH; INCREASE RESIDENTIAL ACREAGE TO ACCOMMODATE TRACTS B2 AND L SOUTH; REMOVE CONSERVATION AREA IN FAVOR OF NEW PRESERVATION AREAS, UPDATE THE ZONING ORDINANCE TO REFLECT THE PROJECT EXPIRATION AND BUILDOUT DATES AS PREVIOUSLY AUTHORIZED BY THE STATE OF FLORIDA AND MANATEE COUNTY, UPDATE THE ZONING ORDINANCE TO REFLECT TERMINOLOGY CHANGES, DEPARTMENT REFERENCES AND OTHER MINOR CHANGES AN EXTENSION OF THE BUILD-OUT DATE; SAID GENERAL DEVELOPMENT PLAN BEING APPLICABLE TO A PROJECT GENERALLY LOCATED NORTH OF UNIVERSITY PARKWAY AND WEST OF HONORE AVENUE; AND PROVIDING AN EFFECTIVE DATE. BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment to the zoning ordinance, the recommendation and findings of the Planning Commission, and all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for approval of an amendment to the Zoning Ordinance.
- B. The Board of County Commissioners held a public hearing on August 2, 2012 regarding the proposed amendment to the Zoning Ordinance described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code) and has further considered the information received at the public hearing.
- C. The General Development Plan regarding the property described in Section 4 herein is found to be consistent with the requirements of the 2020 Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended).

Section 2. The revised General Development Plan, dated March 12, 2012 entitled Unnamed Exclusive Golf and Country Club [also known as University Park Country Club] is being amended with this request (R9- 10) to reallocate 46 previously approved residential units to newly created Tracts L South and B2 and a 11.59+/- acre decrease devoted to open space (roads, right-of-way, etc) and to provide for an increase of 11.59+/- acres devoted to the residential category to accommodate Tracts L South and B2. extend the build-out date and is hereby APPROVED to allow:

CONDITIONS

- A.(1) Approval shall be limited to the development amounts set forth in Table 1 below, and that shown on the General Development Plan as modified herein by the provisions of this Development Order.
- A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Ordinance and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Ordinance or are not inconsistent with this Ordinance. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services, and is hereby issued a Level of Service Certificate which will expire on ~~December 31, 2013~~. November 21, 2020. The expiration date of this Zoning Ordinance and General Development Plan is 05/31/2025.

**TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY**

TYPE OF DEVELOPMENT:	Residential	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:	1,187.59 +/-Acres	
Residential	699- 710.59 +/- Acres	
Golf Course/Clubhouse	320 +/- Acres	
Open Space (Roads, Right-of-Way, etc.)	168.59- 157 +/- Acres	
DEVELOPMENT TYPES:		
Residential Units	1,238 d.u.	
Golf Course*	27 Holes	
Country Club & Restaurant**	32,000 Sq. Ft.	
BUILD-OUT DATE	December 31, 2013	

		November 21, 2020
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- * Includes related facilities typically associated with the function of a golf course
- ** Includes administrative offices and promotional center accessory to this development.

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and the University Parkway and development entrance. Mitigation of the transportation impacts, as identified in Table 2, shall be necessary as a condition of any approval:

- a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer* selected Option 2 of Condition B.(1) of PDR-89-05(Z)(G)(R3) to mitigate these impacts.

**TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
DEVELOPMENT**

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	Completed
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. TRANSPORTATION MONITORING

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to Final Site Plan approval for the 826 dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than tri-annually (every three years). If any report indicates that the total project P.M. peak-hour trips reach 75% of projected counts, counts will be required bi-annually (every two years). If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. 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. The County shall amend the rezone ordinance to change or require additional roadway improvements, if Warranted* , prior to any further final site plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA* , then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run/Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service* . In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

B.(2) The Developer* has provided a location for a bus stop at a location on University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

- C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.
- C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust, and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

- D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 62-3, 62-302 and 62-25, F.A.C., as well as Manatee County requirements.
- D.(2) The Developer* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County in accordance with Exhibit J. The program shall continue through one year beyond project build-out. The frequency, duration of sampling, parameters to be monitored, collection, and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

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

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

- D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is ~~attached hereto as~~ (Exhibit G). The final detailed Master Surface Water Management

Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 62-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

- D.(4) The Developer* shall continue to conduct the approved comprehensive ground water quality and quantity monitoring program as previously approved by the County. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J.

