

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Ordinance 12-28 Lakewood Centre (DRI #27)	TYPE AGENDA ITEM	Advertised Public Hearings - Consent
DATE REQUESTED	11/08/12	DATE SUBMITTED/REVISED	10/24/12
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services Department/Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	Lisa Barrett, Planning Division Manager <i>LB</i>
CONTACT PERSON TELEPHONE/EXTENSION	Katie LaBarr, AICP, Principal Planner 748-4507, ext. 6828 / DTS#20120215	PRESENTER/TITLE TELEPHONE/EXTENSION	Katie LaBarr, AICP, Principal Planner 748-4501, ext. 6828
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 12-28 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

- The request is for approval of an amended and restated Development Order, pursuant to Chapter 380.06, Florida Statutes for the Lakewood Centre Development of Regional Impact.
- This 697.4± acre site is generally located north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east) and south of Malachite Drive, approximately two miles south of SR 64.
- This DRI was approved in three phases in August, 2008. Specific approval was approved for Phase 1 for 900 residential units, 460,000 square feet of retail space, 458,000 square feet of office space, and 300 hotel rooms.
- Conceptual approval was approved for Phases 2 and 3. Specific approval is contingent on submittal of transportation and air quality analyses in accordance with Section 380.06, F.S.
- This DRI was approved with two development options to allow for maximum flexibility. Option 1 is for Traditional Neighborhood Development (TND), allowing smaller setbacks and more density and intensity to support an urban center development. Option 2 is for a traditional suburban development.
- This request includes modifying Map H and the Development Order with the following changes:
 - Update Phasing and Buildout dates to reflect legislatively approved extensions;
 - Update Conditions to reflect compliance with conditions contained therein;
 - Remove established minimums and maximums within the Land Use Equivalency Matrix;
 - Modify Affordable Housing Conditions; and,
 - Other amendments for internal consistency.
- Staff recommends approval.

COUNTY ATTORNEY REVIEW

Check appropriate box



REVIEWED

Written Comments:

Attached

Available from Attorney (Attorney's initials: **SAS**)

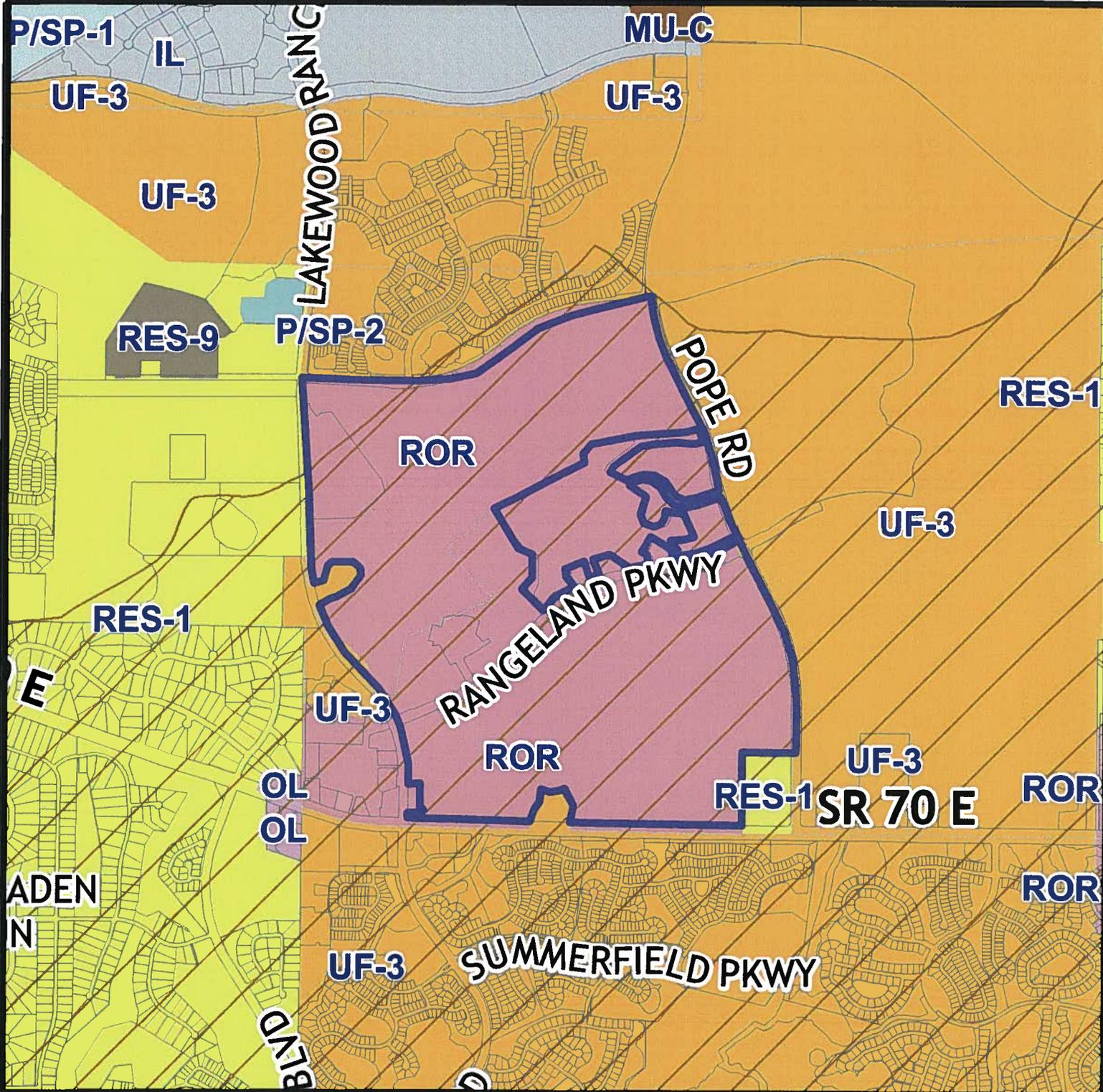


NOT REVIEWED (No apparent legal issues.)

<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			
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

FUTURE LAND USE



Parcel ID #(s) 583202199, 583202229, 583204009, 583205059

Project Name: Lakewood Centre DRI
 Project #: DRI #27 / ORD-12-28
 DTS#: 20120215
 Proposed Use: DRI

S/T/R: Sec 9,16,1,7,8 Twn 35 Rng 19
 Acreage: ± 697.4
 Existing Zoning: PD-MU
 Existing FLU: ROR
 Overlays: ST
 Special Areas: NONE

CHH:	NONE
Watershed:	WPE
Drainage Basin:	WOLF SLOUGH, MILL CREEK, WILLIAMS CREEK, UNNAMED DRAIN
Commissioner:	Donna Hayes

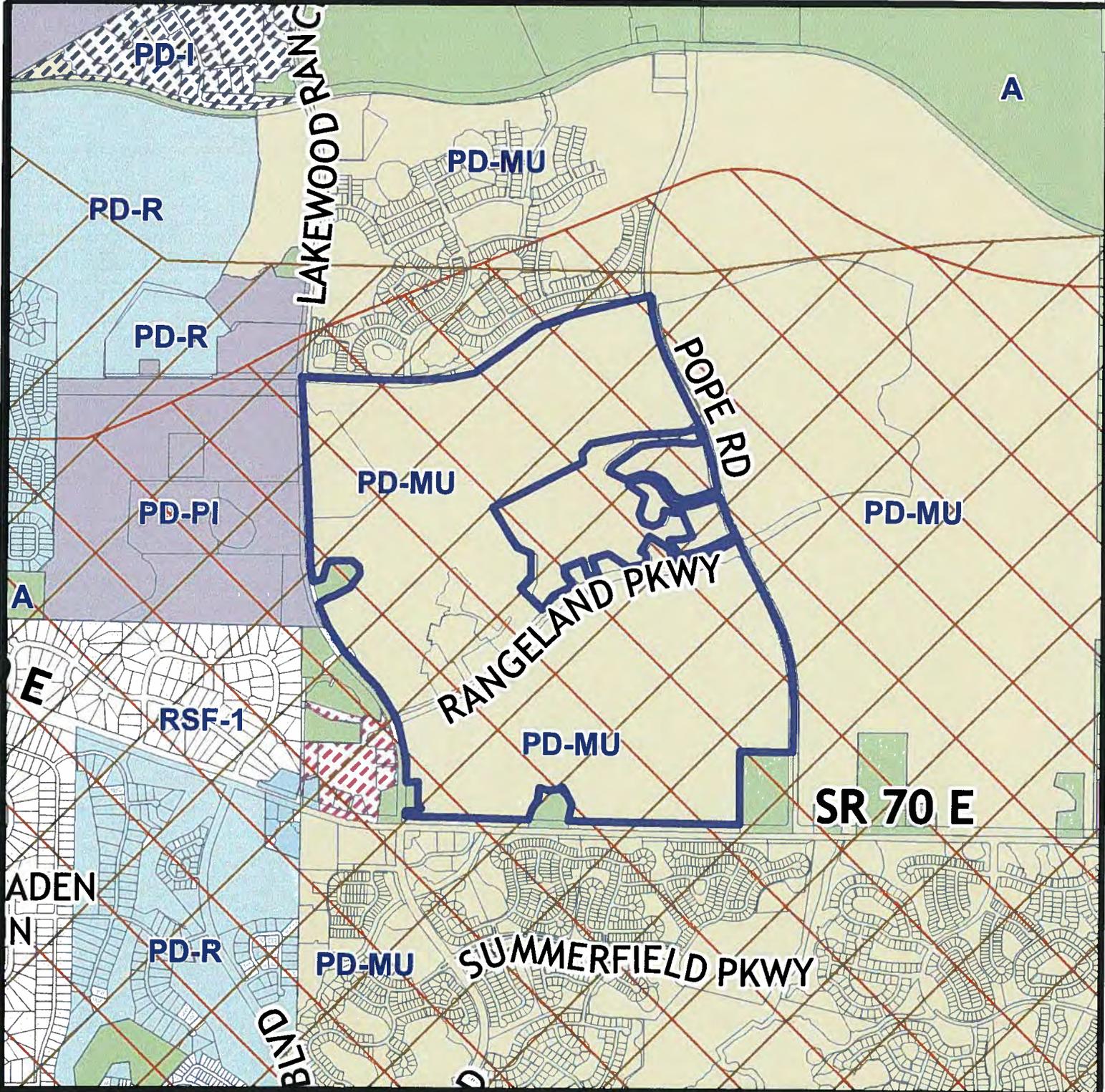
Evers Watershed (WPE)



Manatee County
Staff Report Map

Map Prepared 7/11/2012
1 inch = 1,854 feet

ZONING



Parcel ID #(s) 583202199, 583202229, 583204009, 583205059

Project Name: Lakewood Centre DRI
 Project #: DRI #27 / ORD-12-28
 DTS#: 20120215
 Proposed Use: DRI

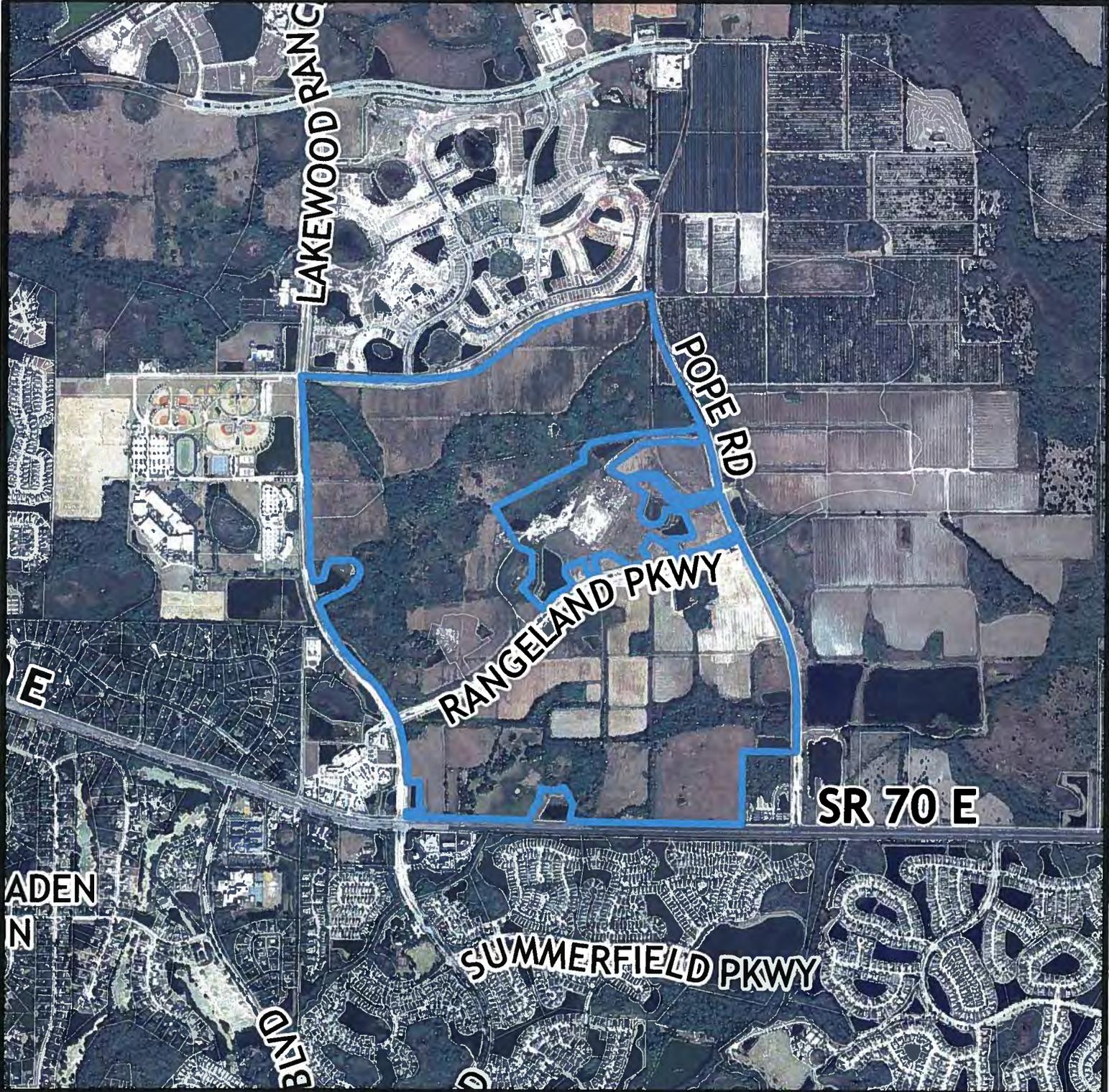
S/T/R: Sec 9,16,1,7,8 Twn 35 Rng 19
 Acreage: ± 697.4
 Existing Zoning: PD-MU
 Existing FLU: ROR
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: WOLF SLOUGH, MILL CREEK, WILLIAMS CREEK, UNNAMED DRAIN
 Commissioner: Donna Hayes

Manatee County
 Staff Report Map
 Map Prepared 7/11/2012
 1 inch = 1,854 feet

 Special Treatment
 Evers Watershed (WPE)

AERIAL



Parcel ID #(s) 583202199, 583202229, 583204009, 583205059

Project Name: Lakewood Centre DRI
Project #: DRI #27 / ORD-12-28
DTS#: 20120215
Proposed Use: DRI

S/T/R: Sec 9,16,1,7,8 Twn 35 Rng 19
Acreage: ± 697.4
Existing Zoning: PD-MU
Existing FLU: ROR
Overlays: ST
Special Areas: NONE

CHH:	NONE
Watershed:	WPE
Drainage Basin:	WOLF SLOUGH, MILL CREEK, WILLIAMS CREEK, UNNAMED DRAIN
Commissioner:	Donna Hayes



Manatee County
Staff Report Map

Map Prepared 7/11/2012
1 inch = 1,854 feet

P.C. 11/08/12

ORDINANCE 12-28 LAKEWOOD CENTRE (DRI #27)

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Lakewood Centre Development of Regional Impact (Ordinance 08-13) (DRI #27); A/K/A Tampa Bay Regional Planning Council (TBRPC) DRI #265;

Modifying Map H and the Development Order with the following changes:

- 1.) Update Phasing, Buildout, Expiration, and CLOS dates to reflect legislatively approved extensions;
- 2.) Update Conditions to reflect compliance with conditions contained therein;
- 3.) Remove established minimums and maximums within the Land Use Equivalency Matrix;
- 4.) Modify Affordable Housing Conditions; and,
- 5.) Other amendments for internal consistency.

This DRI is approved in three phases. Specific Approval was approved for Phase 1 for 900 residential units, 460,000 square feet of retail space, 458,000 square feet of office space, and 300 hotel rooms. Conceptual approval was approved for Phases 2 and 3. Specific Approval of Phases 2 and 3 will be contingent upon submittal of further transportation and air quality analyses in accordance with Section 380.06, F.S.

The ordinance amends, replaces, and supersedes Ordinance 08-13, DRI #27, as amended; providing for severability, and an effective date.

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. Present zoning: PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (±697.4 acres).

P.C.: 11/08/2012

B.O.C.C.: 12/06/2012

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, the Manatee County Land Development Code, and Section 380.06, Florida Statutes, subject to the conditions of approval established in the Development Order, I move to recommend APPROVAL of DRI #27 and ADOPTION of Manatee County Ordinance No. 12-28, as recommended by staff.

CASE SUMMARY

CASE NO.: DRI #27, Lakewood Centre

APPLICANT: SMR North 70, LLC

REQUEST: Modify Map H and the Development Order with the following changes:

- 1.) Update Phasing, Buildout, Expiration, and CLOS dates to reflect legislatively approved extensions;
- 2.) Update Conditions to reflect compliance with conditions contained therein;
- 3.) Remove established minimums and maximums within the Land Use Equivalency Matrix;
- 4.) Modify Affordable Housing Conditions; and,
- 5.) Other amendments for internal consistency.

STAFF

RECOMMENDS: Approval

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west), Pope Road (to the east), south of Malachite Drive, and approximately 2 miles south of SR 64. Present zoning: PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District).
- To the NORTH, across the future Malachite Drive, is Northwest Sector DRI (approved November 1, 2007) zoned PDMU (Planned Development Mixed Use) (Central Park subdivision is being developed).
- To the SOUTH, across State Road 70, is Cypress Banks DRI, zoned PDMU/WP-E/ST.
- To the EAST, across Pope Road, is Northwest Sector DRI zoned PDMU (Esplanade Phase 1 approved; Phase 2 is being administratively reviewed).
- To the WEST, across Lakewood Ranch Blvd., is Lakewood Ranch District Park and Lakewood Ranch High School zoned PDPI.
- The proposed DRI surrounds what was the unfinished Bradenton-Sarasota Arena site zoned PDMU.

SUMMARY: (KL)

History

Lakewood Centre is a mixed-use DRI (Development of Regional Impact) that is generally located north of S.R. 70, between Lakewood Ranch Blvd and Pope Road, and south of Malachite Drive on ± 697.4 acres. Both the GDP (General Development Plan) and ADA (Application for Development Approval) for the DRI were originally approved in August of 2008 to allow for:

Three phases with the following uses:

- 3,675 residential units,
- 1,774,000 sq. ft. of commercial,
- 1,563,000 sq. ft. of office, and
- 300 hotel rooms.

The project is surrounded on all sides by existing or proposed major thoroughfare roadways or major collectors:

- SR 70, a principal arterial, on the south;
- Lakewood Ranch Blvd, a minor arterial, on the west;
- Pope Road, a future collector, on the east; and
- Malachite Drive, a major local street, on the north.

The DRI was approved with two development options to allow for maximum flexibility. Option 1 is for Traditional Neighborhood Development (TND), which allows smaller setbacks and greater density and intensity to support an urban center development. The TND incorporates criteria typically associated with traditional neighborhoods, such as vertically mixed-use buildings, residential units over first floor non-residential uses, and a grid street pattern with formal and informal open spaces. Option 2 is for a traditional suburban development.

A portion of the project (northeast of Center Ice Pkwy and Lakewood Ranch Blvd) was the subject of a Preliminary Development Agreement (PDA) with the formally known Florida Department of Community Affairs to allow development of 40,000 sq. ft. of commercial, 65,000 sq. ft. of medium recreational use (a bowling alley/entertainment center), and 300 multi-family dwelling units prior to approval of this DRI. Subsequently, a Preliminary Site Plan was approved by the County for the 45,000 sq. ft. of commercial development and the 60,000 square foot bowling alley. However, the site plans expired and no further approvals were sought.

A Preliminary/Final Site Plan (Lost Creek Resort Apartments at Lakewood Ranch, PDMU-06-30/FSP-10-23) was approved on 11/23/2012 for 272 units, of which, 120 have been constructed to date.

Request

The request today is for an amendment to the Lakewood Centre Development Order (DO) and Map H. The request is accompanied with a companion revision to the Zoning Ordinance and General Development Plan as well.

The process to amend the DO is different than past requests due to legislative changes approved by the state earlier this year. The amendment is not being processed as a Notice of Proposed

Change (NOPC) in which the Tampa Bay Regional Planning Council reviews and approves the amendment and makes a recommendation to the County.

House Bill 979 was approved during the 2012 legislative session adding sub section k. to Florida Statute Section 380.06 (19)(e)2, dealing with DRIs. Language was added that states “changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project...” which is followed by the language already in the F.S. stating that such modifications to Development Orders only require an application to the local government in accordance with the local government’s procedure for amendment of a development order and that following adoption, the local government shall render a copy to the state land planning agency (Department of Economic Opportunity). DEO no longer has the right to review, only appeal the amendment if they believe the change creates a reasonable likelihood of new or additional regional impacts. There is no requirement to provide a copy to the Regional Planning Council, since they have no rights to appeal.

Staff has reviewed the amendments and concurs that the proposed changes to the DRI Development Ordinance and Map H do not increase the number of external peak hour trips and do not reduce open space and conserved areas with the DRI project. Nor are the changes those listed requiring an NOPC or Substantial Deviation to the DRI. If the amendment is approved, a copy of the amended ordinance will be sent to DEO and a courtesy copy to the Tampa Bay Regional Planning Council.

Each request is detailed below and shown in strike-thru/underline format in the attached Development Order:

1.) Update Phasing, and Buildout dates to reflect legislatively approved extensions.

Under Development Components, the applicant proposes the following changes:

D. The build-out date for this Development Order is ~~2019~~ November 21, 2024.

E. The expiration date for this Development Order is ~~2020~~ November 21, 2025.

TABLE 1: DEVELOPMENT TOTALS

Land Use	Phase 1 2008 – 2011 <u>2020*</u>	Phase 1 Minimum/ Maximum Entitlements ^a	Phase 2 2009 – 2014 <u>2019*</u>	Phase 3 2012- 2019 <u>2024*</u>	Total
Residential (dwelling units)					
Multi-family	900	540 /1,260	1,800	539	3,239
Single Family (includes semi-detached & attached)	-0-	0 /700	200	236	436
Total	900		2,000	775	3,675
Commercial/Office (sq. ft.)					
Retail	460,000	276,000	542,000	772,000	1,774,000

		644,000			
Office	458,000	275,000 641,000	458,000	647,000	1,563,000
Total	918,000		1,000,000	1,419,000	3,337,000
Hotel (rooms)	300		-0-	-0-	300

Source: WilsonMiller, September 2005

- * The phasing buildout dates shall be ~~December 31st~~ November 21st of the years indicated, which includes legislatively approved extensions (HB 7207 and F.S. 252.363).
- & The approved amount of any one land use may be increased, but only with decreases in one or more of the other land uses, per the Land Use Equivalency Matrix.

On January 8, 2010, pursuant to SB 360, a two-year extension to the buildout date for Phase 1 was granted extending that date from December 31, 2011 to December 31, 2013.

On February 22, 2011, pursuant to SB 1752, an additional two-year extension to the Phase 1 buildout date was granted extending that date from December 31, 2013 to December 31, 2015.

On October 20, 2011, pursuant to HB 7207 a 4 year extension of phase, buildout, and expiration dates were granted for the entire DRI. On February 10, 2012 another extension to each of 326 days was granted pursuant to F.S. 252.363.

Staff has no objection to the revisions as the extensions have already been granted. The Development Ordinance is simply being updated with this revision.

2.) Update Transportation Conditions to reflect compliance with conditions contained therein.

The applicant proposes to add language to Transportation Condition A.(12), noting that LDA 10-01 implements the applicant's proportionate fair share contributions for Phase 1 mitigation. The original Lakewood Centre Development Ordinance was approved on August 5, 2008. A Local Development Agreement (LDA-10-01) was entered into and approved on September 14, 2010.

Transportation Planning has no objection to the additional language.

3.) Remove established minimums and maximums within the Land Use Equivalency Matrix.

A Land Use Equivalency Matrix has historically included a table showing the development totals along with minimum and maximum development potential for each category of development (i.e. residential, office, retail, hotel, etc.). These minima and maxima provide assurances that, at buildout, the development will retain a mix of uses.

The applicant now requests to delete "Table 3: Minimum and Maximum Development" from the Development Order to allow more flexibility through the development process. They also propose a new stipulation to ensure the project will be developed as a mixed use project with residential and non-residential uses. If they requested a land use exchange,

part of staff's analysis would include a review of the percentage of developed land area devoted to each land use category. This further analysis would help staff determine whether or not the DRI retained an appropriate mix of uses.

Initially, staff had a concern that at the end of the development phase for this DRI, the overall mix of uses may be unbalanced, because the mix will be based on marked demands rather than development thresholds and pre-planning. However, after further consideration, a land use exchange request requires a revision to the General Development Plan, showing a revised Land Use and Phasing Schedule, reallocation of square footage, and concurrency analysis, in accordance with Stipulation G.(3). Staff will have the opportunity to review the mix of land uses within the development to ensure the development remains a mixed use project and part of that analysis will include the review of land area devoted to each land use category, as noted above. A revision to the GDP will require approval of the Board of County Commissioners at an advertised public hearing.

Staff recommends the following language be included in the Development Ordinance under G: Development Totals:

4. The County's review of any such request shall include a determination that the project as a whole will continue to be developed as a mixed use project with both residential and non-residential uses. As a part of such analysis, the County shall review the percentage of developed land area devoted to each land use category.
5. Upon approval of a Land Use Exchange, County staff shall provide to the Florida Department of Economic Opportunity (DEO) and TBRPC a copy of said approval.
6. The DRI biennial report shall include information indicating implementation of the matrix as well as cumulative amounts of development which have been approved by the County as of the biennial report date and the resulting impacts on traffic generation, potable water, wastewater, solid waste, and affordable housing.

Staff does not object to the request to remove established minimums and maximums from the Land Use Equivalency Matrix with the inclusion of the stipulation language above into the Development ordinance.

4.) **Modify Affordable Housing Conditions.**

The applicant proposes the following changes (in strike-thru/underline) to Affordable Housing Conditions within the Development Order:

Affordable Housing

~~M.(1) In lieu of any analysis required by 9J-2.048, Florida Administrative Code, the Developer shall enter into a voluntary housing mitigation program as set forth in the conditions below.~~

M.(12) The Developer shall provide workforce housing at a price as determined pursuant to the parameters as set forth in the definition contained within the Manatee County Land Development Code within the project, or within an adjacent ~~SMR-owned~~ project, a number of residential units in an amount equal to 10% of the total number

of residential units approved constructed in Lakewood Centre Phases 1, 2, and 3 that ~~qualify as workforce housing as identified in the Manatee County Land Development Code. These units shall be referred to as Worker Housing Units (WHUs).~~ The workforce housing required herein is generally designed to provide housing for essential workers such as local government employees, quasi-governmental employees, and private sector employees.

- M.(23) ~~Income limits and~~ Maximum home sales prices shall correspond to values as provided in the Manatee County Maximum Income Limits Table. These limits are updated periodically by Manatee County and shall be utilized accordingly. The sale maximum sales price and income limits in effect at the time a contract for purchase of a WHU workforce housing unit is executed shall apply.
- M.(4) ~~In conjunction with Manatee County Neighborhood Services Department, the Developer shall devise and implement marketing guidelines designed to enhance the number of WHU sales to qualified purchasers.~~
- M.(5) ~~Should the Developer be unable to sell an advertised unit to a qualified purchaser within 180 days after the WHU is initially advertised for sale, the Developer may, at its sole option, sell the unit without any of the restrictions contained in these conditions at market rate. Under this circumstance, this unit(s) shall not count towards affordable housing mitigation.~~
- M.(36) Maximum rental rates shall correspond to values as provided for in the Fair Market Rent Documentation System*. These rates are updated periodically by Manatee County and shall be utilized accordingly. The rental rate in effect at the time a lease is executed shall apply.
- M.(4) The Developer shall include in its Biennial Report data showing the number and sale prices of WHUs workforce housing units sold within the development and the number and rental rate of units leases during the reporting period. The Biennial Report shall also include the current Manatee County Maximum Income Limits Table and the Fair Market Rent Documentation System*. Only those units that have a sale price equal to or less than the maximum allowable home sales price, as provided in M.(23) or a rental rate equal to or less than the maximum rental rate as provided in M.(3), shall be counted toward the required mitigation.
- M.(57) With each Biennial Report, the overall ratio of WHU workforce housing units provided to the number of residential units constructed in the Project shall be determined. ~~The Land Use Restriction Agreement developed for the Lakewood Centre project may contain additional monitoring and compliance.~~
- M.(68) Should the required affordable housing mitigation for Phase IV of the University Lakes DRI be constructed within Lakewood Centre, a separate calculation showing the overall ratio of WHU workforce housing units provided within Lakewood Centre to the number of residential units constructed in Phase IV of University Lakes shall be included in the Biennial Report. This calculation will be for informational purposes only; any required fees for units not provided will be calculated according to the terms and conditions of the University Lakes DRI Development Order ~~or Land Use Restriction Agreement.~~

The following definition is proposed to be added to the Development Order:

G. "Fair Market Rent Documentation System" shall mean a system established by the Department of Housing and Urban Development (HUD) that provides complete documentation of the development of the Fair Market Rents (FMRs) for any area of the country. FMRs are developed and updated from the metropolitan Core-Based Statistical Areas (CBSAs) as established by the Office of Management and Budget.

The above changes were reviewed and approved by the Community Development Division Manager of Neighborhood Services Department.

The changes proposed will make it much easier for local staff to review compliance with the housing stipulations in the Biennial Reports. Workforce housing will satisfy regional requirements for affordable housing. The Developer has also added a "rental" component which Neighborhood Services agrees with as rental housing is a desired element for developments of this size.

5.) Other amendments for internal consistency.

a. Revise Table associated with Stipulation B(11) regarding upland preservation.

The modifications noted in this table are being revised to correct mathematical errors.

Staff has no objection to this change.

b. Other amendments to the Development Ordinance are proposed reflecting department name changes and other minor changes.

Staff has no objection to the request.

Conclusion

Staff recommends approval of the amendments as shown in strike-thru/underline format in the attached ordinance.

ATTACHMENTS:

1. Ordinance 12-28
2. Copy of Newspaper Advertising

Copy of Newspaper Advertising

Sarasota Herald Tribune

NOTICE OF DRI/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, November 8, 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 12-28 - DTS#20120215 - LAKEWOOD CENTRE, DRI #27

An Ordinance of the Board of County Commissioners of Manatee County, Florida, rendering an amended and restated Development Order pursuant to Chapter 380, Florida Statutes, for the Lakewood Centre Development of Regional Impact (Ordinance 08-13) to approve the following changes to Map H and the ordinance: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify affordable housing conditions consistent with current practices, (4) other amendments for internal consistency providing for development rights, conditions, and obligations; providing for severability; and providing an effective date.

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

PDMU-06-30(G)(R) - DTS#20120212 - LAKEWOOD CENTRE

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development amending Ordinance PDMU-06-30(Z)(G) to approve changes to the General Development Plan and Ordinance as follows: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify affordable housing conditions consistent with current practices, (4) modify design conditions; (5) clarification of allowable uses; (6) allow for transfer of residential units to parcel k; (7) other amendments for internal consistency; providing for severability; and providing for an effective date. The Lakewood Centre DRI is generally located east of Lakewood Ranch Blvd, south of Malachite Drive, west of Pope Road, and north of S.R. 70 (697.4 ± acres).

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

ORDINANCE 12-34 - DTS#20120255 - SCHROEDER-MANATEE RANCH, INC. (SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating a Development Order pursuant to Chapter 380 Florida Statutes for the University Lakes Development of Regional Impact (Manatee County DRI #22, a/k/a Tampa Bay Regional Planning Council (TBRPC) DRI #216); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for recognition of the revocation of the development review agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes; to modify transportation conditions based upon such revocation; modification of affordable housing conditions consistent with current practices; to update Table 1 and Table 2 for consistency with previously approved land use exchanges; updating conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; updating the phasing and buildout dates to reflect legislatively approved extensions; eliminate maximum increase in land use exchanges (Table 1 - Column E), modify Map H to reflect previously approved land use exchanges, other minor amendments and amendments for internal consistency; codifying and restating the existing Development Order for DRI #22; providing for severability; and providing for an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 Interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-92-01(G)(R14) - DTS#20120254 - SCHROEDER-MANATEE RANCH, INC. - (AKA SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP) (UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, approving a revised Zoning Ordinance to eliminate maximum increase in land use exchanges (Table C - Column E), to recognize the revocation of the Development Review Agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modify affordable housing conditions consistent with current practices; update conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; update the phasing and buildout dates to reflect legislatively approved extensions; other minor amendments and amendments for internal consistency; amending the General Development Plan and Zoning Ordinance to show these changes; providing for severability; and providing an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 Interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-11-08(Z)(G) - DTS#20110165 - TREES DIRECT LLC

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 85.54 acres on the north side of Mendoza Road and east side of I-75 at 5500 37th Street East, Ellenton, from the A-1 (Suburban Agriculture, one dwelling unit per acre) to PDMU (Planned Development Mixed Use) zoning district; approving a General Development Plan for two development scenarios (tradition and mixed use development) with a trade-off matrix that includes a maximum of:

- 500 multi-family units which, may include a 120-bed residential care facility (equals 20 units), and
- Commercial/office use(s) of up to 150,000 square feet; and

subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, 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 (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

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

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

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
Date of pub: October 24, 2012

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF DRI/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, November 8, 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 12-28 - DTS#20120215 - LAKEWOOD CENTRE DRI #27

An Ordinance of the Board of County Commissioners of Manatee County, Florida, rendering an amended and restated Development Order pursuant to Chapter 380, Florida Statutes, for the Lakewood Centre Development of Regional Impact (Ordinance 08-13) to approve the following changes to Map H and the ordinance: (1) update the phasing and buildout dates to reflect legislatively approved extensions; (2) update conditions to reflect compliance with requirements contained therein; (3) modify affordable housing conditions consistent with current practices; (4) other amendments for internal consistency providing for development rights, conditions, and obligations; providing for severability; and providing an effective date.

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

PDMU-06-30(G)(R) - DTS#20120212 - LAKEWOOD CENTRE

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development amending Ordinance PDMU-06-30(Z)(G) to approve changes to the General Development Plan and Ordinance as follows: (1) update the phasing and buildout dates to reflect legislatively approved extensions; (2) update conditions to reflect compliance with requirements contained therein; (3) modify

affordable housing conditions consistent with current practices; (4) modify design conditions; (5) clarification of allowable uses; (6) allow for transfer of residential units to parcel k; (7) other amendments for internal consistency; providing for severability; and providing for an effective date. The Lakewood Centre DRI is generally located east of Lakewood Ranch Blvd, south of Malachite Drive, west of Pope Road, and north of S.R. 70 (697.4 ± acres).

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

ORDINANCE 12-34 - DTS#20120255 - SCHROEDER-MANATEE RANCH, INC.(SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating a Development Order pursuant to Chapter 380 Florida Statutes for the University Lakes Development of Regional Impact (Manatee County DRI #22, a/k/a Tampa Bay Regional Planning Council (TBRPC) DRI #216); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for recognition of the revocation of the development review agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes; to modify transportation conditions based upon such revocation; modification of affordable housing conditions consistent with current practices; to update Table 1 and Table 2 for consistency with previously approved land use exchanges; updating conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; updating the phasing and buildout dates to reflect legislatively approved extensions; eliminate maximum increase in land use exchanges (Table 1 - Column E), modify Map H to reflect previously approved land use exchanges, other

minor amendments and amendments for internal consistency; codifying and restating the existing Development Order for DRI #22; providing for severability; and providing for an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-92-01(G)(R14) - DTS#20120254 - SCHROEDER-MANATEE RANCH, INC. - (AKA SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, approving a revised Zoning Ordinance to eliminate maximum increase in land use exchanges (Table C - Column E), to recognize the revocation of the Development Review Agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modify affordable housing conditions consistent with current practices; update conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; update the phasing and buildout dates to reflect legislatively approved extensions; other minor amendments and amendments for internal consistency; amending the General Development Plan and Zoning Ordinance to show these changes; providing for severability; and providing an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-11-08(Z)(G) - DTS#20110165 - TREES DIRECT LLC

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 85.54 acres on the north side of Mendoza Road and east side of I-75 at 5500 37th Street East, Ellenton, from the A-1 (Suburban Agriculture, one dwelling unit per acre) to PDMU (Planned Development Mixed Use) zoning district; approving a General Development Plan for two development scenarios (traditional and mixed use development) with a trade-off matrix that includes a maximum of:

- 500 multi-family units which may include a 120-bed residential care facility (equals 20 units), and
- Commercial/office use(s) of up to 150,000 square feet; and

subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, 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 (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

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HEARING MAY BE CONSIDERED FROM TIME TO TIME DURING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
8/2012

ORDINANCE ~~08-13~~12-28
LAKEWOOD CENTRE, DRI #27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AAN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON ~~AN APPLICATION FOR THE LAKEWOOD CENTRE DEVELOPMENT APPROVAL* (ADA*), FILED BY SMR NORTH 70, LLC; ALSO KNOWN AS TAMPA BAY OF REGIONAL PLANNING COUNCIL (TBRPC) DRI #265;~~IMPACT (ORDINANCE 08-13) TO APPROVE THE FOLLOWING CHANGES TO MAP H AND THE ORDINANCE: (1) UPDATE THE PHASING AND BUILDOUT DATES TO REFLECT LEGISLATIVELY APPROVED EXTENSIONS, (2) UPDATE CONDITIONS TO REFLECT COMPLIANCE WITH REQUIREMENTS CONTAINED THEREIN, (3) MODIFY AFFORDABLE HOUSING CONDITIONS CONSISTENT WITH CURRENT PRACTICES, (4) OTHER AMENDMENTS FOR INTERNAL CONSISTENCY PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 28, 2006, SMR North 70, LLC submitted a Development of Regional Impact (DRI) Application for Development Approval (ADA*) for 3,675 residential units; 1,774,000 square feet of retail; 1,563,000 square feet of office; a 300 room hotel; and ±36.8 acres neighborhood park; with approval of a Land Use Equivalency Matrix (LUEM) to allow conversion between various approved uses within specific ranges; as legally described in Section 7, referred to as Lakewood Centre DRI, or the Project*; and

WHEREAS, on August 5, 2008, the Board of County Commissioners ("BOCC") approved Ordinance 08-13, a Development Order ("DO") for the Lakewood Centre DRI for a planned mixed use development on approximately 697.4 acres;
and

WHEREAS, the Project* is proposed in three phases: Phase 1 with a buildout date of 202014; Phase 2 with a buildout date of 20194; and Phase 3 with a buildout date of 202419;

WHEREAS, Specific approval ~~is requested~~was granted for Phase 1 for 900 residential units, 460,000 square feet of retail, 458,000 square feet of office, a 300 room hotel, and ±36.8 acres of parks; and,

WHEREAS, Conceptual approval ~~is requested~~was granted for Phases 2 and 3 and in the future, Specific Approval of Phases 2 and 3 will be contingent upon

submittal of further transportation and air quality analyses in accordance with Section 380.06, F.S.; and,

¹
WHEREAS, on June 7, 2012, SMR North 70, LLC filed a request to amend the Development Order pursuant to Section 380.06(19)(e)2, Florida Statutes, which does not require the filing of a notice of proposed change, but, requires an application to the local government to amend the development order in accordance with the local government's procedures; and

WHEREAS, the described Project* lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06(19)(e)2, Florida Statutes, has the statutory authority to consider and approve amendments to a Development Order for an approved DRI; and

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

~~**WHEREAS**, the Manatee County Planning Commission after due public notice, held a public hearing on January 10, 2008, February 14, 2008, July 10, 2008, and July 24, 2008 to consider the Lakewood Centre DRI and found the Lakewood Centre DRI to be consistent with the Manatee County Comprehensive Plan, the Manatee County Land Development Code, Section 380.06, Florida Statutes, and Rule 9J-2.02, FAC, subject to the conditions of approval established in this development order and recommend Special Approval of Phase 1 and Conceptual Approval* for Phases 2 & 3 of DRI #26; and~~

~~**WHEREAS**, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council (TBRPC); the Planning Commission, and the Planning Manatee County Staff; and~~

WHEREAS, the Planning Commission held a duly noticed public hearing on November 8, 2012 regarding Ordinance 12-28 and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of Manatee County staff; and

~~**WHEREAS**, the Board of County Commissioners held a duly noticed public hearing on March 6, April 3, 2008, and December 6, 2012 regarding Ordinance 12-28 August 5, 2008 on Ordinance 08-13 and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department staff.~~

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

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #26, ORDINANCE 08-13.

