

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	PDR-12-03(Z)(G) – Rowe Ventures, LLC/The Aviary at Rutland Ranch	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	09/13/12 PC	DATE SUBMITTED/REVISED	09/06/12
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 <i>JB</i>
CONTACT PERSON TELEPHONE/EXTENSION	John Osborne, AICP / 941-748-4501 ext. 6825	PRESENTER/TITLE TELEPHONE/EXTENSION	John Osborne, AICP/Planning and Zoning Official / 941-748-4501 ext. 6825
ADMINISTRATIVE APPROVAL			

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

I move to continue the public hearing for PDR-12-03(Z)(G) to November 8, 2012 at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, 1st Floor Chambers.

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

- n/a

COUNTY ATTORNEY REVIEW

Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input checked="" 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:	
n/a		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	PDMU-12-05(Z)(G) – Stanley and Deborah Brower / Brower Parcel	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	09/13/12 PC	DATE SUBMITTED/REVISED	09/06/12
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, AICP / 941-748-4501 ext. 6841 DTS#20120146	PRESENTER/TITLE TELEPHONE/EXTENSION	Kathleen Thompson, AICP / Planning Manager / 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 PDMU-12-05(Z)(G) per the recommended motion in the staff report attached to this memo.

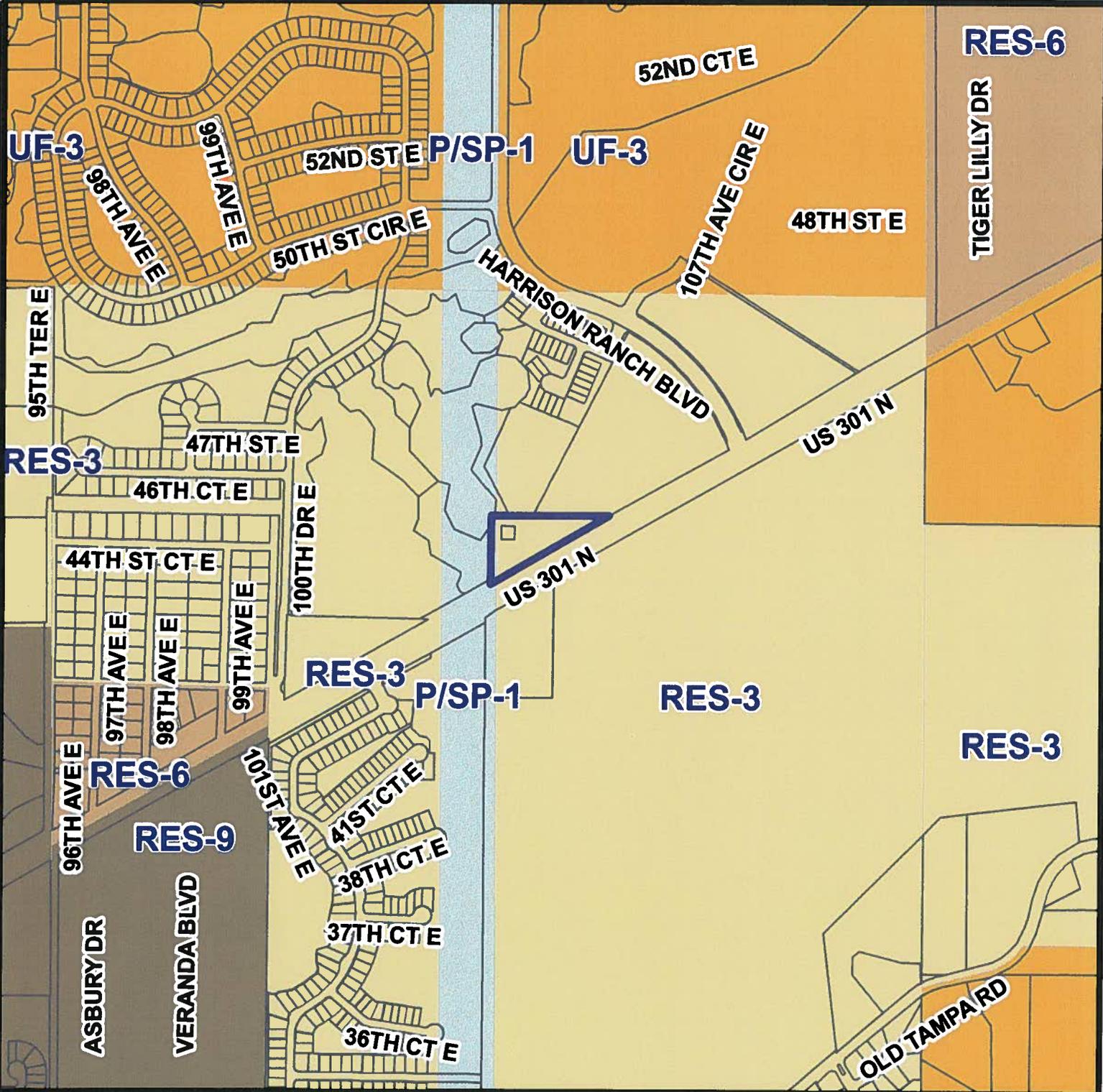
ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • The applicant is requesting a rezone of 3.42± acres from A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) retaining the North Central Overlay zoning district, and a General Development Plan for 5,000 square feet of commercial/professional neighborhood serving use. • The property is located on the north side of US 301, approximately 925 feet west of Harrison Ranch Boulevard at 10308 US 301, Parrish. • Staff recommends approval.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: ____)
<input checked="" 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) 726900059

Project Name: Brower 3.42 Acre Parcel
 Project #: PDMU-12-05 (Z)(G)
 DTS#: 20120146
 Proposed Use: Commercial

S/T/R: Sec 1 Twn 34 Rng 18
 Acreage: 3.42
 Existing Zoning: A
 Existing FLU: RES-3, P/SP-1
 Overlays: NCO
 Special Areas: NONE

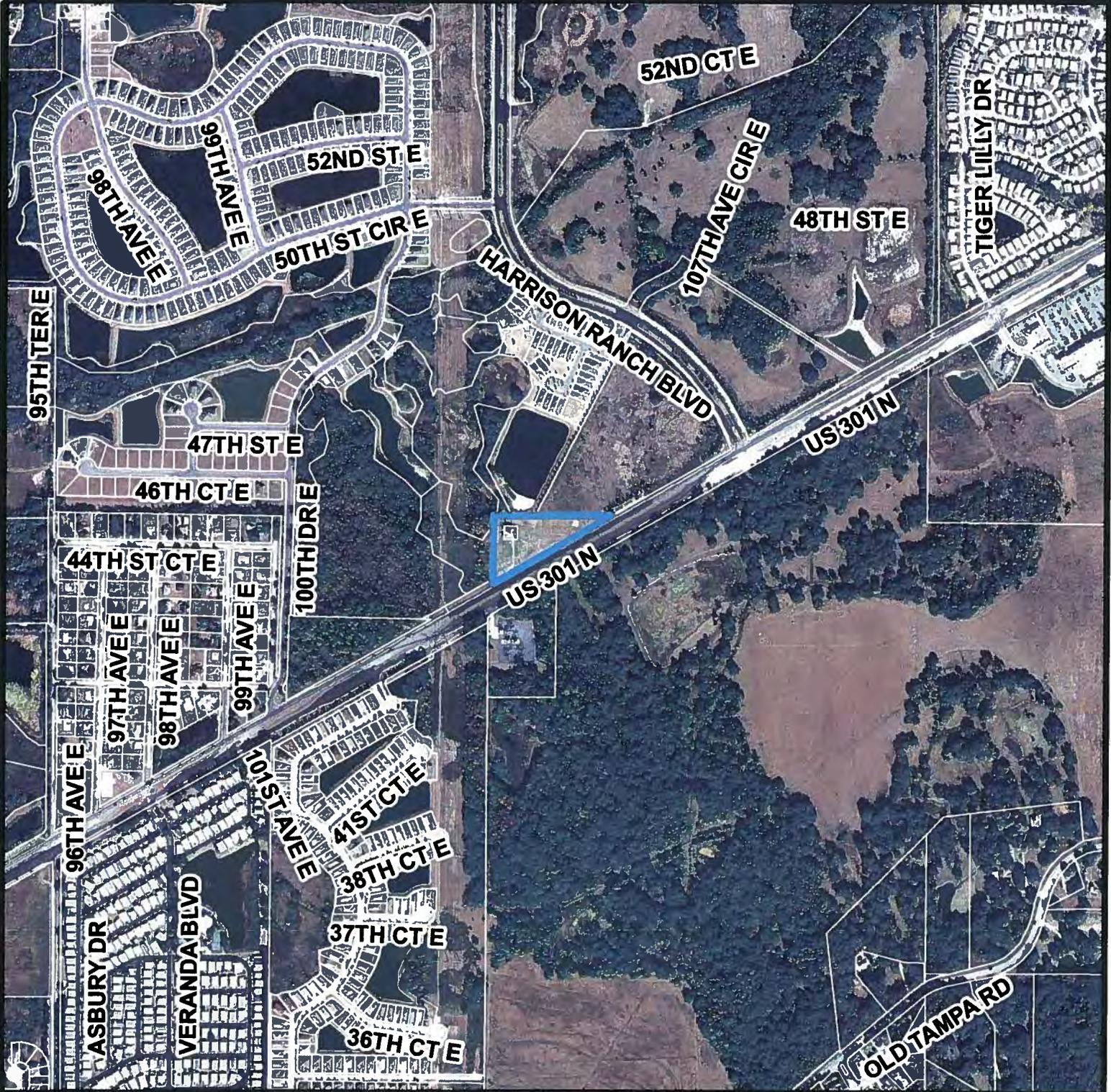
CHH: NONE
 Watershed: NONE
 Drainage Basin: UNNAMED DRAIN
 Commissioner: Larry Bustle



Manatee County
 Staff Report Map

Map Prepared 5/9/2012
 1 inch = 833 feet

AERIAL



Parcel ID #(s) 726900059

Project Name: Brower 3.42 Acre Parcel
 Project #: PDMU-12-05 (Z)(G)
 DTS#: 20120146
 Proposed Use: Commercial

S/T/R: Sec 1 Twn 34 Rng 18
 Acreage: 3.42
 Existing Zoning: A
 Existing FLU: RES-3, P/SP-1
 Overlays: NCO
 Special Areas: NONE

CHH: NONE
 Watershed: NONE
 Drainage Basin: UNNAMED DRAIN
 Commissioner: Larry Bustle



Manatee County
 Staff Report Map

Map Prepared 5/9/2012
 1 inch = 833 feet

P.C. 09/13/12

PDMU-12-05(Z)(G) – STANLEY AND DEBORAH BROWER / BROWER PARCEL
(DTS #20120146)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 3.42 acres on the north side of US 301, approximately 925 feet west of Harrison Ranch Boulevard, at 10308 US 301, Parrish from A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) retaining the North Central Overlay zoning district; approval of a General Development Plan for 5,000 square feet of commercial/professional neighborhood serving use; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 09/13/12

B.O.C.C.: 10/04/12

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 ADOPTION of Manatee County Zoning Ordinance No. PDMU-12-05(Z)(G); APPROVAL of the General Development Plan with Stipulations A.1 – A.3, B.1 and C.1 – C.5, ADOPTING the Findings for Specific Approval; and GRANTING Specific Approval of an alternative to Section 604.10.3.3 (k) (building setback) of the Land Development Code, as recommended by staff.

PROJECT SUMMARY

CASE#	PDMU-12-05(Z)(G) - DTS # 20120146
PROJECT NAME	Brower
APPLICANT(S):	Stanley and Deborah Brower
PROPOSED ZONING:	PDMU/NCO (Planned Development Mixed Use/North Central Overlay)
EXISTING ZONING:	A/NCO (General Agriculture/North Central Overlay)
PROPOSED USE(S):	5,000 sq ft of commercial/professional (neighborhood serving)use
CASE MANAGER:	Kathleen Thompson, AICP
STAFF RECOMMENDATION:	APPROVAL

DETAILED DISCUSSION

The subject property is located on the north side of US 301 at 10308 US 301 North in Parrish, approximately 925' west of Harrison Ranch Blvd. The site is a triangular parcel approximately 3.42 ± acres.

In 1998, 0.14± acres of the 3.42 acre site, was leased for a telecommunication tower (AP-98-65). The tower is still in operation and is home to an eagle's nest. The site shall be designed in accordance with the Florida Fish and Wildlife Conservation Commission "Bald Eagle Management Plan". The rezone includes the 0.14 acre leased area.

The parcel is not part of the Harrison Ranch development however it is surrounded to the north and west by the Harrison Ranch community. Immediately east of this parcel is a proposal for commercial uses [(Shops at Harrison Ranch PDMU-11-12(G)] at the two corners of Harrison Ranch Blvd and US 301 North. A second proposal for development, approximately 475' west of this site [(PDMU-06(G) Village Square], has been submitted for 30,000 sq. ft of professional uses.

The applicant submitted a general development plan for a 5,000 square foot building for commercial/professional neighborhood uses. Since this site is in the North Central Overlay District (NCO), development will be required to meet the applicable NCO standards in LDC Section 604.10.

The U.S. 301 corridor in this area is rapidly transitioning from rural and agricultural uses to suburban oriented uses with a mix of commercial, office and significant residential development.

Staff recommends approval.