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

- D.(5) The Wallace Tract* and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,187.6 ± acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.
- D.(6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.
- D.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of

native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

- D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.
- D.(9) The Conservation Areas* on site encompass approximately 30.49 acres as indicated on the attached Revised Preservation/Conservation Map, Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately ~~22.33~~ 30.37 acres, indicated as Preservation Areas* on the attached Revised Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as roads, utility lines, recreational trails, and paths, as is provided by TBRPC policy) may be allowed.

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

The newly established preservation areas (approx. 8.04 acres shown on Exhibit C) shall be conveyed to Manatee County as a conservation easement no later than six (6) months from date of approval of this ordinance.

TABLE 3

**UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS**

AREAS	MITIGATION RATIOS*	
	HERBACEOUS	FORESTED
TBRPC Conservation Area* except those located in Simms Tract* and Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* & Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1♦	4:1♦

♦ May be reduced in accordance with Section 719.8.5 of the Land Development Code.

Ratio is Mitigated Wetland: Disturbed Wetlands*.

D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District and Comprehensive Plan. Within one (1) year after D.O. approval, Manatee County Planning- Building and Development Services Director and Manatee County Environmental Management Natural Resources Department approved all such guidelines.

D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm Water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.

E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-

discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

- G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed immediately in cooperation with the Fish and Wildlife Conservation Commission FWCC, Manatee County, and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.
- G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. (Completed) Said plan shall be prepared in consultation with the Fish and Wildlife Conservation Commission, FDEP, and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods, and methods of Wetland* restoration and enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

- a. No hydroperiod alteration shall be permitted in Preservation Areas*.
- b. Dredging, filling, and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing, and boardwalk locations and passive recreational facilities approved by FWCC, FDEP, and Manatee County, as applicable.

- c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FWCC, FDEP, and Manatee County.
- d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.
- e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

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

WASTEWATER

- I.(1) Wastewater services shall be provided by Manatee County.

Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Utilities Department guidelines with several means of back-up, to provide assurance against equipment failure, and discharge to the environment. These shall include:

- a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability.
 - c. Wet wells to contain sewage line surcharges/overflows.
 - d. Emergency by-pass pumpouts for tank trucks.
 - e. 100 percent redundancy in lift station pumping equipment.
- I.(2) The Developer* previously submitted to Manatee County, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan was approved by Manatee County, and identified the entity responsible for the monitoring and time schedule for conducting the inspections.

Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings and repairs must be included in the annual report.

- I.(3) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).
- I.(4) The Developer* shall not utilize on-site wastewater treatment.
- I.(5) Prior to any submittals to the Manatee County Development Review Committee, the Developer* shall provide a Conceptual Master Plan* for sanitary sewer for approval by the Planning Department. The sanitary sewer Conceptual Master Plan* shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source and discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserved land holdings.

WATER

- J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.
- J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this rezone ordinance, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.
- J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

- K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:
 - a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas;
 - b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and

- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:

- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;
- b. Obtain energy audits provided by energy companies or other qualified agencies;
- c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
- d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction.
- e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
- f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- g. Institute and utilize recycling programs; and
- h. Utilize energy efficient packaging or recyclable materials.

L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and first annual report.

EDUCATION

M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

- N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.
- N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.
- N.(3) Recreation and open space areas shall be provided for golfers and non-golfers.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

- O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, was reached for EMS and the Sheriff's Department concurrent with the issuance of the rezone ordinance, PDR-89-05(Z)(G)(R), approved 09/27/93 (Exhibit I). Completed
- O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

DEVELOPER COMMITMENTS

- P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 of the Development Order incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

GENERAL CONDITIONS

- Q.(1) The maximum number of residential units shall be limited to 1,238. With each preliminary plan submitted, a Residential Sector Data Table shall be provided to include the number of units that have Final Site Plan approval.
- Q.(2) (Reserved)
- Q.(3) If, prior to the time permanent fire protection facilities in this area of the county are deemed desirable by the Fire District, a temporary station is deemed desirable. The

developer shall enter into an agreement to contribute a pro rata share of the cost of a site for, and of constructing and equipping a fire protection facility, if required by the Fire Department with the appropriate Final Site Plan approval.