Ordinance 08-13 is hereby amended and restated in its entirety below. This ordinance constitutes the amended and restated Development Order for the Lakewood Centre Development of Regional Impact. The prior Development Order shall be superseded by this Ordinance, provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(5), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, ~~ADA* (with sufficiency responses), the recommendation and findings of the Planning Commission, application for an amended Development Order~~ and all other matters presented to the Board of County Commissioners at the public hearing, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. An application has been submitted to Manatee County and is being processed concurrently with this ~~ADA*~~amendment to ~~rezone the parcel from AWP E/ST (General Agriculture/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District), to the PDMU/WPE/ST (Planned Development Mixed Use/ Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) zoning district, Order to amend Zoning Ordinance No. PDMU-06-30(Z)(G) and to approve at the General Development Plan for the entire ±697.4+/- acre Project* by consideration of proposed Ordinance No. PDMU-06-30(Z)(G)-project.~~
- C. ~~An application has been submitted to Manatee County and is being processed concurrently with this ADA* to amend the Future Land Use Map of the Future Land Use Element of the Manatee County Comprehensive Plan for a portion of the Project (i.e., 285.34 ± acres from the UF-3 (Urban Fringe — 3 dwelling units/gross acre/WO Watershed Overlay District — Evers Reservoir) Future Land Use Classification to the ROR (Retail/Office/Residential/WO Watershed Overlay District — Evers Reservoir Future Land Use Classification) by consideration of proposed Ordinance 08-28.~~

~~D. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the DRI and as it relates to the real property described in Section 7 of this Ordinance, pursuant to Section 380.06, Florida Statutes. The report of the Planning Commission was rendered on July 24, 2008, following a public hearing.~~

EC. The Board of County Commissioners held public hearings on March 6, April 3, 2008, and August 5, 2008, a public hearing Insert new on December 6, 2012, regarding Ordinance No. 08-13, the application to amend the Development Order and the proposed Zoning Ordinance amendment in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearings.

FD. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

GE. The Comprehensive Plan requires a Certificate of Level of Service to be issued for water, wastewater, solid waste, parks and recreation, roadways, transit, and drainage in compliance with state requirements and the Land Development Code.

HF. This Development Order is issued based on information provided by the Developer* in the original ADA* (with sufficiency responses);, this application to amend the Development Order; public hearing testimony; data, information, and recommendations provided by the Planning Commission and Planning Department Manatee County staff, and ensures continued compliance with the Manatee County Comprehensive Plan.

IG. The real property which is the subject of this ADA* and Development Order is legally described in Section 78 of this Ordinance.

JH. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

KI. The authorized agent and address for the Project* is Todd J. Pokrywa of SMR North 70, LLC, 14400 Covenant Way, ~~Bradenton~~ Lakewood Ranch, Florida 34202.

LJ. The owner of the property which ~~SMR intends to develop~~ is SMR North 70, LLC.

~~M. A comprehensive review of the impacts generated by the development has been conducted by the departments of Manatee County, the Planning~~

~~Commission, Board of County Commissioners, TBRPC, and DCA in conjunction with the ADA*, sufficiency responses, and this Development Order.~~

~~N. The TBRPC declared the ADA* application sufficient on October 12, 2007.~~

SECTION 23. CONCLUSIONS OF LAW.

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

1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and the 2020 Manatee County Comprehensive Plan (as amended).
3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC ~~approved on December 10, 2007 regarding this ADA*~~ Building and Development Services Department.
4. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
5. The review by the County*, ~~the TBRPC, and other participating agencies*~~ and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order, and the ADA, as amended by this request to modify the Development Order. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

SECTION 34. DEVELOPMENT COMPONENTS:

A. This Development Order approval shall constitute approval of the ADA*application to amend the Development Order subject to the conditions set forth herein and shall be limited to the development amounts set forth in Table 1, below.

B. Phase 1 of the Development is Specifically Approved subject to the conditions found within the Development Order and a Certificate of Level of Service for all services, except potable water and sewer, which has been issued for the land uses listed in Phase 1 as defined herein and in Zoning Ordinance PDMU-06-30(Z)(G)(R). Potable water and sewer concurrency will be reviewed at time of each Final Site Plan submittal. (Phase 1 mitigation measures shall be completed pursuant to LDA-10-01, which provisions shall supersede this provision.)

Phases 2 and 3 are Conceptually Approved. Specific Approval of Phases 2 and 3 are contingent upon submittal of further transportation and air quality analysis in accordance with Section 380.06, F.S. The Developer* shall provide full Application for Development Approval* responses regarding the issue of transportation when seeking Specific Approval of Phases 2 and 3. This submittal shall include the prior conduct of a transportation methodology meeting to reach agreement with all appropriate transportation review entities as to the terms, variables, and assumptions to be utilized in the transportation analysis. Reanalysis of affordable housing may be required if the Conceptually Approved phases change or Rule 9J-2-73C-40-048, FAC is modified regarding affordable housing. Verification of adequate public utility and school capacity will also be required.

C. Approval of Phases 2 and 3 will also require review and approval of a revised Zoning Ordinance to be approved by the Board of County Commissioners.

D. Preliminary and Final Site Plan applications shall be reviewed for compliance with this Development Order 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, as to such requirements which are not specifically addressed in this Development Order or are not inconsistent with this Development Order.

E. The build-out date for this Development Order is ~~2019~~ November 21, 2024

F. The expiration date for this Development Order is ~~2020~~ November 21, 2025.

TABLE 1: DEVELOPMENT TOTALS

Land Use	Phase 1 2008 – 2012 <u>2020*</u>	Phase 1 Minimum/ Maximum Entitlements ^{&}	Phase 2 2009 – 2014 <u>2019*</u>	Phase 3 2012- 2019 <u>2024*</u>	Total
Residential (dwelling units)					
Multi-family	900	540/1,260	1,800	539	3,239
Single Family (includes semi-detached & attached)	-0-	0/700	200	236	436
Total	900		2,000	775	3,675
Commercial/Office (sq. ft.)					
Retail	460,000	276,000– 644,000	542,000	772,000	1,774,000
Office	458,000	275,000– 641,000	458,000	647,000	1,563,000
Total	918,000		1,000,000	1,419,000	3,337,000
Hotel (rooms)	300		-0-	-0-	300

Source: WilsonMiller, September 2005

* The phasing buildout dates shall be ~~December 31st~~ November 21st of the years indicated, which includes legislatively approved extensions (SB 360, SB 1752, HB 7207 and F.S. 252.363).

& The approved amount of any one land use may be increased, but only with decreases in one or more of the other land uses, per the Land Use Equivalency Matrix.

G. Development Totals:

1. The Land Use Equivalency Matrix, below allows the developer variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented below are based on p.m. peak hour trip generation factors.
2. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, solid waste disposal, mass transit, drainage, and parks and recreation, which have been approved and

authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. Additionally, the Developer* shall demonstrate that the proposed land use mix will not generate additional affordable housing beyond the amount for which the supply of affordable housing has been demonstrative to be available and is described in Section M of this Development Order. In seeking approval, the Developer shall not exceed the potable water and wastewater treatment projected for that phase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer* may be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS.

3. ~~3.~~ An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the 2020 Manatee County Comprehensive Plan and shall be subject to the approval of the Board of County Commissioners.
4. The County's review of any such request shall include a determination that the project as a whole will continue to be developed as a mixed use project with both residential and non-residential uses. As a part of such analysis, the County shall review the percentage of developed land area devoted to each land use category.
5. Upon approval of a Land Use Exchange, County staff shall provide to the Florida Department of Economic Opportunity (DEO) and TBRPC a copy of said approval.
6. The DRI biennial report shall include information indicating implementation of the matrix as well as cumulative amounts of development which have been approved by the County as of the biennial report date.
4. ~~Each exchange request shall be provided to the Tampa Bay Regional Planning Council and the Florida Department of~~

~~Community Affairs for review and approval prior to consideration of approval by Manatee County. A maximum of two (2) exchange requests may be submitted within any calendar year.~~

5. The Land Use Equivalency Matrix (LUEM), Table 2, is as follows:

Land Use Equivalency Matrix:

TABLE 2: LAND USE EQUIVALENCY MATRIX

CHANGE FROM:	CHANGE TO:				
	Residential/ SF* (Units)	Residential/ Apartment Multifamily (Units)	Commercial (Sq. Ft.)	Office (Sq. Ft.)	Hotel (Rooms)
Residential/S.F. Semi-Detached & Attached (Units)		0.87	138.67	348.99	0.65
Residential/ApartmentMultifamily (Units)	1.15		132.00	165.00	0.75
Commercial (1,000 Sq. Ft.)	7.21	3.88		1271.00	4.69
Office (1,000 Sq. Ft.)	2.87	0.68	176.00		1.86
Hotel (Rooms)	1.54	1.33	213.33	536.91	

* Semi-Detached & Attached units

~~G. The following table documents the “minimums” and “maximums” associated with each of the project uses:~~

TABLE 3: MINIMUM AND MAXIMUM DEVELOPMENT

LAND USE	SPECIFICALLY APPROVED AMT. (PHASE 1)	MINIMUM	MAXIMUM
Residential/Multi-Family	900 Units	540 Units	1,260 Units
Residential/Single Family*	0 Units	0 Units	700 Units
Retail	460,000 Sq. Ft.	276,000 Sq. Ft.	644,000 Sq. Ft.
Office	458,000 Sq. Ft.	275,000 Sq. Ft.	641,000 Sq. Ft.
Hotel	300 Rooms	180 Rooms	420 Rooms

* Semi-Detached & Attached units

SECTION 45. DEFINITIONS.

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

- A. "Application for Development Approval*" or "ADA*" shall mean the Lakewood Centre Development of Regional Impact Application for Development Approval* (April 28, 2006), and the sufficiency responses submitted by the Developer* on October 23, 2006, April 20, 2007, and September 14, 2007.
- B. "Best Management Practices*" shall mean the method or combination of methods determined after problem assessment and examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and may vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- C. "County*" shall mean Manatee County, a political subdivision of the State of Florida.
- D. "Conceptual Approval*" shall mean general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.
- E. "Developer*" shall mean SMR North 70, LLC ~~(AKA Schroeder Manatee Ranch Inc.)~~, its heirs, assigns, designees, agents, and successors in interest as to the Project* and all conditions of approval.
- F. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.

G. "Fair Market Rent Documentation System" shall mean a system established by the Department of Housing and Urban Development (HUD) that provides complete documentation of the development of the Fair Market Rents (FMRs) for any area of the country. FMRs are developed and updated from the metropolitan Core-Based Statistical Areas (CBSAs) as established by the Office of Management and Budget.

H. "Funding Commitment*" shall mean projects funded for construction in the current year plus one of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.

I.H. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:

1. existing topography;
2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;
3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes; and
4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.

J.I. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 78 herein.

K.J. "Specific Approval" shall mean ADA approval for Phase 1 only. Specific Approval* of Phases 2 & 3 will be contingent upon submittal of further transportation and air quality analyses in accordance with Section 380.06, F.S., with a requirement for prior conduct of transportation methodology meetings. Reanalysis of affordable housing associated with Phases 2 & 3 shall only be required if there is a changes to the phases or Rule 9J-2 73C-40.048, FAC is modified regarding affordable housing. Verification of adequate public utility and school capacity is also required. Specific Approval* herein should not be confused with Specific Approval* as defined in the Manatee County Land Development Code.

L.K. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order.

Note: An asterisk (*) in the text of this Development Order denotes that the word is defined.

SECTION 56. DEVELOPMENT CONDITIONS:

THE LAKEWOOD CENTRE DRI IS SPECIFICALLY APPROVED FOR PHASE 1 DEVELOPMENT AND CONCEPTUALLY APPROVED FOR PHASES 2 AND 3, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

Transportation

A.(1) The Lakewood Centre DRI development will have an impact on several regionally significant roadway facilities within the primary impact area. Transportation Conditions Table 5 (below) identifies the improvements associated with Phase 1 approval.

**TABLE 5
PHASE 1 INTERSECTION/ROADWAY IMPROVEMENTS**

Roadway/ Intersection	@	Improvement	External Trip Threshold	ERU Threshold
SR 64	Lena Rd	Add 1 eastbound through lane	2,312	2,335
SR 70	US 301	Add 1 through lane to each approach, add 1 eastbound left turn lane and 1 eastbound right turn lane	2,312	2,335
SR 70	Lockwood Ridge Rd (45 th St.)	Add 1 westbound left turn lane, add 1 northbound left turn lane, add 1 southbound left turn lane, add 1 southbound right turn lane, add 1 eastbound and westbound through lane	1,466	1,480
SR 70	Caruso Rd	Add 1 northbound left turn lane and add 1 northbound right turn lane	1,380	1,393
SR 70	Tara Blvd	Add 1 westbound through lane	1290	1,302
SR 70	I-75 Southbound	Add 1 westbound through lane	1,055	1,065
SR 70	33 rd St. E	Add 1 southbound left turn lane	1932	1,951

SR 70	Pope Rd	Signalize when warrants are met, Add 1 eastbound left turn lane (already constructed – needs restriping)	973	983
SR 70	Lakewood Ranch Blvd.	Add 1 northbound right turn lane	432	436
Lakewood Ranch Blvd.	Center Ice Pky to Portal Crossing Dr	Widen to 4 lanes (add 1 lane to inside of existing in both directions)	417	421

- *1 ERU (Equivalent Residential Units) = 1.01 PM peak Trips
- 1 ERU = 2.73 Single-Family Attached du's
- 1 ERU = 2.15 Multi-Family du's
- 1 ERU = 2.66 Hotel Rooms
- 1 ERU = 0.30 ksf Commercial
- 1 ERU = 0.77 ksf Office

A.(2) Because the transportation improvements identified above have a “trip trigger”, a monitoring program is necessary to verify that the actual number of trips generated accurately reflects the transportation analysis and subsequently required improvements. This monitoring program requires biennial pm peak hour project driveway counts at all project entrances with public roadways (including SR 70, Lakewood Ranch Boulevard, Center Ice Parkway, Pope Road, and Malachite Drive). The monitoring program shall commence one year after issuance of the first Certificate of Occupancy or first Final Plat, whichever occurs first, for Phase 1. Monitoring shall continue on a biennial basis for each access point until the trip improvement threshold is reached. The monitoring shall be conducted no earlier than 60 days prior to the due date of each biennial report in order to ensure relatively current traffic data and shall continue to project buildout.

The monitoring program shall consist of weekday PM peak hour directional counts from 4:00 to 6:00 PM, with subtotals at 15-minute increments, at all project entrance driveways with public roadways (including SR 70, Lakewood Ranch Boulevard, Center Ice Parkway, Malachite Drive, and Pope Road). Only turns to and from the project entrances need to be counted (through volumes on the public roadways will not be required). The sum of the project entrance trips will be totaled in 15-minute increments and the highest four consecutive 15-minute totals will be summed to determine the project's total PM peak hour traffic volume. This total

will include net external trips, diverted trips, and pass-by trips of the Lakewood Centre DRI development.

The total PM peak hour project traffic through Phase 1 is estimated to be 2,583 net external, 860 pass-by, and 666 internal trips, for a total of 4,109 gross trips.

The required monitoring data shall be included in each Biennial Report. If the monitoring results demonstrate that the project is generating more than fifteen (15) percent above the number of trips estimated in the original analysis (as stated above) or a Biennial Report is not submitted within 30 days of its due date, Manatee County shall issue no further development permits and conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), F.S. As a result, the County may amend the Development Order to change or require additional roadway improvements. The revised Transportation Analyses, if required, shall be subject to review by all appropriate review entities.

- A.(3) In the event that total external p.m. peak hour trips exceed the threshold levels described in Table 5, and the corresponding Funding Commitments have not been provided, no further Final Site Plan approvals shall be granted unless an analysis is submitted which identifies the revised number of total external p.m. peak hour trips after which the required improvement would be required, according to the new subphase analysis. The Development Order shall be amended to reflect these revised trip levels.
- A.(4) With each Final Site Plan application, the Developer shall submit to the County a limited traffic study which addresses the following :
1. External P.M. peak hour trips predicted to be generated by the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvement thresholds reported in Table 5 are reached; and,
 - 2.
 2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the Project covered by the Final Site Plan application.
- A.(5) Prior to development of Phase 2 or Phase 3, revised transportation analyses shall be required to be submitted pursuant to Section 380.06(6), Florida Statutes. This analysis shall address transportation impacts which result from the development of these phases.

- A.(6) As part of the Phase 2 or Phase 3 approval, the Developer shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC. The TSM program shall include a biennial assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Biennial Report. The Transportation Systems Management Program shall evaluate carpooling, vanpooling, mass transit, alternative hours of operation for employment and retail centers and other forms of transportation diversion.
- A.(7) Developer shall work with Manatee County Area Transit (MCAT) on identifying a potential transit stop(s) within the Project*. At such time that MCAT has established a plan for service to the Project and coordinated needed location(s) for a transit stop with Developer, Developer shall accommodate the requisite stop(s) within the Project.
- A.(8) The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and park sites.
- A.(9) Provisions shall be made for the construction of all internal collector roads as shown on DRI Map H (Attached as Exhibit A). Roads shall be constructed at the cost of the Developer, or other appropriate entity, prior to or in conjunction with development requiring access on that roadway. This dedication/construction shall be eligible for impact fee credits to the extent allowed by the Manatee County Land Development Code and applicable law. Right-of-way along Malachite Drive and Pope Road will be dedicated to Manatee County by the Developer prior to or in conjunction with any Preliminary Site Plan or Preliminary Plat approvals adjacent to or encompassing such roadways, to ensure 120 feet of right-of-way adjacent to the site. This dedication shall be impact fee creditable to the extent permitted by the Manatee County Land Development Code and applicable law.
- A.(10) There shall be bicycle or pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards

- A.(11) The Developer shall provide adequate sidewalks along both sides of all streets and roadways throughout the Project.
- A.(12) Improvements made pursuant to the proportionate fair share ordinance, adopted by Manatee County Board of County Commissioners on November 7, 2006, shall satisfy the requirements for mitigation of the Project's Phase 1 transportation impacts. (LDA 10-01 implements the applicant's proportionate fair share contributions for Phase 1 mitigation.)

Vegetation, Wildlife, and Wetlands

- B.(1) No impacts to Natural Resources of Regional Significance (NRRS) as defined by TBRPC are proposed by this project. Impacts to Natural Resources of Regional Significance, as delineated on Map 3 (Attached as Exhibit B) in the TBRPC's Final Report of the Lakewood Centre DRI, adopted December 10, 2007, shall only occur if justified pursuant to *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region* Policy 4.5.2. Mitigation for justifiable impacts to Natural Resources of Regional Significance shall meet the ratios set forth in that policy and Policy 4.5.6; i.e., 2 created: 1 impacted for Special Habitats (Strategic Habitat Conservation Areas and Priority Wetlands); 3 created: 1 impacted for Riverine Habitat; and twice that amount if mitigation is in the form of restoration of disturbed habitat of a similar nature, at minimum.
- B.(2) In the event that any state or federally-listed species are discovered breeding on-site during project development, the Developer* shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
- B.(3) Nuisance and exotic plant species shall be removed from upland areas of the project site during site development. A plan shall be developed to address how preserved and conserved upland areas will be managed to limit nuisance and exotic species. The plan shall be submitted to Manatee County for approval with the first Final Site Plan or Final Plat for vertical development. (completed)
- B.(4) As committed, the applicant shall preserve and protect all wetlands as shown on Map H using upland vegetated buffers managed as wildlife habitat. Unavoidable impacts to wetlands may be mitigated using credits from the Long Swamp Ecosystem Management Plan.
- B.(5) Conservation Easements for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland

preservation areas shall be dedicated to the County prior to issuance of first Certificate of Occupancy or Final Plat for those areas within or directly adjacent to the proposed phase of development.

- B.(6) Preliminary and Final Site Plans within management guideline distances (as prescribed by US Fish and Wildlife Service) from the bald eagle nest shall be designed in accordance with the current Habitat Management Guidelines for the Bald Eagle published by the U.S. Fish and Wildlife Service, shall be provided prior to Final Site Plan approval.
- B.(7) The natural wildlife corridor existing along the wetland corridor located south of Malachite Drive and north of Center Ice Parkway shall be maintained and protected by placing the area in a conservation easement. Wildlife passageways shall be incorporated into the roadways designed to cross this corridor if practical and approved by appropriate state, regional, and local agencies.
- B.(8) The project site may continue to be used for agricultural activities during development, but at no greater intensity than at present. No new clearing of tree or preservation areas shall be permitted for any new agricultural uses.
- B.(9) Prior to each Preliminary Site Plan approval, an evaluation for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), shall be performed by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation and mitigative measures shall be subject to the approval of Manatee County. Copies of a remediation and mitigation plans along with the approvals by appropriate State or Federal agencies shall be provided to the Planning Building and Development Services Department. All remediation and mitigation activities shall be completed prior to commencement of construction. A remediation plan shall be reviewed and submitted for approval to Manatee County.
- B.(10) All proposed nature trails, boardwalks, and shade structures in wetlands, wetland buffers, or upland preservation areas shall be designed to minimize impacts to trees or areas of significant vegetation and in accordance with Section 719 of the Manatee County Land Development Code. No nature trails, boardwalks, or shade structures shall be constructed within preserved wetlands in the areas shown as Natural Resources of Regional Significance, as

delineated on Map 3 (Attached as Exhibit B) in the TBRPC’s Final Report of the Lakewood Centre DRI, adopted December 10, 2007.

B.(11) The following Pine Mesic Oak (414), Pine Flatwood (411), and Live Oak (427) Communities shall be preserved:

FLUCFCS Code	Pre-Construction Total			Post-Construction Total		Post- Construction Habitat (w/n Wetland Buffers)		Post- Construction Habitat (w/n Upland Conservation)	
	Total Acreage	Habitat w/n Wetland Buffer	Habitat w/n Upland Conservation	Acreage	Percentage (of habitat remaining)	Acreage	Percentage (of existing habitat w/n buffers)	Acreage	Percentage (of existing habitat w/n conservation)
411	31.7	4.9	26.8	11.8	37.9	4.9	100	6.9	25.7
414	47.0	10.5	36.5	25.2	53.6	10.5	100	14.7	40.2
427	4.2	1.0	3.2	3.4	80.9	1.0	100	<u>2.42.2</u>	75.0
Total	82.9	16.4	66.5	40.4	48.7	16.4	100	23.8	35.8

Area	FLUCCS 411	FLUCCS 414	FLUCCS 427	Total
Wetland Buffers	4.9	10.5	1.0	16.4
Upland Preservation Areas	6.9	14.7	<u>2.22.4</u>	<u>23.824.0</u>
Total	11.8	25.2	3.4	40.240.4

The preservation areas shall be clearly delineated, labeled and quantified on the Preliminary Site Plan. Upland Preservation Areas may be reconfigured, subject to Planning Building and Development Services Director approval, with the Preliminary Site Plan provided that the overall acreage, general location, and quality of preserved habitat remain consistent with those shown on the approved GDP. Limited impacts may be permitted for suitable recreational areas (passive parks, pocket parks, etc.). Recreation improvements shall be designed in a manner that minimizes impacts to mature trees, dense tree clusters or significant vegetation.

B.(12) The Developer* shall provide ~~24.8~~23.8 acres of upland preservation. Upland preservation areas, consistent with the potential Upland preservation areas identified on Map H (Attached as Exhibit A). The ~~24.8~~23.8 acres of upland preservation shall not be inclusive of any required wetland or landscape buffers.

B.(13) The Developer* shall submit for review and approval, a Habitat Management Plan for the upland preservation areas with the first Preliminary Site Plan. (completed)

Soils

- C.(1) Best Management Practices, including those identified in the ADA*, shall be employed during site preparation and construction to prevent soil erosion.

Air Quality

- D.(1) Best Management Practices*, including those identified in the ADA*, shall be employed during site preparation and construction to minimize air quality impacts.
- D.(2) The developer shall provide full ADA* responses for Air Quality when seeking specific approval of Phases 2 and 3. Future review shall be administered under the Notice of Proposed Change process.

Water Quality and Stormwater Management

- E.(1) The stormwater management system shall be designed to restore and maintain the natural hydroperiod of the receiving wetlands, and to meet or exceed the requirements for development within the Evers Reservoir Watershed Overlay. Upland habitat within 50 feet of the contiguous wetland system draining to the upper Braden River shall be preserved to enhance water quality.
- E.(2) Development practices shall incorporate Best Management Practices*, including those which prevent construction-related turbidity.
- E.(3) Because the project is partially within the Wolf Slough/Evers Reservoir basin, an integrated pest management program shall be implemented to minimize the use of fertilizers and pesticides, and the design and construction techniques listed below should be utilized:
- ensuring that ponds and swales are properly grassed; and
 - implementation of a site-specific surface and groundwater quality monitoring system, through the Environmental Monitoring Plan.
- E.(4) The Developer* shall encourage the use of water conserving landscapes and the responsible use of water by residents and occupants throughout the project.
- E.(5) Existing native vegetation shall be preserved to meet screening requirements, where feasible, unless otherwise approved by the Planning Building and Development Services Department.

- E.(6) To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.
- E.(7) Stormwater management ponds shall not be constructed within wetland buffers or other natural resources of regional significance.
- E.(8) The applicant shall implement resident education advocating surface water protection.
- E.(9) Low impact development techniques are encouraged to be used throughout the development, particularly in areas draining to the Evers Reservoir. These techniques shall include, but are not limited to, the following:
- Retention of the maximum amount of existing native vegetation;
 - Shallow vegetated swales in all areas, including parking;
 - Appropriate Florida-friendly plant selections;
 - Small, recessed garden areas throughout landscaped areas;
 - Porous pavement and other pervious pavement technologies; and
 - Stabilized grass areas for overflow parking.

Specific requirements for implementation of these techniques shall be stipulated in the accompanying Zoning Ordinance.

- E.(10) Prior to construction of individual parcels, the applicant must provide a plan at the time of Preliminary or Final Site Plan detailing the operation and maintenance of the stormwater management system. The plan shall, at a minimum, identify the responsible entity, establish a long-term funding mechanism and provide assurance through written commitments that the entity in charge of the program has the technical expertise necessary to carry out the operation and maintenance functions of the stormwater management system. ~~The plan must be approved by Manatee County prior to the first PSP or FSP approval and implemented at construction. Failure to implement the approved plan requires the applicant to file a Notice of Proposed Change.~~

- ~~E.(11) The applicant or other responsible entities shall hire a licensed engineer to conduct annual inspections of the stormwater management systems on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection~~

~~results shall be included in each Biennial DRI Report through project buildout.~~

~~E.(12E).(11)~~ All habitable structures shall be constructed in accordance with Manatee County's flood protection requirements.

~~E.(1312)~~ Compensation for the loss of 100-year flood storage capacity shall be provided.

~~E.(14E).(13)~~ Manatee County has reviewed and approved the groundwater quality monitoring plan submitted for the Lakewood Centre DRI. This approval is contingent upon the following requirements:

- The Developer* shall ensure the protection of monitoring wells and access to monitoring wells through build-out of the project. Should any of the monitoring wells be destroyed the responsible entity shall provide written notification of the incident and corrective action taken to Manatee County.
- Should the land use change significantly or should the baseline monitoring reveal exceedences that would merit additional monitoring measures, Manatee County may require the monitoring plan to be modified accordingly.
- If monitoring activities do not begin in a timely manner, Manatee County may require the monitoring plan to be modified accordingly.

Historical and Archaeological Sites

F.(1) Any significant historical or archaeological resources discovered during project development shall be reported to the Florida Division of Historical Resources (FDHR) and the disposition of such resources shall be determined in cooperation with the FDHR and Manatee County.

Water

G.(1) Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.).

G.(2) The Developer* shall be required by Manatee County ordinances, to extend potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.

The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and

abandoned in accordance with Rule 40D-3.531, Florida Administrative Code.

- G.(3) The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual lots. Prior to Final Site Plan approval applicant shall specify source of irrigation on site plan.
- G.(6) The Developer* has committed to the following:
- utilization of a non-potable water system for all landscaped areas;
 - use of native vegetation or drought-resistant vegetation in landscaped areas and the single-family residential portion of development; and
 - the re-establishment of the tree canopy previously cleared for agricultural activities, where possible.
- G.(7) The Developer* shall obtain verification of adequate water supply availability and service concurrent with the request for specific approval of Phase 2 and Phase 3.
- G.(8) Water-saving plumbing fixtures must be used inside all buildings, including housing units.
- G.(9) Water-conserving irrigation systems shall be used throughout the development. Rainfall sensors shall be placed on all systems.
- G.(10) Irrigation time clocks shall be reset after the establishment period for new landscaping has expired.
- | G.(11~~0~~) Florida-friendly landscaping principles shall be used throughout the development.
- | G.(12~~4~~) Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated.
- | G.(13~~2~~) Conservation education shall be provided for the residents and other users of the development.
- | G.(14~~3~~) Total water use for the residential development shall not exceed 150 gallons per capita per day.
- |

Wastewater

- H.(1) The Developer* shall be required by Manatee County ordinances, to expand wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project.*
- H.(2) No septic tanks are permitted.

Solid Waste

- I.(1) Commercial and office tenants shall be provided with information at the time of purchase or lease which identifies hazardous or medical materials and proper procedures for the handling and disposal of such materials. In the event that businesses using or producing hazardous materials or medical waste locate within the project, these materials shall be handled in a manner consistent with applicable Federal, State and Local regulations.
- I.(2) The Developer* shall be required by Manatee County ordinances, to extend solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

- J.(1) Greenways, environmentally-sensitive features, open space, and recreation facilities shall be maintained by the Developer* or successors such as a Home Owners Association, CDD, other legal entity and/or as directed by the permitting agencies.
- J.(2) As committed, the Developer* shall provide 36.8-acres of parks on-site at the locations indicated on Map H. An additional 23.5 acres of passive parks (within upland preservation areas and outside of wetland buffers) will be provided on the site, at locations to be determined by Manatee County through the development review process.

Health Care, Police, and Fire

- K.(1) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer* may, with the approval of the County*, satisfy this obligation in whole or in part by conveyance of land deemed

suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Preliminary Site Plan, Final Site Plan, or Final Plat for Vertical Development* for Phase 1 or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made. (completed for phase I only)

K.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, equipping, and staffing of emergency service facilities for police and fire 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 for each Phase, mutually acceptable to the County and the Developer shall be reached prior to the issuance of the first Final Site Plan or Final Plat for Vertical Development for each Phase. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law-(completed for phase I only)

K.(3) As agreed upon, the applicant shall use applicable Fire Wise principles such as clearing around houses and structures, carefully spacing trees, and maintaining irrigation systems. Such practices shall be described on the Landscape Plans of each Final Site Plan.

Hurricane Preparedness

L.(1) The Developer* shall promote awareness of hurricane and flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office buildings, etc.

Affordable Housing

~~M.(1) In lieu of any analysis required by 9J-2.048, Florida Administrative Code, the Developer shall enter into a voluntary housing mitigation program as set forth in the conditions below.~~

- M.(12) The Developer shall provide workforce housing at a price as determined pursuant to the parameters as set forth in the definition contained within the Manatee County Land Development Code within the project, or within an adjacent SMR-owned project, a ~~number of residential units in an amount~~ equal to 10% of the total number of residential units ~~approved~~constructed in Lakewood Centre Phases 1, 2, and 3 that ~~qualify as workforce housing as identified in the Manatee County Land Development Code. These units shall be referred to as Worker Housing Units (WHUs).~~ The workforce housing required herein is generally designed to provide housing for essential workers such as local government employees, quasi-governmental employees, and private sector employees.
- M.(32) ~~Income limits and maximum~~Maximum home sales prices shall correspond to values as provided in the Manatee County Maximum Income Limits Table. These limits are updated periodically by Manatee County and shall be utilized accordingly. The ~~sale~~maximum sales price and income limits in effect at the time a contract for purchase of a ~~WHU~~workforce housing unit is executed shall apply.
- ~~M.(4) In conjunction with Manatee County Neighborhood Services Department, the Developer shall devise and implement marketing guidelines designed to enhance the number of WHU sales to qualified purchasers.~~
- ~~M.(5) Should the Developer be unable to sell an advertised unit to a qualified purchaser within 180 days after the WHU is initially advertised for sale, the Developer may, at its sole option, sell the unit without any of the restrictions contained in these conditions at market rate. Under this circumstance, this unit(s) shall not count towards affordable housing mitigation.~~
- ~~M.(6)~~
M.(3) Maximum rental rates shall correspond to values as provided for in the Fair Market Rent Documentation System*. These rates are updated periodically by Manatee County and shall be utilized accordingly. The rental rate in effect at the time a lease is executed shall apply.
- M.(4) The Developer shall include in its Biennial Report data showing the number and sale prices of ~~WHUs~~workforce housing units sold ~~within the development~~and the number and rental rate of units leased during the reporting period. The Biennial Report shall also include the current Manatee County Maximum Income Limits Table.

and the Fair Market Rent Documentation System*. Only those units that have a sale price equal to or less than the maximum allowable home sales price, as provided in M.(2) or a rental rate equal to or less than the maximum rental rate as provided in M.(3), shall be counted toward the required mitigation.

M.(75) With each Biennial Report, the overall ratio of WHUworkforce housing units provided to the number of residential units constructed in the Project shall be determined. ~~The Land Use Restriction Agreement developed for the Lakewood Centre project may contain additional monitoring and compliance.~~

M.(86) Should the required ~~affordable~~ housing mitigation for Phase IV of the University Lakes DRI be constructed within Lakewood Centre, a separate calculation showing the overall ratio of WHUworkforce housing units provided within Lakewood Centre to the number of residential units constructed in Phase IV of University Lakes shall be included in the Biennial Report. This calculation will be for informational purposes only; any required fees for units not provided will be calculated according to the terms and conditions of the University Lakes DRI Development Order ~~or Land Use Restriction Agreement.~~

Energy

N.(1) The Developer* shall incorporate energy conservation measures into the site design, building construction, and landscaping to the maximum extent feasible.

N.(2) As committed, the Project* shall be certified as a "green development" by the Florida Green Building Coalition (FGBC) under its Green Development Standard. To ensure the continuance of green development, Lakewood Centre builders will be required to construct energy- and resource-efficient facilities and receive certification from the FGBC. The "Green Development" designation requires a combination of the following six categories: Protect Ecosystem and Conserve Natural Resources; Create a Green Circulation System; Green Utility Practices; Amenities; Covenants and Deed Restrictions; and Provide Educational Information to Help Achieve and Promote Green Living Practices.

N.(3) The developer shall work with TECO/Peoples Gas to ensure that natural gas is available within the project, as committed.

General Conditions

- O.(1) Should development of Phase 1 depart from the parameters set forth in the ADA*, the Project* will be subject to Substantial Deviation review pursuant to Section 380.06, F.S.
- O.(2) Specific Approval of Phase 2 and Phase 3 shall be contingent upon further transportation and air quality analyses submitted in accordance with Subsection 380.06, F.S., and verification of water supply availability.
- O.(3) Physical development shall commence within two years of Development Order adoption, in order to have reasonable expectation of achieving Phase 1 buildout by 2011-November 21, 2020. For the purpose of the Development Order, this term means construction of infrastructure, roadways, or other vertical development*. (completed)
- O.(4) In the event the Bradenton/Sarasota Arena development or parcel is reacquired by the Developers of the Lakewood Centre DRI and meet the aggregation criteria defined in 380.0651(4), F.S., the Developer shall process the addition of this parcel (and corresponding entitlements) to the Lakewood Centre DRI through the ~~Notice of Proposed Change~~requisite process administered under Subsection 380.06(19), F.S.
-
- ~~O.(5) Any approval of Lakewood Centre shall, at minimum, satisfy the provisions of Subsection 380.06(15), F.S., and the following provisions of the Florida Administrative Code (F.A.C.): Rule 9J-2.041 (Listed Plant and Wildlife Resources Uniform Standard Rule); Rule 9J-2.043 (Archaeological and Historical Resources Uniform Standard Rule); Rule 9J-2.044 (Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule); Rule 9J-2.045 (Transportation Uniform Standard Rule); and 9J-2.048 (Adequate Housing Uniform Standard Rule).~~
- O.~~(6)~~(5) All of the Developer's* commitments set forth in the ADA* and subsequent Sufficiency Responses shall be honored as Development Order Conditions, except as they may be superseded by specific terms of the Development Order. Such developer commitments have been summarized in Section 67 of this Development Order.
- O.~~(7)~~ ~~Payment for any future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement~~

~~actions, shall be paid to the TBRPC by the Developer* in accordance with Rule 9J-2.0252, FAC.~~

~~O.(8)~~

O.(6)

The Developer*, its successors, assigns or transferees, shall submit Biennial DRI Reports in accordance with Section 380.06(18), Florida Statutes* to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on even number years commencing March, 2010 until such time as all terms and conditions of this Development Order are satisfied. Ten (10) copies of this report shall be submitted to the Manatee County ~~Planning~~Building and Development Services Department, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the ~~Planning~~Building and Development Services Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Biennial Report shall contain the following:

- a. Any change in the plan of development, or in the representation contained in the ADA, or in the phasing or land uses for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;
- d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the land encompassed by the Development Order for the Project*;
- 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*, TBRPC, or ~~DCADEO~~, 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 copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
 - j. A statement that all persons have been sent copies of the Biennial Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
 - k. ~~Information required per condition M.(6), above in regard to affordable housing mitigation; —~~ Reports or information pursuant to pertinent conditions herein requiring copies of information to be provided in the Biennial Report.
 - l. An updated map showing the locations and acreage of upland and wetland preservation; and
 - m. Any other information required pursuant to general law.

SECTION 67. DEVELOPER* COMMITMENTS:

The following are developer commitments set forth in the Application for Development Approval* (ADA*) and Sufficiency Responses* (SR) which shall be honored by the Developer*, except as they may be superseded by specific terms of the Development Order.

GENERAL

1. Ground-level shops and eateries will be located below residential housing units to emphasize pedestrian activity along the street. (ADA/Page 10.2)
2. Agricultural uses will continue on portions of the property not immediately subject to development. (ADA/Page 10.7)
3. The County's Future Land Use Map will need to be revised to change the (285.3 acre) area of Urban Fringe-3 to the Residential/Office/Retail FLU to allow the proposed amount of development (ADA/Page 10.12). The amendment area is generally north and west of the Arena outparcel, located in Sections 8 and 17, of Township 35, Range 19 (ADA/Page 10.14).