SITE CHARACTERISTICS AND SURROUNDING AREA

ADDRESS:	10308 US 301
GENERAL LOCATION:	North side of US 301, approximately 925 feet west of Harrison Ranch Boulevard
ACREAGE:	3.42 ± acres
EXISTING USE(S):	Vacant, Cell Tower
FUTURE LAND USE CATEGORY(S):	RES-3 (Residential, 3 dwelling units per acre) P/SP-1 (Public/Semi-public) – along the western boundary
INTENSITY:	0.034 FAR (.23 FAR / RES-3 FLU designation)
SPECIAL APPROVAL(S):	None
OVERLAY DISTRICT(S):	North County Overlay District (NCO)
SPECIFIC APPROVAL(S):	15' building setback from the northern landscape buffer [(604.10.3.3.(k)]

SURROUNDING USES & ZONING

NORTH, WEST and EAST	Harrison Ranch Community (north and west) Harrison Ranch vacant property (east) FPL easement (west) PDMU/NCO (Planned Development Mixed Use/ North Central Overlay)
SOUTH	South side of US 301 are single-family homes in Aberdeen and Silverleaf Subdivisions zoned PDR/NCO (Planned Development Residential/North Central Overlay), FPL substation zoned A/NCO (General Agriculture/North Central Overlay)

SITE DESIGN DETAILS							
LOT SIZE(S):	3.42 ± acres						
SETBACKS:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Front 30'/35'</td> <td rowspan="4" style="vertical-align: top;">604.10.3.3.(l) - based on building height (35' bldg would require 115' ± bldg setback) 20' 15' building setback from the northern landscape buffer [(604.10.3.3.(k)]. However – applicant requests specific approval to reduce building setback to five (5) feet from northern landscape buffer.</td> </tr> <tr> <td>Side 15'</td> </tr> <tr> <td>Rear 20'</td> </tr> <tr> <td>Waterfront</td> <td>30'</td> </tr> </table>	Front 30'/35'	604.10.3.3.(l) - based on building height (35' bldg would require 115' ± bldg setback) 20' 15' building setback from the northern landscape buffer [(604.10.3.3.(k)]. However – applicant requests specific approval to reduce building setback to five (5) feet from northern landscape buffer.	Side 15'	Rear 20'	Waterfront	30'
Front 30'/35'	604.10.3.3.(l) - based on building height (35' bldg would require 115' ± bldg setback) 20' 15' building setback from the northern landscape buffer [(604.10.3.3.(k)]. However – applicant requests specific approval to reduce building setback to five (5) feet from northern landscape buffer.						
Side 15'							
Rear 20'							
Waterfront		30'					
OPEN SPACE:	2.8 acres = 81% (20% minimum required)						
ACCESS:	US 301North						
BUFFERS	50' roadway – US 301 North 20' along perimeter (north and west)						
FLOOD ZONE(S)	X per FIRM Panel 120153 0215C, revised 7/15/92						
AREA OF KNOWN FLOODING	Yes; Type of Flooding (i.e. rainfall, riverine, storm surge, etc): Rainfall Project Subject to flow reduction: Yes; 50% reduction in allowable runoff						
UTILITY CONNECTIONS	The project will be served by County water and County sewer						
ENVIRONMENTAL INFORMATION							
<p>Wetlands: According to the cover sheet of the General Development Plan there are no jurisdictional wetlands located on-site. However, there is an off-site wetland at the northwest corner of this site which requires a portion of the 30' wetland buffer be provided on-site. The applicant has depicted the wetland buffer on the GDP, which measures 1,070 square feet or 0.024 acres. A conservation easement will be required to be placed over the wetland buffer that is provided on-site. A stipulation is provided to ensure this is done.</p>							

Uplands:

According to staff's observation of the aerial for this site, there are no native upland habitats within the project boundaries.

Endangered Species:

There is a bald eagle's nest on-site on the cell tower that is at the west end of the site. The applicant will be required to design the final details of the project in compliance with Florida Fish & Wildlife Conservation Commission guidelines. A stipulation is provided to require this be completed with the final site plan.

Trees:

According to staff's observation of the aerial for this site there are no trees on-site.

NEARBY DEVELOPMENT

NON-RESIDENTIAL

PROJECT	SQ. FT.	F.A.R.	FLUC	YEAR APPROVED
Shops at Harrison Ranch (PDMU-11-12(G))	170,000 s.f.	0.14 east parcel 0.12 west parcel	RES-3, UF-3	PENDING
Village Square PDMU-12-05(Z)(G)	5,000sf	3.42	RES-3 and P/SP(1)	PENDING
Oxford Commercial Development (PDC-08-26(Z)(P))	150,000 s.f.	0.18	OM	2009
Parkwood Square Shopping Center Expansion [PDC-08-07(P)]	118,416	0.11	R/O/R	2009
Derel Trust [PDO/PDC 05-12(P)]	87,110 s.f. mini-storage, 8,100 s.f. office, 6,045 s.f. daycare center	0.34 (PDC) 0.07 (PDO)	OL, R/O/R, UF-3	2009
Victoria Estates, LTD., et al/Creekside Commons (PDC-04-38(Z)(P))	256,256 s.f.	0.12	R/O/R, RES-9	2008
Chin Road Commercial (PDC-03-	79,500 s.f.	0.15	UF-3	2006

61(P)(R))				
Eckerds at Creekside Oaks (AP-03-81)	15,374 s.f.	0.08	R/O/R	2004
RESIDENTIAL				
PROJECT	LOTS / UNITS	DENSITY	FLUC	YEAR APPROVED
Silverleaf	732	2.78	RES-3 & UF-3	2012
Lexington Addition	35	1.72	UF-3	2005
Aberdeen	222	2.68	RES-3	2002
Harrison Ranch	1,550	1.65	RES-3 & UF-3	2002
Lexington	352	2.42	RES-6 & UF-3	2001
The Gardens	645	4.89	RES-6	Prior to 2000
POSITIVE ASPECTS				
<ul style="list-style-type: none"> • The proposed development is a logical extension of existing planned development mixed use in the area. • The site is in an area where there are a mix of commercial, office, and residential uses. • This development may provide services to the nearby residents and employees. • Access point is via U.S. 301, a functionally classified roadway. • The timing appears to be consistent with development trends in the area. • The site will maintain approximately 81% open space. • Due to the configuration and constraints of the parcel, residential development is not likely. 				
NEGATIVE ASPECTS				
<ul style="list-style-type: none"> • There is a bald eagle's nest on site. 				
MITIGATING MEASURES				
<ul style="list-style-type: none"> • Final site plan shall be designed in accordance with the Florida Fish and Wildlife Conservation Commission's Bald Eagle Management Plan (dated June 2010). 				

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. At time of final site plan approval, the project shall meet all applicable North County Overlay District regulations (LDC 604.10) with the exception of 604.10.3.3.(k) for the northern boundary.
2. At time of final site plan approval, the vehicular cross access easement shall be provided to the northern parcel (known as Shops at Harrison Ranch).
3. Signs shall be addressed with future approvals. No approval for signs are granted with this general development plan.

B. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Slaughter Drain. Modeling shall be used to determine pre- and post- development flows.

C. ENVIRONMENTAL CONDITIONS:

1. There is a Bald Eagle's nest on this project. Final site plans shall be designed in accordance with the "Bald Eagle Management Plan", as adopted April 2008 by the Florida Fish and Wildlife Conservation Commission, or copies of applicable permits shall be provided to EPD before commencement of development.
2. The project landscaping shall be in accordance with the NCO and shall take into account the presence of overhead power lines along the U.S. 301 frontage. This condition shall be met with the final site plan.
3. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division before commencement of development.
4. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County prior to or concurrent with final plat approval.
5. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to final site plan approval. The Well Management Plan shall include the following information:

- Digital photographs of the well along with nearby reference structures (if existing).
- GPS coordinates (latitude/longitude) of the well.
- The methodology used to secure the well during construction (e.g. fence, tape).
- The final disposition of the well - used, capped, or plugged.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

NONE

COMPLIANCE WITH LDC

Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
BUFFERS				
50' roadway buffer, US 301	50'	Y		Shown on GDP
20' perimeter buffer to north	20'	Y		Shown on GDP
20' perimeter buffer to west	20'	Y		Shown on GDP
Buffer landscaping				Details will be provided with future PSP/FSP in accordance with LDC Sections 604.10, 714, and 715.
SIDEWALKS				
5' internal sidewalks				Shown on GDP and to be verified with FSP
5' sidewalk, exterior				Shown as existing on GDP and to be verified with FSP
ROADS & RIGHTS-OF-WAY				
150' US 301 North		Y		Shown on GDP and to be verified with FSP
Inter-Neighborhood Ties (cross access easement to north eastern parcel; known as Shops at Harrison Ranch)		Y		Shown on GDP and to be verified with FSP

COMPLIANCE WITH THE LAND DEVELOPMENT CODE

Planned Districts - Rezone Review Criteria (Section 508.6 and 603.4)

Physical Characteristics:

The 3.42 acre parcel is suitable for the development proposed without hazard to person or property, on or off the site, as proposed. Approximately 0.14± acres of the site is leased for a telecommunication tower (AP-98-65). The tower is still in operation and is home to an eagle's nest. The site is located on the north side of US 301 and approximately 925' west of Harrison Ranch Boulevard. The land to the west and north of this site is Harrison Ranch, a residential development and pending commercial development with PDMU zoning

Public Utilities, Facilities and Services:

The site will have direct access to US 301. The area is already served by Manatee County EMS, Fire and Law Enforcement.

There is an existing 20" potable water main and an 8" force main along the adjacent US 301 ROW. The site will be served by County water and sewer.

Concurrency is deferred with the GDP application. A Certificate of Level of Service (CLOS) will be applied for with the future PSP/FSP application.

A School Needs Assessment is not required for a commercial development.

Major Transportation Facilities:

The site has access to US 301 which is classified as a thoroughfare in the Comprehensive Plan.

Compatibility:

The site is in the NCO (North Central Overlay) District of Manatee County.

The proposed development may be found to be compatible with the surrounding land uses and development patterns in north county, particularly as development moves north and east towards Parrish and beyond. The Harrison Ranch neighborhood is to the west (natural area and major utility easement) and northwest (wetlands, wetland buffers and storm water ponds) of the project site.

The site is on the north side of US 301 and west of Harrison Ranch Boulevard. This area has been transitioning to suburban residential development with complementary commercial uses nearby.

PDMU zoning requires site plan review to address proper transitioning and the impacts to the abutting land uses. PDMU zoning allows the Board to attach stipulations to ensure the project is compatible with the surrounding uses.

Transitions:

The site is in the North Central Overlay District (NCO). The U.S. 301 corridor from Erie Road extending northeast toward Parrish is rapidly transitioning from rural agricultural uses to a mix of commercial retail and service uses, as well as residential developments. The proposed use will provide transition between an arterial roadway and the existing planned mixed use development to the north. Planned development zoning is appropriate because it can be designed to provide a transition between the roadways, various proposed commercial uses and existing residential uses.

Design Quality:

The conceptual design of this proposed development complies with applicable Land Development Code requirements and standards. The proposed General Development Plan requires review of the proposed use and intensity. The GDP shows 5,000 square feet of commercial/professional use for a gross intensity of 0.034 FAR.

A detailed project design will be reviewed with future preliminary and final site plans.

Adjacent Property

The site is in an area with a mix of commercial, office and residential land uses. To the west and north is the Harrison Ranch Development. South of the site, across U.S. 301, are single-family homes in Aberdeen and Silverleaf Subdivisions and an FPL substation.

Access:

The site will have direct access to U.S. 301 and requires FDOT approval. A cross access easement shall be provided to the adjacent northeast parcel (Shops at Harrison Ranch).

Streets, Drives, Parking and Service Areas:

New proposed drive will be required to meet County Public Works Standards, the details of which will be reviewed with future preliminary and final site plans. Twenty-five parking spaces are provided and meets the minimum number required ($1/200\text{sf} = 25$). The existing access to the cell tower is being relocated.

Pedestrian Systems:

There are sidewalks existing along U.S. 301. Interior sidewalks will be provided for pedestrian access.

Natural and Historic Features, Conservation and Preservation Areas:

There are no known historic or archaeological resources on the site. The most significant natural feature is the eagle's nest located atop the cell tower, near the northeast corner of the site. The nest is used seasonally and all federal, state and local eagle protection requirements will be met.

There are no wetlands or forested areas located within the site, however, there is a small section of a wetland buffer in the northwest corner of the site.

Intensity:

The site is proposed with a 0.034 floor area ratio which is well below the RES-3 future land use FAR of 0.23.

Height:

All structures will be limited to a maximum height of 35 feet. Building height is predicated by the front building setback per the North Central Overlay Standards.

Fences and Screening:

A fifty foot (50') landscaped buffer is proposed along US 301 per the NCO district standards. Twenty foot (20') landscaped buffers are proposed along the north and west perimeters. Additionally, a twenty foot (20') wide tree line is proposed near the center of the site that will separate the eagle's nest and development.

Yards and Setbacks:

The front building setback will be predicated on the building height per the North Central Overlay Standards. The rear building shall have a 15' building setback from the landscape buffer per the North Central Overlay Standards [(604.10.3.3.(k)]. However, the applicant is requesting specific approval to reduce the 15' to 5'.