- Q.(4) The adjacent 120' right-of-way for Honore Avenue has been dedicated with both the final approval for the golf course and the Final Plat for Parcel V. The ROW was located outside of the temperate hardwood hammock and the ROW crossing at the tributary to the Braden River was kept to a minimum and approved at time of site plan approval. Within the Arvida parcel the developer shall dedicate right-of-way for Honore Avenue, consisting of 120 feet of width as shown on revised map H within 60 days of the approval of this request to add the Arvida Tracts* to the Unnamed Exclusive Golf and Country Club (Completed).
- Q.(5) The Timberlake Drive connection shall be converted to paved emergency access only, and constructed to Manatee County structural road construction standards
- Q.(6) To satisfy the requirement for an interneighborhood tie and a second means of access for this project, the developer shall:
- a. Provide an access to Honore Avenue with the development of Parcel V. This access shall be constructed to the standards of an urban local street. (Completed)
 - b. Construct a 24' wide section of Honore Avenue, to County urban standards, from the Honore Avenue access referenced in condition Q.(6)a., above, to the limits of the development (including the right-of-way to be dedicated within the triangle of Mote Ranch property, owned as of August 8, 1994 by Island Investment Properties, Inc. and Kabara N.V.), prior to August 23, 1997. The Developer has posted a bond for construction of such road prior to further Final Subdivision Plat approvals for this project. Further, prior to June 30, 1996, the Developer provided a temporary stabilized emergency access from the northern end of Park Boulevard to University Parkway and dedicated the aforesaid right-of-way within the triangle at Mote Ranch; and (Completed)
 - c. The boulevard shall be considered as two means of access for this project until approval of the Final Plat for the 885th residential dwelling unit in the project. Prior to the Final Plat approval for the 885th residential unit, the developer shall:
 - (1) construct a 24' wide section of Honore Avenue or provide a bond to do so, to County urban standards, from a point within the development to the nearest paved County street outside of the development which connects to another paved County street, pursuant to Section 712.2.8, Diagram A, Number 1 or 2; or
 - (2) construct a 24' wide street, or provide a bond to do so, to County urban standards, from Tract AR-1 to University Parkway. In the event

this option is selected, the existing street connection between Tracts R-1 and R-2 shall remain in place; and

- d. Payments or land or facilities provided by the Developer to the County pursuant to conditions Q.(6) b, and c, above, shall be eligible to receive credits towards the transportation component impact fee as may be allowed pursuant to Section 806 of the Land Development Code; and
 - e. Any bonds posted shall be consistent with performance bonds standards set forth in Section 910.2 of the Land Development Code.
- Q.(7) Upon completion of the project, all property within the 1,187.6± acre boundaries shall have been platted, unless the Land Development Code is amended so that platting is not required. Project, as herein defined, shall mean the 1,187.6± acre tract together with any extensions or additions thereto.
- Q.(8) The developer shall maintain adequate right-of-way to allow the parcel to the east, known as "the Nelson Tract," access to Honore Avenue through this development.
- Q.(9) **DEFINITIONS** Note: An asterisk (*) denotes that the word is defined.
- A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).
 - AA. "Arvida Tract*" shall mean that area lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida. Containing 150.45 acres, more or less. More particularly described in Section 4 below.
 - B. "Application*" and "Application for Development Approval*" or "ADA*" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989) and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992, and amendments submitted on April 20, 1993, September 1, 1999, ~~and~~ January 5, 2001 and March 12, 2012.
 - C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

- D. "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the DRI Application* and shown as ~~"Revised Map H"~~ of Exhibit B of the Unnamed Exclusive Golf and Country Club General Development Plan*.
- E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Revised Exhibit C"
- F. "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works, or whatever County entity is responsible for roadway approvals.
- G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; it heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.
- H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.
- I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:
 - 1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or
 - 2. Actual construction; or
 - 3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or
 - 4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.
- J. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*

opment* (e.g., roadway, drainage, water, sewer, communication, utilities, etc.).

- K. "Master Development Order* (MDO*) shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.
- L. "Master Development Plan*" shall be defined as Revised General Development Plan Map H and incorporated as part of "Exhibit B" and made a part hereof. Development on ~~Revised Map H~~ "Exhibit B" shall be limited to the total number of dwelling units and non-residential development listed on Table 1, of the Development Order.
- M. "Owner*" shall mean ~~Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; and Lawrence Lott Edge~~ Durable Investments, Inc. & Erop Corporation, Woodlands Country Club Associates, Pacific Equity Associates, LLP; their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.
- N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.
- O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.
- P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.
- Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Revised Exhibit C".
- R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the South Half of the Northeast Quarter, Section 26, Township 35 South, Range 18 East, lying south of the Braden River. Lying and being in Manatee County, Florida. Containing 74.5 acres, more or less.