4. No amendments to the Capital Improvements Element will be required in order for the Project to be developed as proposed. (ADA/Page 10.13)
5. The proposed Land Use Equivalency Matrix... is limited to the Phase 1 entitlements for which Specific Approval is being requested. (SR3/Page 10.1)

VEGETATION AND WILDLIFE

1. Most of the isolated wetlands and wetlands associated with the headwaters and/or intermittent tributaries of the perennial stream systems (Wolf Creek, Williams Creek, unnamed drainage) found on this site will be maintained to preserve existing plant communities in the project after development, as well as provide visual amenities and wildlife habitat. (ADA/Page 12.5)
2. In order to provide sufficient protection for this species [bald eagle] a management plan for the protection of this nesting territory will be prepared in coordination with the FWS prior to any development within 1500 feet of the nest for this DRI. (ADA/Page 12.9) [Developer Clarification: the recently adopted federal management guideline is now 660 feet].
3. The land-use plan will include preservation of the significant wetland systems on site, including all of the wetlands where listed species were observed. (ADA/Page 12.12)
4. Compensatory mitigation for the proposed wetland impacts will be provided by "The Long Swamp Ecosystem Management Plan" which is an existing comprehensive wetland restoration and enhancement project, approved by the USCOE, the SWFWMD, and Manatee and Sarasota Counties to provide mitigation for wetland impacts within the boundaries of Schroeder Manatee Ranch. (ADA/Page 12.13)
5. All development planned for this DRI will be consistent with the approved current bald eagle management plan at the time of the Preliminary or Final Site Plan application. (SR1/Page 9.5)
6. The intensity of agricultural activity on the Lakewood Centre site will not be increased during development. (SR1/Page 10.2)
7. The specific configuration of the preservation areas will be determined upon further planning and will be subject to approval by the Planning Building and Development Services Director. (SR1/Page 10.11)
8. The applicant proposes to preserve additional native upland habitats

(including pine flatwoods, pine-mesic oak, and live oak) north of Center Lee Parkway and adjacent to the following wetlands: NW-W31, NW-W33B, NW-W33A, NW-W35, NW-W35B and NW-W37, as depicted on the supplemental map... The applicant will remove all nuisance/exotic vegetation from upland portions of on-site communities. (SR1/Page 12.4)

9. Wildlife uses will be protected by limiting access to boardwalks or other appropriate areas (using marked trails, fenced areas, signage, etc.). (SR1/Page 26.1)
10. The 8.9-acre potential preservation area shown on Map H, contains several different types of native upland habitat. The exact amount of each habitat preserved will not be known until the Final Site Planning process is completed. (SR2/Page 10.4)
11. The developer offers the following stipulation to ensure protection of this species: "Preliminary and Final Site Plans within 1,500' of the bald eagle nest shall be designed in accordance with Habitat Management Guidelines for the Bald Eagle in the Southeast Region, as amended, or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service, shall be provided prior to Final Site Plan approval." (SR2/Page 12.7) [Developer Clarification: the recently adopted federal management guideline is now 660'].
12. Per the January 10, 2007 meeting between Stephanie Rousso (FWC), Alissa Powers (EAC) and Mike Burton (EAC), it was agreed that potential habitat be surveyed again for Sherman's fox squirrel prior to construction. (SR2/Page 12.10)

WETLANDS

1. Except for necessary roadway crossings and relatively minor impacts to allow sufficient development for a Town Center, the on-site wetlands will be retained in their natural state or enhanced. (ADA/Page 10.18)
2. Additional studies of wetland hydrology will be conducted for the design of the site's stormwater management system prior to Final Site Plan submittals. (ADA/Page 13/1)
3. Hydroperiods of on-site wetlands will be maintained through contributions from the proposed stormwater management system. Upland buffers of 30 feet around preserved isolated wetlands and 50 feet around wetlands contiguous with waters of the state within the Evers Reservoir Watershed Overlay District will be observed, protected and managed for wildlife habitat value in accordance with the Manatee County LDC. These buffers will remain in native vegetation where found and restored to native conditions where habitat has been degraded. (ADA/Page 13.2)

4. Wetland areas will be clearly identified in the field prior to initiating construction. Silt fence, or other appropriate erosion control device, will be placed at the limit of the wetland buffers to prohibit encroachment and sedimentation. (ADA/Page 13.6)
5. Stormwater lake littoral shelves within the project area will be planted with at least three species of desirable herbaceous emergent vegetation. Plant materials will be bare root sized and installed on three-foot centers. (ADA/Page 13.6)
6. The majority of these wetlands will remain undisturbed as important amenities to the site plan and will be incorporated into the surface water management plan and dedicated as Wetland Conservation Areas. (ADA/Page 15.2)
7. The wetlands will be enhanced by incorporating them into the stormwater management system. This will improve wetland hydroperiods to mimic pre-agricultural impact functions and values. Wetland impacts will be mitigated using credits from the Long Swamp Ecosystem Management Plan. (SR1/Page 10.21)
8. Conservation easement and wetland buffer signage will be installed at key locations to advise those utilizing the area or performing maintenance activities of appropriate restrictions. (SR1/Page 13.1)
9. The only wetland impacts are proposed in the high intensity commercial development (MU area) portion of the project. (SR1/Page 13.3)
10. The water quality and quantity functions of the wetlands will be replaced on site as part of the stormwater management system. (SR1/Page 13.9)
11. Wetlands and wetland buffers will be placed under a conservation easement to Manatee County. During construction, Best Management Practices, such as silt fencing, will protect the wetland and buffers from potential secondary impacts. Post-construction, the installation of conservation easement/wetland buffer signage will educate and inform residents of the protected nature of these areas. (SR1/Page 26.1)
12. The Lakewood Ranch Stewardship District will be responsible for the management of all conservation lands after project buildout. (SR2/Page 13.2)

WATER QUALITY

1. Water quality monitoring will be continued in accordance with Manatee County's "Ambient Surface Water Monitoring for Developments" if

additional monitoring is deemed necessary or if the applicant is requested to participate in a basin management study in order to meet the state's reasonable assurance criteria for a total maximum daily load allocations for impaired and potentially impaired water bodies. (ADA/Page 14.4)

2. Construction water quality monitoring for turbidity will be accomplished with the implementation of a sediment control program... The "Sediment Control Program" and documentation as well as the construction manager's daytime and emergency contact information shall be provided to the Manatee County. (ADA/Page 14.6)
3. The applicant intends to propose and perform baseline water quality monitoring for ambient groundwater conditions, in order to meet Development Order stipulations and in accordance with Manatee County's Ambient Groundwater Monitoring Plan requirements. A groundwater monitoring plan will be submitted to Manatee County for their approval prior to startup of site development activities. The groundwater monitoring program will continue throughout the site development activities to ensure that these activities do not pose any potential adverse effects to the surficial aquifer resources... (ADA/Page 14.5)
4. Soil borings will be performed at the time of design to verify the Seasonal High Water Level at the specific sites as well as any elevations of any confining layers. (SR2/Page 14.2)

SOILS

1. Flexible roadways and building foundations will also be utilized to offset swelling and shrinking of soils. (ADA/Page 15.3)
2. Lake bank stabilization will be achieved through the use of temporary seed and mulch until final stabilization can be achieved by means of sodding. Within the Littoral zones of the lakes, below normal water level, native aquatic plants will be utilized. (ADA/Page 15.3)
3. A conservation easement covering the wetlands and wetland buffers will be dedicated to Manatee County through the final subdivision plat process or by separate legal instrument. (SR1/Page 15.2)

FLOODPLAINS

1. There will be no floodplain impacts. (ADA/Page 10.21)
2. There is no area within the 100-year floodplain within the project's boundaries or the immediate vicinity. (SR1/Page 9.4)

WATER SUPPLY

1. The Project will use the lowest quality water available for irrigation purposes, including non-potable quality groundwater and stormwater. (ADA/Page 10.15)
2. Water wells will be proposed on-site, and the future needs will be determined through studies not yet completed. (ADA/Page 17.5)
3. The applicant will operate and maintain the non-potable water supply system via Braden River Utilities. (ADA/Page 17.5)
4. The development will encourage responsible use of water by the occupants. The developer will implement non-potable (irrigation) restrictions to limit the use of non-potable water to conserve water. The Developer will also encourage the use of native, drought tolerant landscape within the single-family residential portion of the project. (ADA/Page 17.6 & SR1/Page 10.20)
5. The applicant has taken several steps to minimize the use of water including the following (SR1/Page 10.14):
 - the utilization of a non-potable water system for all landscaped areas;
 - the use of native vegetation or drought-resistant vegetation in landscaped areas; and
 - the re-establishment of tree canopy that has been previously cleared for agricultural activities where possible.
6. The [proposed] water wells will be used exclusively for irrigation purposes. (SR1/Page 17.2)
7. In regards to commercial/office areas, rainfall shutoff valves will be implemented in order to regulate the irrigation times, durations and quantities. (SR2/Page 17.2)

WASTEWATER MANAGEMENT

1. The proposed development will be served by a proposed sanitary sewer system. It is anticipated that septic tanks will not be required. (ADA/Page 18.3)

STORMWATER MANAGEMENT

1. The post-development stormwater management system will be designed to avoid adverse impacts to property and environmentally sensitive areas, upstream and downstream of the site. Water quality and quantity

standards will be achieved through the stormwater management system which will be designed in accordance with state and local criteria and will utilize ponds, lakes, littoral zones, wetlands, and control structures with skimmers to achieve the following (ADA/Page 19.5):

- no de-hydration or flooding of existing wetland systems
 - post-developed flows will be attenuated so that no upstream or downstream adverse impacts are created
 - stormwater treatment to ensure water quality criteria is met in accordance with State and Manatee County standards.
2. The development area within the watershed overlay will be designed with the knowledge that it is located within the Evers Reservoir Watershed and will be submitted to the appropriate agencies for the proper review and approval process. (ADA/Page 19.5)
 3. The stormwater management system will be owned and maintained by the applicant or assignee. Potentially, the ownership and maintenance could be assigned to the Lakewood Ranch Stewardship District. A regular maintenance program will be developed for the site... (ADA/Page 19.5)

TRANSPORTATION

1. Pope Road will be extended from its existing endpoint at the northern entrance to the Bradenton/Sarasota Arena site contemporaneously with the construction of the western portion of the Northwest Sector DRI. (SR1/Page 9.1)
2. No age-restricted units were assumed in the transportation analysis. (SR1/Page 10.9)
3. Transportation improvements to serve the Lakewood Centre project do not encourage or subsidize increased development in environmentally sensitive areas such as wetlands, floodways, or productive marine areas. (SR1/Page 10.22)
4. The Applicant will meet with MCAT (Manatee County Area Transit) [to discuss locations of transit stops] during the detailed planning stage of the project. (SR2/Page 9.2)
5. Manatee County will require external trip monitoring as a condition of approval for Phase 1. Further, any development beyond Phase 1 will require additional transportation analysis. This will provide an opportunity to confirm the assumptions used in the ADA analysis, or change them, as appropriate. (SR3/Page 9.2)

AIR QUALITY

1. In order to minimize the amount of fugitive dust, only the individual parcels of land where construction is schedule to proceed will be cleared. Additional measure to be employed to minimize fugitive dust include sodding, seeding, mulching, or planting of landscaped materials in cleared and disturbed areas. Watering procedures will be employed as necessary to minimize fugitive dust. (ADA/Page 22.1)

HURRICANE PREPAREDNESS

1. Although the project is not within the coastal high hazard area, the Developer will cooperate with local, regional, and state agencies to facilitate all-hazards emergency management, planning and coordination. (ADA/Page 10.14)

AFFORDABLE HOUSING

1. Please see Development Order Conditions M.(1) through M.(86) above.

RECREATION AND OPEN SPACE

1. The development will include passive and active recreation facilities including pedestrian and bicycle systems throughout the Project. (ADA/Page 10.13)
2. All open space and recreation facilities within the Project will be maintained by the Developer or successors such as a Homeowner's Association(s), a Community Development District or the Lakewood Ranch Stewardship District. (ADA/Page 26.2)
3. The Project will include a variety of recreational opportunities in the form of pocket parks, linear parks, and esplanades. (ADA/Page 26.2)
4. At least 4.6 acres [Developer Clarification: 4.23 acres] of parks will be developed on-site at the locations indicated on the revised Map H. An additional 6.6 acres [Developer Clarification: 8.9 acres] of passive parks (located in upland preservation areas outside of wetland buffers) will be provided on the site, at locations to be determined later. (SR1/Pages 10.16 & 10.20)

ENERGY

1. The developer will encourage the identified energy conservation methods [i.e. increased insulation, high efficiency mechanical devices, cross ventilation, solar heating and cooling, and low pressure sodium lamps for external lighting] be used by builders in the Lakewood Centre DRI.

(SR1/Page 29.1)

2. The Lakewood Centre Project will be certified as a “green development” by the Florida Green Building Coalition (FGBC) under its Green Development Standard. To ensure the continuance of green development, Lakewood Centre builders will be required to construct energy- and resource-efficient facilities and receive certification from the FGBC. (SR1/Page 29.1)

The developer is working with TECO/Peoples Gas to ensure that natural gas is available within the project. (SR1/Page 29.1)

The “Green Development” designation requires a project to be “graded” on meeting a detailed list of requirements in six categories: Protect Ecosystem and Conserve Natural Resources; Create a Green Circulation System; Green Utility Practices; Amenities; Covenants and Deed Restrictions; and Provide Educational Information to Help Achieve and Promote Green Living Practices. Each category has certain criteria with points awarded for meeting those criteria. A minimum number of points are need to qualify as a “Green Development.” (SR2/Page 29.1)

SECTION 78. LEGAL DESCRIPTION:

LEGAL DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 7, 8, 9, 16, 17 and 18 Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of said Section 7, also being the Northeast corner of the above mentioned Section 18; thence N.88°45'31"W., along the north line of said Section 18 a distance of 21.43 feet to the POINT OF BEGINNING, said point being a point on the easterly right-of-way line of Lakewood Ranch Boulevard, a 120-foot wide Public Right-of-way; the following two (2) calls are along said easterly right-of-way line; (1) thence N.02°18'37"W., a distance of 346.71 feet to the point of curvature of a curve to the right having a radius of 3,940.00 feet and a central angle of 03°48'48"; (2) thence northerly along the arc of said curve, an arc length of 262.23 feet to the point of compound curvature of a curve to the right having a radius of 50.00 feet and a central angle of 91°37'13"; thence northeasterly along the arc of said curve, an arc length of 79.95 feet to the point of tangency of said curve; thence S.86°52'35"E., a distance of 1,131.57 feet to the point of curvature of a curve to the left having a radius of 2,143.00 feet and a central angle of 44°37'24"; thence easterly along the arc of said curve, an arc length of 1,669.02 feet to the point of reverse curvature of a curve to the right having a radius of 2,023.00 feet and a central angle of 34°25'49"; thence northeasterly along the arc of said curve, a distance of 1,215.67 feet to the point of tangency of said curve; thence N.82°55'49"E., a distance of 734.17 feet to the point of curvature of a curve to the right having a

radius of 50.00 feet and a central angle of $87^{\circ}53'04''$; thence southeasterly along the arc of said curve, an arc length of 76.69 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of $23^{\circ}41'47''$; thence southerly along the arc of said curve, a distance of 1,211.79 feet to the point of reverse curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of $11^{\circ}22'52''$; thence southeasterly along the arc of said curve, a distance of 556.19 feet to the point of tangency of said curve; thence $S.68^{\circ}29'59''W.$, a distance of 11.00 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies $S.68^{\circ}29'59''W.$, a radial distance of 2,789.00 feet; thence southerly along the arc of said curve, through a central angle of $03^{\circ}46'14''$, an arc length of 183.54 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies $S.25^{\circ}49'28''W.$, a radial distance of 35.00 feet; thence southeasterly along the arc of said curve, through a central angle of $46^{\circ}58'18''$, an arc length of 28.69 feet to the point of compound curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of $07^{\circ}40'51''$; thence southerly along the arc of said curve, an arc length of 375.36 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of $01^{\circ}04'12''$; thence southerly along the arc of said curve, a distance of 54.72 feet to the end of said curve; thence $S.01^{\circ}18'11''W.$, along a line non-tangent to the last described curve, a distance of 51.28 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies $N.78^{\circ}25'45''E.$, a radial distance of 2,941.00 feet; thence southerly along the arc of said curve, through a central angle of $05^{\circ}37'54''$, an arc length of 289.07 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies $S.25^{\circ}50'30''W.$, a radial distance of 35.00 feet; thence southeasterly along the arc of said curve, through a central angle of $46^{\circ}27'42''$, an arc length of 28.38 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of $06^{\circ}44'40''$; thence southerly along the arc of said curve, a distance of 344.90 feet to the end of said curve; thence $S.12^{\circ}34'36''E.$, along a line non-tangent to the last described curve, a distance of 51.41 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies $N.64^{\circ}34'42''E.$, a radial distance of 2,941.00 feet; thence southeasterly along the arc of said curve, through a central angle of $01^{\circ}33'58''$, an arc length of 80.39 feet to the point of tangency of said curve; thence $S.26^{\circ}59'15''E.$, a distance of 113.45 feet; thence $S.63^{\circ}00'45''W.$, a distance of 90.22 feet to the point of curvature of a curve to the right having a radius of 1943.00 feet and a central angle of $18^{\circ}07'32''$; thence along the arc in a southwesterly direction, a distance of 614.67 feet to the end of said curve; thence $S.09^{\circ}31'35''E.$, along a line non-tangent to the last described curve, a distance of 78.62 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies $N.10^{\circ}12'41''W.$, a radial distance of 2007.00 feet; thence along the arc in a northeasterly direction, passing through a central angle of $11^{\circ}39'48''$, an arc length of 408.55 feet to the end of said curve; thence $N.79^{\circ}51'15''E.$, along a line non-tangent to the last described curve, a distance of 51.06 feet to the point of curvature of a curve to the left, of which the radius point lies $N.23^{\circ}17'40''W.$, a radial distance of 3,012.26 feet; thence along the arc in a northeasterly direction, passing through a central angle of $04^{\circ}10'01''$, an arc

length of 219.07 feet to the end of said curve; thence S.31°07'37"E., along a line non-tangent to the last described curve, a distance of 152.40 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.26°59'16"E., a radial distance of 50.00 feet; thence easterly along the arc of said curve, through a central angle of 90°00'00", an arc length of 78.54 feet to the point of tangency of said curve; thence S.26°59'15"E., a distance of 769.47 feet to the point of curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of 27°15'57"; thence southerly along the arc of said curve, an arc length of 1,332.47 feet to the point of tangency of said curve; thence S.00°16'42"W., a distance of 641.12 feet; thence N.89°43'18"W., a distance of 670.00 feet; thence S.00°16'42"W., a distance of 990.00 feet to the north right-of-way line of State Road 70, a 200-foot wide Public Right-of-way; the following two (2) calls are along said northerly right-of-way line; (1) thence N.89°43'18"W., a distance of 527.20 feet; (2) thence N.88°46'44"W., a distance of 3,950.87 feet to the east right-of-way line of said Lakewood Ranch Boulevard; thence N.01°13'16"E., along said east right-of-way line, a distance of 100.01 feet; thence S.88°46'44"E., a distance of 210.34 feet to the point of curvature of a curve to the left having a radius of 50.00 feet and a central angle of 108°00'50"; thence northeasterly along the arc of said curve, an arc length of 94.26 feet to the point of tangency of said curve; thence N.16°47'34"W., a distance of 69.44 feet to the point of curvature of a curve to the right having a radius of 300.00 feet and a central angle of 18°19'57"; thence northerly along the arc of said curve, an arc length of 95.99 feet to the point of tangency of said curve; thence N.01°32'24"E., a distance of 131.00 feet to the point of curvature of a curve to the left having a radius of 30.00 feet and a central angle of 89°19'08"; thence northwesterly along the arc of said curve, an arc length of 46.77 feet to the point of tangency of said curve; thence N.87°46'44"W., a distance of 193.00 feet to the east right-of-way line of said Lakewood Ranch Boulevard; the following three (3) calls are along said east right-of-way line; (1) thence N.01°13'16"E., a distance of 71.50 feet to the point of curvature of a curve to the left having a radius of 1,810.00 feet and a central angle of 47°18'07"; (2) thence northerly along the arc of said curve, an arc length of 1,494.29 feet to the point of tangency of said curve; (3) thence N.46°04'51"W., a distance of 88.50 feet; thence N.43°55'10"E., a distance of 93.66 feet to the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 124°16'00"; thence northerly along the arc of said curve, an arc length of 43.38 feet to the point of reverse curvature of a curve to the right having a radius of 71.00 feet and a central angle of 44°08'56"; thence northwesterly along the arc of said curve, a distance of 54.71 feet to the point of tangency of said curve; thence N.36°11'54"W., a distance of 225.82 feet; thence N.48°58'07"W., a distance of 84.68 feet; thence N.69°43'32"W., a distance of 99.20 feet to the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 54°19'36"; thence westerly along the arc of said curve, an arc length of 18.96 feet to the point of tangency of said curve; thence S.55°56'52"W., a distance of 32.09 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.55°56'52"E., a radial distance of 2,190.00 feet, said point also being a point on the east right-of-way line of said Lakewood Ranch Boulevard; the following two (2) calls are along said east right-

of-way line; (1) thence northerly along the arc of said curve, through a central angle of $31^{\circ}44'31''$, an arc length of 1,213.27 feet to the point of tangency of said curve; (2) thence $N.02^{\circ}18'37''W.$, a distance of 1,728.76 feet to the POINT OF BEGINNING.

Said tract contains 33,590,466 square feet or 771.1310 acres, more or less.

LESS:

Pond Number 3, described in Official Record Book 1540, Page 7918 of the Public Records of Manatee County, Florida;

LESS:

Parcel 100A, described in Official Record Book 1915, Page 5768 of the Public Records of Manatee County, Florida;

LESS:

Premises described in Warranty Deed to DVA Arena, LLC, recorded in Official Record Book 1943, Page 4075 of the Public Records of Manatee County, Florida;

LESS: Ingress-Egress Easement No. 1

A Tract of land lying in Section 9, 16 and 17, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of said Section 17; thence $S.89^{\circ}34'35''E$ along the North line of said Section 17 a distance of 3985.93 feet; thence $S.00^{\circ}25'25''W$ a distance of 487.63 feet to the POINT OF BEGINNING; said point being the point of curvature of a curve to the right, of which the radius point lies $S.69^{\circ}39'59''E.$, a radial distance of 325.00 feet; thence northeasterly along the arc of said curve, through a central angle of $33^{\circ}08'49''$, an arc length of 188.02 feet to the point of tangency of said curve; thence $N.53^{\circ}28'49''E.$, a distance of 370.60 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of $30^{\circ}41'48''$; thence easterly along the arc of said curve, an arc length of 174.12 feet to the point of tangency of said curve; thence $N.84^{\circ}10'37''E.$, a distance of 374.39 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of $24^{\circ}43'08''$; thence easterly along the arc of said curve, an arc length of 140.21 feet to the point of reverse curvature of a curve to the left having a radius of 275.00 feet and a central angle of $37^{\circ}11'49''$; thence easterly along the arc of said curve, a distance of 178.53 feet to the point of compound curvature of a curve to the left having a radius of 35.00 feet and a central angle of $91^{\circ}38'36''$; thence northeasterly along the arc of said curve, an arc length of 55.98 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies

S.70°03'20"W., a radial distance of 2,789.00 feet; thence southerly along the arc of said curve, through a central angle of 02°12'54", an arc length of 107.82 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.25°49'28"W., a radial distance of 35.00 feet; thence westerly along the arc of said curve, through a central angle of 44°31'14", an arc length of 27.20 feet to the point of tangency of said curve; thence S.71°18'14"W., a distance of 9.06 feet to the point of curvature of a curve to the right having a radius of 337.00 feet and a central angle of 37°35'30"; thence westerly along the arc of said curve, an arc length of 221.11 feet to the point of reverse curvature of a curve to the left having a radius of 263.00 feet and a central angle of 01°53'10"; thence westerly along the arc of said curve, a distance of 8.66 feet to the point of tangency of said curve; thence N.72°59'26"W., a distance of 56.37 feet to the point of curvature of a curve to the left having a radius of 137.00 feet and a central angle of 22°49'57"; thence westerly along the arc of said curve, an arc length of 54.60 feet to the point of tangency of said curve; thence S.84°10'37"W., a distance of 371.34 feet to the point of curvature of a curve to the left having a radius of 275.00 feet and a central angle of 30°41'48"; thence westerly along the arc of said curve, an arc length of 147.33 feet to the point of tangency of said curve; thence S.53°28'49"W., a distance of 370.60 feet to the point of curvature of a curve to the left having a radius of 275.00 feet and a central angle of 34°54'45"; thence southwesterly along the arc of said curve, an arc length of 167.57 feet to the end of said curve; thence N.60°04'23"W., a distance of 50.84 feet to the POINT OF BEGINNING.

Said tract contains 76,341 square feet or 1.7526 acres, more or less.

LESS: Ingress-Egress Easement No. 2

A Tract of land lying in Sections 16 and 17, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of said Sections 16 and 17; thence S.89°34'35"E along the North line of said Section 17 a distance of 4291.01 feet; thence S.00°25'25"W a distance of 654.77 feet to the POINT OF BEGINNING; thence S.60°04'23"E., a distance of 25.14 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.46°57'50"E., a radial distance of 325.00 feet; thence easterly along the arc of said curve, through a central angle of 113°10'48", an arc length of 641.99 feet to the point of reverse curvature of a curve to the left having a radius of 255.00 feet and a central angle of 85°25'10"; thence southeasterly along the arc of said curve, a distance of 380.17 feet to the point of tangency of said curve; thence N.70°47'48"E., a distance of 283.99 feet to the point of curvature of a curve to the left having a radius of 35.00 feet and a central angle of 85°57'17"; thence northeasterly along the arc of said curve, an arc length of 52.51 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.74°50'32"E., a radial distance of 2,941.00 feet; thence southerly along the arc of said curve, through a central angle of 02°02'41", an arc length of 104.95 feet to the end of said curve;

thence N.72°51'02"W., along a line non-tangent to the last described curve, a distance of 10.58 feet; thence S.70°47'48"W., a distance of 226.06 feet to the point of curvature of a curve to the right having a radius of 167.00 feet and a central angle of 08°40'50"; thence westerly along the arc of said curve, an arc length of 25.30 feet to the point of tangency of said curve; thence S.79°28'38"W., a distance of 62.92 feet to the point of curvature of a curve to the left having a radius of 133.00 feet and a central angle of 04°57'32"; thence westerly along the arc of said curve, an arc length of 11.51 feet to the point of reverse curvature of a curve to the right having a radius of 309.00 feet and a central angle of 81°41'53"; thence northwesterly along the arc of said curve, a distance of 440.60 feet to the point of reverse curvature of a curve to the left having a radius of 271.00 feet and a central angle of 49°45'11"; thence northwesterly along the arc of said curve, a distance of 235.32 feet to the point of tangency of said curve; thence N.78°27'38"W., a distance of 46.52 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.06°36'57"W., a radial distance of 271.00 feet; thence westerly along the arc of said curve, through a central angle of 21°41'20", an arc length of 102.59 feet to the end of said curve; thence S.66°23'37"W., along a line non-tangent to the last described curve, a distance of 80.42 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.32°08'23"E., a radial distance of 271.00 feet; thence southwesterly along the arc of said curve, through a central angle of 10°26'33", an arc length of 49.39 feet to the end of said curve; thence S.39°34'23"E., along a line non-tangent to the last described curve, a distance of 35.74 feet; thence N.60°04'23"W., a distance of 116.67 feet; thence N.29°55'37"E., a distance of 4.78 feet to the POINT OF BEGINNING.

Said tract contains 75,680 square feet or 1.7374 acres, more or less.

<u>Total Described Area</u>	= 771.1310 Acres +/-
Less: Ponds No. 3	= 5.15 Acres +/-
Less: Parcel 100A	= 4.512 Acres +/-
Less DVA Arena, LLC	= 60.5327 Acres +/-
Less: Ingress-Egress Easement No. 1	= 1.7526 Acres +/-
<u>Less Ingress-Egress Easement No. 2</u>	<u>= 1.7374 Acres +/-</u>
Net Area	= 697.4463 Acres +/-

SECTION 89. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* shall commence within two years of the effective date of this Ordinance, as amended, unless the time period for commencement is extended by the Board of County Commissioners. If more than two years elapse between the effective date of this Order and commencement of actual development, or if construction of a phase is not begun or completed by the timeframe contained in Section 4 above, or if any three year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals

granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 910. RESTRICTIONS ON DOWN-ZONING:

Prior to the buildout date of this Development Order, the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

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

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

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

SECTION 1011. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 1112. RENDITION:

~~The Planning~~The Building and Development Services Department is hereby directed to send certified copies of this Order within thirty days of the date of signature by the Chairman of the Board of County Commissioners to the

Developer*,*and the Florida Department of Community Affairs, and TBRPCEconomic Opportunity.

SECTION 4213. 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 DepartmentBuilding and Development Services Department with a copy of the recorded notice.

SECTION 4314. SEVERABILITY:

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

SECTION 4415. EFFECTIVE DATE:

This Ordinance, Ordinance-~~08-13~~ 12-28, shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that (a) the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal and (b) ~~Ordinance No. 08-28 shall become effective, in accordance with Section 5 of Ordinance No. 08-28.~~

ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS
6th DAY OF December, 2012. ~~5th DAY OF August,~~
2008. _____.

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

BY: _____
John R. Chappie, Chairman

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

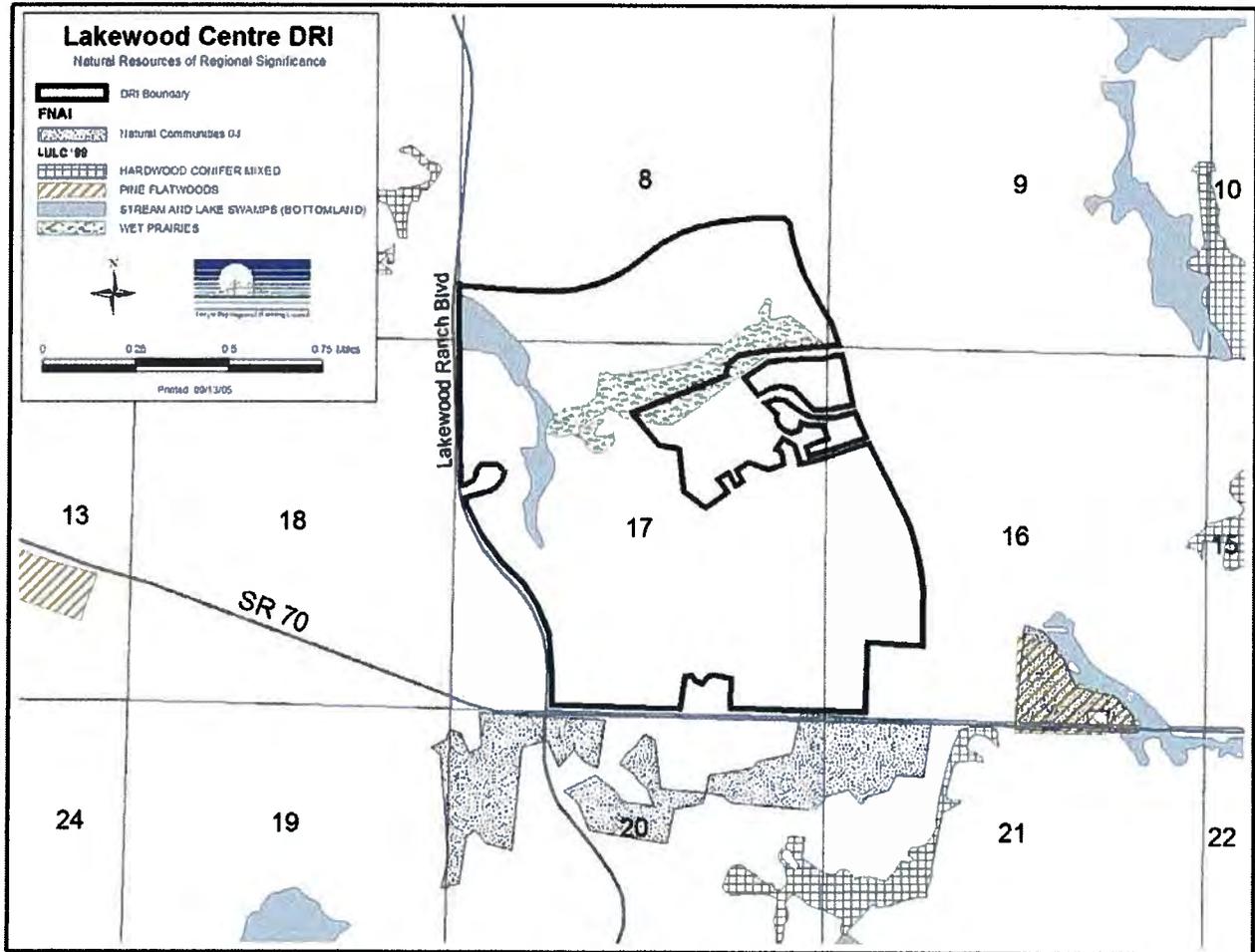
BY: _____
Deputy Clerk

| **Attachments to Ordinance ~~08-13~~12-28**

Exhibit A – Map H

Exhibit B – Natural Resources of Regional Significance, as delineated on Map 3

MAP #3
LAKWOOD CENTRE
NATURAL RESOURCES OF REGIONAL SIGNIFICANCE



Source: *Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region (SRPP)*, adopted March 12, 1996, as amended.

Lakewood Centre Boundary

NW Sector DRI

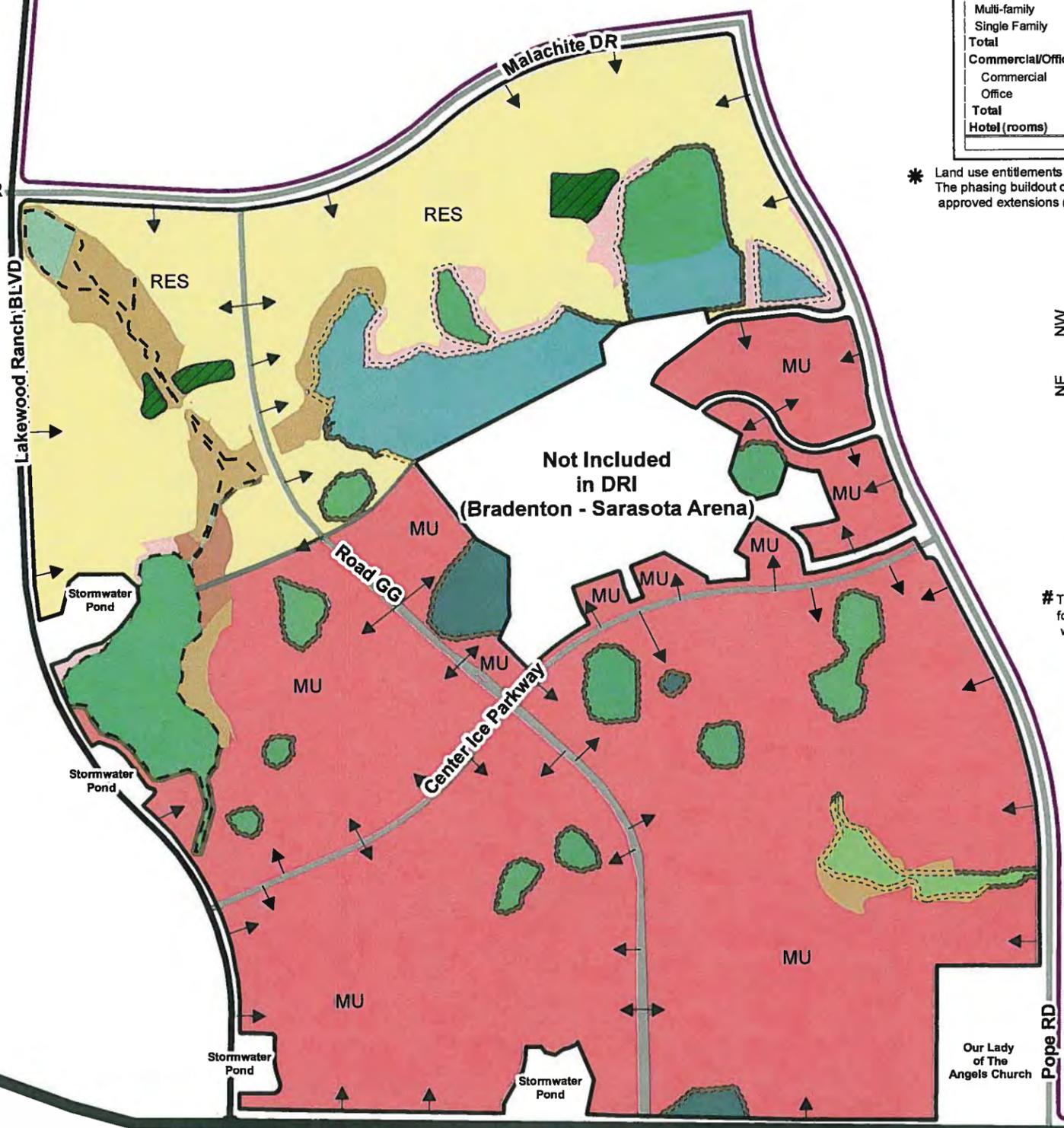
- Mixed Use, MU - 393.4 Acres
- Residential, RES - 153.3 Acres
- 194, Other Urban Lands - 13.4 Acres
- 321, Palmetto Prairies - 0.2 Acres
- 411, Pine Flatwoods - 6.9 Acres
- 414, Pine - Mesic Oak - 14.7 Acres
- 427, Live Oak - 2.2 Acres
- 610, Wetland Hardwood Forests - 5.2 Acres
- 615, Stream and Lake Swamps (Bottomland) - 3.9 Acres
- 640, Vegetated Non-Forested Wetlands - 45.2 Acres
- 641, Freshwater Marshes - 7.0 Acres
- 643, Wet Prairies - 31.0 Acres
- Parks - 4.3 Acres *

30 Foot Wetland Buffer

50 Foot Wetland Buffer

Access Points

* Additional park acreage will be included within areas designated as RES or MU and will be shown on Preliminary Site Plans. The total park acreage including the identified 4.3 acres will equal 36.8 acres.



**Lakewood Centre DRI
Proposed Project Land Uses**

Land Use	Phase 1	Phase 2	Phase 3	Total
	2007 - 2020	2009 - 2019	2012 - 2024	
Residential (D.U.'s)	*	*	*	
Multi-family	900	1,800	539	3,239
Single Family	-0-	200	236	436
Total	900	2,000	775	3,675
Commercial/Office (sq. ft.)				
Commercial	460,000	542,000	772,000	1,774,000
Office	458,000	458,000	647,000	1,563,000
Total	918,000	1,000,000	1,419,000	3,337,000
Hotel (rooms)	300	-0-	-0-	300

Source: WilsonMiller, December 2005

* Land use entitlements may be modified in accordance with the proposed land use equivalency matrix. The phasing buildout dates shall be November 21st of the years indicated, which includes legislatively approved extensions (SB 360, SB 1752, HB 7207 and F.S. 252.363)

**Distribution of Land Uses
Phase 1 - By Quadrant**

Quadrant	Land Use	Size	Units
NW Quad	Residential Condominium/Townhouses	125	d.u.
	Multi-Family Apartment	100	d.u.
	Shopping Center	70,000	s.f.
NE Quad	Residential Condominium/Townhouses	125	d.u.
	Multi-Family Apartment	100	d.u.
	Shopping Center	70,000	s.f.
SE Quad	Residential Condominium/Townhouses	125	d.u.
	Multi-Family Apartment	100	d.u.
	General Office	229,000	s.f.
SW Quad	Shopping Center	115,000	s.f.
	Hotel	300	Rooms
	Residential Condominium/Townhouses	125	d.u.
SW Quad	Multi-Family Apartment	100	d.u.
	General Office	229,000	s.f.
	Shopping Center	205,000	s.f.

This table represents an approximate distribution of land uses produced for analytical purposes. Land uses may be moved between quadrants without additional 380.06 analyses.

- CONSULTANT TEAM**
- WilsonMiller, Inc. Planning and Master Planning
 - Janus Research Architectural
 - Fishkind & Associates Economic
 - Grimaldi Crawford, Inc. Transportation
 - Grimes Goebel Environmental Consultants, Inc. Environmental
 - Grimes Goebel Legal

LAKEWOOD CENTRE
Manatee County, Florida

A Development of Regional Impact by SMR North 70, L.L.C.