Trash and Utility Plant Screens:

The site will have a centralized dumpster and shall be located and screened in accordance with the LDC.

Signs:

Signage will meet all LDC standards and be permitted separately.

Landscaping:

A 50' landscape buffer is proposed along the frontage of US 301. A minimum 20' landscape buffer is proposed for the western and northern boundary of the site. All proposed landscaping will comply with the requirements of the LDC.

Water Conservation:

A landscape plan will be required with the final site plan. The plan will provide irrigation design and specific plant materials. Water used for irrigation shall be the lowest quality of available water which adequately and safely meets water use needs by requiring storm water reuse, alternative irrigation sources, reclaimed water use and gray water irrigation systems. (Comp Plan Policy 3.2.3.2).

Utility Standards:

Connection to Manatee County utilities is required and will be reviewed in detail with future preliminary/final site plan submittal.

Stormwater Management:

The project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Slaughter Drain. Modeling shall be used to determine pre- and post- development flows.

The design of the stormwater management facilities will be required to meet the requirement of LDC Section 717 and the adopted Manatee County Development Standards for the treatment of stormwater. Stormwater facilities will be reviewed with the preliminary/final site plan.

Consistency:

The project is consistent with the Comprehensive Plan. See “Compliance with the Comprehensive Plan” below and applicable policies attached to the staff report.

Minimum Open Space Requirements:

The minimum open space required is 20%. The applicant is proposing 81%. The 81% includes the leased site and eagle protection area.

CONCURRENCY

**N/A with a General Development Plan.
Concurrency will be addressed at preliminary or final site plan stage.**

TRAFFIC IMPACT STATEMENT REQ'D: YES

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
US 301	3411	D	B

The traffic concurrency study (TIS) has been reviewed and approved by the Building & Dev. Service Dept, Transportation Management Division, and has no objection. The applicant has addressed the Comprehensive Plan requirements and provided analysis to substantiate the findings. Wastewater and potable water determined with FSP/Construction Plans.

SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

Applicant Request(s):

- 1. Reduce the 15' building setback from the northern landscape buffer.**
LDC Section 604.10.3.3.(k) requires lots adjacent to roadway and greenbelt buffers to have a minimum fifteen (15) feet building setback for buildings.

Staff Analysis and Recommendation:

The applicant is requesting a reduction in the building setback from the northern greenbelt buffer. Due to the triangular shape of the parcel, an eagle's nest on site and the NCO buffer requirements, the parcel is constrained. Development will remain at least 144' (eagle protection zone) from the nest. The applicant is proposing a 20' tree line between the edge of the 144' radius and the building. There will also be a 20' landscaped buffer along the northern property line. The applicant is not proposing doors or access to the rear of the building which will further protect the landscape buffer.

Therefore, staff supports the request to reduce the 15' building setback to 5'

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.3.6(c), the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because in addition to the 20' landscape buffer provided along the northern boundary by the project, the adjacent property (proposed Shops at Harrison Ranch), will also be required to provide at least a 20' landscape buffer which is more than adequate for commercial uses adjacent to commercial uses.

COMPLIANCE WITH COMPREHENSIVE PLAN

Most of the site is in the RES-3 (Residential 3 dwelling units per acre) Future Land Use Category. A small strip along the western boundary is in P/SP-1 (Public/Semi-public). A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.3 Permit the consideration of new residential and non-residential development. The proposal is in an area suitable for non residential uses.

Policy 2.1.2.4 Limit urban sprawl. The project is west of the Future Development Area Boundary (FDAB) and is deemed compatible with existing and future development.

Policy 2.1.2.5 Permit the consideration of new residential and nonresidential development. The proposal is in an area suitable for non-residential uses.

Policy 2.1.2.7 Compatibility and Appropriate Timing. The timing is appropriate given development trends in the area. The surrounding area is characterized by transitioning from agricultural and low density residential development to mixed-use development.

Objective 2.6.1 Compatibility. The General Development Plan is designed to be compatible with surrounding development because the use proposed and setbacks. Appropriate buffers are provided for compatibility and transition between existing developments.

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Zoning Disclosure Affidavit**
- 3. Specific Approval Letter**
- 4. Copy of Newspaper Advertising**

APPLICABLE COMP PLAN POLICIES

Policy: 2.1.2.3 Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.

Policy: 2.1.2.4 Limit urban sprawl through the consideration of new development and redevelopment, when deemed compatible with existing and future development, and redevelopment area planning efforts when applicable in areas which are internal to, or are contiguous expansions of the built environment.

Policy: 2.1.2.5 Permit the consideration of new residential and non-residential development in areas which are currently undeveloped, which are suitable for new residential or non-residential uses.

Implementation Mechanism(s):

- a) Designation of maximum allowable residential densities on the Future Land Use Map which would encourage transition in densities proximate to existing residential areas, and which are conducive to a wide range of residential uses in areas established for new residential development. Such areas will also serve as alternative locations to those residential areas described in Policy 2.1.2.1.
- b) Designation of a variety of future nonresidential areas on the Future Land Use Map at locations conducive to the development of a variety of employment generators. Such areas will serve as alternative locations to those future nonresidential areas described in Policy 2.1.3.1.

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,

		<ul style="list-style-type: none"> - 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 - applicable specific area plans - (See also policies under Objs. 2.6.1 - 2.6.3)
Policy:	2.2.1.10	RES-3: Establish the Residential-3 Dwelling Units/Gross Acre future land use category as follows:
Policy:	2.2.1.10.1	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 moderate-density suburban, or a clustered low density urban, residential environment. Also, to provide a complement of residential support uses normally utilized during the daily activities of residents of these moderate density suburban, or low density urban areas.
Policy:	2.2.1.10.2	Range of Potential Uses (see Policies 2.2.1.5, 2.1.2.3 - 2.1.2.7): 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:	2.2.1.10.3	<p>Range of Potential Density/Intensity:</p> <p>Maximum Gross Residential Density: 3 dwelling units per acre</p> <p>Minimum Gross Residential Density: 2.5 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing"</p> <p>Maximum Net Residential Density: 6 dwelling units per acre</p> <p>9 dwelling units per acre within the CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing" (except within the WO or CHHA Overlay</p>

		Districts, pursuant to Policies 2.3.1.5 and 4.3.1.5)
		Maximum Floor Area Ratio: 0.23 (0.35 for mini-warehouse uses only) 1.00 inside the CRA's and UIRA
		Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000sf)
Policy:	2.2.1.10.4	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 density exceeds 2.0 dwelling units per acre, or in which any net residential density exceeds 3 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.
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 § 163I.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.

Objective 2.6.1 Compatibility through Screening, Buffering, Setbacks, And Other Mitigative Measures: Require suitable separation between adjacent land uses to reduce the possibility of adverse impacts to residents and visitors, to protect the public health, and to provide for strong communities.

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

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.

Objective 2.6.5 Quality in Project Design: Promote appropriate diversity within and between existing and future development projects to achieve high quality, efficient functioning design.

**MANATEE COUNTY GOVERNMENT
BUILDING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DISCLOSURE AFFIDAVIT**

**Received
APR 05 2012
ZONING**

Project name: Brower - 3.42 Acre Parcel

The Manatee County Land Development Code 90-01, as amended requires that all applications for Zoning Atlas Amendments shall include public disclosure of applicants and their percentage of interest.

If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. This is in addition to the list of owners.

FOR ANY CHANGES OF OWNERSHIP OR CHANGES IN CONTRACTS FOR PURCHASE SUBSEQUENT TO THE DATE OF THE APPLICATION, BUT PRIOR TO THE DATE OF FINAL PUBLIC HEARING, A SUPPLEMENTAL DISCLOSURE OF INTEREST SHALL BE FILED.

Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State or another country.

<u>NAME, ADDRESS AND OFFICER</u>	<u>PERCENTAGE STOCK, INTEREST OR OWNERSHIP</u>
Check if owner (<input checked="" type="checkbox"/>) or contract purchaser (<input type="checkbox"/>)	
<u>Stanley G. Brower</u>	<u>Joint</u>
<u>Deborah G. Brower</u>	<u>Joint</u>
_____	_____

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature: *Stanley G. Brower*

STATE OF FLORIDA
COUNTY OF Manatee

(Applicant): Stanley G. Brower

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 28th day of June, 2011, by Stanley G. Brower, who is personally known to me or who has produced _____ as identification.
(type of identification)

Diana L. Hubbard
Notary Signature



My Commission Expires: _____

Print or type name of Notary

Commission No: _____

Title or Rank

July 5, 2012

Manatee County
Board of County Commissioners
1112 Manatee Avenue West
Bradenton, FL 34205

Received
JUL 05 2012
ZONING

Re: Brower 3.42 Acre Parcel
Application Number: 20120146
DTS Application Number: 20110326
Request for Specific Approval for Land Development Code 604.10.3.3.(k)

Ladies and Gentlemen:

The Manatee County Land Development Code Section 604.10.3.3.(k) states, "To avoid conflicts with buffer vegetation, lots adjacent to roadway and greenbelt buffers shall have a minimum fifteen (15) feet building setback for buildings, swimming pools, pool cages, or other structures that would possible conflict with buffer vegetation."

The Brower Tract is requesting to reduce the north greenbelt setback from fifteen (15) feet to five (5) feet along the rear of the property. The request is based upon the unique conditions of the site. The parcel configuration is similar to a right triangle: with an east-west base of 715 LF, a north south height of 417 LF, and a 827' hypotenuse along US 301. Near the Northwest corner of the site (the right angle/widest part of the site) there is an eagle nest constructed atop of the existing cell tower.

Even with these site constraints, the current design proposes to keep development a minimum of 144' from eagle nest while still accommodating the North Central Overlay buffer and building height setback requirements. As the building sets, the frontages and main access points are proposed on the east and south sides. Rear opening doors (towards the 20' landscape buffer) are not anticipated, unless required for fire or emergency access. Also, please note that the buffer setback in question is adjacent to another proposed PDMU commercial facility with a 20' landscape buffer (The Shops at Harrison Ranch).

Thank you for your consideration,

Sincerely,



Kimber L. Bereiter, RLA, LEED AP BC+C
Vice President



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, September 13, 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 12-20 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.) Allocate 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 the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County; and
- 5.) 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) (1,187,69± acres).

RDR-08-05(G)/R10 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB

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

- 1.) Allocate 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 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.

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PDMU-12-08(Z)(G) - STANLEY AND DEBORAH BROWER / BROWER PARCEL (DTS #20120146)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area, providing for a rezone of approximately 3.42 acres on the north side of US 301, approximately 925 feet west of Harrison Ranch Boulevard, at 10308 US 301, Parish from A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) retaining the North Central Overlay zoning district; approval of a General Development Plan for 5,000 square feet of commercial/professional neighborhood serving use; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

PDR-12-03(Z)(G) - ROWE VENTURES, LLC/THE AVIARY AT RUTLAND RANCH (DTS # 20120045)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area, providing for a rezone of approximately 400± acres, 1800' east of 161st Avenue East and north of CR 675, at 16410 CR 675, Parish from A/NCO (General Agriculture/North Central Overlay District) to the PDR/NCO (Planned Development Residential/North Central Overlay District); approve a General Development Plan for 784 residential units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

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 (841) 749-4501 x6878; 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 742-6800; TDD ONLY 742-6802 and wait 60 seconds, or FAX 746-3790.

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 08/28/2012

Copy of Newspaper Advertising

Sarasota Herald Tribune

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- 3.) Increase residential acreage to accommodate Tracts B-2 and L South.
- 4.) 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/WF-E/ST (Planned Development Residential, Watershed Protection-Evans and Special Treatment overlay districts) (1,187.89± acres).

PDR-99-06(G) (R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB

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

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PDR-12-03(Z)(G) - ROWE VENTURES, LLC/THE AVIARY AT RUTLAND RANCH (DR # 20120045)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezoning of approximately 400± acres, 1800' east of 161st Avenue East and north of CR 675, at 16410 CR 675, Parish from A/NCO (General Agriculture/North Central Overlay District) to the PD-R/NCO (Planned Development - Residential/North Central Overlay District); approve a General Development Plan for 764 residential units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

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 (841) 748-4801/3378; e-mail to: planning_agenda@mymanatee.org

According to Section 298.0106, 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 742-6802 and wait 60 seconds, or FAX 745-3760.