- S. "Site Development Plan*" shall be defined as any Preliminary Plat, Final Plat, Preliminary Site Plan*, or Final Site Plan to be submitted for consideration of approval pursuant to the LDC.
- T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders.
- U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.
- V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area was generally depicted on Map J ("Exhibit D") which was submitted with the ADA*.
- W. "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.
- X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South 1/2 of the SW 1/4 of the SW 1/4 of Section 26, Township 35 South, Range 18 East, Manatee County, Florida. Containing 63 acres, more or less.
- Y. "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted

regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

- Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was preformed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statutes, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1, 1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

Q(10) Development within University Park Country Club shall comply with the standards of the Land Development Code, except as follows:

- a. The minimum lot width for single-family semi-detached, zero-lot-line residences, or residences with attached garages shall be 40 feet. Said unit types shall not consist of more than 25 percent of the total units in the development.
- b. The minimum front yard building setback for residences with side loaded garages shall be 20 feet. The minimum front yard building setbacks for all other residences shall be 25 feet.
- c. The minimum side yard building setback for zero-lot-line and single-family semi-detached residences or garages which are semi-detached shall be 0 feet adjacent to one property line and 15 feet on the opposite side. The minimum building setback for all other side yards in the development shall be 7.5 feet.
- d. A minimum 5 foot rear yard setback for single-family semi-detached and zero-lot-line residences shall be required between the upland edge of a wetland buffer and adjacent structures provided a walled courtyard is provided in the rear of the residence and that there not be any doorway on the rear side of the courtyard within 15 feet of the buffer.

- e. The minimum pavement width for all one-way street segments around cul-de-sacs which serve less than seven lots shall be 20 feet.

Q(11) Unless specifically modified with this or previous approvals, or subsequent approvals, development in the project shall comply with all requirements of the Land Development Code. Modifications which may be approved administratively by the Director may be considered on a case by case basis.

Q(12) Prior to the approval of each final site plan, a Fugitive Particulate Abatement Plan must be approved by the County.

Q(13) There shall be no multi-family units allowed in the project, and parcels A & AA and L South & B2 shall be limited to single-family detached lots only.

Q(14) The waterfront setbacks shall be 30', except for 10' which was previously approved in Whitebridge Court.

MODIFICATIONS:

1. Modification to Section 603.7.4.8 of the Land Development Code, reducing minimum lot width to 40 feet for single-family semi-detached and zero-lot-line residences.
2. Modification to Section 603.7.4.7 of the Land Development Code, reducing front yard setbacks to 20 feet for units with side loaded garages, side yard setbacks to 0 feet on one side of all single-family attached and zero-lot-line residences, a 15 foot side yard setback on one side of all zero-lot-line residences and for single-family attached, and 7.5 feet for all other side yards in the development.
3. Modification to Section 702.6.10 of the Land Development Code to allow a 5 foot setback for single-family attached and zero-lot-line residences between the upland edge of the wetland buffer and an adjacent structure.
4. Modification to Section 907.9.2.4 of the Land Development Code to allow a pavement width of 20 feet for one-way street segments around cul-de-sacs which serve less than seven lots.
5. Modification to Section 712.2.8 of the Land Development Code to allow greater than 100 units in Virginia Waters Subdivision with only one means of access.
6. Modification to Section 907.7.3 of the Land Development Code to allow side lot lines to deviate more than 22.5 degrees from the side lot line drawn perpendicular to the street line.

Section 4. LEGAL DESCRIPTION.

GENERAL DEVELOPMENT PLAN PARCEL:

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2,699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1,349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1,374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1,346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1,380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1,981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1,333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2,840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1,334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2,807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2,673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1,461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2,560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1,800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1,320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2,154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N ½ OF THE NE ¼ OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.
CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW ¼ OF THE NW ¼ OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH ½ OF THE SW ¼ OF THE SW ¼ OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: TOGETHER WITH THAT PORTION OF THE UNNAMED EXCLUSIVE COUNTRY CLUB DESCRIBED AS THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.
CONTAINING 74.5 ACRES, MORE OR LESS.