DRI #27/ORD-12-28
20120215(2)
Lakewood Centre

MAP H
MASTER PLAN

JUNE 2012

0 450 900 1,800 Feet

1 inch = 900 feet

Date: Tuesday, July 24, 2012
File Path: V:\2156\active\215600132\gis\mxd\215600132_LC_MapH_11x17_20120724_v15_09577.mxd

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	PDMU-06-30(G)(R) – Lakewood Centre	TYPE AGENDA ITEM	Advertised Public Hearings - Consent
DATE REQUESTED	11/08/12 PC	DATE SUBMITTED/REVISED	11/01/12
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services Department/Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	Lisa Barrett, Planning Division Manager <i>LB</i>
CONTACT PERSON TELEPHONE/EXTENSION	Katie LaBarr, AICP, Principal Planner 748-4507, ext. 6828 / DTS#20120212	PRESENTER/TITLE TELEPHONE/EXTENSION	Katie LaBarr, AICP, Principal Planner 748-4501, ext. 6828
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-06-30(G)(R) 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

- The request is for approval of a revised Zoning Ordinance and General Development Plan for the Lakewood Centre Development of Regional Impact.
- This 697.4± acre site is generally located north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east) and south of Malachite Drive, approximately two miles south of SR 64.
- This DRI was approved in three phases in August, 2008 to allow the following uses:
 - 3,675 residential units
 - 1,774,000 sq. ft. of commercial
 - 1,563,000 sq. ft. of office, and
 - 300 hotel rooms
- This DRI was approved with two development options to allow for maximum flexibility. Option 1 is for Traditional Neighborhood Development (TND), allowing smaller setbacks and more density and intensity to support an urban center development. Option 2 is for a traditional suburban development.
- This request includes modifying Map H and the Development Order with the following changes:
 - Update Phasing, Buildout, Expiration, and CLOS dates to reflect legislatively approved extensions;
 - Update Transportation Conditions to reflect compliance with conditions contained therein;
 - Modify Affordable Housing Conditions;
 - Modify Design Conditions;
 - Clarification of allowable uses;
 - Allow for the transfer of residential units to Parcel K; and
 - Other amendments for internal consistency.
- Staff recommends approval.

COUNTY ATTORNEY REVIEW

Check appropriate box



REVIEWED

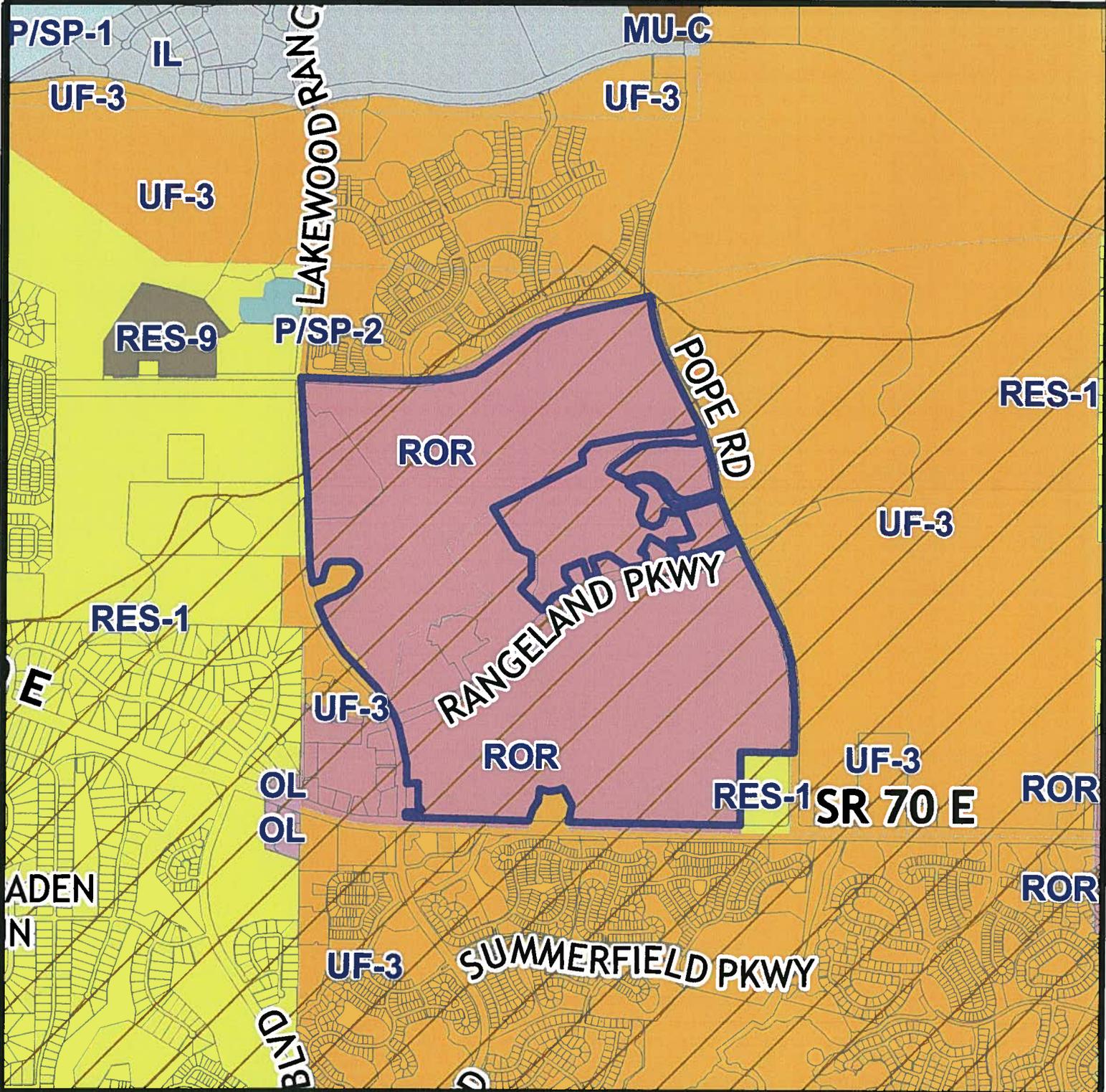
Written Comments:

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) 583202199, 583202229, 583204009, 583205059


 Manatee County
 Staff Report Map
 Map Prepared 7/11/2012
 1 inch = 1,854 feet

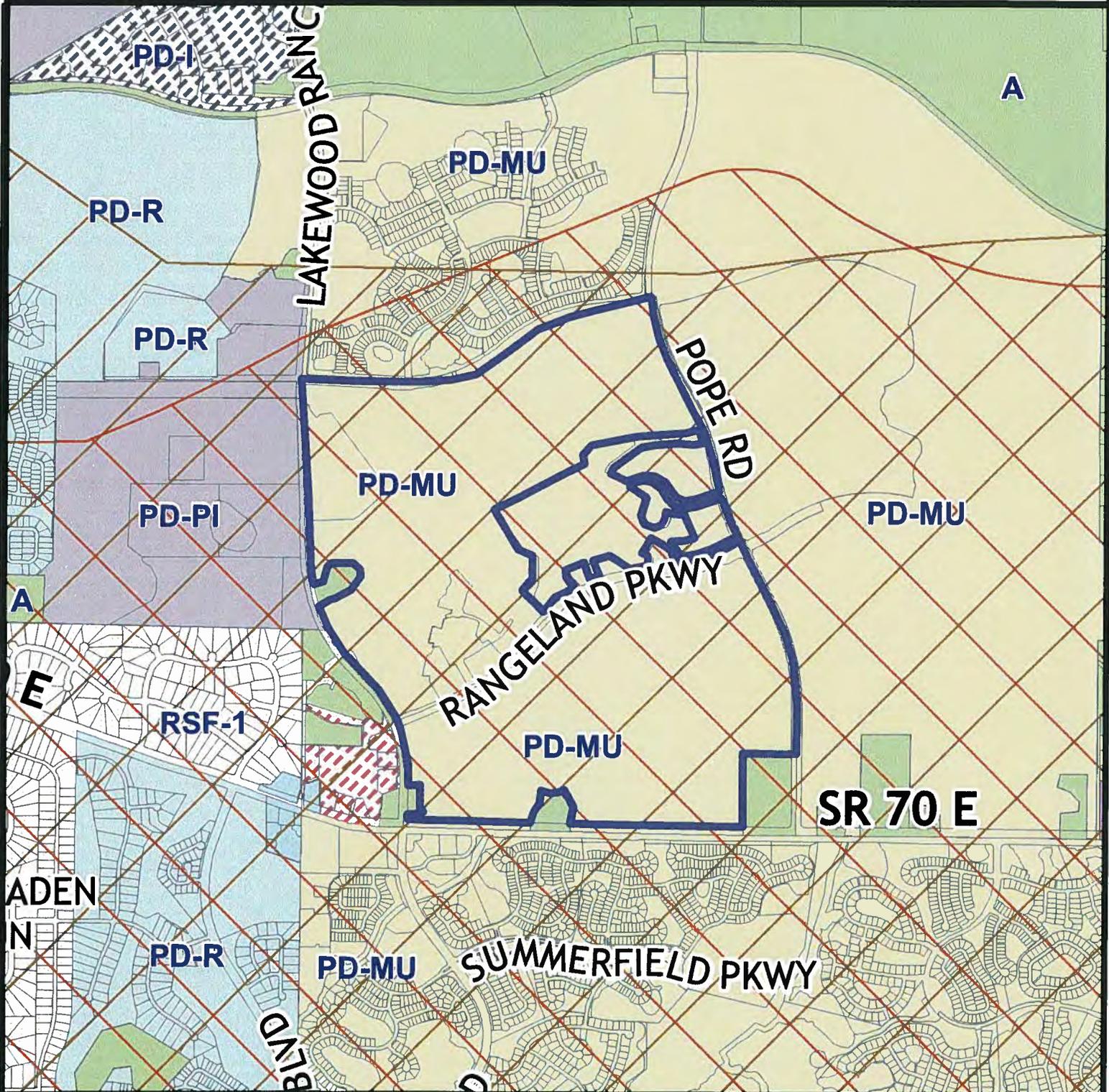
Project Name: Lakewood Centre GDP
 Project #: PDMU-06-30 (G)(R)
 DTS#: 20120212
 Proposed Use: GDP

S/T/R: Sec 9,16,1,7,8 Twn 35 Rng 19
 Acreage: ± 697.4
 Existing Zoning: PD-MU
 Existing FLU: ROR
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: WOLF SLOUGH, MILL CREEK, WILLIAMS CREEK, UNNAMED DRAIN
 Commissioner: Donna Hayes


 Evers Watershed (WPE)

ZONING



Parcel ID #(s) 583202199, 583202229, 583204009, 583205059

Manatee County
Staff Report Map
Map Prepared 7/11/2012
1 inch = 1,854 feet

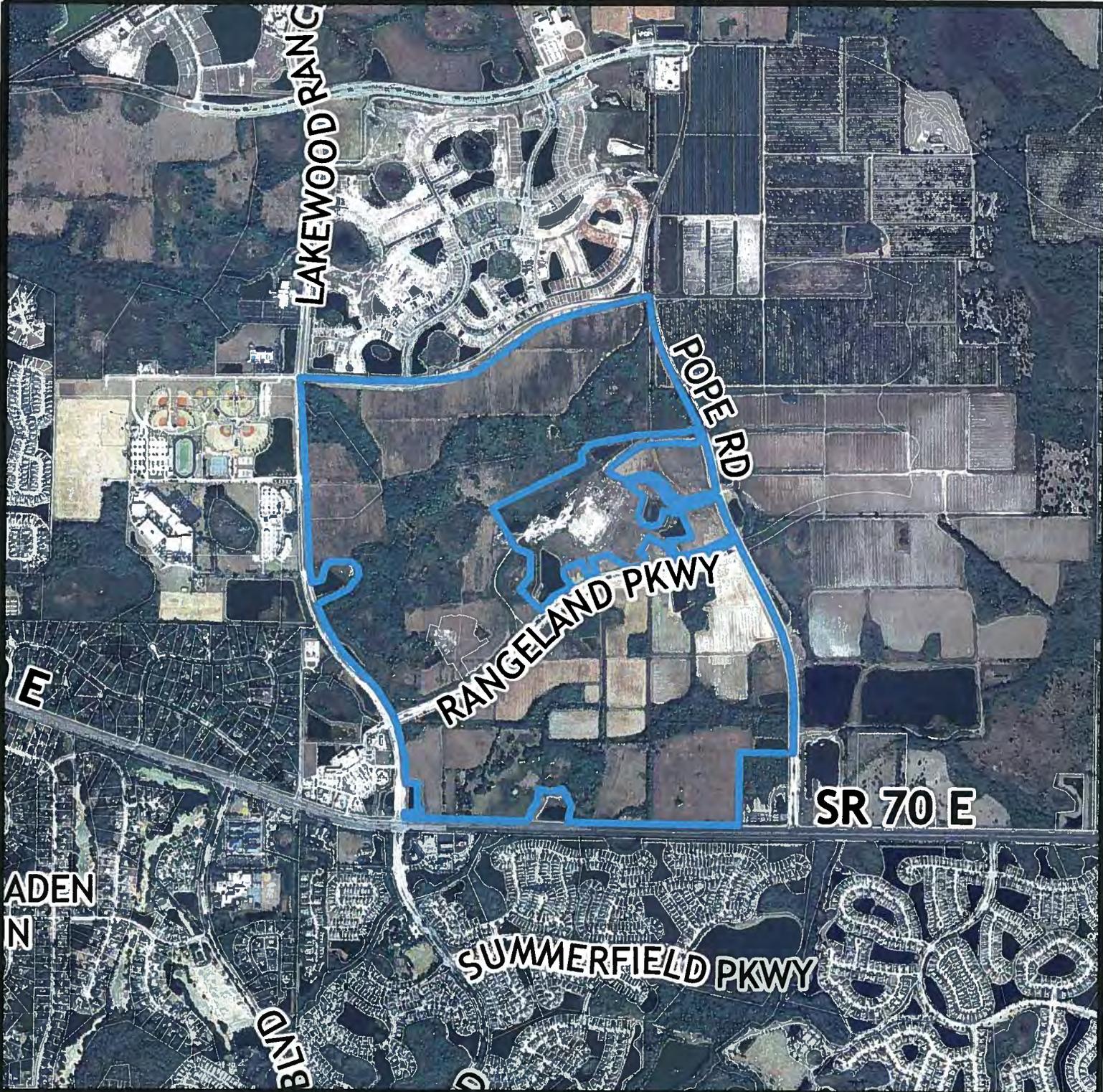
Project Name: Lakewood Centre GDP
Project #: PDMU-06-30 (G)(R)
DTS#: 20120212
Proposed Use: GDP

S/T/R: Sec 9,16,1,7,8 Twn 35 Rng 19
Acreage: ± 697.4
Existing Zoning: PD-MU
Existing FLU: ROR
Overlays: ST
Special Areas: NONE

CHH: NONE
Watershed: WPE
Drainage Basin: WOLF SLOUGH, MILL CREEK, WILLIAMS CREEK, UNNAMED DRAIN
Commissioner: Donna Hayes

-  Special Treatment
-  Evers Watershed (WPE)

AERIAL



Parcel ID #(s) 583202199, 583202229, 583204009, 583205059

Project Name: Lakewood Centre GDP
Project #: PDMU-06-30 (G)(R)
DTS#: 20120212
Proposed Use: GDP

S/T/R: Sec 9,16,1,7,8 Twn 35 Rng 19
Acreage: ± 697.4
Existing Zoning: PD-MU
Existing FLU: ROR
Overlays: ST
Special Areas: NONE

CHH: NONE
Watershed: WPE
Drainage Basin: WOLF SLOUGH, MILL CREEK, WILLIAMS CREEK, UNNAMED DRAIN
Commissioner: Donna Hayes



Manatee County
Staff Report Map

Map Prepared 7/11/2012
1 inch = 1,854 feet

P.C. 11/08/2012

PDMU-06-30(G)(R) – Lakewood Centre (DTS #20120212)

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

- 1.) Update Phasing, Buildout, Expiration, and CLOS dates to reflect legislatively approved extensions;
- 2.) Update Transportation Conditions to reflect compliance with conditions contained therein;
- 3.) Modify Affordable Housing Conditions;
- 4.) Modify Design Conditions;
- 5.) Clarification of allowable uses;
- 6.) Allow for the transfer of residential units to Parcel K; and
- 7.) Other amendments for internal consistency.

Subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. Site is zoned: PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (±697.4 acres).

P.C.: 11/08/2012

B.O.C.C.: 12/06/2012

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-06-30(G)(R); APPROVAL of the General Development Plan with Stipulations; for a project that was previously granted Special Approval for: 1) a mixed use project in the ROR Future Land Use Category; 2) exceeding a net density of 9.0 gross d.u. per acre in the ROR Future Land Use Category, 3) exceeding a non-residential FAR of 0.25; and 4) in the Evers Reservoir Watershed; as recommended by staff.

PROJECT SUMMARY	
CASE#	PDMU-06-30(G)(R) / (DTS # 20120212)
PROJECT NAME	Lakewood Centre
APPLICANT(S):	SMR North 70, LLC
PROPOSED ZONING:	N/A
EXISTING ZONING:	PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) ±697.4 acres
APPROVED USE(S):	<ul style="list-style-type: none"> • 3,675 dwelling units (including 3,239 multi-family, 436 single-family attached and semi-detached units); • 1,774,000 sq. ft. of commercial space; • 1,563,000 sq. ft. of office space; and • 300 hotel rooms.
CASE MANAGER:	Katie LaBarr AICP, Principal Planner
STAFF RECOMMENDATION:	APPROVAL
DETAILED DISCUSSION	
<p><u>History</u></p> <p>Lakewood Centre is a mixed-use DRI (Development of Regional Impact) that is generally located north of S.R. 70, between Lakewood Ranch Blvd and Pope Road, and south of Malachite Drive on ± 697.4 acres. Both the GDP (General Development Plan) and DRI were originally approved in August of 2008 to allow for:</p> <p>Three phases with the following uses:</p> <ul style="list-style-type: none"> • 3,675 residential units, • 1,774,000 sq. ft. of commercial, • 1,563,000 sq. ft. of office, and • 300 hotel rooms. 	

The project is surrounded on all sides by existing or proposed major thoroughfare roadways or major collectors:

- SR 70, a principal arterial, on the south;
- Lakewood Ranch Blvd, a minor arterial, on the west;
- Pope Road, a future collector, on the east; and
- Malachite Drive, a major local street, on the north.

The DRI was approved with two development options to allow for maximum flexibility. Option 1 is for Traditional Neighborhood Development (TND), which allows smaller setbacks and greater density and intensity to support an urban center development. The TND incorporates criteria typically associated with traditional neighborhoods, such as vertically mixed-use buildings, residential units over first floor non-residential uses, and a grid street pattern with formal and informal open spaces. Option 2 is for a traditional suburban development.

A portion of the project (northeast of Center Ice Pky and Lakewood Ranch Blvd) was the subject of a Preliminary Development Agreement (PDA) with the formally known Florida Department of Community Affairs to allow development of 40,000 sq. ft. of commercial, 65,000 sq. ft. of medium recreational use (a bowling alley/entertainment center), and 300 multi-family dwelling units prior to approval of this DRI. Subsequently, a Preliminary Site Plan was approved by the County for the 45,000 sq. ft. of commercial development and the 60,000 square foot bowling alley. However, the site plans expired and no further approvals were sought.

A Preliminary/Final Site Plan (Lost Creek Resort Apartments at Lakewood Ranch, PDMU-06-30/FSP-10-23) was approved on 11/23/2010 for 272 units, of which, 120 have been constructed to date.

Request

- 1.) **Update Phasing, Buildout, Expiration, and CLOS dates to reflect legislatively approved extensions.**

TABLE 1: DEVELOPMENT TOTALS

Land Use	Phase 1 2008 – 2011<u>2020*</u>	Phase 2 2009 – 2014<u>2019*</u>	Phase 3 2012- 2019-<u>2024*</u>	Total
Residential (dwelling units)				
Multi-family	900	1,800	539	3,239
Single-family (includes semi detached & attached)	-0-	200	236	436
Total	900	2,000	775	3,675
Commercial/Office (sq. ft.)				
Retail	460,000	542,000	772,000	1,774,000

Office	458,000	458,000	647,000	1,563,000
Total	918,000	1,000,000	1,419,000	3,337,000
Hotel (rooms)	300	-0-	-0-	300

Source: WilsonMiller, April 2006

* The phasing buildout dates shall be ~~December 31st~~ November 21st of the years indicated, which includes legislatively approved extensions (HB 7207 and F.S. 252.363).

A(2). For Phase 1, the Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, mass transit, drainage, and parks and recreation. The Certificate of Level of Service for Phase 1 shall be valid until ~~December 31, 2011~~ November 21, 2024 or to such date as may be extended from time to time, pursuant to LDA-10-01, subject to the limitations set forth in Stipulation B(2) and B(19).

On January 8, 2010, pursuant to SB 360, a two-year extension to the buildout date for Phase 1 was granted extending that date from December 31, 2011 to December 31, 2013.

On February 22, 2011, pursuant to SB 1752, an additional two-year extension to the Phase 1 buildout date was granted extending that date from December 31, 2013 to December 31, 2015.

On October 20, 2011, pursuant to HB 7207 a 4 year extension of phase, buildout, and expiration dates were granted for all phases of the DRI. On February 10, 2012 another extension to each of 326 days was granted for all phases of the DRI, pursuant to F.S. 252.363.

CLOS History:

CLOS 08-036 was originally issued on 8/5/2008, expiring on 12/31/2011 per PDMU-06-30(Z)(G). 2009 - Extended for 2 years to reflect approval of Resolution 09-089, new expiration of 12/31/2013.

2010 - LDA-10-01 was approved and extended the CLOS until 12/31/2019.

2011 - 4 yr extension per HB 7207 and 326 day extension per F.S. 252.363. Current expiration date 11/21/2024.

Staff has no objection to the revisions as the extensions have already been granted. The Zoning Ordinance is simply being updated with this revision.

2.) Update Transportation Conditions to reflect compliance with conditions contained therein.

The applicant proposes to add language to Transportation Condition A.(12), noting that LDA 10-01 implements the applicant's proportionate fair share contributions for Phase 1 mitigation. The original Lakewood Centre Development Ordinance was approved on August 5, 2008. A Local Development Agreement (LDA-10-01) was entered into and approved on September 14, 2010.

Transportation Planning has no objection to the additional language.

3.) Modify Affordable Housing Conditions.

The applicant proposes the following changes (in strike-thru/underline) to the Affordable Housing Conditions within the Zoning Ordinance:

Q. AFFORDABLE HOUSING

Q(1). The Developer shall provide workforce housing at a price as determined pursuant to the parameters as set forth in the definition contained within the Land Development Code within the Project, or within an adjacent SMR-owned Project, a number of residential units in an amount equal to 510% of the total number of residential units constructed in Lakewood Centre, Phases 1, 2, and 3, that qualify as workforce housing as defined in the Manatee County Land Development Code and 5% that qualify as affordable housing units as defined in the Manatee County Land Development Code. These units shall be referred to as Worker Housing Units (WHUs). The workforce housing required herein is generally designed to provide housing for essential workers such as local government employees, quasi-governmental employees, and private sector employees.

Q(2). ~~Income limits and maximum~~ Maximum home sale prices shall correspond to values as provided in the Manatee County Maximum Income Limits Table. These limits are updated periodically by Manatee County and shall be utilized accordingly. The sale maximum sales price and income limits in effect at the time a contract for purchase of a ~~WHU~~ workforce housing unit is executed shall apply.

Q(3). ~~Prior to the first Final Site Plan for residential development the Developer shall establish the provisions for the sale of the WHUs through an agreement approved by the Board of County Commissioners, which, at the Developer's discretion, may include provisions to assure that the units remain available after the initial sale to qualified purchasers for a period to be determined by the Developer.~~

Q.3 Maximum rental rates shall correspond to values as provided for in the Fair Market Rent Documentation System. These rates are updated periodically by Manatee County and shall be utilized accordingly. The rental rate in effect at the time a lease is executed shall apply.

Q(4). The Developer shall include in its Biennial Report data showing the number and sale prices of ~~WHUs~~ workforce housing units sold within and the development number and rental rate of units leased during the reporting period. The Biennial Report shall also include the current Manatee County Maximum Income Limits Table and the Fair Market Rent Documentation System. Only those units that have a sale price equal to or less than the maximum allowable home sales price, as provided in Q.(2) or a rental rate equal to or less than the maximum rental rate as provided in Q.(3), shall be counted toward the required mitigation.

The following definition is proposed to be added to the Zoning Ordinance:

6. "Fair Market Rent Documentation System" shall mean a system established by the Department of Housing and Urban Development (HUD) that provides complete documentation of the development of the Fair Market Rents (FMRs) for any area of the country. FMRs are developed and updated from the metropolitan Core-Based Statistical

Areas (CBSAs) as established by the Office of Management and Budget.

The above changes were reviewed and approved by the Community Development Division Manager of Neighborhood Services Department.

The changes proposed will make it much easier for county staff to review compliance with the housing stipulations in the Biennial Reports. Workforce housing will satisfy regional requirements for affordable housing. The Developer has also added a "rental" component which Neighborhood Services agrees with as rental housing is a desired element for developments of this size.

4.) Modify Design Conditions.

- a. Delete Stipulation A(5) regarding review of design quality and compatibility; granting staff the ability to impose additional design conditions during administrative review.

~~A(5). Each Preliminary Site Plan shall be reviewed to determine compatibility (internally and externally) and design quality (relative to site layout and building design), pursuant to the applicable sections of Section 603.4 of the Land Development Code. Staff may impose additional requirements and require site plan alterations (such as building height reductions, increased buffers and setbacks, architectural enhancements, etc.) in order to address concerns relating to these issues, with the right of the applicant to appeal to the Board of County Commissioners.~~

Stipulation A(5) was intended to provide staff the ability to address unique compatibility issues that may arise, depending on the development option that is selected by the developer, at time of Preliminary/Final Site Plan review.

The applicant proposes to delete stipulation A(5). They contend that the stipulation language is not necessary, given requirements that generally address compatibility in the LDC (i.e. landscape buffers, conditional use criteria for certain uses), as well as Design Standards for residential and non-residential development in the Zoning Ordinance [Stipulations S(1) through S(7)].

When this case was originally approved, staff raised concerns regarding compatibility and design quality. They noted that the largest challenge in reviewing this case was to assure compatibility and transitioning between land uses without knowing how the project would be developed, given the Traditional Neighborhood Design and Conventional Design Standard options. For instance, conventional retail uses such as a building materials establishment or big box retail next to an existing residential development may pose different issues (e.g. noise from loading activities, scale of building, etc.) than those from a TND mixed use project.

Compatibility is often achieved through separation of uses and buffering. Future Preliminary/Final Site Plans will be required to be consistent with the LDC, the Development Order and this Zoning Ordinance.

As noted above, the design standards [Stipulations S(1) through S(7)] contained within the ZO, as well as other LDC requirements address compatibility for this DRI. Compatibility concerns are also appropriately addressed through the identification of roadway alignments for major thoroughfares and local roads and buffers on the GDP.

For the reasons noted above, staff does not object to the applicant's request to delete this stipulation.

b. Delete Stipulation B(16) regarding cul-de-sac length

~~B(16). No dead-end roadways or cul-de-sacs shall exceed 800' in length, except for temporary exceedences based on phasing, if approved by the Fire District and Public Safety.~~

Section 907.9.4.2 of the Land Development Code provides for a maximum length for cul-de-sac construction. However, the Code further provides for administrative review of specific design alternatives by the Building and Development Services staff, in conjunction with the Public Safety Department and applicable Fire District. The current stipulation does not afford the staff the ability to review such alternatives, even though such authority has been granted to them under Section 908.1. This change does not grant approval for any cul-de-sac to exceed the maximum length, it simply allows for an administrative review as contemplated by the Code.

It is staff's opinion that Section 908.1 of the Land Development Code grants the authority to the Building and Development Services Director to approve a modification of Section 907.9.4.2 with an administratively approved development plan for a cul-de-sac to exceed 800 feet in length. Applicants often seek specific approval from the Board of County Commissioners; this is not the only avenue for relief in Section 908.1. The Building and Development Services Director does not approve such requests outside of support via RAM/DRC from Fire and EMS.

While it is more common for the Board to review plans at the Preliminary Site Plan stage which take into account the necessity to exceed the maximum length as the roadways are already designed. The granting of Specific Approval from the Board provides an applicant with certainty as they progress through the development process.

When the Board is reviewing a General Development Plan which may, or may not, provide a level of detail to perform such an analysis, the applicant still has an opportunity through the administrative site plan review process to seek relief from the Building and Development Services Director (with Fire and EMS review and recommendation). The requested change to the condition simply allows landowners within this development to utilize the modification process as currently provided for in the Code. The condition, as it exists, does not allow the staff to exercise the authority granted to them through Section 908.1.

The East Manatee Fire Rescue District does not object to the removal of this additional restriction.

c. Add Stipulation L(8) regarding park locations.

L(8). Prior to the first Preliminary/Final Site Plan for Parcels A, C, S or R, the Developer shall provide an exhibit to the Building and Development Services Department to illustrate the location and size of parks identified as parcels B, E and T on the General Development Plan. Staff may administratively approve minor relocations of such parks if such relocations are deemed appropriate during design of the residential parcels. The total minimum acreage identified on the GDP shall be maintained.

The applicant proposes this new stipulation to allow for some flexibility in the location of parks during the design phase of residential Parcels A, C, S, and R. In addition, the applicant proposes

to provide staff with an exhibit for administrative review by staff only. This exhibit will provide staff with a graphic representation of the location and size of the parks at time of development. This is to ensure compliance with the GDP and Zoning Ordinance.

Staff does not object to the applicant's request to add this stipulation to the Zoning Ordinance.

d. Add Single-family detached dimensional standards to Stipulation S(4).

S(4). At time of each Preliminary Site Plan application, the Developer, with concurrence with the Building and Development Services Department, shall select from the "Conventional" or "Traditional Neighborhood Design" (TND) standards as indicated in the tables below:

a. Traditional Neighborhood Design Standards:

<u>Type</u>	<u>Min. Lot Size (Sq. Ft.)</u>	<u>Min. Lot Width (Ft.)</u>	<u>Front Setback (Ft.)</u>		<u>Side Setback (Ft.)</u>	<u>Rear Setback (Ft.)</u>	<u>Maximum Height (Ft.)</u>
			<u>Front Loaded</u>	<u>Alley Loaded</u>			
<u>SF Detached</u>	3,200	27	10/25 ¹ /15 ²	10	6/1 ⁸	15/5 ³	35
<u>SF Semi Detached</u>	2,300	23	10/25 ¹ /15 ²	10	0/6	15/5 ³	35
<u>Single-Family Attached</u>	2,000	20	5/25 ¹ /15 ²	5	0/6	5	4 stories/ 50'
<u>Multi-Family</u>	-	-	10	10	15/25 ⁷	10	5 stories/ 75' ⁴
<u>Commercial</u>	-	-	40/25 ⁶		0/5 ⁵	0/5 ⁵	5 stories/ 75' ⁴
<u>Office</u>	-	-	40/25 ⁶		0/5 ⁵	0/5 ⁵	12 stories (including parking structure) 140'
<u>Park</u>	-	-	10		10	10	35

1. Setback to front loaded garage door.
2. Setback to the side loaded garage.
3. Rear setback for units with alley entry garages.
4. Height of single-use buildings. A building with a vertical mix of land uses may be up to 12 stories (140' in height). Residential buildings that exceed 35 feet are subject to Stipulations S(6) d & e.
5. The smaller setback only applies to internal roadways. The larger setback applies to external roadways and adjacent residential uses.
6. The larger setback only applies to SR 70. The smaller setback applies to Center Ice Pky, Road GG, and Pope Road. All other Commercial, Office building setbacks shall maintain a minimum setback of 15 feet from the face of the first floor to

the back of curb of the internal drive aisle or 10 feet to the edge of parking. The minimum setback from the second story of commercial office buildings shall be 5' from the internal drive aisle or 0 feet from the edge of parking. This shall not apply to residential structures unless otherwise approved through the Lakewood Centre DRI. The commercial or office setback applies to buildings containing residential over first or second floor non-residential uses.

- 7. This distance is not a side yard setback but the minimum distance between buildings. A 15' separation is required between one-story and two-story buildings. A 25' separation is required between three, four, and five story buildings.
- 8. Minimum of 7 feet between units

b. Conventional Design Standards:

<u>Type</u>	<u>Min. Lot Size (Sq. Ft.)</u>	<u>Min. Lot Width (Ft.)³</u>	<u>Front Setback (Ft.)¹</u>	<u>Side Setback (Ft.)</u>	<u>Rear Setback (Ft.)</u>	<u>Maximum Height (Ft.)</u>
SF Detached	4,950	42	25/20	6	15	35
SF Semi-Detached	3,700	37	25/20	0/ 6	15	35
SF- Attached	2,500	25	25/20	0/ 6	15	35
Multi-Family	NA	NA	25	15/25 ²	15	3 stories/ 40
Commercial	5,000	N/A	40	15/20 ⁵	20 ⁵	5 stories/75 ⁴
Office	5,000	N/A	40	15/20 ⁵	20 ⁵	12 stories (including parking structures)/140'
Park	NA	NA	25	15	15	35

- 1. The front yard setback for all single-family residences shall be 25' to the garage portion of the structure. The remaining habitable portion of the structure may be setback 20'. The front yard setback for structures with side-loaded garages shall be 20'.
- 2. This distance is not a side yard setback but the minimum distance between buildings. A 15' separation is required between one-story buildings. A 25' separation is required between two and three story buildings.
- 3. Required setbacks are based on the dominant lot width for each subphase of development.
- 4. Height of single-use buildings. A building with a vertical mix of land uses may be up to 12 stories or 140' in height. Residential buildings that exceed 35 feet are subject to Stipulations S(6) d & e.
- 5. When adjacent to residential 10' of additional building separation is required for each story over one i.e. a 3-story building will require a 40' building separation.

When this case was originally approved in 2008, single-family detached units were not included in the dimensional criteria. The applicant now proposes to include detached units as a development option. The proposed dimensional standards for the TND single-family detached are consistent with standards that have recently been approved with other residential developments throughout Manatee County (i.e. Silverleaf, Forest Creek, Woodbrook) and will provide for cottage style homes. The proposed dimensional standards for the Conventional Design Standards are consistent with the dimensional standards that have been approved with other moderate density developments throughout Manatee County.

While staff does not object to adding single family detached units to Stipulation S(4), it is important to note that allowing detached units has the potential of reducing the overall density of this development, limiting its potential to develop as a true urban center. Staff must balance these concerns with the applicant's desire to maintain flexibility through the development process.

- e. Propose new Stipulation S(6)d regarding height of residential structures in Parcels S and R.

The applicant proposes to delete the current Stipulation S(6)d, and replace it with new language.

~~d. No residential structures within 400 feet of Malachite Drive, between Road "B" and Pope Road and within 400 feet of Pope Road may exceed 35 feet in height unless approved by the Board following a quasi-judicial public hearing and based upon a review of the surrounding uses and the criteria listed in LDC Section 603.7.4.9.~~

d. Residential structures on Parcel S and R which are located within 400 feet of Malachite Drive or Pope Road shall not exceed 52 feet. At the time of Preliminary/Final Site Plan approval, the applicant shall provide to the staff of the Building and Development Services Department, building design elevations that are in compliance with Section 603.7.4.9 of the LDC. Should the applicant and staff not come to an agreement, the applicant may appeal staff's decision to the Board of County Commissioners at an advertised public hearing.

Parcels S and R form the northern boundary of the project and are physically separated from the rest of the project by a large wetland system and upland preservation area. They are planned exclusively for residential development. The dimensional criteria that have been approved with this development provide for multi-family structures to be a maximum of 75 feet or 5 stories tall. When this case was approved in 2008, staff had concerns with the potential for development of 5-story (75' high) buildings on these parcels because this area serves as a transition to the single family detached residences to the north in Central Park (Northwest Sector DRI). The additional height limitations were proposed by staff to ensure an appropriate transition.

Central Park is a subdivision in the Northwest Sector DRI, located across Malachite Drive and adjacent to Parcels A, S, and R in Lakewood Centre. The Final Site Plan for Central Park shows Right of Way for Malachite measured at approximately 120 feet. A 50 foot roadway buffer is also shown on the Final Site Plan. Gross residential density is approximately 2.30 dwelling units per acre for this development. With the required 20 foot roadway buffer that is shown on this GDP, that would provide for an effective 190 foot separation from a residential lot within Central Park and any residential structure on Parcels S and R in Lakewood Centre, adjacent to Malachite Drive.

Esplanade is another subdivision located in the Northwest Sector DRI. Phase 1 was recently approved and is under construction. It is generally located at the northeast corner of Pope Road and Center Ice Parkway, across Pope Road from Parcels P and Q. Phase 2 is located at the southeast corner of Malachite Drive and Pope Road, across Pope road from Parcel R. Gross residential density for the entire project is 2.01 dwelling units per acre. The Final Site Plan is currently under review by county staff. The design for Phase 2 includes a littoral channel that runs south, parallel to Pope Road, a trail system, 6 foot landscaped berms with an optional 6 foot high wall, and landscaping adjacent to Pope Road. Lot 48 in Esplanade Phase 2 appears to be the closest to Pope Road and it is approximately 157 feet away from the right of way line. Table

5-1 of the Comprehensive Plan calls for 120 feet of right of way for Pope Road. A 20 foot roadway buffer is required for this development, so that would provide for an effective 297 foot separation from the closest residential lot in Esplanade Phase 2 and any residential structure in Lakewood Centre adjacent to Pope Road.

With the original approval, the Board found that buildings in excess of 35' were appropriate for this project. Architectural renderings were entered into the Record (Exhibit 3) and Stipulation S(6)e remains in effect to require substantial compliance with those building design exhibits.

The proposed stipulation language would allow buildings to be a maximum of 52 feet tall within 400 feet of Malachite Drive or Pope Road. The previous language prohibited buildings to be any higher than 35 feet within 400 feet of Malachite Drive or Pope Road, because it was not known at that time how the residential parcels within the Northwest Sector DRI would be developed. Staff is now in a better position to determine the appropriateness of some increased height, since development is either planned or under way adjacent to Parcels S and R.

It is the opinion of staff that 52 foot buildings on Parcels S and R would be appropriate because there is an effective separation from single family detached units of approximately 190 feet (across Malachite Drive) and 297 feet (across Pope Road). One may anticipate residential density to moderately increase as one nears an urban center, which is anticipated on the Mixed Use parcels within Lakewood Centre. The proposed additional height for Parcels S and R is consistent with the type of development anticipated for Lakewood Centre. Striking a balance between the originally approved stipulation and this new stipulation furthers the vision for this development, which includes higher density development to support a mixed use urban center. Limiting the height to 52 feet within 400 feet of Malachite Drive and Pope Road still provides for an appropriate transition to moderate density residential development nearby.

Staff supports the request to replace Stipulation S(6)d with new language.

5.) Revise General Development Plan to delete list of Permitted Uses and replace with specific exclusion of uses.

PERMITTED USES ON NON-RESIDENTIAL PARCELS SHALL BE THOSE IDENTIFIED AS "P", "P*", "AP", OR "SP" IN THE PDMU ZONING DISTRICT PER FIGURE 6-1 OF THE LDC WITH THE FOLLOWING EXCLUSIONS:

- Breeding Facility
- Stockyards and feedlots
- Sawmills
- Slaughterhouses
- Auction House, Open
- Junkyards
- Manufacturing
- Correctional Facilities
- Resource Recovery Facilities
- Manufactured Home Parks and Subdivisions
- Hazardous Waste Transfer Facility
- Buss RR/Maintenance Facility
- Motor Freight Terminals
- Motor Pool Facilities

RR Switching Yard

Exclude from Parcels G, I, and J only:

All of above, plus:

Construction Services

Fleamarkets, open or closed

Lumberyards

Towing Service and Storage Establishment

Residential Parcels are permitted to have residential uses defined in ordinance plus associated recreational facilities, churches or other places of worship, day care centers (large, medium, small, and accessory) and schools. Such uses may be approved pursuant to Conditional Use Criteria in the LDC, as may be amended. The floor area allocated to large, medium and small day care centers, accessory day care centers, environmental education facilities, schools of special education and schools shall be deducted from approved commercial entitlements.

The PDMU zoning district is the most inclusive district in the Land Development Code. In an effort to simplify information provided on the cover page, and to provide for additional flexibility of uses, the applicant proposes to list excluded uses, rather than permitted uses, as shown above.