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: August 28, 2012

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 GENERAL DEVELOPMENT PLAN..... 3

NOTES:

- THE SITE INCLUDES PARCELS 726900059 (VACANT) AND 726900109 (LONG-TERM LEASE FOR A CELL TOWER). BOTH ARE CURRENTLY ZONED A/NCO. THERE IS AN OPERATIONAL EXISTING CELL TOWER ON SITE.
- THE SITE IS DESIGNATED AS FLOOD ZONE X ON F.L.R.M. PANEL #1201530215C.
- THERE ARE NO KNOWN FOUNDATIONS, MOUNDS OR MIDDEN AREAS OF HISTORIC ORIGIN, EXISTING EASEMENTS, PLATTED STREETS LOCATED ON THIS SITE.
- THERE ARE NO WETLANDS UNDER THE JURISDICTION OF SWFWMD AND FDP WITHIN THE BOUNDARIES OF THIS PLAN.
- THERE ARE TWO KNOWN WELLS WITHIN THE BOUNDARIES OF THIS PLAN. SEE SHEET 3.
- COMMON OPEN SPACE SHALL BE OWNED AND MAINTAINED BY PROPERTY OWNERS OR THE MASTER DEVELOPER.
- STREET LIGHTS MAY BE INSTALLED AT THE DEVELOPER'S OPTION. STREET AND SECURITY LIGHTING WILL MEET OR EXCEED REQUIREMENTS OF SECTION 709 OF THE MANATEE COUNTY LDC.
- THERE ARE PROPOSED SIGNS TO IDENTIFY THE DEVELOPMENT.
- INFRASTRUCTURE CONSTRUCTION WILL COMMENCE 2013 AND WILL BE COMPLETED WITHIN THREE YEARS UPON CONSTRUCTION PLAN APPROVAL AND CERTIFICATE OF LEVEL OF SERVICE APPROVAL.
- SANITARY SEWER AND POTABLE WATER WILL BE CONSTRUCTED TO MANATEE COUNTY STANDARDS AND PRIVATELY MAINTAINED.
- AT DATE OF CONSTRUCTION DRAWING APPROVAL, DRIVE ISLES AND DRIVEWAY ENTRANCES SHALL BE CONSTRUCTED TO "MANATEE COUNTY TRANSPORTATION DEPARTMENT HIGHWAY, TRAFFIC & STORMWATER STANDARDS". FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) ACCEPTANCE OF THE PROJECT IS REQUIRED. A PERMIT OR NOTICE OF INTENT TO ISSUE FROM FDOT WILL BE REQUIRED PRIOR TO FINAL SITE PLAN APPROVAL BY THE MANATEE COUNTY PUBLIC WORKS DEPARTMENT.
- SOLID WASTE DISPOSAL WILL BE PROVIDED BY MANATEE COUNTY.
- A SCHOOL NEED ASSESSMENT IS NOT REQUIRED FOR A COMMERCIAL DEVELOPMENT.
- ALL PROPOSED BUILDING FINISHED FLOOR ELEVATIONS ARE TO BE A MINIMUM OF 21" ABOVE THE CROWN OF THE ADJACENT ROADWAY (IN ACCORDANCE WITH SECTION 702.9 OF THE MANATEE COUNTY LDC) OR IF WITHIN THE 100 YEAR FLOOD PLAIN, A MINIMUM OF ONE FOOT ABOVE THE 100 YEAR FLOOD ELEVATION.
- SEDIMENTATION AND EROSION CONTROL MEASURES WILL BE IN COMPLIANCE WITH SECTION 717 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE. TO PREVENT SEDIMENTARY RUNOFF DURING CONSTRUCTION, STAKED HAYBALES, STAKED SILT SCREENS OR INLET DEBRIS CONTROL SCREENS ARE TO BE PLACED AT STORM INLETS, OUTFALL LOCATIONS AND ADJACENT PROPERTY LINES AS REQUIRED PRIOR TO ANY CONSTRUCTION ACTIVITIES. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING THE SEDIMENTATION BARRIERS IN A WORKING MANNER FOR THE DURATION OF CONSTRUCTION AND SHOULD BE CHECKED DAILY. SILTATION ACCUMULATIONS GREATER THAN THE LESSER OF 12 INCHES OR ONE-HALF OF THE DEPTH OF THE SEDIMENTATION BARRIER SHALL BE IMMEDIATELY REMOVED AND REPLACED IN UPLAND AREAS. IN ADDITION TO SPECIFIED EROSION CONTROL LOCATIONS, THE CONTRACTOR SHALL PERFORM DAILY SITE INSPECTIONS FOR POTENTIAL EROSION PROBLEMS. IF PROBLEMS OCCUR, THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING APPROPRIATE EROSION CONTROL IMMEDIATELY. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING TEMPORARY EROSION CONTROL.
- ALL REQUIREMENTS OF THE NORTH CENTRAL OVERLAY DISTRICT WILL BE ADDRESSED. LANDSCAPE, OPEN SPACE, BUFFERS, SETBACKS, SIGNAGE, BUILDING HEIGHT, AND ARCHITECTURAL REQUIREMENTS WILL BE ADDRESSED DURING THE FINAL SITE PLAN.
- THERE IS A RECORDED EAGLE'S NEST LOCATED ON THE SITE, LOCATED ON A 180' CELL TOWER LOCATED WITHIN THE SITE, ON A LEASED PARCEL OF LAND (SEE AP-98-65).
- THERE ARE EXISTING OVERHEAD UTILITIES ALONG US 301/SOUTHERN BOUNDARY OF SITE. THIS SHALL BE CONSIDERED WHEN DESIGNING THE NCO ROADWAY BUFFER.

GENERAL DEVELOPMENT PLAN

TO SERVE

BROWER TRACT

LOCATED IN

SECTION 1, TOWNSHIP 34 SOUTH, RANGE 18 EAST
 MANATEE COUNTY, FLORIDA

ZONED:
 A/NCO

PROPOSED ZONING:
 PD-MU/NCO

PROPOSED USES:

- | | |
|---|---|
| SHORT TERM AGRICULTURAL USES | DRY CLEANERS (NEIGHBORHOOD, GENERAL, PICK-UP) |
| RETAIL SALES NEIGHBORHOOD (CONVENIENCE, GENERAL) | FOOD CATERING |
| EATING ESTABLISHMENT (INCLUDING DRIVE-THRU) | PRINTING (SMALL, MEDIUM) |
| FARM EQUIPMENT AND SUPPLY ESTABLISHMENTS | PERSONAL SERVICE ESTABLISHMENT |
| GENERAL RETAIL SALES USES | RENTAL SERVICE ESTABLISHMENT |
| BANK OR BANK WITH DRIVE THRU | REPAIR SERVICE ESTABLISHMENT |
| BUSINESS SERVICES | BUILDING MATERIAL ESTABLISHMENTS |
| PROFESSIONAL OFFICES | MOTOR VEHICLE REPAIR (NEIGHBORHOOD SERVING) |
| HEALTH SERVICES PROFESSIONAL OFFICES | RESEARCH AND DEVELOPMENT ACTIVITY |
| HEALTH SERVICES CLINIC | OUTPATIENT TREATMENT FACILITY |
| HEALTH SERVICES VETERINARY CLINIC | RADIO, TV, COMMUNICATIONS, MICROWAVE FACILITIES, CELL TOWER |
| MEDICAL AND DENTAL LABORATORY | CHURCHES OR OTHER PLACES OF WORSHIP |
| BED AND BREAKFAST | DAY CARE (LARGE, MEDIUM, ACCESSORY) |
| CAR WASH (SELF SERVICE, INCIDENTAL, FULL SERVICE) | SCHOOLS OF SPECIAL EDUCATION |

CURRENT FLUC:
 RES-3

SITE DATA:

TOTAL ACRES	3.42 AC
(3.28 ACRES PARENT TRACT & 0.14 ACRES LEASE AREA)	
WETLANDS ACRES	0.0 AC
SWF REQUIRED	0.21 AC
SWF PROVIDED	0.21 AC
PROPOSED USE	RETAIL/PROFESSIONAL

TOTAL PROPOSED BUILDING AREA	5,000 SF
TOTAL EXISTING BUILDING AREA	120 SF
MAXIMUM FAR	0.034
MAXIMUM BUILDING HEIGHT (1 STORY)*	35 FT

* BUILDING HEIGHT SHALL BE ESTABLISHED IN ACCORDANCE WITH NCO REQUIREMENT 604.10.3.3
 (I) - DETERMINED BY SETBACK FROM ROADWAY FRONTAGE.

THIS PARCEL MEETS THE 75% RULE FOR COMMERCIAL LOCATION CRITERIA

81% OF THE PARCEL FRONTAGE ALONG US 301 (670.5' OF 827.1') IS WITHIN 1,500 LF OF THE NORTHWEST RIGHT-OF-WAY INTERSECTION OF US 301 AND HARRISON RANCH BOULEVARD.

PARKING SUMMARY:*

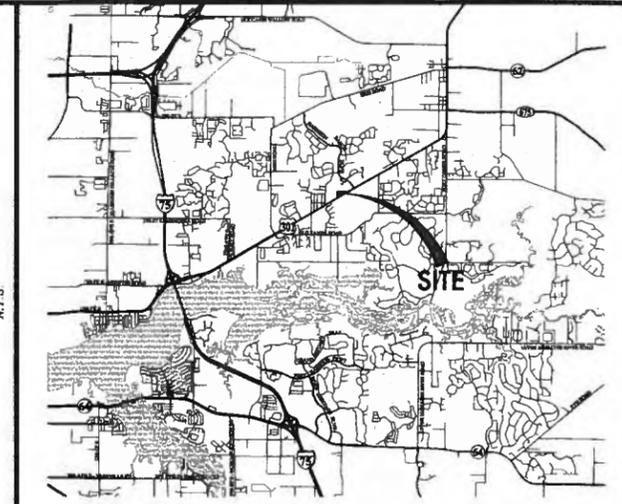
PARKING REQUIRED	25
PARKING PROVIDED	25
*INCLUDES HANDICAP PARKING - 1 SPACE/200 SQ. FT.	

SETBACKS:

FRONT	50' MINIMUM LANDSCAPE BUFFER (US 301)
SIDE	20' MINIMUM
REAR	20' MINIMUM
WATERFRONT	30' MINIMUM

OPEN SPACE:

OPEN SPACE CALCULATION 2.8 ACRES - 81% OF SITE



VICINITY MAP

DESCRIPTION:

THAT PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 18 EAST, LYING NORTH OF U.S. HIGHWAY 301, MANATEE COUNTY, FLORIDA.

THE DESCRIPTION SHOWN HEREON WAS OBTAINED FROM THE WARRANTY DEED AS RECORDER IN OFFICIAL RECORDS BOOK 2294, PAGE 6851, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

THE SUBJECT LAND SURVEYED CONTAINS 3.42 ACRES, MORE OR LESS. THIS INCLUDES A PARENT TRACT OF +/- 3.28 ACRES AND A +/- 0.14 ACRE AREA UNDER A LONG-TERM LEASE (PER SURVEY PROVIDED BY LEO MILLS & ASSOCIATES, INC., PERFORMED OCTOBER 2011).

THE MANATEE COUNTY PROPERTY APPRAISER'S PARCEL IDENTIFICATION NUMBERS FOR THIS PARCEL IS 726900059 AND 726900109 (LONG-TERM LEASE FOR CELL TOWER).

PDMU-12-05(Z)(G)
20120146(3)
Stanley & Deborah
Brower/Brower 3.42 Acre
Parcel

REVISIONS

REVISED DRAWING PER MC COMMENTS	RAM	2012.05
REVISED DRAWING PER MC COMMENTS	KLB	2012.07.03

ZNS ENGINEERING
 ENGINEERS | PLANNERS | SURVEYORS
 LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
 POST OFFICE BOX 9448 BRADENTON, FL 34206 | 201 5th AVENUE DRIVE EAST BRADENTON, FL 34208
 E-MAIL: ZNS@ZNSENGINEERING.COM | TELEPHONE 941.748.8080 | FAX 941.748.2316

PREPARED FOR: BROWER TRACT 10308 US 301 N PARRISH, FLORIDA 34219	AUTHORIZED AGENT/PREPARER: ZNS ENGINEERING 201 5TH AVENUE DRIVE EAST P. O. BOX 9448 BRADENTON, FLORIDA 34206 941.748.8080 AGENT EXT. 120
---	--

PROJECT DATA: BROWER TRACT 00-42838	© ZNS ENGINEERING, L.L.C. THIS DOCUMENT IS PROTECTED BY SECTION 185 OF THE FLORIDA STATUTES GOVERNMENT ACT. REPRODUCTION OR ALTERATION OF THIS DOCUMENT OR THE INFORMATION CONTAINED HEREIN BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED WITHOUT THE PRIOR WRITTEN CONSENT OF ZNS ENGINEERING, L.L.C. CONSENT IS HEREBY GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 118.
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Tue, 03 Jul 2012 9:28am V:\cadd\BROWER TRACT\PLANNING\BROWER TRACT - COVER.dwg



1" = 100'