ARVIDA TRACT: FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1,406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1,354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 605.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1,320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2,560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2,561.09 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF

13°48'59" A DISTANCE OF 192.91 FEET; THENCE N 17°33'00" E, A DISTANCE OF 68.92 FEET; THENCE N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THENCE S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1,320.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 164.23 ACRES, MORE OR LESS.

LESS AND EXCEPT 21± ACRES FOR HONORE ROAD RIGHT OF WAY DEDICATED TO MANATEE COUNTY AS REQUIRED IN DEVELOPMENT OR DEED; AND

LESS AND EXCEPT THE FOLLOWING 13.8± ACRES DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 00°20'22" W, ALONG THE EAST LINE OF THE S.E. 1/4 OF SAID SECTION 35, A DISTANCE OF 1320.16 FEET TO THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 35 AND THE POINT OF BEGINNING; THENCE N 89°27'25" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4, A DISTANCE OF 1132.12 FEET TO AN INTERSECTION WITH A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1184, PAGE 3443 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 58°38'01" W, AT A DISTANCE OF 800.00 FEET; THENCE ALONG THE OUTLINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'59", A DISTANCE OF 192.91 FEET TO A POINT OF TANGENCY; (2) N 17°33'00" E, A DISTANCE OF 68.92 FEET; (3) N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE S 89°27'25" E, A DISTANCE OF 11.27 FEET; THENCE N 41°08'00" E, A DISTANCE OF 394.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°30'00", A DISTANCE OF 133.52 FEET TO A POINT OF TANGENCY; THENCE 62°22'00" E, A DISTANCE OF 84.95'; THENCE S 15°20'00" E, A DISTANCE OF 131.26'; THENCE S 48°35'00" E, A DISTANCE OF 163.63 FEET; THENCE S 78°20'00" E, A DISTANCE OF 155.00 FEET; THENCE S 70°00'00" E, A DISTANCE OF 306.75 FEET; THENCE S 72°19'56" E, A DISTANCE OF 154.48 FEET; THENCE S 00°20'22" E, A DISTANCE OF 273.93 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°17'25" W, ALONG SAID SOUTH LINE, A DISTANCE OF 183.57 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Ordinance, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to PDR-89-05(G)(R89) during the pendency of any appeal.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 2nd day of August, 2012.

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

BY: _____
John Chappie, Chairman

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

BY: _____
Deputy Clerk

EXHIBITS B (General Development Plan), C (Preservation/Conservation Map), E (Legal Description) AND J (Surface and Ground Water Monitoring Plans)
ARE ATTACHED

EXHIBITS B, C, D, F, G, H, and I

ARE NOT ATTACHED, BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER PDR-89-05(G)(R5) APPROVED ON JULY 8, 1997 FOR THE UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB.

EXHIBIT E - LEGAL DESCRIPTION

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2,699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1,349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1,374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1,346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHWEST CORNER OF THE N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1,380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1,981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1,333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2,840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1,334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2,807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2,673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1,461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2,560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1,800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1,320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2,154.66 FEET TO THE POINT OF BEGINNING.
CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.
CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: TOGETHER WITH THAT PORTION OF THE UNNAMED EXCLUSIVE COUNTRY CLUB DESCRIBED AS THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.
CONTAINING 74.5 ACRES, MORE OR LESS.

ARVIDA TRACT: FROM THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1,406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1,354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 35;

THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 605.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1,320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2,560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2,561.09 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59" A DISTANCE OF 192.91 FEET; THENCE N 17°33'00" E, A DISTANCE OF 68.92 FEET; THENCE N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THENCE S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1,320.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 164.23 ACRES, MORE OR LESS.

LESS AND EXCEPT 21± ACRES FOR HONORE ROAD RIGHT OF WAY DEDICATED TO MANATEE COUNTY AS REQUIRED IN DEVELOPMENT OR DEED; AND