A number of uses that were previously excluded will now be permitted. For example, uses like animal shelter/boarding facility, veterinary hospitals, drive-thru eating establishments, and drinking establishments are now permitted. The proposed range of uses is consistent with mixed use development.

The applicant and staff are in agreement regarding the list of excluded uses.

6.) Allow for the transfer of residential units to Parcel K

Parcel K is located on the east side of Road GG, north of the intersection of Center Ice Pky and Road GG. It is a 12.6 acre parcel identified as a Retail parcel, approved for 72,000 square feet of non-residential development. The applicant proposes a note be added to the GDP to allow a transfer of single family and/or multi-family residential units to this parcel with a simultaneous decrease from other residential parcels. Allowing a transfer of residential units will not increase the total number of units approved for the development.

Allowing the potential for residential development on Parcel K may be considered appropriate, because Parcel H, to the west, is a residential parcel. Mixed use development may be considered more appropriate than purely retail. Also, Parcel K has a small wetland to the north and a larger wetland to the south that will provide a buffer area between adjacent parcels. In addition, under the TND development concept, a vertical mix of uses is appropriate and allowing the transfer of residential units to this parcel may promote such development.

With these proposed amendments to the GDP and Zoning Ordinance and the companion Development Ordinance and Map H, it is important to note that some potential exists for this development to trend more toward a residential development, rather than a true mixed use urban center. Single family detached is proposed to be added as a development option. The applicant has the option to request modifications to this General Development Plan to use the Land Use Equivalency Matrix to allow for the conversion of entitlements from one to the other (i.e. non-residential entitlements to residential entitlements). If a Land Use Exchange was proposed, staff would be charged with analyzing existing land uses within the development, and determining the

appropriate mix of uses necessary to create the desirable type of development for this area. As part of that request, the applicant would be required to prepare a concurrency analysis consistent with Stipulation G.2 of the Development Ordinance. If an exchange provided for more residential, rather than office or commercial, the concurrency analysis would reflect that imbalance and further analysis would likely be necessary. Significant changes to the mix of uses would result in a Substantial Deviation or Notice of Proposed Change to the DRI. Utilization of the LUEM requires a revision to the GDP, to be reviewed by staff. Approval or denial would be contingent upon action by the Board of County Commissioners.

All other "Retail" parcels (L,M,N,O,P, & Q) remain non-residential. As long as these parcels develop with non-residential uses, and the "Mixed Use" parcels develop with higher densities and intensities, the potential also remains for a vibrant urban center.

Staff does not object to this request.

7.) Other amendments for internal consistency.

a. Revise Table associated with Stipulation D(2) regarding upland preservation.

The modifications noted in this table are being revised to correct mathematical errors.

Staff has no objection to this change.

b. Amend Zoning Ordinance to reference Road GG, rather than Road B.

This Zoning Ordinance is being revised to reflect the road name that is currently in the Comprehensive Plan.

Staff has no objection to this change.

c. Delete Stipulation G (11) regarding biennial inspections of stormwater management system.

The applicant proposed deletion of this stipulation and Stormwater Engineering staff had no objection to the request.

d. Revise Stipulations S(1) and S(2) regarding on-street parking and street trees

These stipulations allow on-street parking and street trees on local streets. As they are currently written, they specifically prohibit on-street parking and street trees on Road "GG" and Malachite Drive. This prohibition is not necessary, because both roads are thoroughfares, not local roads.

Staff does not object to this change.

e. Other amendments to the Zoning Ordinance are proposed reflecting department name changes.

Staff has no objection to the request.

Staff recommends approval of the changes to the Zoning Ordinance as identified in strike-thru/underline format attached to this report, as well as the changes to the General Development Plan.

SITE CHARACTERISTICS AND SURROUNDING AREA

GENERAL LOCATION:	North of S.R. 70, between Lakewood Ranch Blvd and Pope Road, and south of Malachite Drive.
ACREAGE:	± 697.4 acres
EXISTING USE(S):	<ul style="list-style-type: none"> • 3,675 dwelling units (including 3,239 multi-family, 436 single-family attached and semi-detached units); • 1,774,000 sq. ft. of commercial space; • 1,563,000 sq. ft. of office space; and • 300 hotel rooms.
FUTURE LAND USE CATEGORY(S):	ROR/WP-E/ST (Retail/Office/Residential/Evers Watershed Overlay/Special Treatment Overlay)
DENSITY / INTENSITY:	4.3 units per acre gross 13.0 units per acre net
SPECIAL APPROVAL(S):	0.24 FAR
OVERLAY DISTRICT(S):	ST (Special Treatment) WP-E (Watershed Protection – Evers)
SPECIFIC APPROVAL(S):	None

SURROUNDING USES & ZONING

NORTH	<p>Land Use: Residential within Northwest Sector DRI</p> <p>Zoning: PDMU/WP-E/ST (Planned Development Mixed Use/ Watershed Protection Evers/Special Treatment Overlay District)</p>
SOUTH	<p>Land Use: Residential /Commercial (Cypress Banks DRI)</p> <p>Zoning: PDMU/WP-E/ST (Planned Development Mixed Use/ Watershed Protection Evers/Special Treatment Overlay District)</p>
EAST	<p>Land Use: Agriculture/Proposed Residential (Northwest Sector DRI)</p> <p>Zoning: PDMU/WP-E/ST (Planned Development Mixed Use/ Watershed Protection Evers/Special Treatment Overlay District)</p>

WEST	<p>Land Use: Agriculture, Commercial, and Community Uses (Park, and High School)</p> <p>Zoning: A (General Agriculture)/WP-E/ST, PD-PI (Planned Development – Public Interest)/WP-E/ST, PD-C (Planned Development Commercial)/WP-E/ST</p>
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EXISTING SITE DESIGN DETAILS							
CONVENTIONAL DESIGN OPTION (Typical suburban development)							
RESIDENTIAL LOT SIZE(S):	<p>4,950 sq.ft. Single-family detached (S.F.D.)</p> <p>4,500 sq.ft. Single-family Semi-detached (S.F.S.D.)</p> <p>2,500 sq.ft. Single-family attached (S.F.A.)</p>						
Residential SETBACKS:	<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Front</td> <td>25' S.F.A./S.F.S.D./S.F.D 20' w/side loaded garage 25' M.F.</td> </tr> <tr> <td>Side</td> <td>6' S.F.D 0/ 7.5' S.F.A./S.F.S.D. 15/25' MF (not a side yard but a min. distance between bldgs)</td> </tr> <tr> <td>Rear</td> <td>15' S.F.A./S.F.S.D/S.F.D/M.F.</td> </tr> </table>	Front	25' S.F.A./S.F.S.D./S.F.D 20' w/side loaded garage 25' M.F.	Side	6' S.F.D 0/ 7.5' S.F.A./S.F.S.D. 15/25' MF (not a side yard but a min. distance between bldgs)	Rear	15' S.F.A./S.F.S.D/S.F.D/M.F.
Front	25' S.F.A./S.F.S.D./S.F.D 20' w/side loaded garage 25' M.F.						
Side	6' S.F.D 0/ 7.5' S.F.A./S.F.S.D. 15/25' MF (not a side yard but a min. distance between bldgs)						
Rear	15' S.F.A./S.F.S.D/S.F.D/M.F.						
COMMERCIAL/OFFICE LOT SIZE(S):	5,000 square feet						
COMMERCIAL/OFFICE SETBACKS:	<p>Front: 40'</p> <p>Side: 15'/ 20'</p> <p>Rear: 20'</p> <p>(When adjacent to residential an additional 10' of building separation for each story over one)</p>						

<p>BUFFERS:</p>	<p>30' or 50' wetland buffers</p> <p>20' roadway buffers along all major thoroughfare and major local collector roads, except Road GG south of Centre Ice Pkwy.</p> <p>15' perimeter buffer next to adjacent church at SR 70 and Pope Rd.</p>						
<p>TRADITIONAL NEIGHBORHOOD DESIGN OPTION</p>							
<p>RESIDENTIAL LOT SIZE(S):</p>	<p>2,300 sq. ft. S.F.S.D. 2,000 sq. ft. S.F.A.</p>						
<p>RESIDENTIAL SETBACKS:</p>	<table border="0"> <tr> <td data-bbox="690 758 868 982">Front</td> <td data-bbox="868 758 1539 982"> <p>10 S.F.S.D. (25' to front loaded garage door) 15' S.F.S.D./ S.F.A. w/side loaded garage 5' S.F.A. (25' to front loaded garage door) 0' M.F., internal road 25' M.F., Major Roads & Adjacent Residential</p> </td> </tr> <tr> <td data-bbox="690 982 868 1150">Side</td> <td data-bbox="868 982 1539 1150"> <p>0'/6' S.F.S.D. (alley garage) 0'/10' S.F.A. (alley garage) 15'/25' Multi-family 15'/5' S.D.S.D.</p> </td> </tr> <tr> <td data-bbox="690 1150 868 1329">Rear</td> <td data-bbox="868 1150 1539 1329"> <p>5' S.F.A. 15' S.F.S.D./S.F.D. 5' S.F.S.D./S.F.D. w/ alley garage 10' M.F. Internal Roadways</p> </td> </tr> </table>	Front	<p>10 S.F.S.D. (25' to front loaded garage door) 15' S.F.S.D./ S.F.A. w/side loaded garage 5' S.F.A. (25' to front loaded garage door) 0' M.F., internal road 25' M.F., Major Roads & Adjacent Residential</p>	Side	<p>0'/6' S.F.S.D. (alley garage) 0'/10' S.F.A. (alley garage) 15'/25' Multi-family 15'/5' S.D.S.D.</p>	Rear	<p>5' S.F.A. 15' S.F.S.D./S.F.D. 5' S.F.S.D./S.F.D. w/ alley garage 10' M.F. Internal Roadways</p>
Front	<p>10 S.F.S.D. (25' to front loaded garage door) 15' S.F.S.D./ S.F.A. w/side loaded garage 5' S.F.A. (25' to front loaded garage door) 0' M.F., internal road 25' M.F., Major Roads & Adjacent Residential</p>						
Side	<p>0'/6' S.F.S.D. (alley garage) 0'/10' S.F.A. (alley garage) 15'/25' Multi-family 15'/5' S.D.S.D.</p>						
Rear	<p>5' S.F.A. 15' S.F.S.D./S.F.D. 5' S.F.S.D./S.F.D. w/ alley garage 10' M.F. Internal Roadways</p>						
<p>COMMERCIAL/OFFICE LOT SIZE(S):</p>	<p>NA</p>						
<p>COMMERCIAL/OFFICE SETBACKS:</p>	<table border="0"> <tr> <td data-bbox="690 1409 868 1509">Front</td> <td data-bbox="868 1409 1539 1509"> <p>40' (SR 70) 25' (All other thoroughfare roads and major local collector roads)</p> </td> </tr> <tr> <td data-bbox="690 1509 868 1709">Side</td> <td data-bbox="868 1509 1539 1709"> <p>0' (Internal Roads) 5' (Major Roads and Residential parcels)</p> </td> </tr> <tr> <td data-bbox="690 1709 868 1709">Rear</td> <td data-bbox="868 1709 1539 1709"> <p>0' (Internal Roads) 5' (Major Roads)</p> </td> </tr> </table>	Front	<p>40' (SR 70) 25' (All other thoroughfare roads and major local collector roads)</p>	Side	<p>0' (Internal Roads) 5' (Major Roads and Residential parcels)</p>	Rear	<p>0' (Internal Roads) 5' (Major Roads)</p>
Front	<p>40' (SR 70) 25' (All other thoroughfare roads and major local collector roads)</p>						
Side	<p>0' (Internal Roads) 5' (Major Roads and Residential parcels)</p>						
Rear	<p>0' (Internal Roads) 5' (Major Roads)</p>						
<p>BUFFERS:</p>	<p>30' or 50' wetland buffers</p> <p>20' roadway buffers along all thoroughfare roads and major local collector roads, except Road GG north of Centre Ice Pkwy if developed as a TND.</p>						

	15' perimeter buffer next to adjacent church
OPEN SPACE:	281.1 acres – 40.3%
RECREATIONAL AMENITIES:	A minimum of 36.8 acres of parks will be provided on the project site. An additional 23.5 acres of passive recreation will be in upland preserve area. The developer has previously dedicated a 131-acre district Park west of Lakewood Ranch Blvd.
RECREATIONAL ACREAGE:	36.8 acres
ACCESS:	Access is on Lakewood Ranch Blvd, Pope Road, Malachite Drive, SR 70, and Center Ice Pkwy.
WETLAND ACREAGE & IMPACTS	Total wetland acreage: 103.7 acres Wetland Impacts: 11.6 acres for road crossings and to facilitate the town center development.
FLOOD ZONE(S)	None – Firm Panels 1201530360C and 1201530370C
AREA OF KNOWN FLOODING	None
UTILITY CONNECTIONS	<p>POTABLE WATER:</p> <ul style="list-style-type: none"> • a 36" potable water main running east from the development project boundary. • a 42" potable water main running along the easterly side of Lakewood Ranch Boulevard from SR 70 northerly beyond the project boundary. • a 10" potable water main crossing Lakewood Ranch Boulevard 2,900' north of Rangeland Parkway. • an 8" potable water main crossing Lakewood Ranch Boulevard 3,700' north of Rangeland Parkway. • a 6" potable water main crossing Lakewood Ranch Boulevard 4,800' north of Rangeland Parkway. • 16" potable water main running along the easterly side of Pope Road from SR 70 northerly to the end of pavement. • an 8" potable water main crossing Pope Road approximately 700' north of SR 70. This 8" potable water main ties into the previously mentioned 16" potable water main. • a 12" potable water main crossing Pope Road approximately 2,600' north of SR 70. This 12" potable water main ties into the previously mentioned 16" potable water main. • 8" potable water mains crossing Pope Road at approximately 200', 400', 600', 800', 900', 1,200', and 1400' north of Ranchland Parkway. This 8" potable

water main ties into the previously mentioned 16" potable water main.

- a 36" potable water main running along the northerly side of SR 70 for the entire length of the development project.
- a 16" potable water main running along the southerly side of Rangeland from easterly of the development boundary to Pope Road. This 16" potable water main ties to the 42" potable water main along Lakewood Ranch Boulevard and the 16" potable water main Pope Road.
- 12" potable water mains crossing Rangeland Parkway approximately 1,200' and 2,400' east of Lakewood Ranch Boulevard. These 12" potable water mains tie into the previously mentioned 16" potable water main.
- 8" potable water mains crossing Rangeland Parkway approximately 2,600', 3,200', 3,500', 3,900', 4,200' and 4,800' east of Lakewood Ranch Boulevard. These 8" potable water mains tie into the previously mentioned 16" potable water main.
- a 12' potable water main along the southerly side of Malachite Drive crossing Lakewood Ranch Boulevard to the west.
- a 12" potable water main along the northerly side of Malachite Drive from Lakewood Ranch Boulevard easterly to the end of pavement.
- a 12" potable water main crossing Malachite Drive approximately 1,500' east of Lakewood Ranch Boulevard. This 12" potable water main ties into the previously mentioned 12" potable water main.

RECLAIMED WATER:

- an 8" reclaimed water main along the center of Lakewood Ranch Boulevard from 3500' north of Rangeland Parkway to beyond the project boundary.

WASTEWATER:

- a 12" sanitary force main running north and south along the westerly side of Lakewood Ranch Boulevard for the entire length of the project.
- a 16" sanitary force main running north and south along the center of Lakewood Ranch Boulevard for the entire length of the project. Pope Road:
- a 20" force main running along the westerly side of Pope Road from SR 70 northerly to the north side of Ranchland Parkway where an 8" force main crosses Pope Road from the east, ties in and it increases to a 24" force main. The 24" force main continues northerly along the future Pope Road Right-of-Way beyond the development project boundary.

	<ul style="list-style-type: none"> • an 8" force main crossing Pope Road approximately 2,700' north of SR 70. This 8" force main ties into the previously mentioned 20" force main. • a 3" force main running along the northerly side of SR 70 from approximate 700' west of Pope Road easterly to beyond the development project boundary. • an 8" force main run along the northerly side of Ranchland Parkway from Lakewood Ranch Boulevard easterly for approximately 3,400' where a 10" force main crosses the road from the south ties in and it increases to a 10" force main. This 10" force main continues easterly along Ranchland Parkway to Pope Road where it turns to the north and continues parallel to the previously mentioned 24" force main along the westerly side of the roadway. This 10" force main continues approximately 2,000' north along the westerly side of Pope Road and ties into the previously mentioned parallel 24" force main. • 6" force mains crossing Ranchland Parkway approximately 1,100' and 2,300' east of Lakewood Ranch Boulevard. These 6" force main ties into the previously mentioned 8" force main along Ranchland Parkway.
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ENVIRONMENTAL INFORMATION

No changes to the Environmental Planning Issues with this request.

POSITIVE ASPECTS

- The project provides commercial service uses in a growing area.
- The project provides an urban "downtown" employment center east of I-75 which will capture trips east of I-75 and reduce trips west of I-75.
- The proposed amendments provide the applicant with added flexibility for this project.

NEGATIVE ASPECTS

- Addition of single family detached as a housing option and potential for lower density residential development.

MITIGATING MEASURES

- Staff supports the applicant's request to modify stipulation S(6)d regarding height to allow some additional height on Parcels S and R to promote moderate to high density development within this DRI

STAFF RECOMMENDED STIPULATIONS

See attached Zoning Ordinance

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

None

CONCURRENCY

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

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
SR 70	I-75 to Braden Run	C	D
	Braden Run to River Club	C	B
	River Club to Lakewood Ranch Blvd	C	D
	Lakewood Ranch Blvd to Lorraine Road	C	B
Lakewood Ranch Blvd	SR 64 to SR 70	D	D

CLOS 08-036 was originally issued on 8/5/2008, expiring on 12/31/2011 per PDMU-06-30(Z)(G).
 2009 - Extended for 2 years to reflect approval of Resolution 09-089, new expiration of 12/31/2013.
 2010 - LDA-10-01 was approved and extended the CLOS until 12/31/2019.
 2011 - 4 yr extension per HB 7207 and 326 day extension per F.S. 252.363. Current expiration date 11/21/2024.

ATTACHMENTS

1. Applicable Comprehensive Plan Policies
2. Ordinance PDMU-06-30(G)(R)
3. Copy of Newspaper Advertising

APPLICABLE COMP PLAN POLICIES

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

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

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

Objective 2.2.1 Future Land Use Categories: Establish and define a suitable number, and range, of future land use categories to be shown on the Future Land Use Map to guide the location of land uses, limit the general range of uses, and to provide limits on densities and intensities.

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

Policy: 2.2.1.17.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established and developed areas exhibiting a broad range of commercial, residential and, in certain cases, light industrial uses, and to recognize the continued existence of such areas through the long range planning timeframe. Also, to provide for orderly transition from, or redevelopment of, these existing and developed multiple-use areas. Also, to prohibit the intrusion of new industrial areas into these ROR areas, which typically fail to exhibit a planned or integrated approach to multiple use development, and instead exhibit an incremental or unplanned history of multiple use development. Also to establish at a few major and highly accessible, but currently undeveloped, sites for the development of major future community or region-serving commercial uses with a variety and permitted intensity of use which allows for a multi-purpose commercial and office node, with residential uses. Also to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

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

Policy: 2.2.1.17.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:

For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 16 dwelling units per acre
For new development - 9 dwelling units per acre

Maximum Net Residential Density:

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

For new development - 16 dwelling units per acre

Maximum Floor Area Ratio: 0.35

Maximum Floor Area Ratio in the Urban Area: 0.50

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

Objective 2.4.1 Level of Service And Concurrency: Require the issuance of a Certificate of Level of Service for all development to ensure that required public facilities and services are available concurrent with development.

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.

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.

Policy: 2.6.5.4 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.

Land uses within the Watershed Overlay District shall meet additional requirements required by the Comprehensive Plan (See also Policy 2.2.2.2.5)

Objective 2.9.1.3 Provide vehicular access between neighborhoods, particularly (but not exclusively) when part of a planned unit development containing more than one neighborhood.

Policy 2.9.1.5 Promote the development of pedestrian friendly designs.

Policy 2.9.1.6 Promote the use of unifying design elements and features.

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

Policy: 2.10.1.4 Allow DRI's and Large Project developments that meet commercial locational criteria or have a future land use category that allows for commercial square footage, the option of reallocating

commercial square footage internally within neighborhoods if the following criteria is met:

- (a) must have a mixed use with a residential component.
- (b) must meet minimum development characteristics such as greater internal automobile trip capture, increased pedestrian and bike routes facilities, architectural design criteria which reinforces pedestrian scale and orientation and built on a neighborhood scale. Such neighborhoods will promote diversity of uses, while not promoting strip commercial development. Commercial uses located internally to neighborhoods shall be limited to "medium" commercial uses.

Policy 2.10.3.1 Require that access to commercial uses be established on at least one roadway, operating at, or better than, the adopted level of service. Access which is limited only to roadways that carry traffic within residential neighborhoods shall be considered unacceptable for commercial uses.

Policy 2.10.3.2 Require that all proposed small and medium commercial uses can be directly accessed from at least one roadway shown on the Roadway Functional Classification Map as collector or higher, at time of issuance of a development order.

Policy 3.2.3.2 Require all water users to use the lowest quality of available water which adequately and safely meets their water use needs by requiring stormwater reuse, alternative irrigation sources, reclaimed water use, and gray water irrigation systems where feasible. [See Policies 9.4.1.11, 9.6.1.2, and policies under objective 9.1.5]

Copy of Newspaper Advertising

Sarasota Herald Tribune

NOTICE OF DRI/ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, November 8, 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 12-28 - DTS#20120215 - LAKEWOOD CENTRE, DRI #27

An Ordinance of the Board of County Commissioners of Manatee County, Florida, rendering an amended and restated Development Order pursuant to Chapter 380, Florida Statutes, for the Lakewood Centre Development of Regional Impact (Ordinance 08-13) to approve the following changes to Map H and the ordinance: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify affordable housing conditions consistent with current practices, (4) other amendments for internal consistency providing for development rights, conditions, and obligations; providing for severability; and providing an effective date.

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

PDMU-06-30(G)(R) - DTS#20120212 - LAKEWOOD CENTRE

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development amending Ordinance PDMU-06-30(Z)(G) to approve changes to the General Development Plan and Ordinance as follows: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify affordable housing conditions consistent with current practices, (4) modify design conditions; (5) clarification of allowable uses; (6) allow for transfer of residential units to parcel K; (7) other amendments for internal consistency; providing for severability; and providing for an effective date. The Lakewood Centre DRI is generally located east of Lakewood Ranch Blvd, south of Malachite Drive, west of Pope Road, and north of S.R. 70 (697.4 ± acres).

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

ORDINANCE 12-34 - DTS#20120255 - SCHROEDER-MANATEE RANCH, INC. (SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating a Development Order pursuant to Chapter 380 Florida Statutes for the University Lakes Development of Regional Impact (Manatee County DRI #22, a/k/a Tampa Bay Regional Planning Council (TBRPC) DRI #216); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for recognition of the revocation of the development review agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes; to modify transportation conditions based upon such revocation; modification of affordable housing conditions consistent with current practices; to update Table 1 and Table 2 for consistency with previously approved land use exchanges; updating conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; updating the phasing and buildout dates to reflect legislatively approved extensions; eliminate maximum increase in land use exchanges (Table 1 - Column E), modify Map H to reflect previously approved land use exchanges, other minor amendments and amendments for internal consistency; codifying and restating the existing Development Order for DRI #22; providing for severability; and providing for an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 Interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-92-01(G)(R14) - DTS#20120254 - SCHROEDER-MANATEE RANCH, INC. - (AKA SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP) (UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, approving a revised Zoning Ordinance to eliminate maximum increase in land use exchanges (Table C - Column E), to recognize the revocation of the Development Review Agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modify affordable housing conditions consistent with current practices; update conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; update the phasing and buildout dates to reflect legislatively approved extensions; other minor amendments and amendments for internal consistency; amending the General Development Plan and Zoning Ordinance to show these changes; providing for severability; and providing an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 Interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-11-08(Z)(G) - DTS#20110165 - TREES DIRECT LLC

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 85.54 acres on the north side of Mendoza Road and east side of I-75 at 5500 37th Street East, Ellenton, from the A-1 (Suburban Agriculture, one dwelling unit per acre) to PDMU (Planned Development Mixed Use) zoning district; approving a General Development Plan for two development scenarios (tradition and mixed use development) with a trade-off matrix that includes a maximum of:

- 500 multi-family units which, may include a 120-bed residential care facility (equals 20 units), and
- Commercial/office use(s) of up to 150,000 square feet; and

subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, 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 (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

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

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

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

Date of pub: October 24, 2012

Copy of Newspaper Advertising

Bradenton Herald

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The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

PDMU-06-30(G)(R) - DTS#20120212 - LAKEWOOD CENTRE

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development amending Ordinance PDMU-06-30(Z)(G) to approve changes to the General Development Plan and Ordinance as follows: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements

affordable housing conditions consistent with current practices, (4) modify design conditions; (5) clarification of allowable uses; (6) allow for transfer of residential units to parcel k; (7) other amendments for internal consistency; providing for severability; and providing for an effective date. The Lakewood Centre DRI is generally located east of Lakewood Ranch Blvd, south of Malachite Drive, west of Pope Road, and north of S.R. 70 (697.4 ± acres).

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ORDINANCE 12-34 - DTS#20120255 - SCHROEDER-MANATEE RANCH, INC.(SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

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minor amendments and amendments for internal consistency; codifying and restating the existing Development Order for DRI #22; providing for severability; and providing for an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-92-01(G)(R14) - DTS#20120254 - SCHROEDER-MANATEE RANCH, INC. - (AKA SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, approving a revised Zoning Ordinance to eliminate maximum increase in land use exchanges (Table C - Column E), to recognize the revocation of the Development Review Agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modify affordable housing conditions consistent with current practices; update conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; update the phasing and buildout dates to reflect legislatively approved extensions; other minor amendments and amendments for internal consistency; amending the General Development Plan and Zoning Ordinance to show these changes; providing for severability; and providing an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-11-08(Z)(G) - DTS#20110165 - TREES DIRECT LLC

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 85.54 acres on the north side of Mendoza Road and east side of I-75 at 5500 37th Street East, Ellenton, from the A-1 (Suburban Agriculture, one dwelling unit per acre) to PDMU (Planned Development Mixed Use) zoning district; approving a General Development Plan for two development scenarios (traditional and mixed use development) with a trade-off matrix that includes a maximum of:

- 500 multi-family units which may include a 120-bed residential care facility (equals 20 units), and
- Commercial/office use(s) of up to 150,000 square feet; and

subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, 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 (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

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

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Americans With Disabilities: Board of County Commissioners of Manatee County does not discriminate on the basis of any individual's disability status. This non-discrimination policy involves all aspects of the Board's operations including one's right to and participation in public hearings. Anyone requiring reasonable accommodations for this meeting as provided for in the ADA, should contact the Board of County Commissioners at 742-5800; TDD 742-5802 and wait 60 minutes, or FAX 745-3790.

HEARING MAY BE CONSIDERED FROM TIME TO TIME DURING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
11/8/2012

**MANATEE COUNTY ORDINANCE NO.
PDMU-06-30(Z)(G)(R1)
LAKEWOOD CENTRE**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, REZONING 697.4+/- ACRES FROM THE A(GENERAL AGRICULTURE AMENDING ORDINANCE PDMU-06-30(Z)(G) TO THE PDMU(PLANNED DEVELOPMENT MIXED USE), RETAINING THE WPE (WATERSHED PROTECTION-EVERS) AND ST (SPECIAL TREATMENT) OVERLAY DISTRICTS WHERE APPROPRIATE; APPROVING A APPROVE CHANGES TO THE GENERAL DEVELOPMENT PLAN TO ALLOW 3,675 RESIDENCES, 1,774,000 SQUARE FEET OF COMMERCIAL SPACE, 1,563,000 SQUARE FEET OF OFFICE SPACE, AND ORDINANCE AS FOLLOWS: (1) UPDATE THE PHASING AND A 300-ROOM HOTEL BUILDOUT DATES TO REFLECT LEGISLATIVELY APPROVED EXTENSIONS, (2) UPDATE CONDITIONS TO REFLECT COMPLIANCE WITH REQUIREMENTS CONTAINED THEREIN, (3) MODIFY AFFORDABLE HOUSING CONDITIONS CONSISTENT WITH CURRENT PRACTICES, (4) MODIFY DESIGN CONDITIONS; (5) CLARIFICATION OF ALLOWABLE USES; (6) ALLOW FOR TRANSFER OF RESIDENTIAL UNITS TO PARCEL K; (7) OTHER AMENDMENTS FOR A PROJECT KNOWN AS INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. THE LAKEWOOD CENTRE DRI IS GENERALLY LOCATED EAST OF LAKEWOOD RANCH BLVD, SOUTH OF MALACHITE DRIVE, WEST OF POPE ROAD-, AND NORTH OF S.R. 70; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (697.4+/- ACRES).

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

SECTION 1. AMENDMENT AND RESTATEMENT OF ORDINANCE NO. PDMU-06-30(Z)(G). ~~SECTION 1~~ Ordinance PDMU-06-30(Z)(G) is hereby amended and restated in its entirety below. All prior zoning ordinances (and any site plans approved pursuant thereto) shall be superseded by this Ordinance.

SECTION 2. DEFINITIONS. All capitalized terms used herein shall have the meanings set forth in the Lakewood Centre DRI Ordinance 08-1312-28, Section 380.06 F.S., the

Manatee County Comprehensive Plan, or the Manatee County Land Development Code, in that order of precedence.

SECTION 23. FINDINGS OF FACT. The Board of County Commissioners (BOCC) of Manatee County, after considering the testimony, evidence, documentation, application ~~for to amend the Zoning Ordinance, the recommendation and findings of the Planning Commission, General Development Plan for Lakewood Centre,~~ and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- ~~A. The BOCC received and considered the report of the Manatee County Planning Commission concerning the application for approval of a General Development Plan and rezoning application approving 3,675 residences, 1,774,000 square feet of commercial space, 1,563,000 square feet of office space, and a 300 room hotel in the Lakewood Centre project.~~
- ~~BA. The Planning Commission has held a duly noticed public hearings on January 10, 2008, February 14, 2008, July 10, 2008, and July 24, 2008~~ November 8, 2012 and found the ~~rezoning proposed amendments to the Zoning Ordinance and application and the General Development Plan consistent with the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and recommended approval of the rezoning application and General Development Plan by the adoption of Ordinance No. PDMU-08-30(G)(R1).~~
- ~~B. The BOCC held a public hearing on December 6, 2012 regarding the PDMU-06-30(Z)(G). The BOCC held public hearings on February 7, March 6, 2008, April 3, 2008, and August 5, 2008 regarding the proposed proposed amendments to the zoning ordinance and General Development Plan described herein in accordance with the requirements of the Manatee County Land Development Code (Ordinance No. 90-01) and further considered the information received at the public hearing.~~
- ~~C. An application has been submitted to Manatee County and is being processed concurrently with this ADA to amend the Future Land Use Map of the Future Land Use Element of the Manatee County Comprehensive Plan for a portion of the Project (i.e. 285.34+/- acres from the UF 3(Urban Fringe 3 dwelling units/gross acres/WO Watershed Overlay District Evers Reservoir) to the ROR (Retail/Office/Residential) Future Land Use Classification by consideration of proposed Ordinance No. 08-28.~~
- ~~CD. On August 5, 2008, the BOCC found that, bBased upon a review of the surrounding uses and the criteria listed in LDC Section 603.7.4.9, the Board finds that as conditioned herein residential structures on the Property in excess of 35 feet and up to 75 feet on Parcel A, C, D, H, R, S, and S-1, and up to 140 feet on Parcels G, I, and J are compatible with the surrounding area and will not create any external impacts that would adversely affect surrounding development, existing or proposed, waterfront vistas or entranceways.~~

- D. Based upon a review of the surrounding uses and the criteria listed in LDC Section 603.7.4.9, the Board finds that as conditioned herein residential structures on the Property in excess of 35 feet and up to 75 feet on Parcel K are compatible with the surrounding area and will not create any external impacts that would adversely affect surrounding development, existing or proposed, waterfront vistas or entranceways.
- E. The proposed amendment to the Lakewood Centre Zoning Ordinance and General Development Plan regarding the property described in ~~Section 6~~Section 7 herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan (Ordinance No. 89-01), as amended.
- F. ~~An application has been submitted to Manatee County~~On August 5, 2008, the BOCC found that for Special Approval for (1) a mixed-use project in the ROR Future Land Use Category; (2) a project exceeding a net density of 9.0 gross dwelling units per acre in the ROR Future Land Use Category; (3) a project exceeding a non-residential floor area ratio of 0.25; and (4) a project in the Evers Reservoir Watershed. The Board hereby finds that the project as conditioned herein, with the above described Special Approvals, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.
- G. The Lakewood Centre Zoning Ordinance was originally approved on August 5, 2008. The approved project consists of 3,675 residences, 1,744,000 square feet of commercial space, 1,563,000 square feet of office space, and 300 hotel rooms.

On June 7, 2012, the applicant submitted amendments to the Zoning Ordinance and General Development Plan that include updating the Phasing, Buildout, Expiration and CLOS dates to reflect legislatively approved extensions, update Transportation Conditions to reflect compliance with conditions contained therein, modify Affordable Housing Conditions, modify Design Conditions, clarification of allowable uses, allow for the transfer of residential units to Parcel K, update the Zoning Ordinance to reflect departmental references and other minor changes for internal consistency.

SECTION 34. GENERAL DEVELOPMENT PLAN

- A. The General Development Plan dated June, 2012 is hereby APPROVED to allow a maximum of 3,675 residences, 1,774,000 square feet of commercial space, 1,563,000 square feet of office space, and a 300-room hotel, with the following stipulations: conditions and modifications, included herein in Section 4.
- B. The previous Zoning Ordinance for Lakewood Centre, which was adopted on August 5, 2008, is hereby replaced in its entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have been previously granted and not specifically herein otherwise modified or amended.

A. DEVELOPMENT APPROVAL

A(1). This Zoning Ordinance shall constitute approval of the General Development Plan subject to the conditions set forth herein and limited to the development amounts set forth in Table 1, below.

TABLE 1: DEVELOPMENT TOTALS

Land Use	Phase 1 2008 – 2014 <u>2020*</u>	Phase 2 2009 – 2014 <u>2019*</u>	Phase 3 2012- 2019 <u>2024*</u>	Total
Residential (dwelling units)				
Multi-family	900	1,800	539	3,239
Single-family (includes semi-detached & attached)	-0-	200	236	436
Total	900	2,000	775	3,675
Commercial/Office (sq. ft.)				
Retail	460,000	542,000	772,000	1,774,000
Office	458,000	458,000	647,000	1,563,000
Total	918,000	1,000,000	1,419,000	3,337,000
Hotel (rooms)	300	-0-	-0-	300

Source: WilsonMiller, April 2006

* The phasing buildout dates shall be ~~December 31st~~ November 21st of the years indicated, which includes legislatively approved extensions (SB 360, SB 1752, HB 7207 and F.S. 252.363).

A(2). For Phase 1, the Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, mass transit, drainage, and parks and recreation. The Certificate of Level of Service for Phase 1 shall be valid until ~~December 31, 2014~~ November 21, 2024 or to such date as may be extended from time to time, pursuant to LDA-10-01, subject to the limitations set forth in Stipulation B(2) and B(19).

A(3). The project site may continue to be used for agricultural activities, but at no greater intensity than at present.

A(4). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Zoning 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 Zoning Ordinance or are not inconsistent with this Zoning Ordinance.

~~A(5). Each Preliminary Site Plan shall be reviewed to determine compatibility (internally and externally) and design quality (relative to site layout and building design), pursuant to the applicable sections of Section 603.4 of the Land Development Code. Staff may impose additional requirements and require site plan alterations (such as building height reductions, increased buffers and setbacks, architectural enhancements, etc.) in order to address concerns relating to these issues, with the right of the applicant to appeal to the Board of County Commissioners.~~

B TRANSPORTATION

B(1). The following intersection improvements are determined to be required intersection improvements for the Project due to the percentage of development traffic impacting the intersection and the resulting Level of Service (LOS). ~~[Phase 1 mitigation measures shall be completed pursuant to LDA 10-01, which provisions shall supersede this provision]~~ (LDA 10-01 implements the applicant’s proportionate fair share contributions for Phase 1 mitigation)

**TABLE 2
PHASE 1 INTERSECTION/ROADWAY IMPROVEMENTS**

Roadway/ Intersection	@	Improvement	External Trip Threshold	ERU Threshold
SR 64	Lena Rd	Add 1 eastbound through lane	2,312	2,335
SR 70	US 301	Add 1 through lane to each approach, add 1 eastbound left turn lane and 1 eastbound right turn lane	2,312	2,335
SR 70	Lockwood Ridge Rd (45 th St.)	Add 1 westbound left turn lane, add 1 northbound left turn lane, add 1 southbound left turn lane, add 1 southbound right turn lane, add 1 eastbound and westbound through lane	1,466	1,480
SR 70	Caruso Rd	Add 1 northbound left turn lane and add 1 northbound right turn lane	1,380	1,393
SR 70	Tara Blvd	Add 1 westbound through lane	1290	1,302
SR 70	I-75 Southbound	Add 1 westbound through lane	1,055	1,065
SR 70	33 rd St. E	Add 1 southbound left turn lane	1932	1,951

SR 70	Pope Rd	Signalize when warrants are met, Add 1 eastbound left turn lane (already constructed – needs restriping)	973	983
SR 70	Lakewood Ranch Blvd.	Add 1 northbound right turn lane	432	436
Lakewood Ranch Blvd.	Center Ice Pky to Portal Crossing Dr	Widen to 4 lanes (add 1 lane to inside of existing in both directions)	417	421

- *1 ERU (Equivalent Residential Units) = 1.01 PM peak Trips
- 1 ERU = 2.73 Single-Family Attached du's
- 1 ERU = 2.15 Multi-Family du's
- 1 ERU = 2.66 Hotel Rooms
- 1 ERU = 0.30 ksf Commercial
- 1 ERU = 0.77 ksf Office

The Developer and the County have entered into discussions to work out a broader solution to the transportation concurrency needs in the area, which may require changes to the list of improvements set forth above and agreed-upon mechanisms for the finance and construction of such improvements. No development that triggers an improvement listed in Table 2, above, shall be permitted until the County and Developer have, in the context of such discussions, determined the improvements necessary to support such development (which may require changes to the above list of required improvements), and the method of financing and constructing such improvements unless any such improvement is subject to a Funding Commitment. Such required improvements, and the mechanisms for financing and constructing them, may be established pursuant to a Local Development Agreement or other appropriate mechanism (either severally or jointly with an agreement that addresses the transportation impacts of Northwest Sector DRI), an amendment to this Ordinance, or through the scheduling and funding of such improvements by the County in accordance with applicable law.

- B(2). The improvements listed above are triggered by stated 'External Trip Thresholds' based upon the traffic study submitted in the record in support of this ordinance. At present, the County has funded and scheduled construction for the improvements to SR 64 from Lena Road to Lakewood Ranch Boulevard and including the intersection referenced above, which will provide sufficient transportation infrastructure to support the development up to the threshold triggering additional improvements ("post-SR 64 threshold"). Accordingly, development that does not trigger a post-SR 64 threshold may be permitted at the time of adoption of this development order subject to the requirements of stipulation B(19) and the conditions set forth in the CLOS to be issued pursuant to the County's Comprehensive Plan and LDC.

- B(3). In the event that Funding Commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the development, the capacity and loading of transportation facilities in the Transportation Impact Area, shall be limiting factors in any subsequent approvals (a subphase analysis has been performed and cumulative subphases have been identified in Transportation Conditions Tables 2 and 3). An initial subphase of 417 external p.m. peak hour trips has been identified as requiring no transportation improvements.

The Developer shall be bound by the external trip thresholds set forth in Table 2, unless the Developer files a Notice of Proposed Change and provides the County an updated traffic analysis for the Transportation Impact Area taking into account previously permitted development in the project plus that to be generated by the next subphase. Copies of this transportation analysis shall be submitted to Manatee County and TBRPC for review and comment. Each updated traffic analysis shall serve to verify the findings of the initial DRI traffic analysis or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the intersections referenced in Table 2 at the appropriate Level of Service. In the event that a new analysis demonstrates the need for alternate improvements or different trip trigger thresholds, the Zoning Ordinance shall be amended to reflect the revised thresholds or improvements.