DESIGNED: _____
 DRAWN: _____
 DATE: 01-26-2012
 JOB NO.: 01-0838
 SCALE: 1"=100'
 SHEET: 3

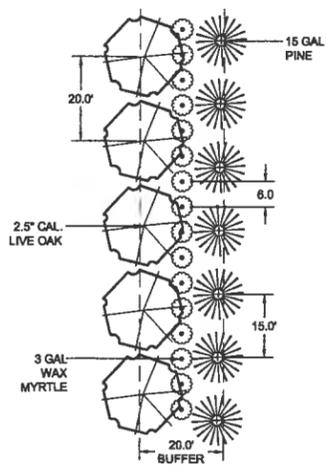
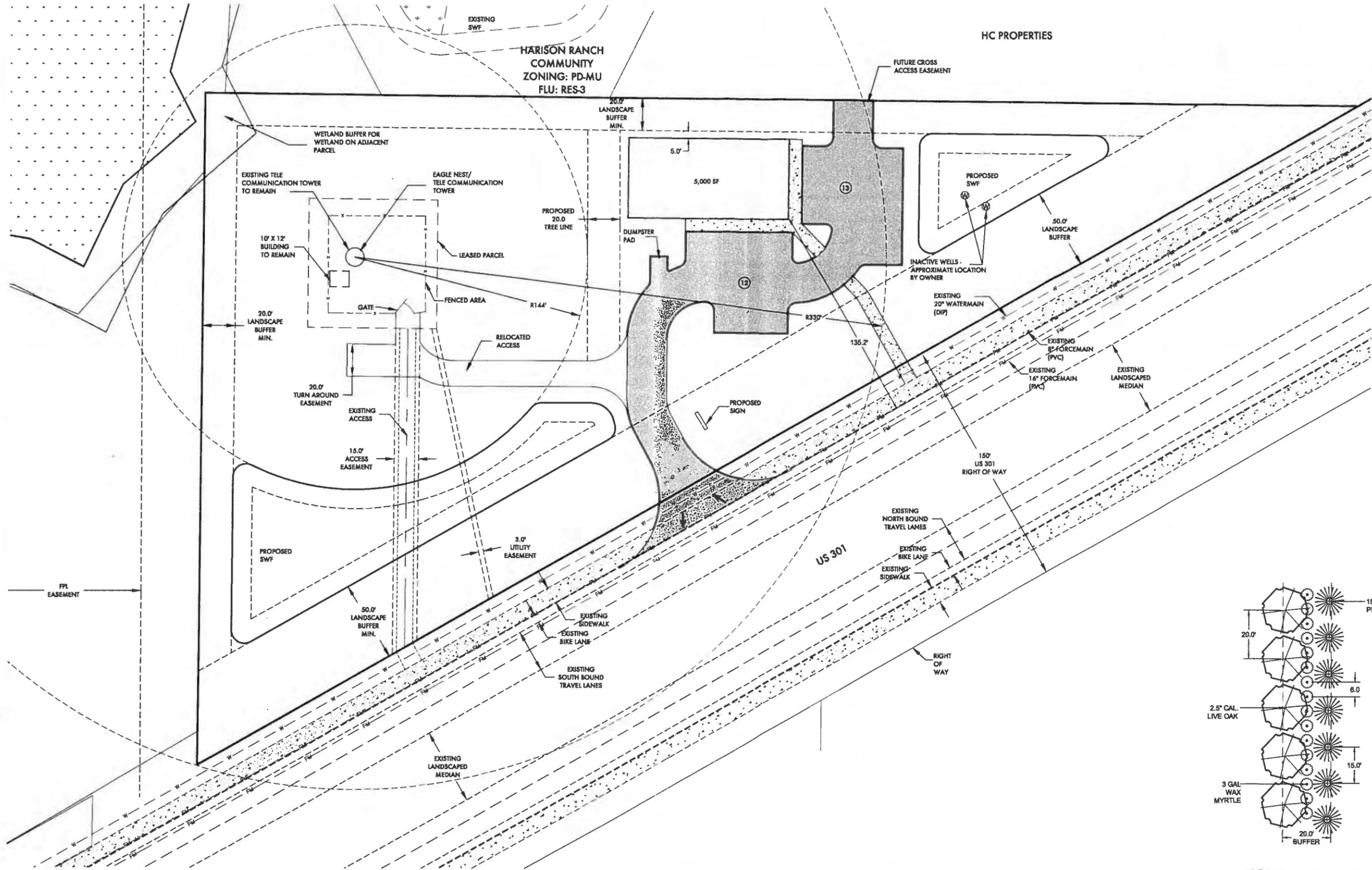
AERIAL EXHIBIT
 FOR
BROWER TRACT
 LOCATED IN
 SECTION 1, TOWNSHIP 24 SOUTH, RANGE 18 EAST
 MANATEE COUNTY, FLORIDA

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NO.	REVISIONS
1	ISSUED
2	
3	
4	
5	
6	
7	

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 POST OFFICE BOX 848 MANATEE, FL 34422 | 201 96 AVENUE ONE EAST MANATEE, FL 34208
 PHONE: 787-808-0000 | FAX: 787-808-0000

Tue, 03 Jul 2012 - 9:42am V:\acad\BROWER TRACT\PLANNING\BROWER TRACT - GDP.dwg



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LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS

POST OFFICE BOX 548 BANGOR, N. CAROLINA 27008
PHONE 704.726.8888 FAX 704.726.8116



NO.	DATE	REVISIONS
1	02/20/11	ISSUE FOR PERMIT
2		
3		
4		
5		
6		
7		

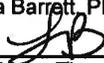
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GENERAL DEVELOPMENT PLAN
FOR
BROWER TRACT
LOCATED IN
SECTION 1, TOWNSHIP 24 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

DESIGNED BY: MAB/DOO
DRAWN BY: BMM
DATE: 07/20/11
JOB NO.: 09-25838
SCALE: 1"=50'
SHEET: 3

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	09/13/12 PC	DATE SUBMITTED/REVISED	09/06/12
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	None
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

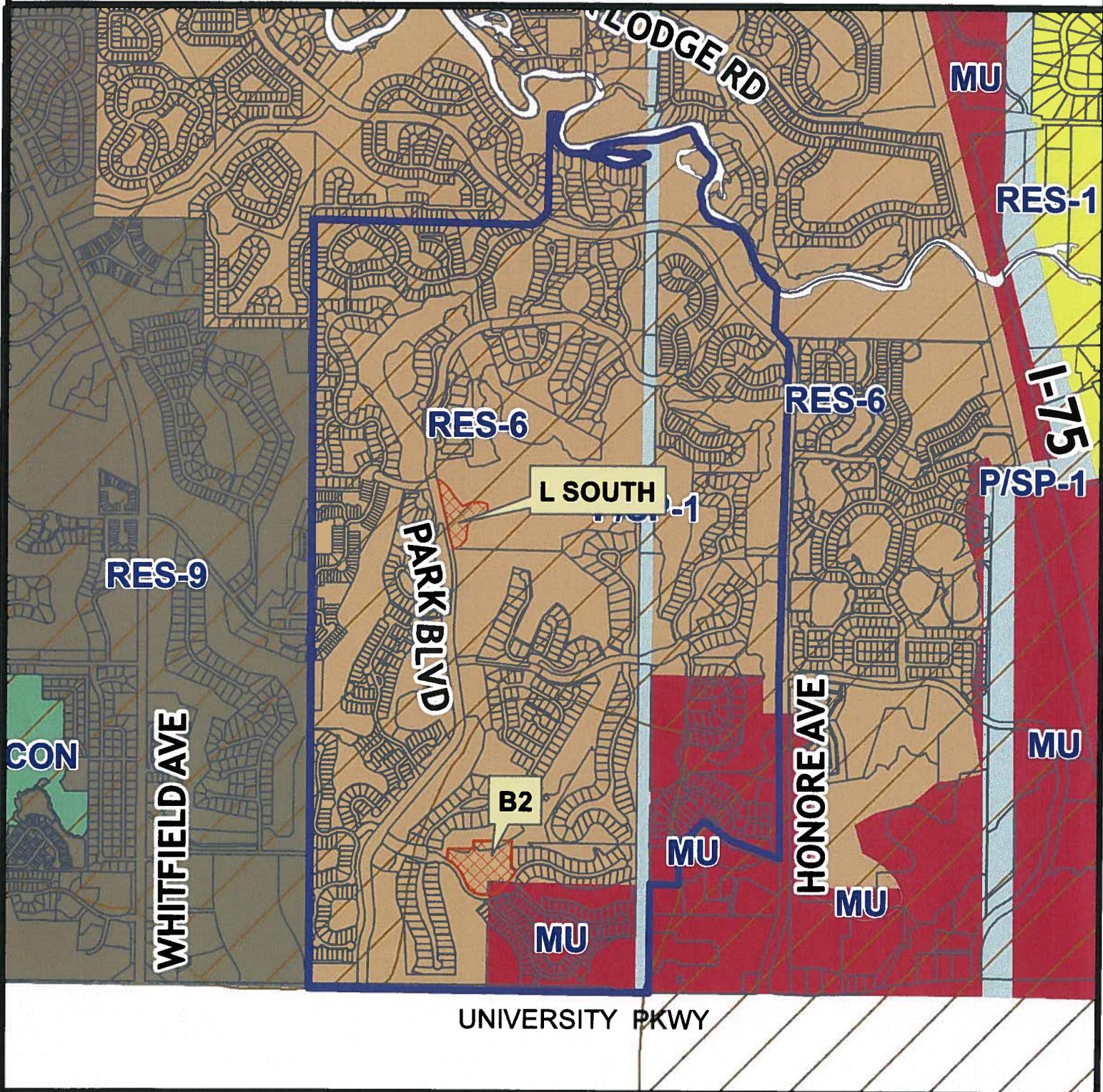
BACKGROUND/DISCUSSION

- 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 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
- 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: University Park Country Club
 Project #: ORD-12-20 / DRI #12
 DTS#: 20120133
 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

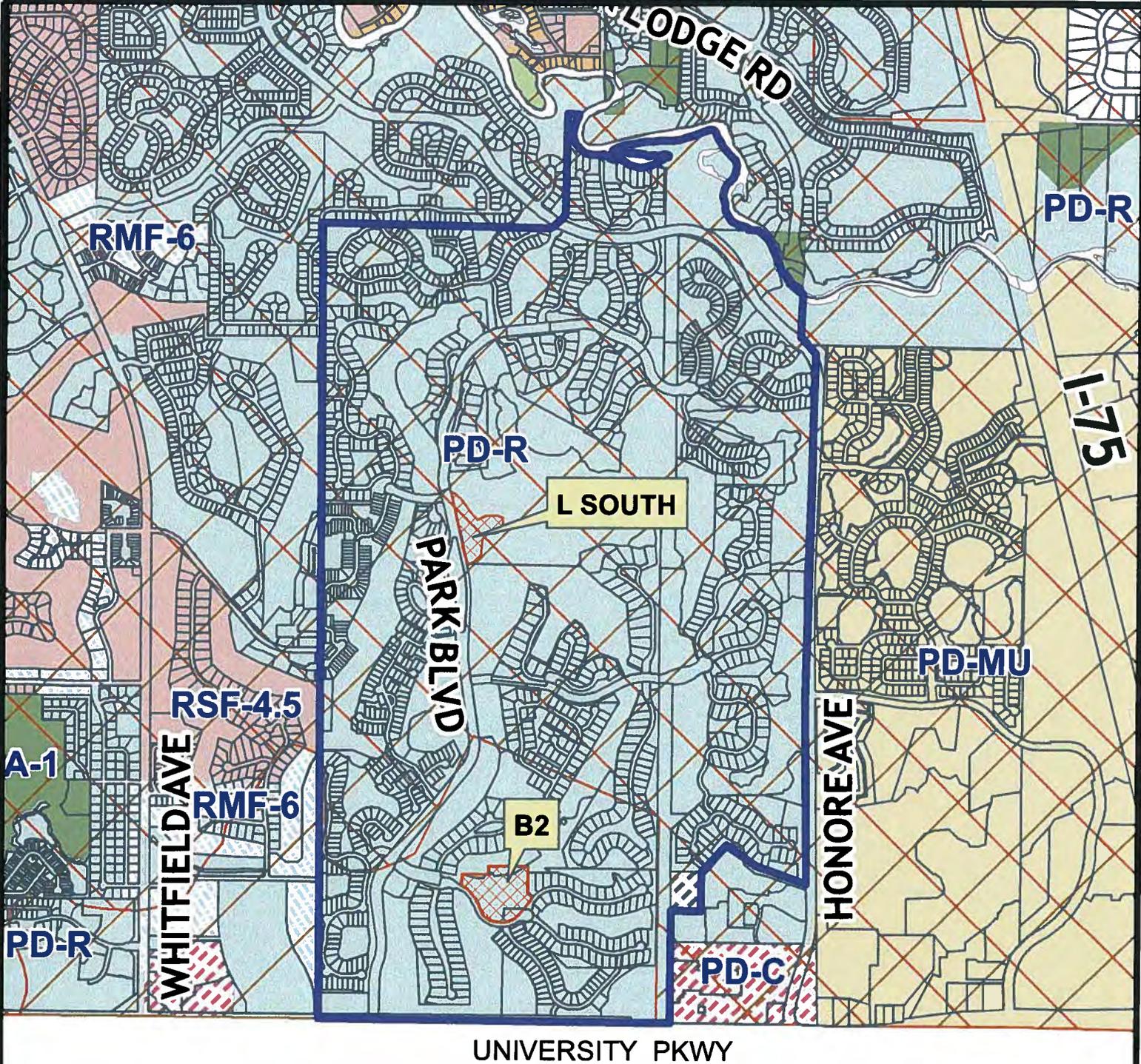
CHH: NONE
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, CEDAR CREEK
 Commissioner: Donna Hayes



Manatee County
 Staff Report Map
 Map Prepared 3/13/2012
 1 inch = 1,667 feet

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

ZONING



Parcel ID #(s) Multiple

Project Name: University Park Country Club
 Project #: ORD-12-20 / DRI #12
 DTS#: 20120133
 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