LESS AND EXCEPT THE FOLLOWING 13.8± ACRES DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 00°20'22" W, ALONG THE EAST LINE OF THE S.E. 1/4 OF SAID SECTION 35, A DISTANCE OF 1320.16 FEET TO THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 35 AND THE POINT OF BEGINNING; THENCE N 89°27'25" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4, A DISTANCE OF 1132.12 FEET TO AN INTERSECTION WITH A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1184, PAGE 3443 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 58°38'01" W, AT A DISTANCE OF 800.00 FEET; THENCE ALONG THE OUTLINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'59", A DISTANCE OF 192.91 FEET TO A POINT OF TANGENCY; (2) N 17°33'00" E, A DISTANCE OF 68.92 FEET; (3) N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE S 89°27'25" E, A DISTANCE OF 11.27 FEET; THENCE N 41°08'00" E, A DISTANCE OF 394.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°30'00", A DISTANCE OF 133.52 FEET TO A POINT OF TANGENCY; THENCE 62°22'00" E, A DISTANCE OF 84.95'; THENCE S 15°20'00" E, A DISTANCE OF 131.26'; THENCE S 48°35'00" E, A DISTANCE OF 163.63 FEET; THENCE S 78°20'00" E, A DISTANCE OF 155.00 FEET; THENCE S 70°00'00" E, A DISTANCE OF 306.75 FEET; THENCE S 72°19'56" E, A DISTANCE OF 154.48 FEET; THENCE S 00°20'22" E, A DISTANCE OF 273.93 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°17'25" W, ALONG SAID SOUTH LINE, A DISTANCE OF 183.57 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

EXHIBIT J

SURFACE AND GROUND WATER MONITORING PLANS UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(4) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall have developed a monitoring plan addressing the criteria listed below within six months of approval of Ordinance 93-21.

- a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.

- b. Parametric coverage of the monitoring plan should include the following:
 - specific conductance (field)
 - temperature (field)
 - dissolved oxygen (field)
 - pH (field)
 - flow rates (field)
 - chlorides
 - sulfates
 - fluoride
 - total dissolved solids
 - total suspended solids
 - ammonia
 - nitrate
 - nitrite
 - total Kjeldahl nitrogen
 - total nitrogen
 - orthophosphate
 - total phosphorous
 - copper
 - lead
 - zinc
 - mercury
 - nickel
 - arsenic
 - cadmium
 - chromium

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

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

Copy of Newspaper Advertising

Sarasota Herald Tribune

NOTICE OF DRI/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, July 12, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

ORDINANCE 12-15 (DRI # 13) - CONTROL STORAGE INC./CREEKWOOD

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Creekwood Development of Regional Impact (Ordinance 05-41) (DRI #13); A/K/A Tampa Bay Regional Planning Council (TBRPC) DRI #102; including a determination of whether the following changes constitute a Substantial Deviation to the Creekwood Development of Regional Impact in response to owner's submittal of a Notice of Proposed Change (NOPC):

1. Modify Map H and the Development Order with the following changes:

- Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;
- Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;
- Update the Water Quality Monitoring conditions;
- Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of Industrial entitlements; and
- Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.

The ordinance amends, replaces, and supersedes Ordinance 05-41, DRI #13, as amended; providing for severability, and an effective date.

Creekwood is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

Z-84-76(R9) - CONTROL STORAGE, INC. /STORAGE NOW (AKA CREEKWOOD) DTS #2012005

Request: An Ordinance of Manatee County, Florida approving a revised Zoning Ordinance and General Development Plan to:

- Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5;
- Increase the allowable height for Parcel C-5 from 30' to 35';
- Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and

Manatee County;

- Revise Land Use Conditions #3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards;
- Update the Water Quality Monitoring Conditions; and
- Update the Zoning Ordinance to reflect department references.

Subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. Storage Now (aka Creekwood) is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

ORDINANCE 12-20 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (a.k.a. UNIVERSITY PARK COUNTRY CLUB) DRI #12

Request: Determination of whether the following modifications to the Unnamed Exclusive Golf and Country Club DRI Development Order constitute a substantial deviation pursuant to Section 380.06, Florida Statutes:

- Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- Decrease acreage devoted to Open Space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- Increase residential acreage to accommodate Tracts B-2 and L South.
- Update Map P & C showing the removal of a conservation area in favor of two new preservation areas.
- Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- Update the Development Order to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

PDR-89-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DTS #2012005

Request: Approval of a revised Zoning Ordinance for Unnamed Exclusive Golf and Country Club to:

- Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- Decrease acreage devoted to open space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- Increase residential acreage to accommodate Tracts B2 and L South.
- Update the Zoning Ordinance to reflect the project expiration and buildout dates as previously authorized by the State of Florida and Manatee County, and
- Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County

Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

Date of pub: June 27, 2012

Notice is hereby given that the Southwest Florida Water Management District has received Environmental Resource permit application number 661938 from Scott Cannard, 3540 Thomasville Road, Tallahassee, FL 32309. Application received: March 5, 2012. Proposed activity: This project will consist of the construction of a boat ramp and canoe launch within the Terra Celta Preserve State Park for the Florida Department of Environmental Protection Division of Recreation and parks. Project name: Terra Celta Aquatic Preserve Boat Ramp and Canoe Launch. Project size: 4.7 acres Location: Section(s) 13 Township 33S, Range 17E, in Manatee County. Outstanding Florida Water: yes. Aqualic preserve: yes. The application is available for public inspection Monday through Friday at 2379 Broad Street, Brooksville, FL 34604. Interested persons may inspect a copy of the application and submit written comments concerning the application. Comments must include the permit application number and be received within 14 days from the date of this notice. If you wish to be notified of agency action or an opportunity to request an administrative hearing regarding the application, you must send a written request referencing the permit application number to the Southwest

Florida Water Management District, Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6889 or submit your request through the District's website at www.watermatters.org. The District does not discriminate based on disability. Anyone requiring accommodation under the ADA should contact the Regulation Performance Management Department at (352)796-7211 or 1(800)423-1476, TDD only 1(800)231-6103.

Date of pub: June 27, 2012

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF DRI/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the **Planning Commission of Manatee County** will conduct a Public Hearing on **Thursday, July 12, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida** to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

ORDINANCE 12-15 (DRI # 13) - CONTROL STORAGE INC./CREEKWOOD

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Creekwood Development of Regional Impact (Ordinance 05-41) (DRI #13); A/K/A Tampa Bay Regional Planning Council (TBRPC) DRI #102; including a determination of whether the following changes constitute a Substantial Deviation to the Creekwood Development of Regional Impact in response to owner's submittal of a Notice of Proposed Change (NOPC):

1. Modify Map H and the Development Order with the following changes:

- A. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5;
- B. Update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County;
- C. Update the Water Quality Monitoring conditions;
- D. Update the Development Totals and Table 1 - Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and
- E. Update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references.

The ordinance amends, replaces, and supersedes Ordinance 05-41, DRI #13, as amended; providing for severability, and an effective date.

Creekwood is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

Z-84-76(R9) - CONTROL STORAGE, INC. / STORAGE NOW (AKA CREEKWOOD)

DTS #20120105
Request: An Ordinance of Manatee County, Florida approving a revised Zoning Ordinance and General Development Plan to:

1. Add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5;
2. Increase the allowable height for Parcel C-5 from 30' to 35';
3. Update the Zoning Ordinance to reflect the project extensions previously authorized by the State of Florida and Manatee County;
4. Revise Land Use Conditions #3 and #15 to allow ground signs on Parcel C-5 and amend architectural standards;
5. Update the Water Quality Monitoring Conditions; and
6. Update the Zoning Ordinance to reflect department references.

Subject to stipulations as conditions of approval; settling forth findings; providing a legal description; providing for severability, and providing an effective date. Storage Now (aka Creekwood) is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel C-5 is located on the north side of SR 70, and east of I-75 at 8785 SR 70 East (±11.7 acres) and the present zoning is PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts).

ORDINANCE 12-20 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (a.k.a. UNIVERSITY PARK COUNTRY CLUB) DRI #12

Request: Determination of whether the following modifications to the Unnamed Exclusive Golf and Country Club DRI Development Order constitute a substantial deviation pursuant to Section 380.06, Florida Statutes:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- 2.) Decrease acreage devoted to Open Space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage to accommodate Tracts B-2 and L South.
- 4.) Update Map P & C showing the removal of a conservation area in favor of two new preservation areas.
- 5.) Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 6.) Update the Development Order to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

PDR-89-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB

DTS#20120095
Request: Approval of a revised Zoning Ordinance for Unnamed Exclusive Golf and Country Club to:

- 1.) Reallocate 46 previously approved residential units to newly created Tracts L South and B2.
- 2.) Decrease acreage devoted to open space (roads, right-of-way, etc.) in favor of the new Tracts B2 and L South.
- 3.) Increase residential acreage to accommodate Tracts B2 and L South.
- 4.) Update the Zoning Ordinance to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 5.) Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes.

Unnamed Exclusive (University Park Country Club) is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6678; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION Manatee County Building and Development Services Department Manatee County, Florida 06/27/2012