- B(4). With each Final Site Plan application, the Developer shall submit to the County a limited traffic study which addresses the following:
- a. External P.M. peak hour trips predicted to be generated by the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvement thresholds reported in Table 2 are reached; and
 - b. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways serving the project covered by the Final Site Plan application.

In the event that the total external p.m. peak hour trips projected to be generated exceeds the threshold levels described in Table 2, and the corresponding Funding Commitments have not been provided, no further Final Site Plan approvals shall be granted unless the Developer prepares an analysis which identifies the revised total external p.m. peak hour trips after which the road improvement would be required under the new subphase analysis. The Zoning Ordinance shall be amended to reflect these revised trip levels.

- B(5). All improvements to state roadways will require FDOT approval and all improvements to County roads will require Manatee County Transportation Department approval.
- B(6). Access to and from the site shall be in accordance with state and local access regulations and as generally shown on the General Development Plan (GDP).
- B(7). Prior to or concurrent with each Final Plat approval, right-of-way for the adjacent roadways, as shown on the General Development Plan, shall be dedicated. This dedication shall be eligible for impact fee credits to the extent allowed by Section 806 of the Manatee County Land Development Code and applicable law.
- B(8). Thoroughfare roads that abut this site shall be constructed and bonded at the cost of the Developer or other appropriate entity, prior to Final Plat (or Certificate of Occupancy if platting is not required) approval of development that has access on that roadway and such development is generally shown on the GDP subject to timing changes that may be revised as a result of the broader solution set forth in Stipulation B1. The County and Applicant shall enter into an Improvement Agreement providing for a performance bond, followed by a defect bond at the cost of the Developer or other appropriate entity, prior to or in conjunction with Final Plat (or Certificate of Occupancy if platting is not required) approval. At a minimum, deadlines for completion (or the posting of a bond) of Pope Road and Malachite Drive shall be as follows:
 - a. Pope Road

From its northern terminus to Malachite Drive, prior to the first Final Plat (or Certificate of Occupancy if platting is not required) approval in Parcel R.
 - b. Malachite Drive

From Lakewood Ranch Boulevard to Pope Road, prior to the first Final Plat (or Certificate of Occupancy if platting is not required) approval in Parcel R.

All roads shall be constructed with the outside 2 lanes of a 4 lane divided design, including sidewalks, bike lanes, appropriate intersection improvements, and associated stormwater facilities, unless otherwise approved by Manatee County

This construction shall be eligible for impact fee credits to the extent allowed by Section 806 of the Manatee County Land Development Code and applicable law. [Phase I impact fee credits shall be granted pursuant to LDA-10-01]

- B(9). Beginning one year after the first Final Plat or Certificate of Occupancy has been issued, a biennial monitoring program to provide peak hour counts at the Project entrances shall be instituted to verify that external trip improvement thresholds specified in Table 2 for Phase 1 of the Project are not exceeded. Counts shall

continue on a biennial basis through buildout of Phase 1. The methodology for the biennial monitoring program shall be approved by staff.

B(10). Prior to development of Phase 2 and Phase 3, a revised transportation analysis shall be submitted, pursuant to Section 380.06(6), Florida Statutes and the Land Development Code. This analysis shall address potential transportation impacts which might result from the development of these phases.

B(11). Bicycle and pedestrian facilities shall be constructed on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike lanes shall be constructed in accordance with Manatee County standards.

B(12). The Developer shall provide sidewalks along both sides of all streets throughout the Project.

B(13). The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and parks, as determined at time of Preliminary Site Plan approval.

B(14). The Developer shall work with Manatee County Area Transit (MCAT) to identify a potential transit stop(s) within the Project. At such time that MCAT has established a plan for service to the project, the applicant shall coordinate to provide the needed location(s) for a transit stops within the Project.

B(15). The Developer shall grant to appropriate agency or agencies, a non-ingress/egress easement prohibiting vehicular access to and from the development via SR 70, Lakewood Ranch Boulevard, Center Ice Parkway, Malachite Drive and Pope Road, except as ~~shown~~generally depicted on the General Development Plan for permitted road and driveway crossings.

~~B(16). No dead end roadways or cul-de-sacs shall exceed 800' in length, except for temporary exceedences based on phasing, if approved by the Fire District and Public Safety.~~

| B(167). The Developer shall dedicate sufficient right-of-way at all roadway intersections to accommodate the future buildout design for each intersection. This shall be determined and shown on all Preliminary and Final Site Plans.

| B(178). Manatee County is in the process of developing performance standards to mitigate noise generated along multi-lane thoroughfares. If such standards are adopted by the Board of County Commissioners prior to the submission of the first Preliminary Site Plan or Final Site Plan with residences nearby a planned multi-lane thoroughfare, that and all other subsequent Preliminary Site Plans and Final Site Plan shall comply with those adopted standards.

If Manatee County has not adopted performance standards to mitigate the noise

generated along multi-lane thoroughfare prior to the submission of the first Preliminary Site plan or Final Site Plan with residences nearby a planned multi-lane thoroughfare, the Developer shall prepare a noise mitigation plan for mitigation of noise from thoroughfare roads. The analysis contained in the noise mitigation plan shall be based on projected 2025 traffic volumes. Thoroughfare noise mitigation measures in each Preliminary Site Plan and Final Site Plan shall be consistent with the approved noise mitigation plan.

- | B(189). At the time of Preliminary Site Plan, Final Site Plan, and Construction Plan approval for each phase of the Project the Developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this Project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.
- | B(1920) Notwithstanding the foregoing, the bowling center and 45,000 square feet of commercial approved pursuant to Ordinance PDMU-06-23(Z)(P) have a Certificate of Level of Service (CLOS) approval and the provisions herein are not intended to supersede such CLOS which remains in effect.

C. WETLANDS

- C(1). All Wetlands defined as "Preservation or Conservation Areas" by TBRPC (as shown on the General Development Plan (Exhibit 1) shall be preserved or conserved, respectively, except as shown on the GDP or as approved for roadway crossings and as approved in conformance with Condition C(3). The Developer shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas, except as shown on the GDP and as indicated in Condition C(3).
- C(2). Except for Wetland restoration and enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved.
- C(3). Any allowable Wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Section 719), as specified in permits issued under 40D-4 FAC, or under 62-340, FAC, as appropriate. Mitigation for Wetland losses shall be implemented prior to, or concurrent with, the Wetlands being disturbed. Mitigation may be provided by withdrawal of available mitigation credits from the Long Swamp Ecosystem Management Plan, if approved by appropriate agencies. Any on-site Wetland compensation areas shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the on-site created Wetlands and enhanced Wetlands shall meet or exceed eighty-five percent (85%) planting survival rate for at least two (2) years for

herbaceous Wetland systems and for at least five (5) years for forested Wetlands. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Zoning Ordinance.

- C(4). The Developer shall provide natural buffering around all Post Development Wetlands to provide an upland transition into the Wetland areas and to protect natural systems from development impact. All buffers, buffer restoration, and setbacks shall be in compliance with the Manatee County Land Development Code.
- C(5). A Conservation Easement for the areas defined as post-development jurisdictional Wetlands and Wetland buffers shall be dedicated to Manatee County, prior to or concurrently with Final Plat approval (or 1st C.O. if platting is not required), for those areas within or directly adjacent to the proposed phase of development.
- C(6). The Developer shall provide signs adjacent to Wetland buffers and conservation easements indicating that the area is a “Conservation Area”, as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Planning Building and Development Services Department with the Final Site Plan.
- C(7). No lot shall be platted through a Wetland, stormwater pond, or Wetland buffer.
- C(8). The Developer shall provide a copy of the Environmental Resource Permit approved by SWFWMD to the Planning Building and Development Services Department prior to Final Site Plan approval.

D. VEGETATION AND WILDLIFE

- D(1). An Exotic Plant Species Management Plan shall be submitted for review and approval prior to or concurrent with Final Site Plan or Construction Plan approval for each development pod. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the Project. Removal of all exotic nuisance plant species from upland portions of each development pod shall be completed prior to the first Final Plat approval (for development in that pod), in accordance with Section 715.4 of the LDC. (completed for Parcels C and E)
- D(2). The following Pine Mesic Oak (414), Pine Flatwood (411), and Live Oak (427) Communities shall be preserved:

FLUCFCS Code	Pre-Construction Total			Post-Construction Total		Post- Construction Habitat (w/in Wetland Buffers)		Post- Construction Habitat (w/in Upland Conservation)	
	Total Acreage	Habitat w/in Wetland Buffer	Habitat w/n Upland Conservation	Acreage	Percentage (of habitat remaining)	Acreage	Percentage (of existing habitat w/in buffers)	Acreage	Percentage (of existing habitat w/in conservation)
411	31.7	4.9	26.8	11.8	37.9	4.9	100	6.9	25.7
414	47.0	10.5	36.5	25.2	53.6	10.5	100	14.7	40.2
427	4.2	1.0	3.2	3.4	80.9	1.0	100	2.4 2.2	75
Total	82.9	16.4	66.5	40.4	48.7	16.4	100	24.0 23.8	36.1

Area	FLUCCS 411	FLUCCS 414	FLUCCS 427	Total
Wetland Buffers	4.9	10.5	1.0	16.4
Upland Preservation Areas	6.9	14.7	2.2 2.4	23.8 24.0
Total	11.8	25.2	3.2 3.4	40.2 40.4

The preservation areas shall be clearly delineated, labeled, and quantified on the Preliminary Site Plan. Upland Preservation areas may be reconfigured, subject to Planning Director approval, with the Preliminary Site Plan provided that the overall acreage, general location, and quality of preserved habitat remain consistent with those shown on the approved GDP. ~~The Planning~~The Building and Development Services Department may allow limited impacts for suitable recreational areas (passive parks, pocket parks, etc.). Recreation improvements shall be designed in a manner that minimizes impacts to mature trees, dense tree clusters, or significant vegetation.

- D(3). Unless otherwise approved by the ~~Planning~~Building and Development Services Department, native or drought tolerant landscape materials shall be utilized. The Developer and future owners of the site shall be required to participate in the Florida Yards and Neighborhood Program.

- D(4). The Developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to the first Final Site Plan approval. for each development pod. A Management Plan, approved by the appropriate State or Federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval. for each development pod. (completed for Parcels C and E)

- D(5). Final Site Plans within management guideline distances (as prescribed by US Fish and Wildlife Service) from the bald eagle nest shall be designed in accordance with the current Habitat Management Guidelines for the Bald Eagle or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service,

shall be provided prior to Final Site Plan approval.

- D(6). In the event that any state- or federally-listed species are discovered breeding on-site during Project development, the Developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
- D(7). Wildlife passageways shall be incorporated into the roadways designed to cross the north-south Wetland corridor located north of Center Ice Parkway and east of Lakewood Ranch Boulevard and the upland corridor located south of Malachite Drive and east of Road BGG, if approved by appropriate state, regional, and local agencies.
- D(8). Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated. Specific tree protective measures shall be approved by the Planning Department with the Final Site Plan and Construction Plan submittal. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed unless specifically approved and shall be clearly shown on the Final Site Plan. The following activities are prohibited within the drip line of preserved trees unless otherwise approved by the Planning Department: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. ~~The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by Planning Department.~~

The Final Site Plan shall include details and locations of signs (in both English and Spanish) to alert workers of tree and native vegetation protection areas. These signs shall be constructed of weather resistant materials and shall demarcate the boundaries of the protected areas.

E. LAND

- E(1). The Developer shall limit site work and construction to areas needed for immediate development or stockpiling, if shown on the Final Site Plan.
- E(2). An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Planning Building and Development Services Department for review and approval prior to Final Site Plan approval. Where practical, native or drought tolerant landscape materials shall be utilized in common areas. (completed)

- E(3). A Construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the county for review and approval prior to any land clearing activities, or Final Site Plan approval, whichever occurs first. (completed)
- E(4). The entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.
- E(5). A Well Management Plan for the proper rehabilitation or abandonment of existing wells shall be submitted to the county for review and approval prior to Final Site Plan approval. (completed)

F. AIR QUALITY

- F(1). The Developer shall institute the following procedures to ensure dust control during development of the Project:
 - a. Implement a watering program during excavation, and dredge and fill operations;
 - b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
 - c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
 - d. Keep soil stockpiles moist, or treat with soil binders or cover;
 - e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
 - f. Remove dust producing materials as soon as possible; and
 - g. Clean (sweep) paved roads adjacent to site as necessary;
- F(2). Prior to development of Phase 2 and Phase 3, air quality impacts must be analyzed as required by Section 380.06, Florida Statutes. If mitigation is required based upon this analysis, the Development Order must be amended to incorporate those mitigative measures.
- F(3). The open burning of trees or branches for land clearing shall be done in compliance with applicable regulations.

G. WATER QUALITY AND DRAINAGE

- G(1). The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 62-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD, the County and Planning Building and Development Services Department, whichever is more stringent; to provide retention, or detention with filtration /assimilation treatment per SWFWMD and County approved methods during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rated for the same design storm. Nothing in this paragraph shall be construed as a waiver by the Developer of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer.
- G(2). Best Management Practices (BMP) for reducing water quality impacts, as recommended by the County and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented. Low impact development techniques shall be used, where feasible.
- G(3). The Developer shall be the entity responsible for maintaining the stormwater management system. The Developer's obligations may be assumed by an appropriate agency or association.
- G(4). Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated Wetlands.
- G(5). The applicant submitted an Ambient Surface Water Quality Monitoring Report to Manatee County in April, 2006. The report contained the surface water quality data representing the site specific ambient conditions to meet the one year pre-construction monitoring requirement, as specified in the "Ambient Surface Water Monitoring for Developments" Guidance document. On March 20, 2007, the Ambient Surface Water Quality Monitoring Plan was approved by the Manatee County.
- G(6). Within one year of initiating vertical construction, the Developer shall submit the results of surface water quality monitoring to Manatee County for review. The results shall be reviewed by Manatee County for consistency with the County's "Ambient Surface Water Monitoring for Developments" (Guidance) document.
- a. The results of the monitoring shall be submitted to the County with each DRI Biennial Report and shall include an official laboratory report.
 - b. The Developer will incorporate additional water quality treatment or water management methods into the Project's surface water drainage system to

correct or mitigate any degradation if the measures implemented by the Developer are found to be ineffective or adversely impact water quality downstream of the Project site.

- c. Any violation of Rule 62-302, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP and shall be reported to the County and all work which is determined by the County to be contributing to the problem will be halted until the problem is resolved.

G(7). The applicant submitted a Groundwater Quality Monitoring Plan on February 15, 2006, to monitor for ambient (pre-development) and construction water quality conditions, as specified above. That plan included both the Northwest Sector Project as well as the Lakewood Centre Project. On February 21, 2006 the Groundwater Quality Monitoring Plan was approved by the County.

G(8). Water quality samples shall be collected and analyzed in accordance with Manatee County's Guidance document, referenced above and the Lakewood Centre DRI Site's Groundwater Quality Monitoring Plan, dated February 15, 2006. If any of the parameters are above the proposed, current, or final maximum contamination levels (MCL's) or MCL goal, the County and DEP will be properly notified for further action. The results of the groundwater quality monitoring shall be submitted to the County for review with the DRI biennial report and shall include an official laboratory report.

G(9). Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.

G(10). To the extent required by applicable law and standard design guidelines, on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for five years.

~~G(11). The Developer shall conduct biennial inspections of the stormwater management system on the Project site to ensure it is being properly maintained in keeping with its design and is capable of accomplishing the level of stormwater storage or treatment for which it was designed and intended. Verification of such inspection shall be supplied in each biennial report through Project buildout.~~

G(11). To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.

- | G(~~13~~12). Stormwater management ponds shall not be constructed within Wetland buffers or other natural resources of regional significance.

- | G(~~44~~13). All fill within the 25-year and 100-year floodplains shall be compensated by the creation of an equal or greater storage volume above the seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). The available storage volume above the 25-year Design High Water Level of any proposed stormwater attenuation ponds can be calculated toward compliance with the flood plain compensation requirement. In lieu of the above cup-for-cup compensation, the applicant may perform hydraulic analysis that reflect a No-Rise to the FEMA base flood elevation and receive a CLOMR from FEMA for the effected area. The hydraulic model is subject to approval by Manatee County.

- | G(145). Education advocating surface water protection shall be provided to all residents and tenants in the Project.

- | G(156). This Project shall be required to reduce the calculated pre-development flow rate by up to twenty five percent (25%) for all stormwater outfall flow directly or indirectly into the Braden River basin. Modeling shall be used to determine pre- and post-development flows.

- | G(~~16~~7). The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.

- | G(~~17~~8). Drainage Easements shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along any drainage systems conveying public drainage. In addition, Drainage Maintenance/Access Easements shall be dedicated along the banks of these systems in accordance with Manatee County Public Work standards. Manatee County is only responsible for maintaining the free flow of drainage through these systems. Manatee County has no obligation relative to these systems to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of stream beds.

- | G(~~18~~9). The Developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the following planned thoroughfare roadways that are located immediately adjacent to the Project to accommodate the following planned build-out conditions. The Developer shall design and construct the stormwater capacity for that portion of the following planned thoroughfare roadways within the Project area and such design and construction shall be included in the SWFWMD permit documentation.

Lakewood Ranch Boulevard	6 lanes
Center Ice Parkway	4 lanes

Pope Road
S.R. 70

4 lanes
6 lanes

H. HISTORICAL AND ARCHAEOLOGICAL SITES

- 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, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, TBRPC, and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, TBRPC, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

I. WATER

- I(1). The Developer shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project to assure that adequate potable water capacity exists to accommodate the Project.
- I(2). The Developer shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.531, Florida Administrative Code.
- I(3). The Developer shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.
- I(4). The Developer shall maintain all water lines and fire hydrants not dedicated to the County. The Developer's obligations may be assumed by an appropriate agency or association.
- I(5). The Developer shall use only nonpotable water to meet nonpotable (irrigation) water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility.

- I(6). Adequate fire flow and water pressure shall be maintained within the Project's water supply system.
- I(7). The Developer shall conform to and further the applicable rules and adopted guidelines of SWFWMD in regard to protection of the groundwater resources in the Southwest Tampa Bay Water Use Caution Area.
- I(8). The Developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project with the following sources, in order of preference: stormwater and (s) non-potable quality groundwater. Prior to Final Site Plan approval(s), the Developer shall identify the irrigation source which will be utilized. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including on individual lots.
- I(9). For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas, in accordance with Policy 3.2.3.3. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated. Native vegetation or drought-resistant vegetation shall be used in common and non-residential landscaped areas. Non-native vegetation may be used, consistent with xeriscape principles.
- I(10). The average total potable water use for the development shall not exceed 110 gallons per capita per day.
- I(11). A pre-design conference between the Developer and County staff shall be held prior to submittal of Construction Drawings for the Project to discuss the points of connection for potable water and wastewater service and the configuration of the potable water and sanitary sewer systems.
- I(12) The Developer shall submit a Master Plan for potable water, wastewater, and fire protection simultaneously with construction plan submittal for each area covered by the construction plan. The Developer shall also be responsible for determining if upgrading of offsite potable water and wastewater facilities is necessary to provide adequate potable water, sanitary sewer, or fire protection service to the portion of the development for which such service is being requested. Oversizing of potable water and wastewater facilities may be necessary to provide for future development in or adjacent to the Project and the Developer shall participate in such oversizing in accordance with applicable County ordinances or policies.

J. WASTEWATER

- J(1). The Developer shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the

Project to assure that adequate wastewater capacity exists to accommodate the Project.

- J(2). No septic system shall be permitted within the Project.
- J(3). Sewer lift stations shall be designed and equipped in accordance with County regulations.
- J(4). The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28).

K. SOLID WASTE

- K(1) As stated in the ADA, it is not anticipated that hazardous or toxic waste will be generated by the Project's office or commercial tenants. Prior to the first Final Site Plan approval after August 5, 2008 for any non-residential land use within the Project, the Developer shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County and TBRPC, and then distributed by the Developer to non-residential land users within the Project.

At a minimum, the plan shall:

- a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
- b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
- c. Describe generally improper disposal methods;
- d. Describe generally appropriate disposal methods;
- e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
- f. Describe a program to inform owners and tenants of the information contained in the plan;
- g. Describe construction requirements for hazardous waste holding areas; and
- h. Describe typical spill clean up methods.

- K(2). All Project tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use, if any, shall be included in each Biennial Report.
- K(3). The Developer shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project to assure that adequate solid waste capacity exists to accommodate the Project.

L. RECREATION AND OPEN SPACE

- L(1). The Project shall contain a minimum of 36.8 acres of usable uplands for recreation open space/parks which is a minimum of 1 acre of recreation open space per 100 dwelling units and a minimum of one Neighborhood Park per 500 units. Parks shall be distributed throughout the Project to serve all residents and shall be reviewed for distribution based on locations defined by major roadways (Center Ice Parkway and Road BGG) and Wetland/upland habitat systems.

A maximum of 4 acres of the required upland recreation open space/parks acreage may include trails and greenways.

The minimum required park area for the Project may be reduced, at a ratio of 1 acre/100 units, if the Project is not built out to the number of units identified on the General Development Plan.

- L(2). A Community Park may be built in lieu of Neighborhood Parks within a given Parcel or group of Parcels, provided the total acreage and the sufficient distribution of recreation area/park land is met.
- L(3). Parks shall provide facilities appropriate for all ages, including a playground with outdoor play equipment, where appropriate.
- L(4). Parcels with multi-family units shall include active and passive recreation facilities that meet the needs of future residents based on Projected demographics.
- L(5). For the purpose of this section, parks shall be characterized as:
 - (a). Pocket Parks shall be a minimum of 1 – 4 acres containing uses that may include playground with seating, water fountain and shade structure, an open play field and shade trees. Other amenities may include picnic pavilions, tables, benches and grills, depending on neighborhood demographics. Pocket Parks may be connected to the overall recreation area/park system via trails/greenways and sidewalks

- (b). Neighborhood Parks shall be a minimum of 5 -10 acres containing uses that may include active and passive recreation facilities. Typical recreation amenities include, at a minimum, a playground with shaded seating, restroom, and water fountain; formal or informal “athletic fields” suitable for team sports (baseball, football, soccer, volleyball, etc.); multi-use trail with benches and/or exercise stations; and picnic pavilions, tables, benches and grills. Optional facilities include hard court facilities (tennis, racquetball, shuffleboard, etc) and a “club house” with swimming pool, depending on demographics of future residents. Neighborhood Parks shall be connected to the overall recreation area/park system via trails/greenways and sidewalks.

- (c). Community Parks shall be a minimum of 20 – 25 acres containing uses that may include active and passive recreation facilities. Typical recreation amenities include, at a minimum, a playground with shaded seating, restroom, and water fountain; formal or informal “athletic fields” suitable for team sports (baseball, football, soccer, volleyball, etc.); hard court facilities (tennis, racquetball, shuffleboard, etc.); a “club house” with swimming pool; multi-use trail with benches and/or exercise stations; and picnic area with pavilions, tables, benches and grills. Actual recreation facilities built are dependent on demographics of future residents. The specific size of each recreation area/park shall be determined by the Developer (as approved by the Planning Department in consultation with the Parks and Recreation Department) at time of Preliminary Site Plan approval based on the lot size(s) or unit types in the area being served. All parks shall be distributed accordingly so residents can safely walk/bike from their home to the park (generally not more than ½ mile). Community Parks shall be connected to the overall recreation area/park system via trails/greenways and sidewalks.

L(6). Trails/Greenways

- (a) A conceptual plan for trails/greenways shall be approved by the Manatee County Planning Building and Development Services Department (in consultation with the Parks and Recreation Department) prior to the first residential Preliminary Site Plans north and south of Center Ice Parkway. (completed)

- (b) At a minimum, the trail/greenway system shall include a trail/greenway adjacent or proximate to the Wetlands and preserved uplands with “collector” trails from residential neighborhoods connecting with the “Wetland/preserve” trail. Trails/greenways shall contain benches with shade (architectural or vegetation) along the trail system in appropriate locations (i.e., rest stops for nature observation, etc.). Other recreation facilities such as gazebos may also be located in appropriate locations along the trail system. Trails/greenways shall, as much as practical, be ADA compliant with an emphasis on accessing the most significant natural and built landscape

components (i.e., beautiful vistas and fishing/observation piers, among others). Improvements shall be completed concurrent with adjacent plat approvals.

- (c) All nature trails, board walks, and other recreation amenities that may be permitted by the Planning Building and Development Services Department in Wetlands, Wetland buffers, or upland preservation areas shall be designed to minimize impacts to trees, other significant vegetation and natural habitats in accordance with Section 719 of the Manatee County Land Development Code. Management plans shall be written and implemented to ensure the long term maintenance and ecological viability of these areas.
- (d) The “green infrastructure” shall serve as a connection of recreation areas/parks with trails/greenways; some of which may be 8-10 foot wide meandering landscaped sidewalks/multi-use trails.

L(7). All recreation and open space areas not deeded to the County or other state agencies shall be owned and maintained as common open space through a property owners association, or other similar entity for the Project.

L(8). Prior to the first Preliminary/Final Site Plan for Parcels A, C, S or R, the Developer shall provide an exhibit to the Building and Development Services Department to illustrate the location and size of parks identified as parcels B, E and T on the General Development Plan. Staff may administratively approve minor relocations of such parks if such relocations are deemed appropriate during design of the residential parcels. The minimum acreage identified on the plan shall be maintained.

M. EDUCATION

M(1). To mitigate the Project’s impacts, the Developer provided the Manatee County School Board sufficient land, off-site, for elementary and middle school sites.

N. HEALTH CARE, POLICE, AND FIRE

N(1). The Developer shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer’s pro-rata share, mutually acceptable to the County and the Developer, shall be

submitted prior to the approval of the first Final Site Plan for Vertical Development for Phase 1 or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made. (completed for Phase I only)

- N(2). The Developer shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as applicable. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. (completed for Phase I only)
- N(3). The Project shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code. The Project shall use, as applicable, Fire Wise principles, such as clearing around houses, carefully spacing trees, and maintaining irrigation systems.
- N(4). The maximum height of buildings in the Project shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- N(5). Prior to approval of all Preliminary Site Plans, the Developer shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer shall provide calculations by a Florida registered engineer to the County indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the Braden River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Final Plat or Certificate of Occupancy in the Project.

O. ECONOMICS

- O(1). Excess infrastructure capacity constructed by the Developer shall be at the Developer's risk and shall not vest later development rights not addressed in this approval.
- O(2). The Project shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to policies 21.2, SCP and 21.5.3, FCRPP, respectively.

- O(3). The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

P. ENERGY

- P(1). Issuance of development approvals for each phase or subphase shall be dependent upon the ability of electrical or gas utilities to meet the energy requirements of the development.

- P(2). All Project tenants, businesses, residents, etc. shall be notified in writing by the Developer prior to occupancy that the following energy related practices are encouraged:

- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;
- b. Obtain energy audits provided by energy companies or other qualified agencies;
- c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
- d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project construction;
- e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
- f. Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;
- g. Institute and utilize recycling programs;
- h. Utilize energy efficient packaging or recyclable materials;
- i. Install total energy systems on large facilities when cost effective; and
- j. Elimination of advertising requiring lighting after business hours where feasible.

Q. AFFORDABLE HOUSING

- Q(1). The Developer shall provide workforce housing at a price as determined pursuant to the parameters as set forth in the definition contained within by the Manatee County Land Development Code within the Project, or within an adjacent SMR-owned Project, a number of residential units in an amount equal to 5 10% of the total number of residential units constructed in Lakewood Centre, Phases 1, 2, and 3, that qualify as workforce housing as defined in the Manatee County Land Development Code and 5% that qualify as affordable housing units as defined in the Manatee County Land Development Code. These units shall be referred to as Worker Housing Units (WHUs). The workforce housing required herein is generally designed to provide housing for essential workers such as local government employees, quasi-governmental employees, and private sector employees.
- Q(2). ~~Income limits and maximum~~ Maximum home sale prices shall correspond to values as provided in the Manatee County Maximum Income Limits Table. These limits are updated periodically by Manatee County and shall be utilized accordingly. The ~~sale maximum sales price and income limits in effect at the time a contract for purchase of a WHU~~ workforce housing unit ~~is executed shall apply.~~
- Q(3). ~~Prior to the first Final Site Plan for residential development the Developer shall establish the provisions for the sale of the WHUs through an agreement approved by the Board of County Commissioners, which, at the Developer's discretion, may include provisions to assure that the units remain available after the initial sale to qualified purchasers for a period to be determined by the Developer.~~
- Q(3). Maximum rental rates shall correspond to values as provided for in the Fair Market Rent Documentation System. These rates are updated periodically by Manatee County and shall be utilized accordingly. The rental rate in effect at the time a lease is executed shall apply.
- Q(4). The Developer shall include in its Biennial Report data showing the number and sale prices of WHUs workforce housing units sold within and the development number and rental rate of units leased during the reporting period. The Biennial Report shall also include the current Manatee County Maximum Income Limits Table, and the Fair Market Rent Documentation System. Only those units that have a sale price equal to or less than the maximum allowable home sales price, as provided in Q.(22) or a rental rate equal to or less than the maximum rental rate as provided in Q.(3), shall be counted toward the required mitigation.

R. HURRICANE PREPAREDNESS

- R(1). The Developer shall coordinate with the Institute for Business and Home Safety (IBHS) and the Manatee County Emergency Management Department to determine

the feasibility of incorporating wind resistant “fortified” design criteria into the commercial and office facilities.

S. DESIGN STANDARDS

- S(1). On-street parking may be allowed on all local streets with the exception of Road “~~BGG~~” and Malachite Drive. At time of Preliminary Site Plan approval, issues pertaining to traffic safety shall be reviewed by the County staff to determine the appropriateness of the specific location.
- S(2). Street trees may also be allowed within rights-of-way and easements of all local streets with the exception of Road “~~BGG~~” and Malachite Drive, provided the trees are a minimum of 4' from the back of curb and that a maintenance agreement, acceptable to the County, with the HOA is provided.
- S(3). Roadway buffers for Traditional Neighborhood Development residential parcels shall not apply with the exception of on SR 70, Lakewood Ranch Boulevard, Pope Road, and Malachite Drive. All buffers shall apply for Conventional Development parcels.
- S(4). At time of each Preliminary Site Plan application, the Developer, with concurrence with the Planning Building and Development Services Department, shall select from the “Conventional” or “Traditional Neighborhood Design” (TND) standards as indicated in the tables below:

a. Traditional Neighborhood Design Standards:

Type	Min. Lot Size (Sq. Ft.)	Min. Lot Width (Ft.)	Front Setback (Ft.)		Side Setback (Ft.)	Rear Setback (Ft.)	Maximum Height (Ft.)
			Front Loaded	Alley Loaded			
SF Detached	3,200	27	10/25 ¹ /15 ²	10	6/1 ⁸	15/5 ³	35
SF Semi Detached	2,300	23	10/25 ¹ /15 ²	10	0/6	15/5 ³	35
Single-Family Attached	2,000	20	5/25 ¹ /15 ²	5	0/6-10	5	4 stories/ 50'
Multi-Family	-	-	10	10	15/25 ⁷	10	5 stories/ 75 ⁴
Commercial	-	-	40/25 ⁵		0/5 ⁵	0/5 ⁵	5 stories/ 75 ⁴
Office	-	-	40/25 ⁵		0/5 ⁵	0/5 ⁵	12 stories (including parking structure) 140'
Park	-	-	10		10	10	35

1. Setback to front loaded garage door.
2. Setback to the side loaded garage.
3. Rear setback for units with alley entry garages.
4. Height of single-use buildings. A building with a vertical mix of land uses may be up to 12 stories (140' in height). Residential buildings that exceed 35 feet are subject to Stipulations S(6) d & e.
5. The smaller setback only applies to internal roadways. The larger setback applies to external roadways and adjacent residential uses.
6. The larger setback only applies to SR 70. The smaller setback applies to Center Ice Pky, Road BGG, and Pope Road. All other Commercial, Office building setbacks shall maintain a minimum setback of 15 feet from the face of the first floor to the back of curb of the internal drive aisle or 10 feet to the edge of parking. The minimum setback from the second story of commercial office buildings shall be 5' from the internal drive aisle or 0 feet from the edge of parking. This shall not apply to residential structures unless otherwise approved through the Lakewood Centre DRI. The commercial or office setback applies to buildings containing residential over first or second floor non-residential uses.
7. This distance is not a side yard setback but the minimum distance between buildings. A 15' separation is required between one-story and two-story buildings. A 25' separation is required between three, four, and five story buildings.
8. Minimum of 7 feet between units

b. Conventional Design Standards:

<u>Type</u>	<u>Min. Lot Size (Sq. Ft.)</u>	<u>Min. Lot Width (Ft.)³</u>	<u>Front Setback (Ft.)¹</u>	<u>Side Setback (Ft.)</u>	<u>Rear Setback (Ft.)</u>	<u>Maximum Height (Ft.)</u>
<u>SF Detached</u>	4,950	42	25/20	6	15	35
<u>SF Semi-Detached</u>	4,500/3,700	45/37	25/20	0/ 6/7.5	15	35
<u>SF- Attached</u>	2,500	25	25/20	0/ 6/7.5	15	35
<u>Multi-Family</u>	NA	NA	25	15/25 ²	15	3 stories/ 40
<u>Commercial</u>	5,000	N/A	40	15/20 ⁵	20 ⁵	5 stories/75 ⁴
<u>Office</u>	5,000	N/A	40	15/20 ⁵	20 ⁵	12 stories (including parking structures)/140'
<u>Park</u>	NA	NA	25	15	15	35

1. The front yard setback for all single-family residences shall be 25' to the garage portion of the structure. The remaining habitable portion of the structure may be setback 20'. The front yard setback for structures with side-loaded garages shall be 20'.
2. This distance is not a side yard setback but the minimum distance between buildings. A 15' separation is required between one-story buildings. A 25' separation is required between two and three story buildings.
3. Required setbacks are based on the dominant lot width for each subphase of development.
4. Height of single-use buildings. A building with a vertical mix of land uses may be up to 12 stories or 140' in height. Residential buildings that exceed 35 feet are subject to Stipulations S(6) d & e.
5. When adjacent to residential 10' of additional building separation is required for each story over one i.e. a 3-story building will require a 40' building separation.

S(5). Non Residential

a. The maximum square footage for each commercial and office parcel shall not exceed what is identified on the General Development Plan, as identified on the General Development Plan, may be increased provided that all dimensional criteria as outlined in S(4), consistent with the LDC and Comprehensive Plan provisions, as applicable, are met and there is a simultaneous increase and decrease of square footage on the parcels. This shall not authorize an overall increase of square footage for the Project. Such modification does not require the submittal or review of an amended General Development Plan, but may be approved with a Preliminary Site Plan or Final Site Plan. Such Preliminary or Final Site Plan shall include a tracking chart and exhibit giving location of additions and deletions to assure Manatee County that there has been no increase in square footage. Development totals shall be updated with each biennial report.

b. Building Appearance

All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Planning Building and Development Services Department with future Final Site Plan and Building Permit submittals.

- 1) The sides of all buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to insure that the buildings do not Project a massive blank wall, design elements with distinctive color variation shall include prominently visible architectural details [e.g., bump-outs, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Building and Development Services Director. Facades greater than 75 feet in length shall have varying roof lines through varying the height of the cornice, or the use of 2 or more roof types (parapet, dormers, and sloped, etc.).
- 2) Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted, Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least seventy five percent (75%) of the building face is constructed from other permitted materials.
- 3) All rooftop mechanical equipment shall be screened from view from abutting roadways or adjacent residential properties. Screening shall

be provided by materials consistent with the building. Details shall be shown prior to Final Site Plan approval.

c. Service Areas

Trash and garbage receptacles shall be screened with materials similar to the adjacent building facades.

d. Exhaust and other filtering systems in Food Service Establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the County with each Final Site Plan containing a food service establishment or use.

e. Exterior loud speakers, bells, or similar audio-communication shall not be permitted; however, directed (non broadcast) communication devices and intercoms shall not be restricted. "Directed (non broadcast)" shall mean not plainly audible to a person greater than 10 feet from the source.

f. A vertical mix of land uses is permitted on Parcels G, I, and J. If a vertical mix is designed on these parcels, it will include office or commercial land uses on the first floor and residential or office land uses on the upper floors.

g. Signs shall meet the requirements of Section 724 of the Land Development Code. ~~Each non-residential parcel, as identified on the GDP, shall be permitted one pole sign per street frontage shown on the GDP. All other permitted signs shall be ground signs.~~

h. Each parcel shall include a pedestrian connection, where applicable, to abutting parcels, to be determined at time of Preliminary Site Plan approval.

i. Prior to approval of any Preliminary Site Plan containing a communication antenna or tower (as listed on Table 6-1 of the LDC) an appropriate application shall be submitted, per Section 704.59.2, of the LDC. The approval of the GDP with those uses listed does not assure approval of the PSP containing such uses or approval of those uses. In addition to this criterion, all lattice towers shall maintain a minimum setback of 300% the height of the tower from any parcel (on and off site) approved for only a residential use.

j. Increased setbacks and enhanced site and building design may be required by the County when commercial or office buildings exceeding 35-feet are proposed adjacent to a parcel approved for residential development.

- k. Structures in excess of 35' in height in the commercial and mixed use parcels adjacent to Pope Road shall maintain an additional foot beyond the 40' setback for each foot over 35'.

S(6). Residential

- a. ~~The maximum number of units for each residential parcel shall not exceed what is, as identified on the General Development Plan, unless may be increased provided~~ there is a simultaneous decrease on another residential parcel, subject to This shall not authorize an overall increase in residential units for the provisions of Section 603.6 of Project. Such modification does not require the LDC. Submittal or review of an amended General Development Plan, but may be approved with a Preliminary Site Plan or Final Site Plan. Such Preliminary or Final Site Plan shall include a tracking chart and exhibit giving location of additions and deletions to assure Manatee County that there has been no increase in units. Development totals shall be updated with each biennial report.
- b. The minimum size for a dwelling unit shall be nine hundred (900) square feet or three hundred (300) square feet for multi-family units.
- c. Prior to Final Plat approval, the applicant shall post a sign at each inter-neighborhood tie to inform perspective purchasers and residents of the future inter-neighborhood tie. The size, placement, and materials for the sign shall be determined with the Final Site Plan.
- d. ~~No residential structures within 400 feet of Malachite Drive, between Road "B" and Pope Road and within 400 feet of Pope Road may exceed 35 feet in height unless approved by the Board following a quasi-judicial public hearing and based upon a review of the surrounding uses and the criteria listed in LDC Section 603.7.4.9.~~
- d. Residential structures on Parcel S and R which are located within 400 feet of Malachite Drive or Pope Road shall not exceed 52 feet. At the time of Preliminary/Final Site Plan approval, the applicant shall provide to the staff of the Building and Development Services Department, building design elevations that are in compliance with Section 603.7.4.9 of the LDC. Should the applicant and staff not come to an agreement, the applicant may appeal staff's decision to the Board of County Commissioners at an advertised public hearing.
- e. Residential structures in excess of 35 feet in height and up to 75 feet on Parcel A, C, D, H, K, R, S, and S-1, and up to 140 feet on Parcels G, I, and J shall be built in substantial compliance with the building design exhibits entered into the record at the August 5, 2008, public hearing (Exhibit 3). At the time of Preliminary/Final Site Plan, if the applicant proposes elevations that are not in substantial compliance with the elevations entered into the

record, staff may review and administratively approve the new elevations, provided they are consistent with LDC Section 603.7.4.9, Building Height. The applicant may appeal staff's decision regarding the proposed elevations to the Board of County Commissioners at an advertised public hearing.