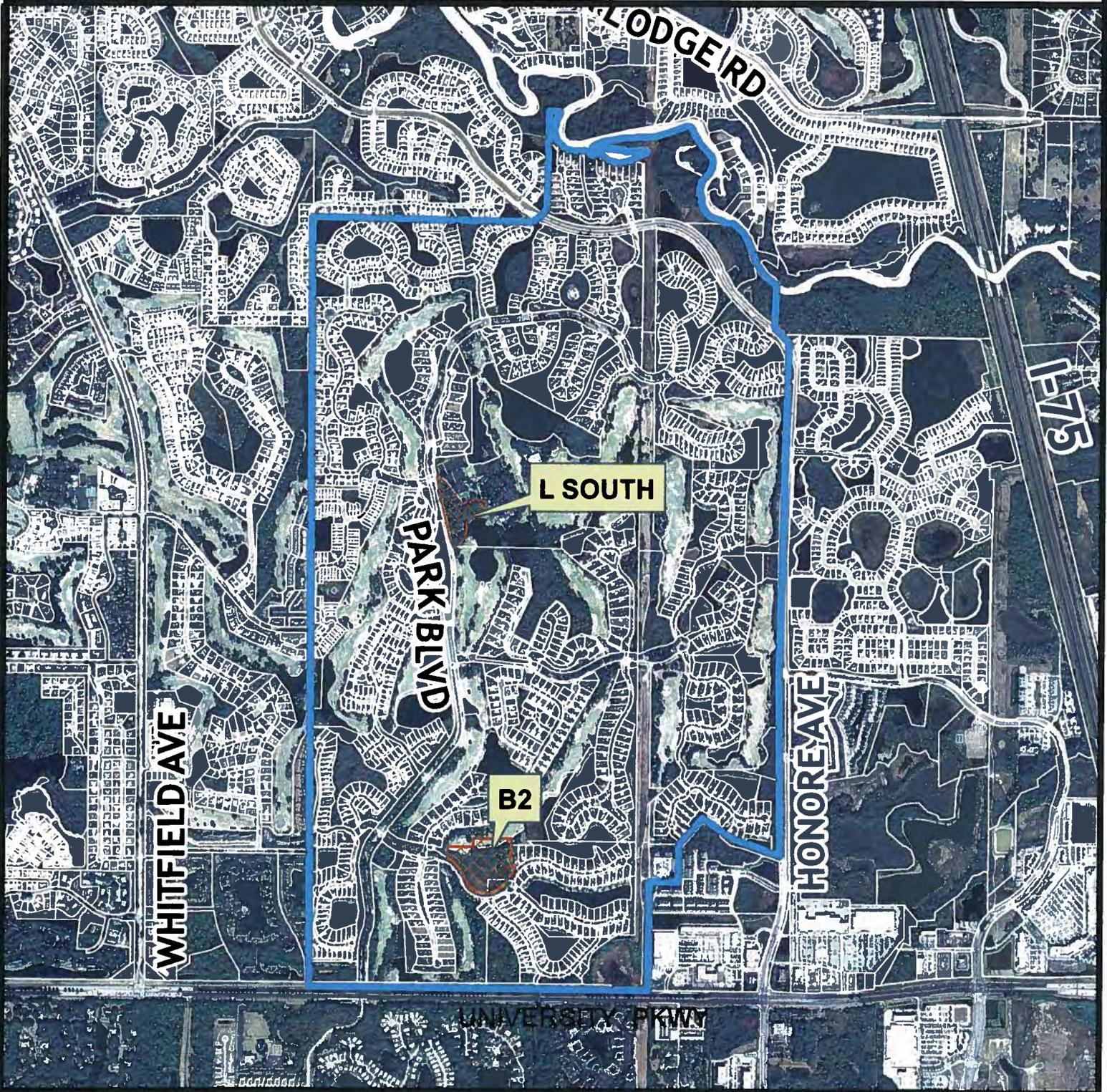
CHH: NONE
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, CEDAR CREEK
 Commissioner: Donna Hayes



Manatee County
 Staff Report Map
 Map Prepared 3/13/2012
 1 inch = 1,667 feet

-  Special Treatment
-  Evers Watershed (WPE)

AERIAL



Parcel ID #(s) Multiple

Project Name: University Park Country Club
Project #: ORD-12-20 / DRI #12
DTS#: 20120133
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. 09/13/12

**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.) Allocate 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 the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 5.) 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, 09/13/12

B.O.C.C.: 08/02/12, 11/01/12

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.

PLANNING COMMISSION ACTION:

On July 12, 2012, by a vote of 7 – 0, the Planning Commission continued the public hearing to September 13, 2012.

BOARD OF COUNTY COMMISSIONERS ACTION:

On August 2, 2012, by a vote of 7 – 0, the Board of County Commissioners continued the public hearing to November 1, 2012.

PUBLIC COMMENT AND CORRESPONDENCE:

There was no public comment at the July 12, 2012 Planning Commission public hearing. A revised motion to continue and public comment letters were entered into the record at the July 12, 2012 Planning Commission public hearing.

There was no public comment and nothing was entered into the record at the August 2, 2012 Board of County Commissioners public hearing.

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.) Allocate 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 the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County and
- 5.) Update the Development Order to reflect terminology changes, Department references and other minor changes.

STAFF RECOMMENDS: APPROVAL

UPDATE SINCE JULY 12, 2012

This case was originally scheduled for July 12, 2012 Planning Commission and August 2, 2012 Board of County Commissioner. However, after advertisement, the applicant decided to revise their application and continue the case.

The revision eliminates the request to remove the conservation area that was to be mitigated with new preservation areas. Existing Stipulation D(9) and Table 3 of the Zoning and Development Order already allows for a 2:1 mitigation for any impacts. Therefore, the request can be processed administratively should the applicant wish to pursue the impacts. No development is currently permitted or proposed within the site of the conservation area. Any requests for development would require BOCC approval. However, the applicant may request to clear the site. Any such request would require mitigation and be reviewed by staff.

The revised application is for the allocation of 46 previously approved residential units only.

Because the conservation area has been removed from the request, the Tampa Bay Regional Planning Council no longer has a regional issue. The Tampa Bay Regional Planning Council is expected to issue an updated final report on Monday, September 10, 2012, to remove the conservation issue. The TBPRPC Report is attached with revisions shown in strike thru and underline format.

The applicant agreed to a continuance of the public hearings. The Planning Commission will hear the revised proposal on September 13, 2012. The Board of County Commissioners hearing is scheduled for November 1, 2012.

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. 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 #5

- 5. 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 ~~strike through~~ and underline in the attached Ordinance 12-20.

ATTACHMENTS:

1. Ordinance 12-20
2. TBRPC Revised NOPC Report dated 09-10-12
3. Copy of Newspaper Advertising
4. Public Comment Letters

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.) Allocate 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 the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County and
- 5.) 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 de-not 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~~ November 1, 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-Building and Development Services 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

- C. to approve a revised Zoning Ordinance for the entire ~~4,202~~ 1,187+/- acre project.
- D. 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.
- E. The Board of County Commissioners held public a hearing on ~~September 3, 2009~~ November 1, 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.
- F. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.
- G. 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.
- H. 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.
- I. 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.
- J. The "Developer*" submitted to Manatee County, Florida a NOPC identified in Section 1, which is incorporated herein by reference.
- K. 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.

- L. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.
- M. Proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- N. 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.
- O. 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.
- P. 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 ~~04-19~~ 12-20.
- Q. 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.

- R. 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, 2001~~ 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, 2001.
- 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; Durable Investments, Inc., Erop Corporation and 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.
- 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 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, 2001.
- 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.)		468.59 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.

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/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane	Completed

		<ul style="list-style-type: none"> - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane 	
--	--	--	--

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, whichever 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 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.

**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 ♦
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♦ 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 its 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; SR11, 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~~ Ordinance 09-46 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.~~ 1st day of November, 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.

Since a meeting of the Tampa Bay Regional Planning Council did not occur in July 2012, the following *Notice of Proposed Change (NOPC) Report* was initially approved by the TBRPC Executive Director on June 15, 2012 in order to meet the Statutory time frame. This approved *Report* was provided to the members of the TBRPC, as informational, at the very next Council meeting (i.e. August 13, 2012). However, the Applicant and the County have subsequently requested that the proposal be modified to remove the former request for Conservation/Preservation area modifications within the application. Hence, the need for this revised Report.

It is believed that modifying the existing/approved Report to reflect these revisions in strikethrough & underline format would be the simplest and most convenient way to represent the specific changes.

Council staff is seeking approval of the following modified Report.



Revised 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). On August 22, 2012, the TBRPC received a request for a modified Report from the Applicant and Manatee County, eliminating the prior request for modifications associated with the Conservation/Preservation areas. 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~~ 2. 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~~ 3. 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~~ 4. *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~~ 5. *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~~ 6. *The Right of Way will not be reduced.* (May 16, 2012 Correspondence/Page 11/Response to Manatee County Building & Development Services/Concurrency Section)

87. 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.

98. *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.”*~~



~~**129.** It shall be ensured that the revised Master Development Plan (*Exhibit 2* of this Report), as modified in accordance with Discussion Item #~~3~~ ~~4~~ above, ~~and the Preservation and Conservation Areas Map (Exhibit 3 of this Report)~~ will 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.~~

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, September 13, 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 12-20 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB AND 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.) Allocate 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 the Development Order to reflect the project expiration and buildout dates as previously authorized by the State of Florida and Manatee County, and
- 5.) 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-88-05(GVR10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB

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

- 1.) Allocate 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).

PDMU-12-08(Z1(G) - STANLEY AND DEBORAH BROWER / BROWER PARCEL

(DTS #20120146)
An Ordinance of the Board of

County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas; (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 3.42 acres on the north side of US 301, approximately 925 feet west of Harrison Ranch Boulevard, at 10308 US 301, Parish from A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) retaining the North Central Overlay zoning district; approval of a General Development Plan for 5,000 square feet of commercial/professional neighborhood serving use; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDR-12-08(ZYG) - ROWE VENTURES, LLC/THE AVIARY AT RUTLAND RANCH

(DTS #20120045)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas; (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated

area; providing for a rezone of approximately 400± acres; 1800' east of 161st Avenue East and north of CR 875 at 16410 CR 875, Parish from A/NCO (General Agriculture/North Central Overlay District) to the PDR/NCO (Planned Development - Residential/North Central Overlay District); approve a General Development Plan for 784 residential units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

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: (841) 748-4501x6878; e-mail to: planning_agenda@mymnatee.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 742-8800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 748-3790.

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
08/29/2012

NOTICE OF DR/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, September 13, 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 12-20 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 280.06, Florida Statutes:

- 1.) Allocate 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 the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 5.) 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 Honors Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PD/RWF-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

PD-99-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB

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

- 1.) Allocate 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 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 Honors Avenue and the Palm Aire Development, and extends north to the Braden River. Present zoning: PD/RWF-E/ST (Planned Development Residential, Watershed Protection-Evers and Special Treatment overlay districts) (1,187.59± acres).

PDMA-12-05(Z)(G) - STANLEY AND DEBORAH BROWER / BROWER PARCEL (DTS #20120148)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 80-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 3.42 acres on the north side of US 901, approximately 925 feet west of Harrison Ranch Boulevard, at 10399 US 901, Parish from A/NCO (General Agriculture/North Central Overlay) to the PD/MUNCO (Planned Development Mixed Use) retaining the North Central Overlay zoning district; approval of a General Development Plan for 8,000 square feet of commercial/professional neighborhood serving use; subject to stipulations, to conditions of approval setting forth findings; providing a legal description; providing for severability; and providing an effective date.

PD-12-03(Z)(G) - ROWE VENTURES, LLC/THE AVARY AT RUTLAND RANCH (DTS # 20120045)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 80-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 400± acres, 1800' east of 161st Avenue East and north of CR 675, at 18410 CR 675, Parish from A/NCO (General Agriculture/North Central Overlay District) to the PD-R/NCO (Planned Development - Residential/North Central Overlay District); approve a General Development Plan for 784 residential units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

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 comments 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 (841) 748-4801/3878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0106, 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 748-2800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-9780.

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: August 29, 2012



To:
Cc:
Bcc:
Subject: Fw: PDR-89-05(G)(R10) DTS#20120095

Carol Whitmore

Sent from my iPad Begin forwarded message:

07/02/2012 07:45:46 PM



Fwd: PDR-89-05(G)(R10) DTS#20120095

john.barnott, John Osborne, Ed Hunzeker,
Carol Whitmore to: Karen Windon, Robert Schmitt, John
Chappie, Carol Whitmore

07/02/2012 07:45 PM

Sent from my iPad

Begin forwarded message:

From: "Mike Cooper" <coopms@gte.net>
Date: July 2, 2012 5:36:22 PM EDT
To: "CAROL WHITMORE" <andreart@aol.com>, "Donna HAYES" <donna.hayes@mymanatee.org>, "John Chappie" <jchappie2@tampabay.rr.com>, "Joseph McClash" <joemcclash@gmail.com>, "Larry Bustle" <buskets@tampabay.rr.com>, "Michael Gallen" <michael.gallen@mymanatee.org>, "Robin DiSabatino" <robindisab@gmail.com>
Subject: PDR-89-05(G)(R10) DTS#20120095

My wife and I own two properties in University Park Country Club. We are very concerned about the proposed request PDR-89-05[G][R10] for University Park.

We request a delay on the meeting until the November/December time frame to allow those residents that are away to return and be fully informed. There simply is not enough time to be informed or understand what these changes entail.

The map sent out and attached to the Application Request and Hearing Notice is an insult by Neal (or Durable Investments, Inc. & Erop Corp) and appears to be a breach of professional engineering by King Engineering Associates, who sent the notice out. It does not show or attempt to show the areas referenced in the application, such as the conservation area, the Tracts B2 and L South, the open space to be used and the areas to be changed. None of this is evident in any form.