- f. Tree farms in the residential parcels shall cease operation prior to the first Final Plat (or FSP if platting is not required) approval in each parcel shown on the GDP.
- g. The Notice to Buyers or Tenants shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing prospective homeowners of the following:
 - 1). The location of the inter-neighborhood ties and the potential for future traffic through the subdivision, where applicable;
 - 2). The potential uses associated with surrounding agriculture zoning which may have a negative impact on residences (e.g., noise and odor);
 - 3). Residents may experience increase noise impacts from the following roads:
 - Lakewood Ranch Blvd, a minor arterial facility planned to be 6-lanes;
 - Pope Road, a collector facility planned to be 4-lanes;
 - Center Ice Pky, a collector facility planned to be 4-lanes; and
 - Malachite Drive and Road "BGG," major local streets planned to be 4 lanes.
 - 4). The location and size (including potential height) of future commercial and office developments in the Project.
- h. Residential parcels are permitted to have recreational facilities, churches or other places of worship, day care centers (large, medium, small, and accessory) and schools. Such uses may be approved pursuant to Conditional Use Criteria in the LDC, as may be amended. The floor area allocated to large, medium and small day care centers, accessory day care centers, environmental education facilities, schools of special education and schools shall be deducted from approved commercial entitlements.

S(7). Prior to commencement of Phase 2 the developer shall donate at the County's option within the project or within 10 miles of the project boundary a 2 acre upland site or other appropriate accommodations as may be acceptable to Manatee County for public community use or public use facility.

T. DEFINITIONS

1. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, be "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County.
2. "Application for Development Approval" (or ADA) shall mean the Lakewood Centre Development of Regional Impact Application for Development Approval (Submitted on April 28, 2006); the First Sufficiency Response submitted by the Developer on October 23, 2006; the Second Sufficiency Response submitted on April 19, 2007; the Third Sufficiency Response submitted on September 13, 2007.
3. "Conventional Development" shall mean development that is characterized by a clear separation of land uses and housing types into specified geographic areas. Typically the setbacks and residential lot sizes are larger with a focus for usable space being within the rear yard. Commercial buildings are set farther from the street and contain parking in front of the building.
4. "Developer" shall mean SMR North 70, LLC, its heirs, assigns, designees, and successors in interest as to the Project.
5. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Site Plan, Final Plat, or Construction Drawing approval where site plans or subdivision plats are not required.
6. "Fair Market Rent Documentation System" shall mean a system established by the Department of Housing and Urban Development (HUD) that provides complete documentation of the development of the Fair Market Rents (FMRs) for any area of the country. FMRs are developed and updated from the metropolitan Core-Based Statistical Areas (CBSAs) as established by the Office of Management and Budget.
7. "Funding Commitments" shall mean any combination of the following to assure the completion of any improvements required by this Development Order: 1) binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction of the improvements required as referenced in Tables 2 and 3 of this Ordinance; 2) actual construction; 3) the placement of the improvements in the current year plus one year of the Capital Improvements

Element of the appropriate County or the current year plus the first two years (or current plus first four years for FIHS facilities) of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Local Development agreement entered into between the Developer and the County. This Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables 2 and 3.

~~7-8.~~ "General Development Plan" shall be defined as the site plan for PDMU-06-30(G)(R1), last revised June, 2012, ~~on June 8, 2008~~, and attached as Exhibit 1. Development on the General Development Plan shall be limited to the total number of dwelling units and non-residential development in Table 1.

~~8-9.~~ "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development of this Project.

~~9-10~~ "Preliminary Site Plan" (PSP) shall mean a Master Preliminary Plan or a Preliminary Site Plan for a Phase or Subphase, as defined in The Manatee County Land Development Code.

~~40-11~~ "Project" shall mean the land uses, phasing, and improvements described in Table 1 which are attributable to development on that property described in Section 4 herein and set forth on the General Development Plan attached hereto as Exhibit 1.

~~44-12.~~ "Traditional Neighborhood Development (TND)" shall mean the development of a cohesive neighborhood using traditional town planning principles. A TND includes a range of housing types, a network of well-connected streets and blocks, public spaces, and neighborhood serving non-residential uses such as retail, office, schools, and places of worship within walking distance of the residences. Residential units will have smaller setbacks and the unit will be oriented to the street with recessed garages or alley access to structures with on-street parking. Typically the residential focus will be toward the street or public spaces. Commercial buildings will be closer to each other and the streets similar to a traditional downtown with on-street parking, street trees, or a vertical and horizontal mix of land uses.

~~42-13.~~ "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by

the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the Project will be five percent (5%) (or whatever greater percentage may be employed from time to time by ~~DCA~~byDEO, TBRPC, or the County, provided the more restrictive percentage of such greater percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on Map J of the Development Order, dated April, 2006.

~~43.~~14. "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 such units.

~~44.~~15. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

SECTION 45. SPECIAL APPROVAL Special approval is hereby granted for a project that: (1) is mixed-use in the ROR Future Land Use Category; (2) exceeds a net density of 9.0 gross dwelling units per acre in the ROR Future Land Use Category; (3) exceeds a non-residential floor area ratio of 0.25; and (4) is in the Evers Reservoir Watershed.

SECTION ~~56.~~ ZONING The property described in Section ~~76~~ below is hereby rezoned from the A(General Agriculture) zone district to the PDMU(Planned Development Mixed Use) zone district, retaining the WP-E(Watershed Protection-Evers) and ST(Special /treatment) Overlay Districts where appropriate, and the official zoning map is hereby amended accordingly.

SECTION ~~67.~~ LEGAL DESCRIPTION.

Legal description and sketch of the Project is attached as Exhibit 2.

SECTION 78. EFFECTIVE DATE. This ordinance shall take effect upon filing with the Department of State, State of Florida and provided, however, that: (a) the filing of a Notice of Appeal pursuant to Section 380.07, F.S., shall suspend development authorization granted for this Development Order until the resolution of the appeal; and (b) Ordinance No. ~~08-28~~12-28 shall become effective, in accordance with Section 5 of Ordinance ~~08-28~~12-28.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee

| County, Florida this the ~~5th day of August, 2008.~~ 6th day of December, 2012.

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

BY: _____
John R. Chappie, Chairman

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

BY: _____
_____ Deputy Clerk

EXHIBITS

Exhibit 1 – GDP

Exhibit 2 – Legal Description and Sketch

| Exhibit 3 – Building Design Exhibits for buildings that exceed 35 feet in height

Exhibit "2"

LEGAL DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 7, 8, 9, 16, 17 and 18 Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of said Section 7, also being the Northeast corner of the above mentioned Section 18; thence N.88°45'31"W., along the north line of said Section 18 a distance of 21.43 feet to the POINT OF BEGINNING, said point being a point on the easterly right-of-way line of Lakewood Ranch Boulevard, a 120-foot wide Public Right-of-way; the following two (2) calls are along said easterly right-of-way line; (1) thence N.02°18'37"W., a distance of 346.71 feet to the point of curvature of a curve to the right having a radius of 3,940.00 feet and a central angle of 03°48'48"; (2) thence northerly along the arc of said curve, an arc length of 262.23 feet to the point of compound curvature of a curve to the right having a radius of 50.00 feet and a central angle of 91°37'13"; thence northeasterly along the arc of said curve, an arc length of 79.95 feet to the point of tangency of said curve; thence S.86°52'35"E., a distance of 1,131.57 feet to the point of curvature of a curve to the left having a radius of 2,143.00 feet and a central angle of 44°37'24"; thence easterly along the arc of said curve, an arc length of 1,669.02 feet to the point of reverse curvature of a curve to the right having a radius of 2,023.00 feet and a central angle of 34°25'49"; thence northeasterly along the arc of said curve, a distance of 1,215.67 feet to the point of tangency of said curve; thence N.82°55'49"E., a distance of 734.17 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 87°53'04"; thence southeasterly along the arc of said curve, an arc length of 76.69 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of 23°41'47"; thence southerly along the arc of said curve, a distance of 1,211.79 feet to the point of reverse curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of 11°22'52"; thence southeasterly along the arc of said curve, a distance of 556.19 feet to the point of tangency of said curve; thence S.68°29'59"W., a distance of 11.00 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.68°29'59"W., a radial distance of 2,789.00 feet; thence southerly along the arc of said curve, through a central angle of 03°46'14", an arc length of 183.54 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.25°49'28"W., a radial distance of 35.00 feet; thence southeasterly along the arc of said curve, through a central angle of 46°58'18", an arc length of 28.69 feet to the point of compound curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of 07°40'51"; thence southerly along the arc of said curve, an arc length of 375.36 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of 01°04'12"; thence southerly along the arc of said curve, a distance of 54.72 feet to the end of said curve; thence S.01°18'11"W., along a line non-tangent to the last described curve, a distance of 51.28 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.78°25'45"E., a radial distance of 2,941.00 feet; thence southerly along the arc of said curve, through a central angle of 05°37'54", an arc length of 289.07 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.25°50'30"W., a radial distance of 35.00 feet; thence southeasterly along the arc of

Exhibit "2"

said curve, through a central angle of $46^{\circ}27'42''$, an arc length of 28.38 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of $06^{\circ}44'40''$; thence southerly along the arc of said curve, a distance of 344.90 feet to the end of said curve; thence $S.12^{\circ}34'36''E.$, along a line non-tangent to the last described curve, a distance of 51.41 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies $N.64^{\circ}34'42''E.$, a radial distance of 2,941.00 feet; thence southeasterly along the arc of said curve, through a central angle of $01^{\circ}33'58''$, an arc length of 80.39 feet to the point of tangency of said curve; thence $S.26^{\circ}59'15''E.$, a distance of 113.45 feet; thence $S.63^{\circ}00'45''W.$, a distance of 90.22 feet to the point of curvature of a curve to the right having a radius of 1943.00 feet and a central angle of $18^{\circ}07'32''$; thence along the arc in a southwesterly direction, a distance of 614.67 feet to the end of said curve; thence $S.09^{\circ}31'35''E.$, along a line non-tangent to the last described curve, a distance of 78.62 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies $N.10^{\circ}12'41''W.$, a radial distance of 2007.00 feet; thence along the arc in a northeasterly direction, passing through a central angle of $11^{\circ}39'48''$, an arc length of 408.55 feet to the end of said curve; thence $N.79^{\circ}51'15''E.$, along a line non-tangent to the last described curve, a distance of 51.06 feet to the point of curvature of a curve to the left, of which the radius point lies $N.23^{\circ}17'40''W.$, a radial distance of 3,012.26 feet; thence along the arc in a northeasterly direction, passing through a central angle of $04^{\circ}10'01''$, an arc length of 219.07 feet to the end of said curve; thence $S.31^{\circ}07'37''E.$, along a line non-tangent to the last described curve, a distance of 152.40 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies $S.26^{\circ}59'16''E.$, a radial distance of 50.00 feet; thence easterly along the arc of said curve, through a central angle of $90^{\circ}00'00''$, an arc length of 78.54 feet to the point of tangency of said curve; thence $S.26^{\circ}59'15''E.$, a distance of 769.47 feet to the point of curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of $27^{\circ}15'57''$; thence southerly along the arc of said curve, an arc length of 1,332.47 feet to the point of tangency of said curve; thence $S.00^{\circ}16'42''W.$, a distance of 641.12 feet; thence $N.89^{\circ}43'18''W.$, a distance of 670.00 feet; thence $S.00^{\circ}16'42''W.$, a distance of 990.00 feet to the north right-of-way line of State Road 70, a 200-foot wide Public Right-of-way; the following two (2) calls are along said northerly right-of-way line; (1) thence $N.89^{\circ}43'18''W.$, a distance of 527.20 feet; (2) thence $N.88^{\circ}46'44''W.$, a distance of 3,950.87 feet to the east right-of-way line of said Lakewood Ranch Boulevard; thence $N.01^{\circ}13'16''E.$, along said east right-of-way line, a distance of 100.01 feet; thence $S.88^{\circ}46'44''E.$, a distance of 210.34 feet to the point of curvature of a curve to the left having a radius of 50.00 feet and a central angle of $108^{\circ}00'50''$; thence northeasterly along the arc of said curve, an arc length of 94.26 feet to the point of tangency of said curve; thence $N.16^{\circ}47'34''W.$, a distance of 69.44 feet to the point of curvature of a curve to the right having a radius of 300.00 feet and a central angle of $18^{\circ}19'57''$; thence northerly along the arc of said curve, an arc length of 95.99 feet to the point of tangency of said curve; thence $N.01^{\circ}32'24''E.$, a distance of 131.00 feet to the point of curvature of a curve to the left having a radius of 30.00 feet and a central angle of $89^{\circ}19'08''$; thence northwesterly along the arc of said curve, an arc length of 46.77 feet to the point of tangency of said curve; thence $N.87^{\circ}46'44''W.$, a distance of 193.00 feet to the east right-of-way line of said Lakewood Ranch Boulevard; the following three (3) calls are

Exhibit "2"

along said east right-of-way line; (1) thence N.01°13'16"E., a distance of 71.50 feet to the point of curvature of a curve to the left having a radius of 1,810.00 feet and a central angle of 47°18'07"; (2) thence northerly along the arc of said curve, an arc length of 1,494.29 feet to the point of tangency of said curve; (3) thence N.46°04'51"W., a distance of 88.50 feet; thence N.43°55'10"E., a distance of 93.66 feet to the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 124°16'00"; thence northerly along the arc of said curve, an arc length of 43.38 feet to the point of reverse curvature of a curve to the right having a radius of 71.00 feet and a central angle of 44°08'56"; thence northwesterly along the arc of said curve, a distance of 54.71 feet to the point of tangency of said curve; thence N.36°11'54"W., a distance of 225.82 feet; thence N.48°58'07"W., a distance of 84.68 feet; thence N.69°43'32"W., a distance of 99.20 feet to the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 54°19'36"; thence westerly along the arc of said curve, an arc length of 18.96 feet to the point of tangency of said curve; thence S.55°56'52"W., a distance of 32.09 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.55°56'52"E., a radial distance of 2,190.00 feet, said point also being a point on the east right-of-way line of said Lakewood Ranch Boulevard; the following two (2) calls are along said east right-of-way line; (1) thence northerly along the arc of said curve, through a central angle of 31°44'31", an arc length of 1,213.27 feet to the point of tangency of said curve; (2) thence N.02°18'37"W., a distance of 1,728.76 feet to the POINT OF BEGINNING.

Said tract contains 33,590,466 square feet or 771.1310 acres, more or less.

LESS:

Pond Number 3, described in Official Record Book 1540, Page 7918 of the Public Records of Manatee County, Florida;

LESS:

Parcel 100A, described in Official Record Book 1915, Page 5768 of the Public Records of Manatee County, Florida;

LESS:

Premises described in Warranty Deed to DVA Arena, LLC, recorded in Official Record Book 1943, Page 4075 of the Public Records of Manatee County, Florida;

LESS: Ingress-Egress Easement No. 1

A Tract of land lying in Section 9, 16 and 17, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of said Section 17; thence S.89°34'35"E along the North line of said Section 17 a distance of 3985.93 feet; thence S.00°25'25"W a

Exhibit "2"

distance of 487.63 feet to the POINT OF BEGINNING; said point being the point of curvature of a curve to the right, of which the radius point lies S.69°39'59"E., a radial distance of 325.00 feet; thence northeasterly along the arc of said curve, through a central angle of 33°08'49", an arc length of 188.02 feet to the point of tangency of said curve; thence N.53°28'49"E., a distance of 370.60 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of 30°41'48"; thence easterly along the arc of said curve, an arc length of 174.12 feet to the point of tangency of said curve; thence N.84°10'37"E., a distance of 374.39 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of 24°43'08"; thence easterly along the arc of said curve, an arc length of 140.21 feet to the point of reverse curvature of a curve to the left having a radius of 275.00 feet and a central angle of 37°11'49"; thence easterly along the arc of said curve, a distance of 178.53 feet to the point of compound curvature of a curve to the left having a radius of 35.00 feet and a central angle of 91°38'36"; thence northeasterly along the arc of said curve, an arc length of 55.98 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.70°03'20"W., a radial distance of 2,789.00 feet; thence southerly along the arc of said curve, through a central angle of 02°12'54", an arc length of 107.82 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.25°49'28"W., a radial distance of 35.00 feet; thence westerly along the arc of said curve, through a central angle of 44°31'14", an arc length of 27.20 feet to the point of tangency of said curve; thence S.71°18'14"W., a distance of 9.06 feet to the point of curvature of a curve to the right having a radius of 337.00 feet and a central angle of 37°35'30"; thence westerly along the arc of said curve, an arc length of 221.11 feet to the point of reverse curvature of a curve to the left having a radius of 263.00 feet and a central angle of 01°53'10"; thence westerly along the arc of said curve, a distance of 8.66 feet to the point of tangency of said curve; thence N.72°59'26"W., a distance of 56.37 feet to the point of curvature of a curve to the left having a radius of 137.00 feet and a central angle of 22°49'57"; thence westerly along the arc of said curve, an arc length of 54.60 feet to the point of tangency of said curve; thence S.84°10'37"W., a distance of 371.34 feet to the point of curvature of a curve to the left having a radius of 275.00 feet and a central angle of 30°41'48"; thence westerly along the arc of said curve, an arc length of 147.33 feet to the point of tangency of said curve; thence S.53°28'49"W., a distance of 370.60 feet to the point of curvature of a curve to the left having a radius of 275.00 feet and a central angle of 34°54'45"; thence southwesterly along the arc of said curve, an arc length of 167.57 feet to the end of said curve; thence N.60°04'23"W., a distance of 50.84 feet to the POINT OF BEGINNING.

Said tract contains 76,341 square feet or 1.7526 acres, more or less.

LESS: Ingress-Egress Easement No. 2

A Tract of land lying in Sections 16 and 17, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of said Sections 16 and 17; thence S.89°34'35"E along the North line of said Section 17 a distance of 4291.01 feet; thence S.00°25'25"W

Exhibit "2"

a distance of 654.77 feet to the POINT OF BEGINNING; thence S.60°04'23"E., a distance of 25.14 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.46°57'50"E., a radial distance of 325.00 feet; thence easterly along the arc of said curve, through a central angle of 113°10'48", an arc length of 641.99 feet to the point of reverse curvature of a curve to the left having a radius of 255.00 feet and a central angle of 85°25'10"; thence southeasterly along the arc of said curve, a distance of 380.17 feet to the point of tangency of said curve; thence N.70°47'48"E., a distance of 283.99 feet to the point of curvature of a curve to the left having a radius of 35.00 feet and a central angle of 85°57'17"; thence northeasterly along the arc of said curve, an arc length of 52.51 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.74°50'32"E., a radial distance of 2,941.00 feet; thence southerly along the arc of said curve, through a central angle of 02°02'41", an arc length of 104.95 feet to the end of said curve; thence N.72°51'02"W., along a line non-tangent to the last described curve, a distance of 10.58 feet; thence S.70°47'48"W., a distance of 226.06 feet to the point of curvature of a curve to the right having a radius of 167.00 feet and a central angle of 08°40'50"; thence westerly along the arc of said curve, an arc length of 25.30 feet to the point of tangency of said curve; thence S.79°28'38"W., a distance of 62.92 feet to the point of curvature of a curve to the left having a radius of 133.00 feet and a central angle of 04°57'32"; thence westerly along the arc of said curve, an arc length of 11.51 feet to the point of reverse curvature of a curve to the right having a radius of 309.00 feet and a central angle of 81°41'53"; thence northwesterly along the arc of said curve, a distance of 440.60 feet to the point of reverse curvature of a curve to the left having a radius of 271.00 feet and a central angle of 49°45'11"; thence northwesterly along the arc of said curve, a distance of 235.32 feet to the point of tangency of said curve; thence N.78°27'38"W., a distance of 46.52 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.06°36'57"W., a radial distance of 271.00 feet; thence westerly along the arc of said curve, through a central angle of 21°41'20", an arc length of 102.59 feet to the end of said curve; thence S.66°23'37"W., along a line non-tangent to the last described curve, a distance of 80.42 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.32°08'23"E., a radial distance of 271.00 feet; thence southwestwardly along the arc of said curve, through a central angle of 10°26'33", an arc length of 49.39 feet to the end of said curve; thence S.39°34'23"E., along a line non-tangent to the last described curve, a distance of 35.74 feet; thence N.60°04'23"W., a distance of 116.67 feet; thence N.29°55'37"E., a distance of 4.78 feet to the POINT OF BEGINNING.

Said tract contains 75,680 square feet or 1.7374 acres, more or less.

Exhibit "2"

Total Described Area	=	771.1310 Acres +/-
Less: Pond No. 3	=	5.15 Acres +/-
Less: Parcel 100A	=	4.512 Acres +/-
Less: DVA Arena, LLC	=	60.5327 Acres +/-
Less: Ingress-Egress Easement No. 1	=	1.7526 Acres +/-
Less: Ingress-Egress Easement No. 2	=	<u>1.7374 Acres +/-</u>
Net Area	=	697.4463 Acres +/-

Exhibit "3"



Exhibit "3"

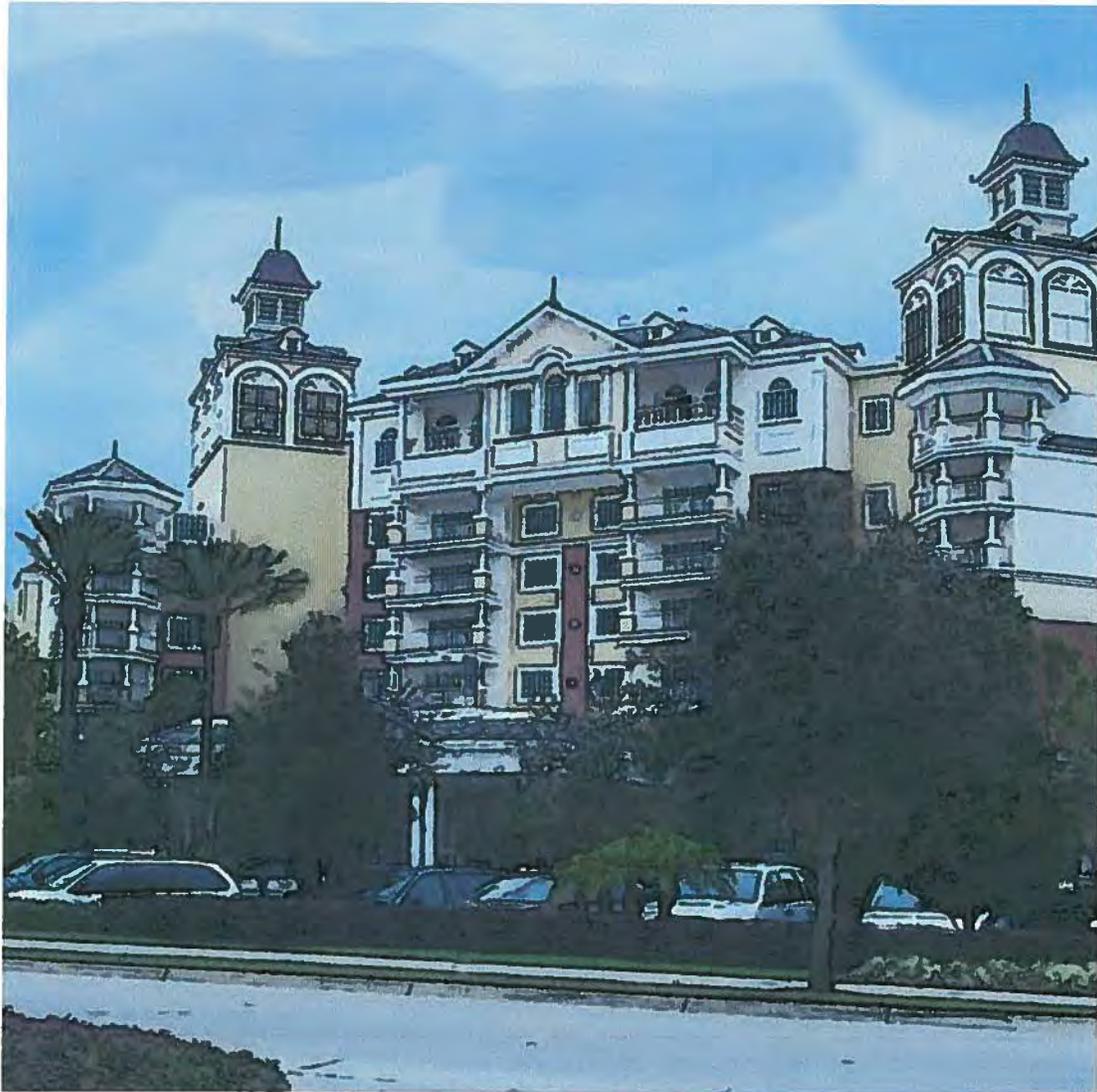


Exhibit "3"



Exhibit "3"



Exhibit "3"



Exhibit "3"



Exhibit "3"

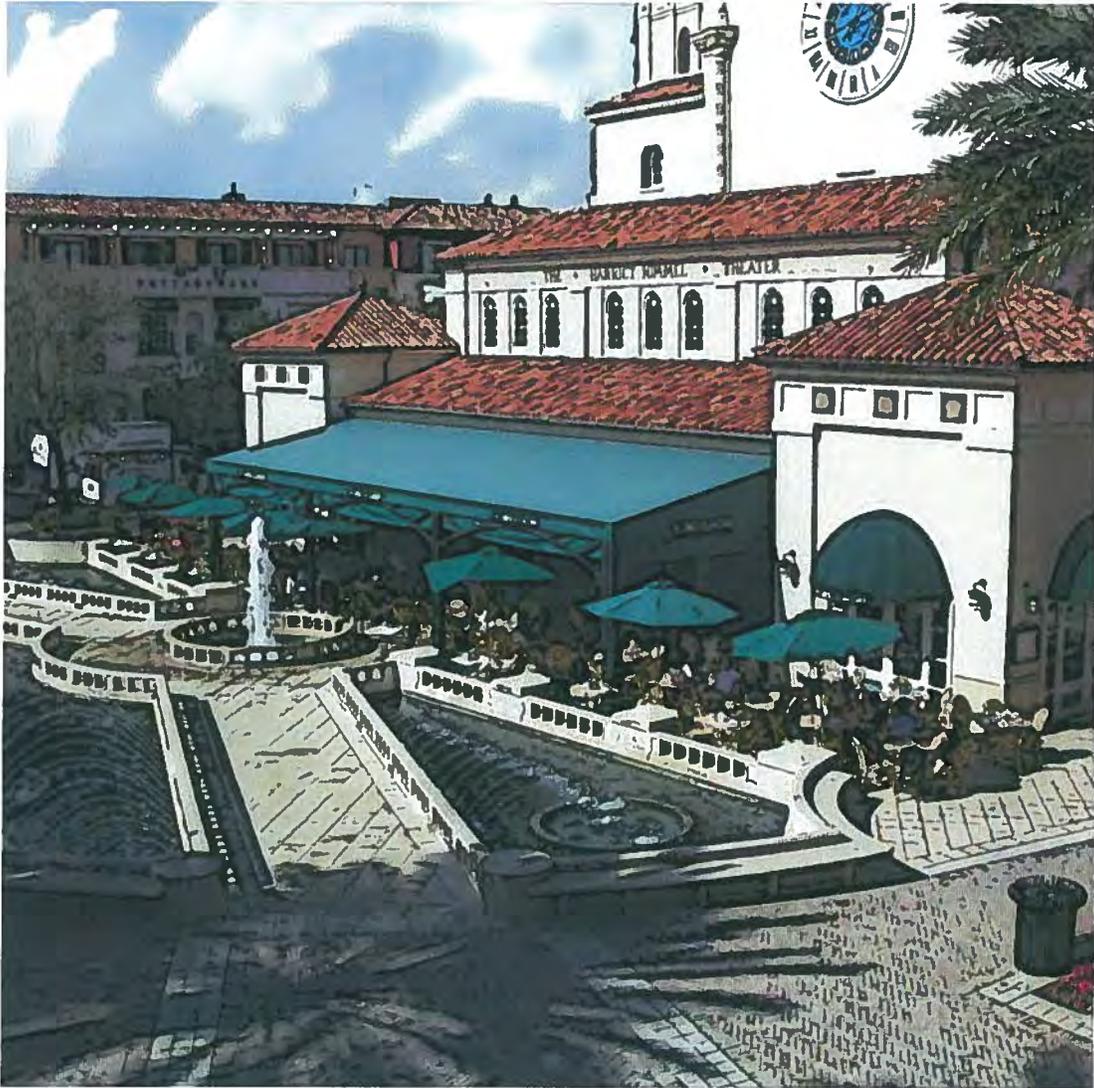


Exhibit "3"

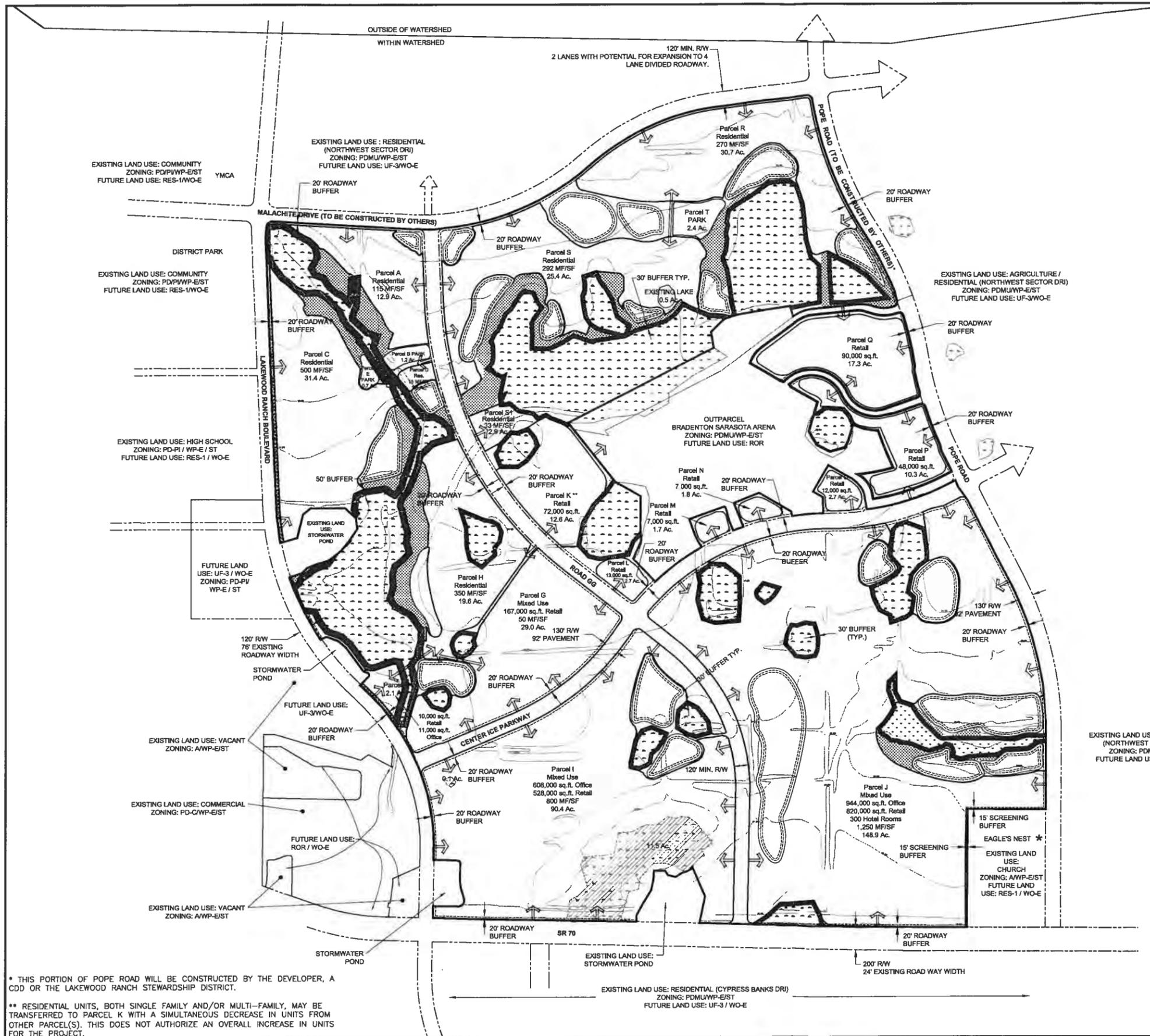


Exhibit "3"



Exhibit "3"





LEGEND

- Project Boundary
- Herbaceous Wetlands
- Wetland Impact
- Forested Wetlands
- Wetland Buffer
- Upland Preservation
- Access Arrows
- Topographic Contours
- Lake / Stormwater Pond
- Parcel Boundary

LAND USE AND PHASING TABLE

Land Use	Phase 1 2007-2020*	Phase 2 2009-2019*	Phase 3 2012-2024*	Total
Residential (dwelling units)				
Multi-family	900	1,800	539	3,239
Single Family	0	200	236	436
Total	900	2,000	775	3,675
Retail/Office (sq.ft.)				
Retail	460,000	542,000	772,000	1,774,000
Office	458,000	458,000	647,000	1,563,000
Total	918,000	1,000,000	1,419,000	3,337,000
Hotel (rooms)	300	0	0	300

Source: WilsonMiller, September 2005
 * The Phasing buildout dates shall be November 21st of the years indicated which includes legislatively approved extensions (SB 360, SB 1752, HB 7207 and F.S. 252.363)

ACREAGE BY LAND USE

RESIDENTIAL (ONLY)	126.9 AC.
MIXED USE, & RETAIL & OFFICE	250.6 AC.
RETAIL (ONLY)	51.2 AC.
RECREATION	4.3 AC.
RIGHT-OF-WAY	34.5 AC.
WETLANDS	92.1 AC.
WETLAND BUFFERS	31.6 AC.
UPLAND PRESERVATION	23.8 AC.
EXISTING LAKE	0.5 AC.
STORMWATER PONDS	63.4 AC.
OTHER OPEN SPACE	18.5 AC.
TOTAL SITE AREA	697.4 AC.

PARCEL	ACRES	RESIDENTIAL UNITS	GROSS DENSITY	NON-RESIDENTIAL USE	FAR
A	12.9	115	8.9	NA	NA
B	1.2	NA	NA	PARK	NA
C	31.4	500	15.9	NA	NA
D	1.8	15	10.8	NA	NA
E	0.7	NA	NA	PARK	NA
F	2.1	NA	NA	RETAIL - 10,000 s.f. OFFICE - 11,000 s.f.	0.23
G	29	NA	NA	MU RETAIL 167,000 s.f.	0.13
H	19.6	400	20.4	NA	NA
I	90.4	800	NA	RETAIL 528,000 s.f. OFFICE 608,000 s.f.	0.28*
J	148.9	1,250	NA	MU HOTEL 300 ROOMS RETAIL 820,000 s.f. OFFICE 944,000 s.f.	0.27*
K	12.6	NA	NA	RETAIL 72,000 s.f.	0.13
L	2.7	NA	NA	RETAIL 13,000 s.f.	0.11
M	1.7	NA	NA	RETAIL 7,000 s.f.	0.09
N	1.8	NA	NA	RETAIL 7,000 s.f.	0.09
O	2.7	NA	NA	RETAIL 12,000 s.f.	0.1
P	10.3	NA	NA	RETAIL 48,000 s.f.	0.11
Q	17.3	NA	NA	RETAIL 90,000 s.f.	0.12
R	30.7	270	8.8	NA	NA
S	25.4	292	11.5	NA	NA
ST	2.9	33	11.5	NA	NA
T	2.4	NA	NA	PARK	NA

* FAR calculation does not include square footage for residential and hotel uses in these parcels.
 A. The maximum square footage for each commercial and office parcel, as identified on the General Development Plan, may be increased provided that all dimensional criteria are met. This shall not authorize an overall increase of square footage for the Project. Such modification does not require the submittal or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan.
 B. The maximum number of units for each residential parcel, as identified on the General Development Plan, may be increased provided there is a simultaneous decrease on another residential parcel. This shall not authorize an overall increase in residential units for the Project. Such modification does not require the submittal or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan.

* THIS PORTION OF POPE ROAD WILL BE CONSTRUCTED BY THE DEVELOPER, A CDD OR THE LAKEWOOD RANCH STEWARDSHIP DISTRICT.
 ** RESIDENTIAL UNITS, BOTH SINGLE FAMILY AND/OR MULTI-FAMILY, MAY BE TRANSFERRED TO PARCEL K WITH A SIMULTANEOUS DECREASE IN UNITS FROM OTHER PARCEL(S). THIS DOES NOT AUTHORIZE AN OVERALL INCREASE IN UNITS FOR THE PROJECT.

<p>WilsonMiller Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants WilsonMiller, Inc. Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee 800 Chumley Drive, Suite 402N • Tampa, Florida 33602 • Phone 813-223-0000 • Fax 813-223-0000 • Web-Site www.wilsonmiller.com</p>		<p>CLIENT: SMR NORTH 70, LLC PROJECT: LAKEWOOD CENTRE DRI</p>	<p>DATE: JANUARY 2008 REVISIONS: SCALE: 1"=400' VERTICAL SCALE: SHEET: TYP. NO. CROSS REFERENCE FILE NO.: PROJECT NUMBER: 04333-013-000 SHEET NUMBER: 2 of 2</p>
<p>2 UPDATED NOTES, DATES AND ROAD NAMES 05/25/12 RTD/89450</p> <p>1 REVISED PER COMMENTS 12/12/07 MWP/2458</p>	<p>ACTIVITY DESIGNED BY: CYD/1995 10/07/05 DRAWN BY: CYD/1995 10/07/05 CHECKED BY: CONTRACT ADMIN. BY: APPROVED BY:</p>	<p>INITIALS/EMP. NO. DATE CYD/1995 10/07/05 CYD/1995 10/07/05</p>	<p>TITLE: GENERAL DEVELOPMENT PLAN</p>

PNATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Development Order ORD 12-34 – Schroeder-Manatee Ranch, Inc. (University Lakes DRI#22)	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	11/08/12 PC	DATE SUBMITTED/REVISED	11/01/12
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services/Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	Lisa Barrett, Planning Division Manager
CONTACT PERSON TELEPHONE/EXTENSION	Kathleen Thompson, AICP / 748-4501 ext. 6841 / DTS#20120255	PRESENTER/TITLE TELEPHONE/EXTENSION	Kathleen Thompson, AICP, Planning Manager / 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 12-34 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.