Also, we wonder how a conservation area can be changed when the population density is being increased.

Again, we request that the hearing be delayed and better information be supplied to all the residents.

William M. Cooper

Lila H. Cooper



To:
Cc:
Bcc:
Subject: Fw: PDR-89-05(G)(R10)--UPC DRI NO.12

From: Rosemary Walker <granwalker@yahoo.com>
Date: July 2, 2012 6:38:47 PM EDT
To: "andreart@aol.com" <andreart@aol.com>
Subject: PDR-89-05(G)(R10)--UPC DRI NO.12
Reply-To: Rosemary Walker <granwalker@yahoo.com>

Dear Commissioners:

Your notice of PDR-89-05(G)(R10)--UPC DRI No.12 came as a very unpleasant but actually not totally unexpected notice. I have lived in UPC six years and there has been one attempt after another by Neal to undermine homeowners in UPC. He promised prospective home buyers the moon before we purchased the property. At the same time, he had his team of attorneys quietly searching for ways to continue to make more money on this property once it was sold. If this entailed over building or with threats to sell the golf course or in any way he could get by with, he tried all his bag of tricks.

Why are the COMMISSIONERS, seemingly, so willing to go along with whatever he proposes? It is very clear that this latest tactic is being done at a time when most of the homeowners are away for the summer.

I am requesting that you reconsider the timing of the meetings and take into consideration the needs of all homeowners in UPC and not just Neal's desire for more money.

Thank you,
Rosemary Walker
7503 Ascot Court



To:
Cc:
Bcc:
Subject: Fw: Neal's plan



Neal's plan

Bobbie and Bob to: andreart, donna.hayes, jchappie2,
joemclash

07/02/2012 09:20 PM

From: Bobbie and Bob <bobbieandbob@comcast.net>

To: andreart@aol.com, donna.hayes@mymanatee.org, jchappie2@tampabay.rr.com,
joemclash@hotmail.com

Please help:

In regard to the Neal expansion, please note the vote will take place when most of our Ascot residents are absent. How is that fair?

The conservation area in U.P. is both part of our charm but also very important to our already shirking wild life. Why should we coincider making that worse? How is that fair?

Please help us receive more information and maps on Neal's plan. What we received isn't very clear.

Thank You,
Bobbie Cavanaugh
7508
Ascot Court U.P.



To:
Cc:
Bcc:
Subject: Fw: PDR-89-05(G)(R10) DTS#20120095 ("Mike Cooper" <coopms@gte.net>)

From: robindisab@gmail.com
To: "Ed Hunzeker" <ed.hunzeker@mymanatee.org>, "Kaycee Ellis" <kaycee.ellis@mymanatee.org>
Date: 07/02/2012 05:42 PM
Subject: Fw: PDR-89-05(G)(R10) DTS#20120095

Sent from my Verizon Wireless BlackBerry

From: "Mike Cooper" <coopms@gte.net>
Date: Mon, 02 Jul 2012 17:36:22 -0400
To: 'CAROL WHITMORE' <andreart@aol.com>; 'Donna HAYES' <donna.hayes@mymanatee.org>; 'John Chappie' <jchappie2@tampabay.rr.com>; 'Joseph McClash' <joemcclash@gmail.com>; 'Larry Bustle' <buskets@tampabay.rr.com>; 'Michael Gallen' <michael.gallen@mymanatee.org>; 'Robin DiSabatino' <robindisab@gmail.com>
Subject: PDR-89-05(G)(R10) DTS#20120095

My wife and I own two properties in University Park Country Club. We are very concerned about the proposed request PDR-89-05[G][R10] for University Park.

We request a delay on the meeting until the November/December time frame to allow those residents that are away to return and be fully informed. There simply is not enough time to be informed or understand what these changes entail.

The map sent out and attached to the Application Request and Hearing Notice is an insult by Neal (or Durable Investments, Inc. & Erop Corp) and appears to be a breach of professional engineering by King Engineering Associates, who sent the notice out. It does not show or attempt to show the areas referenced in the application, such as the conservation area, the Tracts B2 and L South, the open space to be used and the areas to be changed. None of this is evident in any form.

Also, we wonder how a conservation area can be changed when the population density is being increased.

Again, we request that the hearing be delayed and better information be supplied to all the residents.

William M. Cooper

Lila H. Cooper



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



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

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, cjcoringin, 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,
cjcoringin@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***



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>, <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>, <lken.masson@bell.net>, <father1997@aol.com>, <

<PEGGYJO13@FRONTIER.COM>, <inmanmays1@comcast.net>, <

<jondo7511@aol.com>, <larryt@Q.com>, <Jazydoc@aol.com>, <jierrytaz1@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>, <dmaxwell5963@aol.com>, <rick_mcdaniel@comcast.net>, <

<SLHH2o@msn.com>, <jandgwalsh52@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 ; dmaxwell5963@aol.com ; rick_mcdaniel@comcast.net ; SLHH2o@msn.com ; jandgwalsh52@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***

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	09/13/12 PC	DATE SUBMITTED/REVISED	09/05/12
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 / 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.

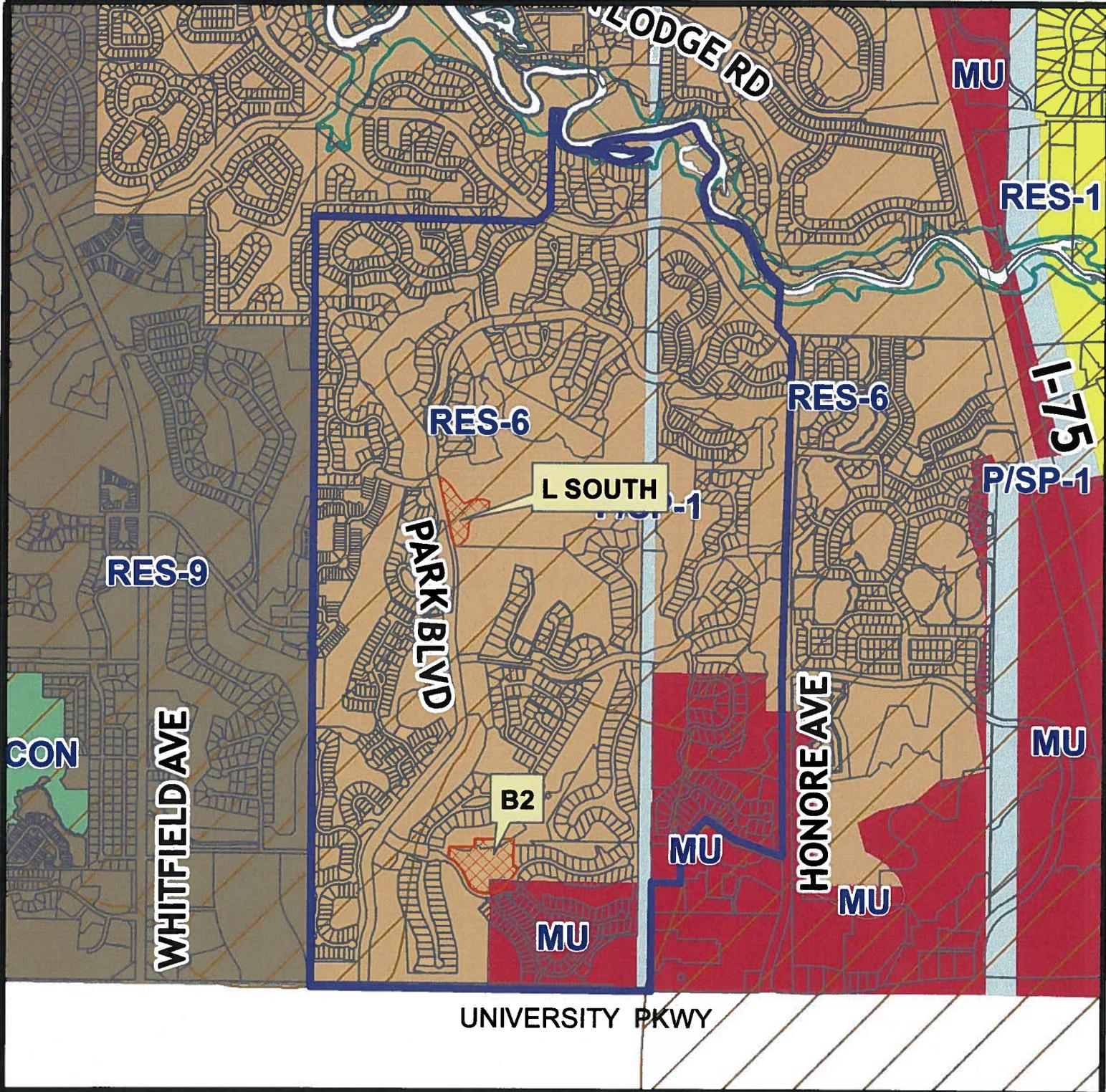
BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • This is a request for an amendment to the Zoning Ordinance for Unnamed Exclusive Golf and Country Club (a.k.a. University Park Country Club). • The site is north of University Parkway, between Honore Avenue and the Palm Aire Development, and extends north to the Braden River on 1,187+/- acres. • The present zoning is PDR/WP-E/ST (Planned Development Residential, Watershed Protection-Evers, and Special Treatment Overlay Districts). • The request is for a revised Zoning Ordinance to: <ul style="list-style-type: none"> ○ 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 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)	

FUTURE LAND USE



Parcel ID #(s) Multiple

Project Name: University Park 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

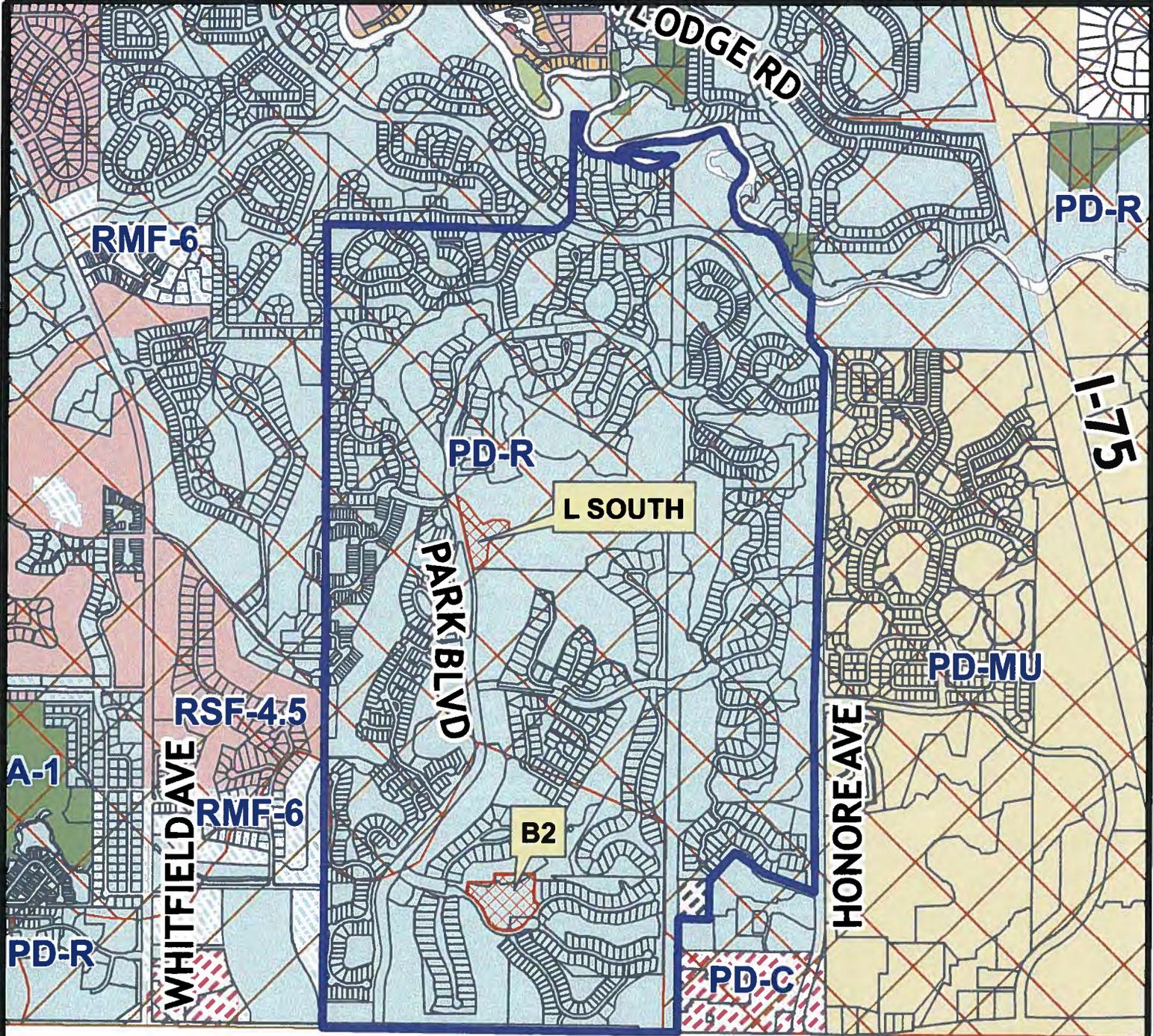
CHH: YES
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, CEDAR CREEK
 Commissioner: Donna Hayes

 Evers Watershed (WPE)
 CHH - FLU (2008)



Manatee County
 Staff Report Map
 Map Prepared 3/13/2012
 1 inch = 1,667 feet

ZONING



UNIVERSITY PKWY

Parcel ID #(s) Multiple

Project Name: University Park 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: YES
 Watershed: WPE
 Drainage Basin: BRADEN RIVER AB WARD L, CEDAR CREEK
 Commissioner: Donna Hayes



Manatee County
 Staff Report Map
 Map Prepared 3/13/2012

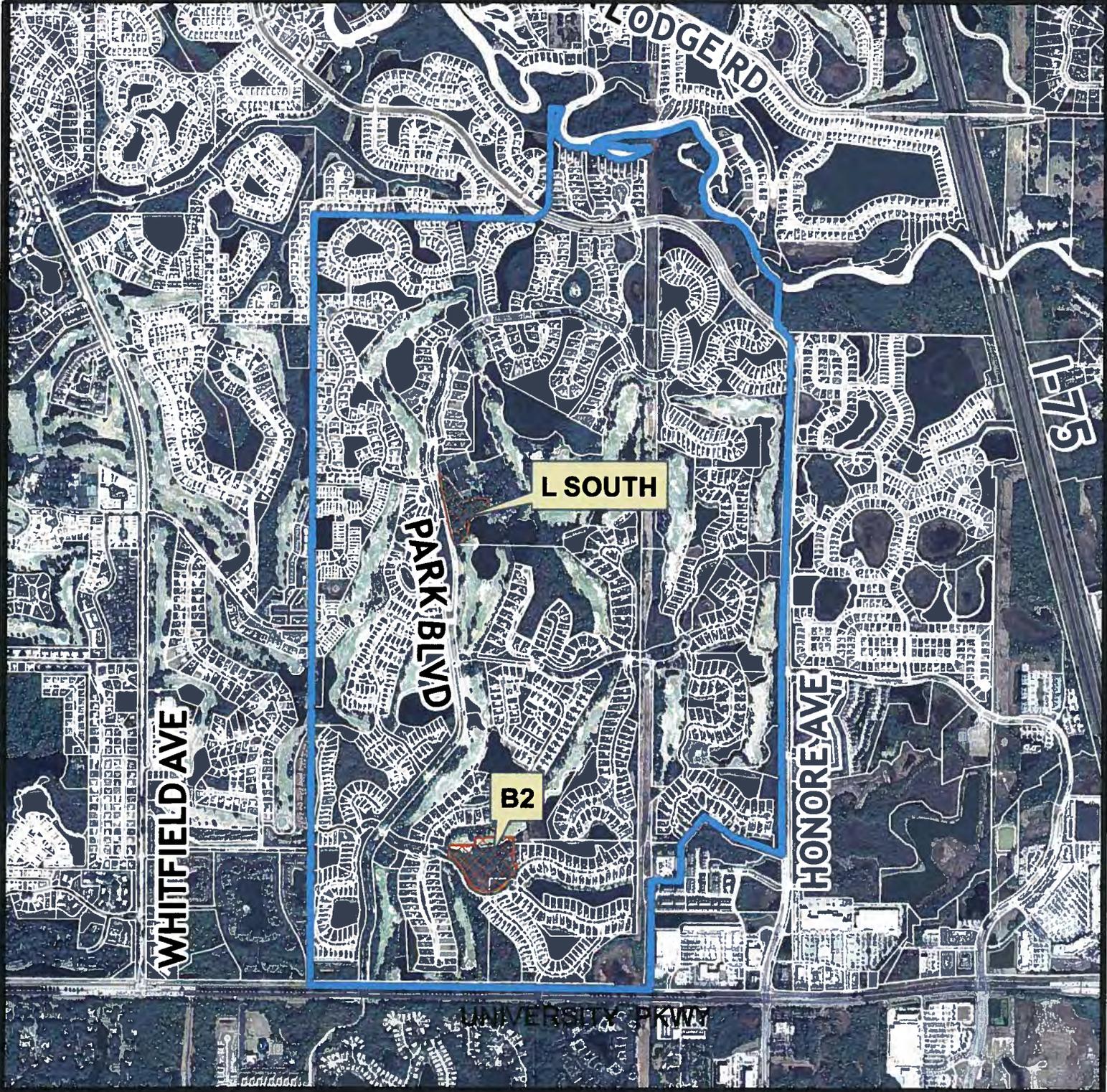
1 inch = 1,667 feet



Special Treatment

Evers Watershed (WPE)

AERIAL



Parcel ID #(s) Multiple

Project Name: University Park 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: YES
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

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.) Allocate 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).

P.C.: 07/12/12, 09/13/12

B.O.C.C.: 08/02/12, 11/01/12

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.

PLANNING COMMISSION ACTION:

On July 12, 2012, by a vote of 7 – 0, the Planning Commission continued the public hearing to September 13, 2012.

BOARD OF COUNTY COMMISSIONERS ACTION:

On August 2, 2012, by a vote of 7 – 0, the Board of County Commissioners continued the public hearing to November 1, 2012.

PUBLIC COMMENT AND CORRESPONDENCE:

There was no public comment at the July 12, 2012 Planning Commission public hearing. A revised motion to continue and public comment letters were entered into the record at the July 12, 2012 Planning Commission.

There was no public comment and nothing was entered into the record at the August 2, 2012 Board of County Commissioners public hearing.

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. Allocate 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 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.

STAFF RECOMMENDS: APPROVAL

UPDATE SINCE JULY 12, 2012

This case was originally scheduled for July 12, 2012 Planning Commission and August 2, 2012 Board of County Commissioner. However, after advertisement, the applicant decided to revise their application and continue the case.

The revision eliminates the request to remove the conservation area that was to be mitigated with new preservation areas. Existing Stipulation D(9) and Table 3 of the Zoning and Development Order already allows for a 2:1 mitigation for any impacts. Therefore, the request can be processed administratively should the applicant wish to pursue the impacts. No development is currently permitted or proposed within the site of the conservation area. Any requests for development would require BOCC approval. However, the applicant may request to clear the site. Any such request would require mitigation and be reviewed by staff.

The revised application is for the allocation of 46 previously approved residential units only.

The applicant agreed to a continuance of the public hearings. The Planning Commission will hear the revised proposal on September 13, 2012. The Board of County Commissioners hearing is scheduled for November 1, 2012.

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.

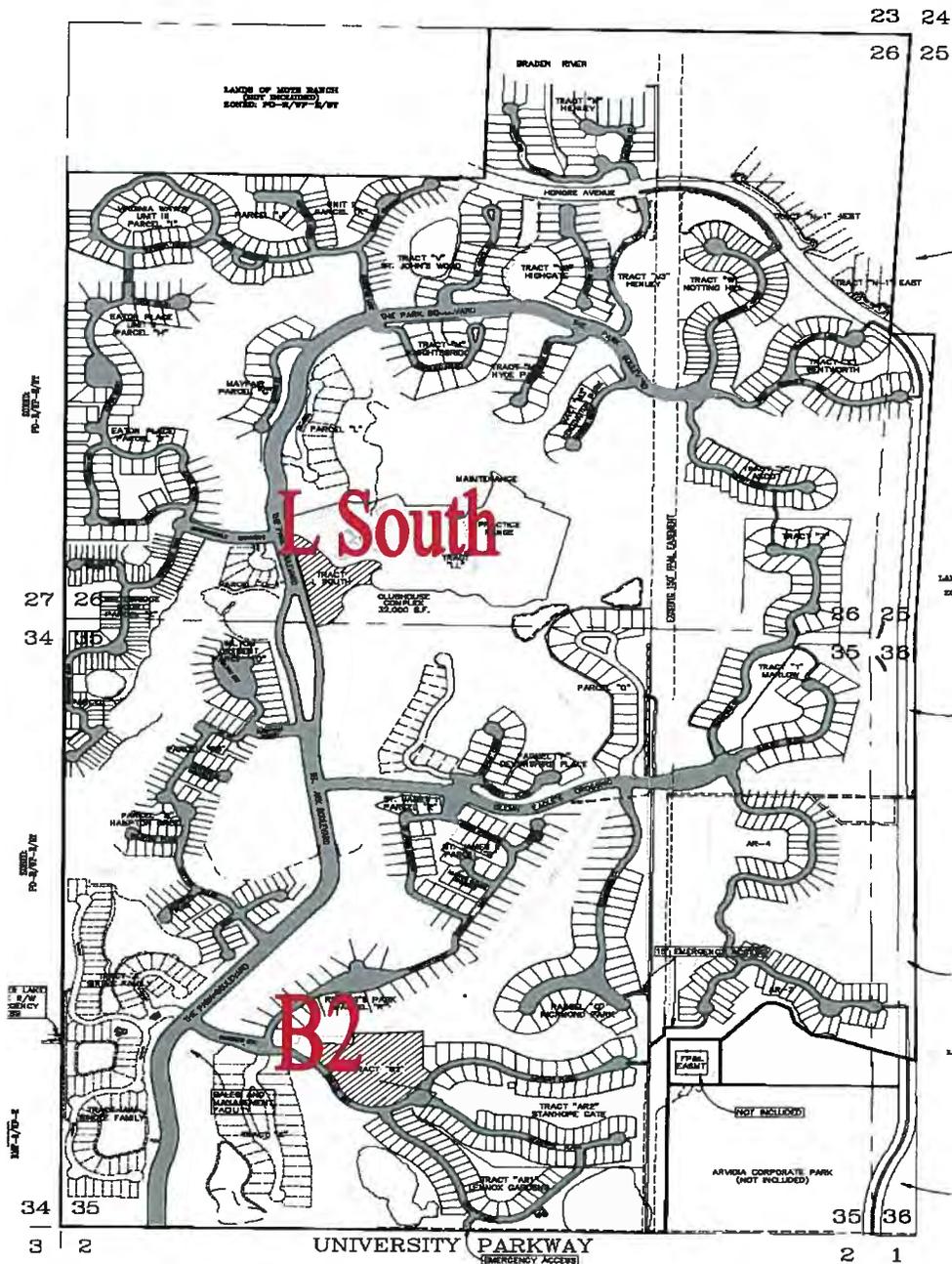
REQUEST #1

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.

The General Development Plan already establishes minimum lot sizes. Multi-family units are not allowed [(Stipulation Q(10) and Q(13)]



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. 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 #5

- 5. 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 ALLOCATE 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, 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 ~~September 3, 2009~~ November 1, 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 26, 2004~~ 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 allocate 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 buildout 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 22, 2018. ~~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 <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.

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 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 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 me-

thods, 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 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.

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 subse-

quent 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* (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 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 jurisdic-

tional 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. 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)(R~~89~~) during the pendency of any appeal.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the ~~3rd day of September, 2001~~ 1st day of November, 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), Exhibit E (Legal Description)
AND J (Surface and Ground Water Monitoring Plans)
ARE ATTACHED**

EXHIBITS A, ~~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 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 ~~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

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, September 13, 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 12-20 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.) Allocate 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 the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 5.) 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).

RDR-88-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB

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

- 1.) Allocate 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 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).

PDMU-12-05(G) - STANLEY AND DEBORAH BROWER / BROWER PARK

(DTS #20120148)
An Ordinance of the Board of

County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezoning of approximately 3.42 acres on the north side of US 301, approximately 925 feet west of Harrison Ranch Boulevard, at 10308 US 301, Parrish from A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) retaining the North Central Overlay zoning district; approval of a General Development Plan for 5,000 square feet of commercial/professional neighborhood serving use; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDR-12-03(Z)(G) - ROWE VENTURES, LLC / THE AVIARY AT RUTLAND RANCH

(DTS #20120045)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated

area; providing for a rezoning of approximately 400± acres, 1800± east of 61st Avenue East and north of CR 675, at 18410 CR 675, Parrish from A/NCO (General Agriculture/North Central Overlay District) to the PDR/NCO (Planned Development - Residential/North Central Overlay District); approve a General Development Plan for 784 residential units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

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 (841) 748-4601x8878; e-mail to: planning@manatee.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 80 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
08/29/2012

NOTICE OF DEZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, September 13, 2012 at 8:00 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 12-20 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 800.06, Florida Statutes:

- 1.) Allocate 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 the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County, and
- 5.) 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) (1,187.56± acres).

PDR-09-05(G)(R10) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
Request: Approval of a revised Zoning Ordinance for Unnamed Exclusive Golf and Country Club to:

- 1.) Allocate 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 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) (1,187.56± acres).

PDMU-12-05(Z)(G) - STANLEY AND DEBORAH BROWER / BROWER PARCEL (DTB #20180148)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 80-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 3.42 acres on the north side of US 901, approximately 525' east of Harrison Ranch Boulevard, at 10308 US 901, Parish from A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) retaining the North Central Overlay zoning district; approval of a General Development Plan for 5,000 square feet of commercial/professional neighborhood serving use, subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDR-12-05(Z)(G) - ROWE VENTURES, LLC/THE AVIARY AT RUTLAND RANCH (DTB # 20120045)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 80-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 400± acres, 1800' east of 161st Avenue East and north of CR 675, at 18410 CR 675, Parish from A/NCO (General Agriculture/North Central Overlay District) to the PD-RNCO (Planned Development - Residential/North Central Overlay District); approve a General Development Plan for 764 residential units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

All interested parties are invited to appear at the 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 (841) 748-6801/6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0106, 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: August 28, 2012