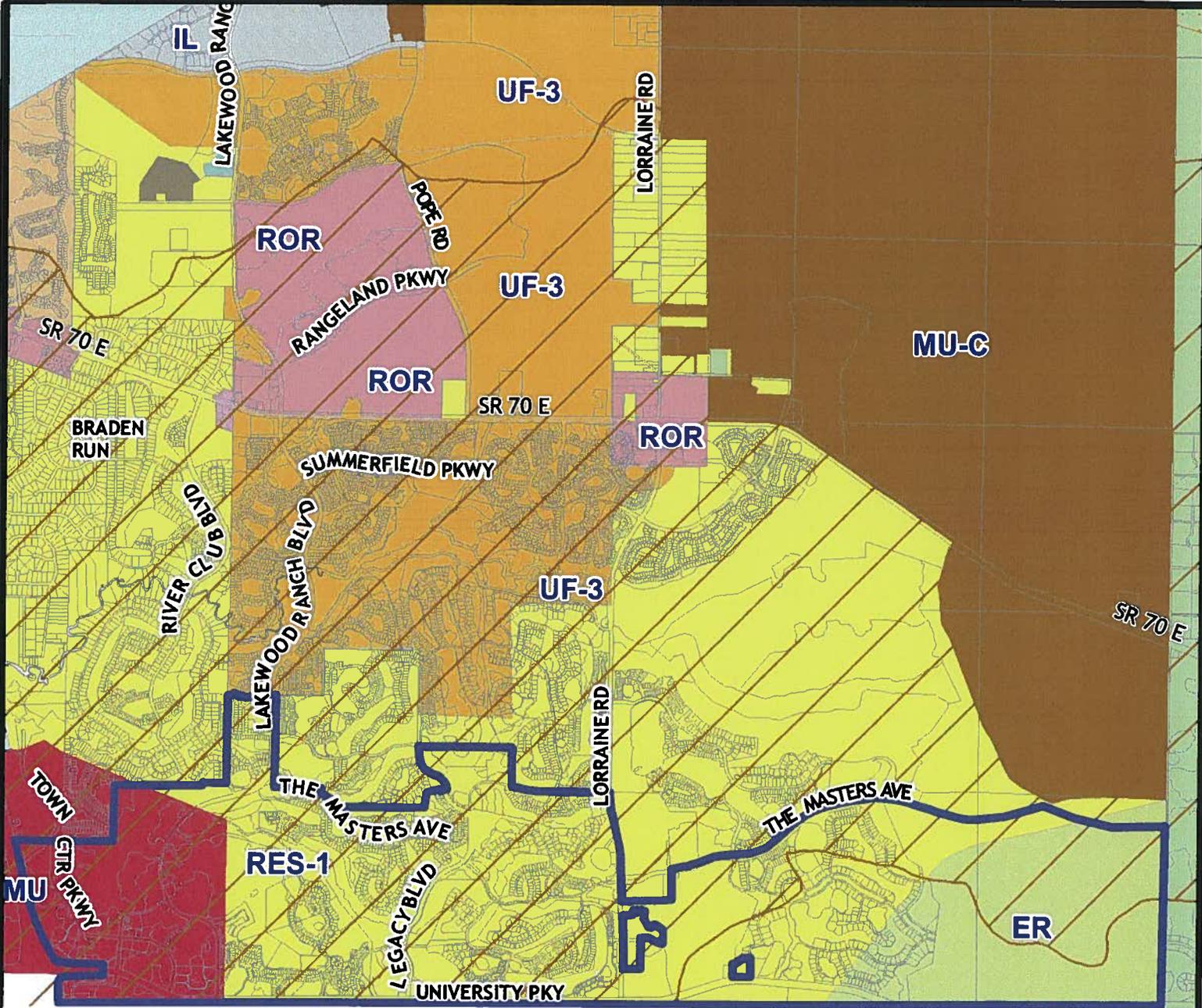
BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • In 2008, Table C and Table D of the General Development Plan were amended to increase general commercial square footage. This Development Order updates Table 1 (U. Lakes Development Components) and Table 2 (U. Lakes Phasing Schedule) for consistency with the GDP. • This revised Development Order recognizes the Revocation of the 380 Development Review Agreement. The agreement was entered into when SMR filed two DRI's – University Lakes in Manatee County and University Place in Sarasota County. The Agreement provided a cumulative review of the impacts for transportation, air quality, affordable housing, vegetation and wildlife. In 2008 it was determined the cumulative review was no longer necessary and that the projects could stand alone. • The transportation conditions are being modified based on the revocation of the agreement. Other modifications are as follows: <ul style="list-style-type: none"> Affordable Housing conditions Flexibility in unit allocation among parcels Updates to the project phasing, expiration and build out dates Terminology and department references Eliminate the maximum increase in Land Use Exchanges (Table 1-Column E) Other minor amendments • Staff recommends approval of the 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 Lakes DRI Development Order and Map H Application
 Project #: ORD-12-34 / DRI # 2
 DTS#: 20120255
 Proposed Use: DRI

S/T/R: Sec 35,25,0,34,31,36 Twn 0,35 Rng 2,2,0,20,19
 Acreage: ± 4,101
 Existing Zoning: PD-MU
 Existing FLU: MU, RES-1, ER
 Overlays: ST
 Special Areas: Greenway

CHH: NONE
 Watershed: WPE
 Drainage Basin: COW PEN SLOUGH, COOPER CREEK,
 Commissioner: DonnaHayes



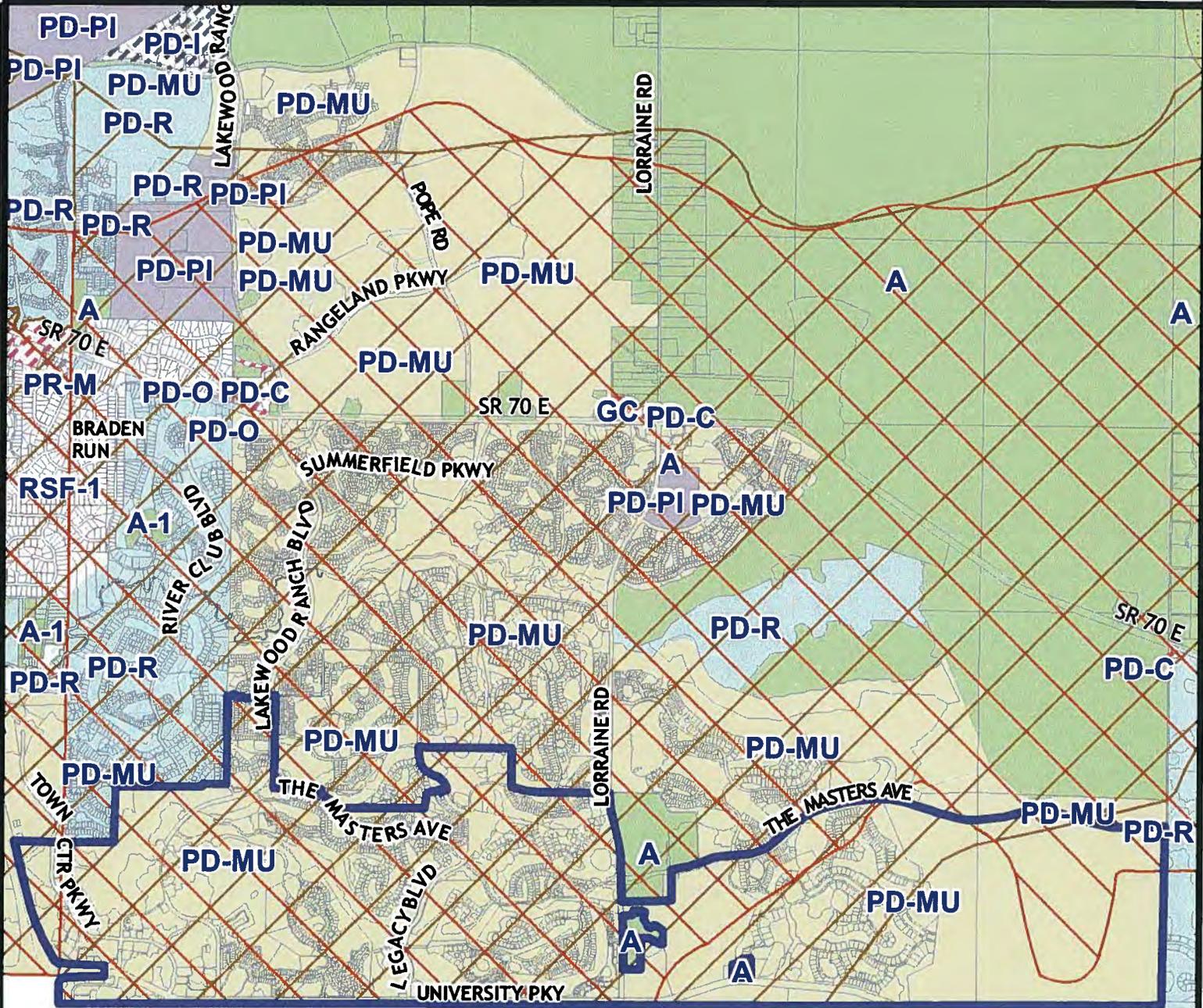
Manatee County
Staff Report Map

Map Prepared 9/27/2011
1 inch = 4,233 feet

Overlays

Evers Watershed (WPE)

ZONING



Parcel ID #(s) Multiple

Project Name: University Lakes DRI Development Order and Map H Application
 Project #: ORD-12-34 / DRI # 2
 DTS#: 20120255
 Proposed Use: DRI

S/T/R: Sec 35,25,0,34,31,36 Twn 0,35 Rng 2,2,0,20,19
 Acreage: ± 4,101
 Existing Zoning: PD-MU
 Existing FLU: MU, RES-1, ER
 Overlays: ST
 Special Areas: Greenway

CHH: NONE
 Watershed: WPE
 Drainage Basin: COW PEN SLOUGH, COOPER CREEK,
 Commissioner: DonnaHayes

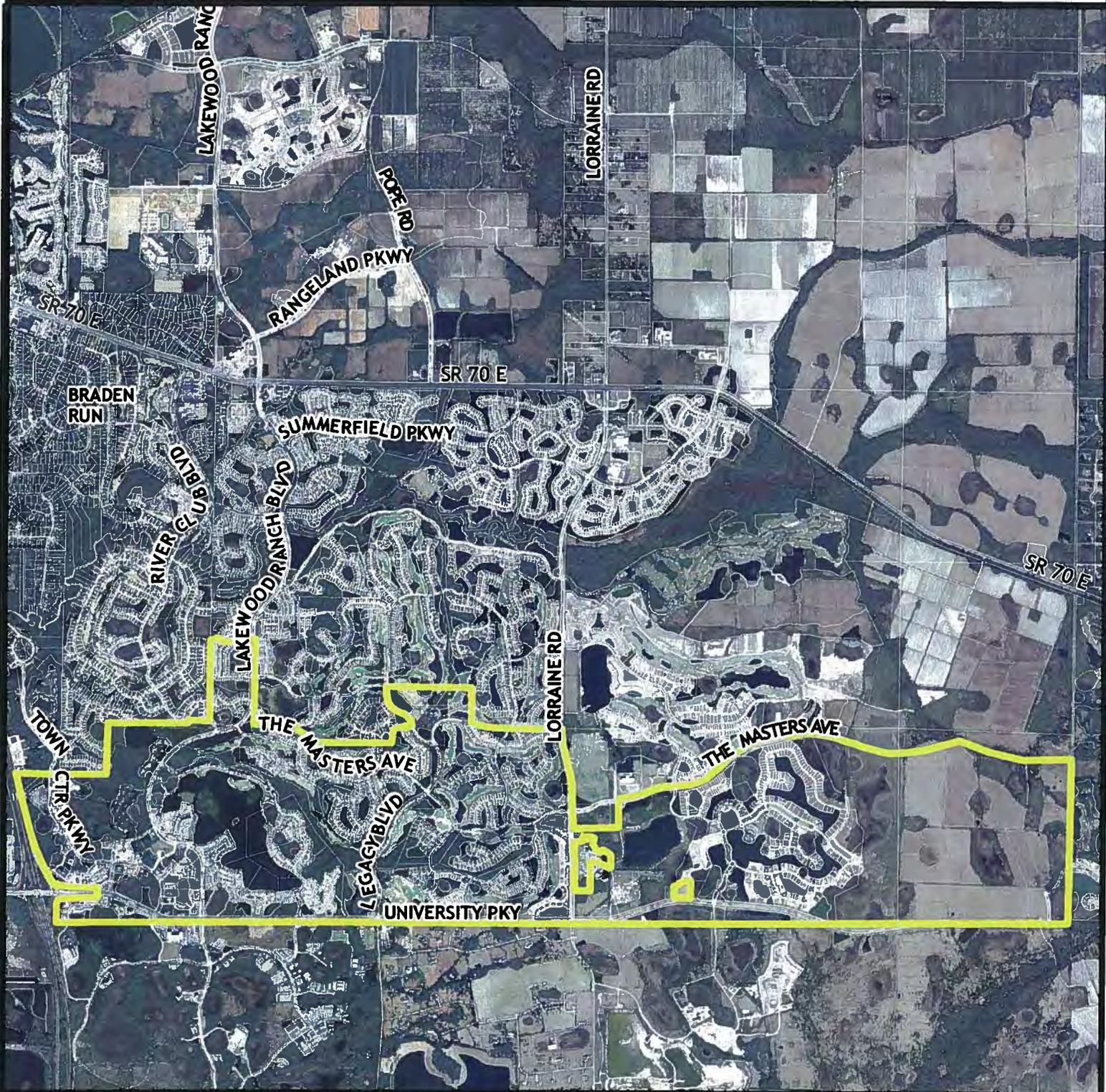


Manatee County
 Staff Report Map
 Map Prepared 9/27/2011
 1 inch = 4,233 feet

Legend

-  Special Treatment
-  Evers Watershed (WPE)

AERIAL



Parcel ID #(s) Multiple

Project Name: University Lakes DRI Development Order and Map H Application
 Project #: ORD-12-34 / DRI # 2
 DTS#: 20120255
 Proposed Use: DRI

S/T/R: Sec 35,25,0,34,31,36 Twn 0,35 Rng 2,2,0,20,19

Acreage: ± 4,101
 Existing Zoning: PD-MU
 Existing FLU: MU, RES-1, ER
 Overlays: ST
 Special Areas: Greenway

CHH: NONE
 Watershed: WPE
 Drainage Basin: COW PEN SLOUGH, COOPER CREEK,
 Commissioner: DonnaHayes



Manatee County
 Staff Report Map

Map Prepared 9/27/2011
 1 inch = 4,233 feet

**ORDINANCE 12-34
SCHROEDER-MANATEE RANCH, INC.
UNIVERSITY LAKES DRI #22 (TBPRC DRI #216) DTS#20120255**

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the University Lakes Development of Regional Impact (Ordinance 07-72) (DRI #22); a/k/a Tampa Bay Regional Planning Council (TBRPC) DRI #216;

- 1.) Update Table 1 (University Lakes Development Components) and Table 2 (University Lakes Phasing Schedule) in Ordinance 12-34 for consistency with previously approved land use exchanges [PDMU 92-01(G)(R12)],
- 2.) Recognize the Revocation of the 380 Development Review Agreement,
- 3.) Modify Transportation Conditions related to the Revocation of the 380 Development Review Agreement,
- 4.) Modify the Affordable Housing Condition consistent with current county practices,
- 5.) Provide flexibility in same type unit allocation among parcels,
- 6.) Update the Development Order to reflect the project phasing, expiration and build out dates as previously authorized by the State of Florida and Manatee County,
- 7.) Update the Development Order to reflect terminology changes, Department references and other minor changes,
- 8.) Elimination of Maximum Increase in Land Use Exchanges (Table 1- Column E), and
- 9.) Other minor amendments.

The ordinance amends, replaces, and supersedes Ordinance 07-74, DRI #22, as amended; providing for severability, and an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately three miles east of I-75 to Lorraine Road. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (±4,101.2 acres).

P.C.: 11/08/12

B.O.C.C.: 12/06/12

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, the Manatee County Land Development Code, and Section 380.06, Florida Statutes, subject to the conditions of approval established in the Development Order, I move to recommend APPROVAL of DRI #22 and ADOPTION of Manatee County Ordinance No. 12-34, as recommended by staff.

CASE SUMMARY

CASE NO.: ORDINANCE 12-34 (DRI #22, TBRPC DRI #216) DTS#20120255

APPLICANT: SCHROEDER-MANATEE RANCH, INC.
(UNIVERSITY LAKES DRI #22)

Request: Modify the Development Order with the following changes:

- 1.) Update Table 1 (University Lakes Development Components) and Table 2 (University Lakes Phasing Schedule) in Ordinance 12-34 for consistency with previously approved land use exchanges [PDMU 92-01(G)(R12)],
- 2.) Recognize the Revocation of the 380 Development Review Agreement,
- 3.) Modify Transportation Conditions related to the Revocation of the 380 Development Review Agreement,
- 4.) Modify the Affordable Housing Condition consistent with current county practices,
- 5.) Provide flexibility in same type unit allocation among parcels,
- 6.) Update the Development Order to reflect the project phasing, expiration and build out dates as previously authorized by the State of Florida and Manatee County,
- 7.) Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes,
- 8.) Other minor amendments

LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- University Lakes is on the north side of University Parkway, generally located between Interstate 75 and 3 miles east of Lorraine Road.
- To the NORTH is Cypress Banks DRI zoned PDMU/WP-E/ST, the Colonial Apartments and office development, and the River Club DRI zoned PDR/WP-E/ST.
- To the SOUTH are office and institutional uses in Sarasota County which fall under the approved Lakewood Ranch Corporate Park and the Villages of Lakewood Ranch South DRIs (Schroeder-Manatee Ranch, Inc. projects). Lakewood Ranch Corporate Park is an industrial and office DRI while the Village of Lakewood Ranch South DRI is proposed primarily as a residential development.
- To the EAST is residential land presently known as The Concession zoned PDR/WP-E/ST.
- To the WEST, across Interstate 75, is commercial development (part of the Cooper Creek DRI) zoned PDMU/WP-E/ST.

SUMMARY:

The University Lakes Zoning Ordinance was originally approved on June 1, 1992 and first amended on October 28, 1993. The approved project consisted of a mixture of land uses, including residential, commercial, business (industrial and offices), and recreation on 2,352.7 acres.

On January 25, 1996, the Zoning Ordinance was amended to add 69.8 acres without increasing development totals.

On October 22, 1997, the Zoning Ordinance was amended to extend the buildout and expiration dates, modify the site plan, employ the land use tradeoff, and make other various changes.

On December 11, 1997, the Development Order was amended to allow a hospital use in Phase 2.

On October 27, 1998, the Zoning Ordinance was amended to allow a land use exchange to reduce industrial square footage and increase residential and commercial square footage.

On February 22, 2000, the Zoning Ordinance was amended to add an access point, modify land use entitlements, and other relevant changes.

On October 23, 2001, the Zoning Ordinance was amended to approve a land use exchange that decreased industrial and commercial square footage and increased office entitlements.

On December 18, 2001, the Zoning Ordinance was amended to modify land use entitlements to allow the addition of 300 hotel rooms.

On August 26, 2003, the Zoning Ordinance was amended to extend phasing dates, swap land with the Cypress Banks DRI, and other modifications.

On October 19, 2004, the Zoning Ordinance was amended to add 1,804.7 acres (east of Lorraine road); add ten access points for new internal roadways; increase 350 single-family detached dwelling units, decreased 450 hotel rooms, and other changes to acreages and entitlements.

On October 16, 2007, the Zoning Ordinance and General Development Plan were amended to increase hotel rooms by 450, amend locations and sizes of various development areas, and other changes as needed.

On August 7, 2008, the General Development Plan and Zoning Ordinance were amended to allow a land use exchange to increase General Commercial square footage by 105,928 sq. ft.; decrease 32 single family detached dwelling units in Phase IV; decrease 70 multi-family dwelling units in Phase IV; decrease 39,803 sq. ft. of Neighborhood Commercial in Phase IV; and 226, 908 sq. ft. of Office from Phase II, amend Table C (Development Components) and Table D (Phasing Schedule) and other minor changes as needed.

On October 25, 2011, the General Development Plan and Zoning Ordinance were amended to allow the reallocation of entitlements to several parcels: 100 multi-family units from Parcel 53 to

Parcel 15; 16,791 square feet of non-residential sq. ft. from Parcel 15 to Parcel 4/5, and 255 hotel rooms from Parcel 15 to Parcel 4/5; amended Stipulation Q(1). No corresponding changes to the Development Order were required.

On July 17, 2012, the applicant submitted amendments to the General Development Plan and Zoning Ordinance to recognize the revocation of the 380 Agreement, modify Transportation conditions, modify the Affordable Housing condition, update the phasing, expiration and build out dates of the project and update terminology changes, Department references and other minor changes.

To date, the following has been completed, are under construction or received some level of detailed site plan approval: 36 holes of the golf course; three clubhouses; 1,713 single-family lots, 1,148 multi-family units, a maintenance facility, swim and tennis center, 799,941 sq. ft. of office uses, 365 hotel rooms, a Town Hall, a residential care facility, daycare, and an information center. There is also a 120 bed hospital, 553,913 sq. ft. of commercial uses including a gas station, restaurants, banks and retail shops and 18,603 square feet of industrial uses.

According to the February 23, 2011-February 22, 2012 Annual Report, the following development has been completed during this reporting period:

Residential: 8 single family detached and 12 multi-family units
Commercial/Retail: 34,992 square feet
Business/Office: 2,167 square feet

REQUEST

Schroeder-Manatee Ranch, Inc. filed a request to amend the University Lakes Development Order pursuant to Section 380.06(19)(e)2, Florida Statutes, which does not require the filing of a notice of proposed change, but, requires an application to the local government to amend the development order in accordance with the local government's procedures

The process to amend the DO is different than past requests due to legislative changes approved by the state earlier this year. The amendment is not being processed as a Notice of Proposed Change (NOPC) in which the Tampa Bay Regional Planning Council reviews and approves the amendment and makes a recommendation to the County.

House Bill 979 was approved during the 2012 legislative session adding sub section k. to Florida Statute Section 380.06 (19)(e)2, dealing with DRIs. Language was added that states "changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project..." which is followed by the language already in the F.S. stating that such modifications to Development Orders only require an application to the local government in accordance with the local government's procedure for amendment of a development order and that following adoption, the local government shall render a copy to the state land planning agency (Department of Economic Opportunity). DEO no longer has the right to review, only appeal the amendment if they believe the change creates a reasonable likelihood of new or additional regional impacts. There is no requirement to provide a copy to the Regional Planning Council, since they have no rights to appeal.

Staff has reviewed the amendments and concurs that the proposed changes to the DRI Development Ordinance and Map H do not increase the number of external peak hour trips and do not reduce open space and conserved areas with the DRI project. Nor are the changes those listed requiring an NOPC or Substantial Deviation to the DRI. If the amendment is approved, a copy of the amended ordinance will be sent to DEO and a courtesy copy to the Tampa Bay Regional Planning Council.

AMENDED DEVELOPMENT ORDER ANALYSIS:

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. Update Table 1 (University Lakes Development Components) and Table 2 (University Lakes Phasing Schedule) in Ordinance 12-34 for consistency with previously approved land use exchanges [PDMU 92-01(G)(R12)].**

ANALYSIS

Table C (University Lakes Development Components) and Table D (University Lakes Phasing Schedule) of the General Development Plan were updated with PDMU-92-01 (G)(R12) on August 7, 2008 to increase general commercial square footage. The request today is to update Table 1 and 2 of the Development Order for consistency.

REQUEST #2

- 2. Recognition of the Revocation of the 380 Development Review agreement.**

ANALYSIS

In 1991, SMR filed two DRI's, University Lakes in Manatee County and University Place (n/k/a Lakewood Ranch Corporate Park) in Sarasota County. As both were under review at the same time, neither project could count the other's impacts as background. Therefore, the 380 Development Review Agreement was entered into in 1991 by the Department of Community Affairs (n/k/a Department of Economic Opportunity), the Tampa Bay Regional Planning Council and SMR to provide for a cumulative review of the impacts for transportation, air quality, affordable housing, vegetation and wildlife. In 2008, all of the involved parties determined there was no longer a need for such cumulative reviews to continue as the projects could stand alone and be treated separately as individual DRIs and the 380 Agreement was formally revoked. University Lakes has not had an amendment since 2008, so the Revocation is being recognized with this Development Order amendment.

REQUEST #3

3. Modification of Transportation conditions based on the Revocation of the 380 Development Review Agreement.

ANALYSIS

Transportation improvements required to accommodate traffic from the build out of University Lakes DRI were determined as follows:

- Traffic for the build out year of the University Lakes DRI was determined using actual counts from the annual monitoring reports, trip generation estimates from unbuilt portions of University Lakes, and a determination of the interaction between University Lakes and the adjacent Lakewood Ranch Corporate Park.
- Background (non-University Lakes DRI) traffic for the build out year of the University Lakes DRI was determined using estimated population growth, traffic modeling, and historical traffic trends.
- Total traffic for the build out year of the University Lakes DRI was determined by combining the University Lakes DRI traffic with the background traffic.
- This total traffic was then applied to the existing + committed roadway network. This network includes the existing roadway system, plus any improvements that are funded for construction within the next three years.
- The roadways and intersections were then tested to determine which facilities would not function within the adopted level of service standard without improvements, and those necessary improvements were identified.
- Once the improvements were identified, the roadway system was retested without University Lakes DRI traffic to determine which improvements were required to accommodate traffic even without University Lakes. As required by current State law, these improvements were removed from the list of improvements required to accommodate University Lakes DRI.
- The list of required improvements from the previous combined University Lakes DRI/Lakewood Ranch Corporate Park DRI development order was reviewed to determine the status of those improvements. A number of those improvements have either been constructed by Schroeder-Manatee Ranch or by others. Still others, while no longer required under the new study, still remain the responsibility of Lakewood Ranch Corporate Park DRI under a separate development order.
- The remaining required improvement still needed to accommodate build out of University Lakes DRI is the extension of the southbound off-ramp lane at I-75 and Fruitville Road, and is included as a requirement of University Lakes DRI in the revised University Lakes DRI development order.

**Table 5
Ramp and Intersection Improvements**

Improvement Number	Location	PM Peak Hour LOS Prior to Improvement LOS	Applicable Peak Hour LOS Standard	Development Traffic as A % of LOS Peak Hour Capacity	Required Improvement to Restore LOS	Total PM Peak Hour External Trips for Combined Projects Before Need*	Explanation
1	I-75 SB on-ramp at University Pkwy	F	D	11.8	Add 1 lane to ramp	6615	Obligation of LWRCP
2	I-75 SB off-ramp at University Pkwy	F	D	7.1	Add 1 lane to ramp, add 1 lane to interstate	5413	No longer required per traffic study
3	I-75 NB on-ramp at University Pkwy	F	D	7.1	Add 1 lane to ramp	8297	Obligation of LWRCP
4	I-75 NB off-ramp at University Pkwy	F	D	11.8	Add 1 lane to ramp	6251	Obligation of LWRCP
5-1	I-75 S N-B off-ramp at Fruitville Rd.	F E	D	9.9-7.6	Add 1 lane to ramp- Extend ramp lane 200 feet	8377 3681	Required for U Lakes
6	SR 64 & Lorraine Road	NB-F	D	8.1	Signalize	5413	Obligation of LWRCP
7	SR 70 & 15th Street	F	D	5.2	WB, NB, SB add 1 left turn lane	5253	Improvement no longer required per traffic study
8	SR 70 & US 304	F	D	7.6	add 1 through lane, all approaches; add 1 EB right turn lane; extend NB left turn lane and WB left turn as need to accommodate future year storage requirements	6895	Improvement no longer required per traffic study
9	SR 70 & 33rd Street	F	D	9.1	EB & WB add 1 through lane	6134	Improvement no longer required per traffic study
10	SR 70 & 39th Street	E	D	9.4	EB & NB add 1 right turn lane	6735	Improvement no longer required per traffic study
11	SR 70 & 45th Street	F	D	9.4	NB add 1 left and 1 through lane, EB add 1 through lane, WB add 1 left and 1 through lane	5613	Improvement no longer required per traffic study
12	SR 70 & Caruso Road	F	D	13.9	EB & WB add 1 through lane	6535	Improvement no longer required per traffic study
13	University Parkway & 15th Street	F	D	5.5	WB add 1 right turn lane	8137	Obligation of LWRCP
14	University Parkway & US 304	E	D	12.2	EB & NB add 1 right turn lane	5693	Improvement no longer required per traffic study
15	University Parkway & Tuttle Avenue	F	D	14.2	NB add 1 through lane, SB add 1 left turn lane and 1 through and receiving lane	5429	Improvement no longer required per traffic study
16	University Parkway &	F	D	17.2	add 1 through lane, all	5133	Improvement no

	Lockwood Ridge Road				approaches		longer required per traffic study
17	University Parkway & Honore Avenue	E	D	37.5	WB & NB add 1 left turn lane, EB & NB add 1 right turn lane	4572	Improvement completed
18	University Parkway & Cooper Creek Boulevard	F	D	45.2	EB & WB add 1 through lane	5333	Obligation of LWRCP
19	University Parkway & I-75 Northbound	F	D	62.9	NB add 1 left turn lane	7336	Obligation of LWRCP
20	Fruitville Road & Beneva Road	F	D	6.6	NB, SB, EB, WB add 1 through lane; EB, WB, SB add 1 left turn lane; EB add 1 right turn lane	7336	Obligation of LWRCP
21	Fruitville Road & McIntosh Road	F	D	11.5	WB add 1 left turn lane; EB add 1 right turn lane	5814	Obligation of LWRCP
22	Fruitville Road & Honore Ave	E	D	18.1	EB & WB add 1 left turn lane; Add WBL receiving lane. Add 2nd NB through lane and receiving lane	4933	Obligation of LWRCP
23	Fruitville Road & I-75 Northbound	F	D	22.4	NB add 1 left turn lane	5330	Improvement completed
24	Fruitville Road & I-75 Southbound	F	D	21	SB add 1 right turn lane	5253	Improvement completed
25	Fruitville Road & Coburn Road (east)	F	D	12.3	EB add 1 through lane; lengthen WB left turn lane	4892	Improvement completed
26	Fruitville Road & East Road/River Road	D (v/c > 1.0)	D	12.3	EB & WB add 1 through lane	7336	Improvement completed
27	Bee Ridge Road & Honore Avenue	D (v/c > 1.0)	D	11.6	NB add 1 left turn lane	6134	Obligation of LWRCP
28	Bee Ridge Road & Cattlemen Road	F	D	9.2	EB, WB, SB add 1 through lane; WB & SB add 1 left turn lane	6334	Obligation of LWRCP
29	Bee Ridge Road & I-75 Northbound	F	D	9.2	NB add 1 left turn lane	7816	Improvement no longer required per traffic study
30	Bee Ridge Road & I-75 Southbound	N/A	D	5.8	Lengthen WB left turn lane	7341	Improvement no longer required per traffic study
31	Clark Road & Honore Avenue	F	D	7.3	WB, NB, SB add 1 left turn lane; SB add 1 right turn lane	7015	Obligation of LWRCP
32	Clark Road & I-75 NB	E	D	6.7	NB add 1 left turn lane	6535	Obligation of LWRCP
33	Cattlemen Road & Bahia Vista Street	F	C	11.9	Grade separated interchange with 2 NB and 2 SB lanes on the overpass and 2 NB left turn lanes and 2 WB left turn lanes at the interchange intersection; or WB, NB add 1 left turn lane, SB add 1 through and 1 right turn lane, and adopt LOS D	5581	Obligation of LWRCP
34	Cattlemen Road & Palmer Boulevard	F	C	14.9	Grade separated interchange with 2 NB and 2 SB lanes on the overpass; or EB add 1 right turn lane, NB add 1	4852	Obligation of LWRCP

					left turn lane, and adopt LOS-D	
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REQUEST #4

4. Modification of the Affordable Housing conditions

The applicant proposes the following changes (in strike-thru/underline) to the Affordable Housing Conditions within the Development Order

P. Affordable Housing

The Developer shall provide, within 10 miles of the project boundary, a number of residential units equal to 10% of the total number of residential units constructed in University Lakes, Phase IV, that qualify as workforce housing at a price as determined pursuant to the parameters as set forth in the definition contained within the Manatee County Land Development Code. The developer intends, but is not required, to locate the units within the Lakewood Centre DRI. The workforce housing required herein is generally designed to provide housing for essential workers such as local government employees, quasi-governmental employees, and private sector employees

P.(2) The Developer shall provide, within 10 miles of the project boundary, a number of residential units equal to 10% of the total number of residential units constructed in University Lakes, Phase IV, that qualify as workforce housing at a price as determined pursuant to the parameters as set forth in the definition contained within ~~as defined in the Manatee County Land Development Code. These units shall be referred to as Worker Housing Units (WHUs).~~ The developer intends, but is not required, to locate the ~~WHUs~~ units within the Lakewood Centre DRI. Failure to construct such units shall result in the Developer making a fee-in-lieu payment in accordance with Condition P.(7). The workforce housing required herein is generally designed to provide housing for essential workers such as local government employees, quasi-governmental employees, and private sector employees.

P.(4) Maximum rental rates shall correspond to values as provided for in the Fair Market Rent Documentation System. These rates are updated periodically by Manatee County and shall be utilized accordingly. The rental rate in effect at the time a lease is executed shall apply.

~~P.(4) In conjunction with the Manatee County Community Services Department, the Developer shall devise and implement marketing guidelines designed to enhance the number of WHU sales to qualified purchasers.~~

~~P.(5) Should the Developer be unable to sell an advertised unit to a qualified purchaser within 120 days after the WHU is initially advertised for sale, the Developer may, at its sole option, sell the unit without any of the restrictions contained in these conditions at market rate. In such case, the unit shall not be counted for WHU purposes, and the Developer shall be required to designate another unit as a WHU or make a fee in lieu payment in accordance with Condition P. (7).~~

- P.(6) The Developer shall include in its ~~annual~~ biennial report data showing the number and sale prices of WHUs workforce sold or rented within the development during the reporting period. The ~~annual~~ biennial report shall also include the current Manatee County Maximum Income Limits Table and the current Fair Market Rent Documentation System. Only those units that have a sale price equal to or less than the maximum allowable home sales price or a rental rate equal to or less than the maximum allowable rental rate, as provided in P.(3) and P.(4), shall be counted toward the required mitigation.
- P.(7) ~~Should the Developer be unable to provide the required number of WHU's workforce housing units, the Developer shall be required to pay a fee of \$2,500 per WHU workforce housing unit not provided. With each annual report, the overall ratio of WHU units provided to the number of residential units constructed in University Lakes, Phase IV, shall be determined. For each WHU under 10% the Developer shall make the payment of \$2,500 into an escrow account for the benefit of the Manatee County Housing Trust Fund. In the event the Developer constructs any such WHU in the next reporting period, the applicable \$2,500 payment shall be returned to Developer. In the event the developer fails to construct any such WHU by the next reporting period, the \$2,500 payment for each WHU not provided shall be turned over to the Manatee County Housing Trust Fund. At build out any fees for WHU's not provided that remain in the escrow account shall be returned to the developer if the WHU's are then provided as required here.~~

ANALYSIS

The above changes were reviewed and approved by the Community Development Division Manager of Neighborhood Services Department.

The changes proposed will make it easier for local staff to review compliance with the housing stipulations in the Biennial Reports. The Developer has also added a "rental" component which Neighborhood Services agrees with as rental housing is a desired element for developments of this size.

REQUEST #5

5. Provide for flexibility in unit allocation among parcels.

- Q. (32) Notwithstanding limitations contained within this Ordinance governing land use exchanges, the maximum number of units for each residential parcel may be increased provided there is a simultaneous decrease on another residential parcel and all dimensional standards (i.e. setbacks, open space, parking, etc. pursuant to the LDC) can be met. This shall not authorize an overall increase in residential units for the Project. Such modification does not require the submittal or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan. Such preliminary or final site plan shall include a tracking chart to assure Manatee County that there has been no increase in units. However, this shall not allow the introduction of multi-family units on a parcel where only single family has been authorized without review and approval of a revised general development plan at an advertising public hearing. Such preliminary or final site plan

shall include a tracking chart and exhibit showing locations of additions and deletions to assure Manatee County that there has been no increase in units. Any such changes shall be in each biennial report.

Q. (33) Notwithstanding limitations contained within this Ordinance governing land use exchanges, the maximum square footage for each non-residential parcel may be increased provided there is a simultaneous decrease on another non-residential parcel and all dimensional standards (i.e. setbacks, open space, parking, etc. pursuant to the LDC) can be met. This shall not authorize an overall increase in square footage for the Project. Such modification does not require the submittal or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan. Such preliminary or final site plan shall include a tracking chart and exhibit showing locations of additions and deletions to assure Manatee County that there has been no increase in units and noted in each biennial report. However, this shall not allow the introduction of a non-residential use which is not currently identified on the general development plan for such parcel without review and approval of a revised general development plan at an advertised public hearing.

ANALYSIS

The applicant proposes to reallocate entitlements within the development boundaries. The number of residential units and square footage shall not exceed approved density and intensity. This provision allows flexibility in being able to increase or decrease same type residential units and/or square footage entitlements from parcel(s) to parcel(s) with no increase in entitlements or change in the mix of land uses. The modification will not create any additional impacts.

REQUEST #6

- 6. Update the Development Order to reflect the project phasing, expiration and build out dates as previously authorized by the State of Florida and Manatee County.**

ANALYSIS

Current project expiration and build out analysis

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 expiration date is extended to 08/05/2027 with a build out date of 08/05/2032. Phase II and III expire on 08/05/2019; Phase IV expires 08/05/2027.

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 of 08/05/2027.

The project has a Certificate of Level of Service Compliance (CLOS) for Phases I, II, III and IV until August 5, 2021. This request does not change the approved entitlements which were reviewed as a basis for the issuance of the CLOS. Water concurrency is issued only with Final Site Plan approvals.

REQUEST #7

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

ANALYSIS

These are department name changes and other minor changes.

REQUEST #8

- 8. Elimination of Maximum Increase in Land Use Exchanges (Table 1- Column E)**

ANALYSIS

Developments of Regional Impact often employ Land Use Exchange Mechanisms within Development Orders to allow flexibility in changes to the land use entitlements which are not considered to be regionally significant and which can be approved with an amendment to the local Zoning Ordinance and General Development Plan. Such exchanges are based upon pre-determined ratios to ensure that the impacts to transportation, utilities and other facilities will not be greater than originally deemed acceptable. In some cases, limitations on the frequency or the amount (percentage) of such exchanges have been included when addressing the intended land use pattern and mix of uses.

This particular project, approved in four phases and covering over 4,000 acres, is nearing completion. While remaining entitlements are as indicated, only approximately 10 percent of the land area, in terms of acreage, remains undeveloped.

The project has developed as contemplated. As remaining infill parcels are completed, the developer may find it necessary to seek approval of additional land use exchanges. The limitations on exchanges in this project are no longer serving the original purpose and could hinder the applicant's ability to respond to market demands on certain parcels. Such future land use exchange requests will include a review of impacts to the above-referenced facilities to ensure there are no greater impacts generated than those previously deemed acceptable in connection with the existing land use mix approved for the project.

The amounts of residential, retail, hotel and motel, office, and industrial uses shown in Table C can be exchanged, with Board of County Commissioners approval of a revised General Development Plan, to allow flexibility in the exact land use mix shown in Columns B, C, and D of Table C and within each individual Phase shown in Table D.

REQUEST #9

9. Other minor amendments.

a. Amending “annual” reports to “biennial” reports.

§380.06(18) allows development orders that require annual reports to be amended to biennial reports at the option of the local government. Most DRI's are now reporting every two years.

b. Removal of Table 3 – Lakewood Ranch Corporate Park Development Components and Table 4 – Lakewood Ranch Corporate Park Phasing Schedule.

The removal of the tables is due to the Revocation of the 380 Agreement.

CONCLUSION

Based on the above analysis, staff recommends approval of the Development Order. The amendments are shown in ~~strike through~~ and underline format in the attached Ordinance 12-34.

ATTACHMENTS:

1. Ordinance 12-34
2. Copy of Newspaper Advertising

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF DRI/ZONING CHANGES IN INCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, November 8, 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 12-28 - DTS#20120215 - LAKEWOOD CENTRE, DRI #27

An Ordinance of the Board of County Commissioners of Manatee County, Florida, rendering an amended and restated Development Order pursuant to Chapter 380, Florida Statutes, for the Lakewood Centre Development of Regional Impact (Ordinance 08-13) to approve the following changes to Map H and the ordinance: (1) update the phasing and buildout dates to reflect legislatively approved extensions; (2) update conditions to reflect compliance with requirements contained therein; (3) modify affordable housing conditions consistent with current practices; (4) other amendments for internal consistency providing for development rights, conditions, and obligations; providing for severability; and providing an effective date.

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

PDMU-06-30(G)(R) - DTS#20120212 - LAKEWOOD CENTRE

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development amending Ordinance PDMU-06-30(Z)(G) to approve changes to the General Development Plan and Ordinance as follows: (1) update the phasing and buildout dates to reflect legislatively approved extensions; (2) update conditions to reflect compliance with requirements contained therein; (3) modify

affordable housing conditions consistent with current practices; (4) modify design conditions; (5) clarification of allowable uses; (6) allow for transfer of residential units to parcel k; (7) other amendments for internal consistency; providing for severability; and providing for an effective date. The Lakewood Centre DRI is generally located east of Lakewood Ranch Blvd, south of Malachite Drive, west of Pope Road, and north of S.R. 70 (697.4 ± acres).

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

ORDINANCE 12-34 - DTS#20120255 - SCHROEDER-MANATEE RANCH, INC.(SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating a Development Order pursuant to Chapter 380 Florida Statutes for the University Lakes Development of Regional Impact (Manatee County DRI #22, a/k/a Tampa Bay Regional Planning Council (TBRPC) DRI #216); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for recognition of the revocation of the development review agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes; to modify transportation conditions based upon such revocation; modification of affordable housing conditions consistent with current practices; to update Table 1 and Table 2 for consistency with previously approved land use exchanges; updating conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; updating the phasing and buildout dates to reflect legislatively approved extensions; eliminate maximum increase in land use exchanges (Table 1 - Column E), modify Map H to reflect previously approved land use exchanges, other

minor amendments and amendments for internal consistency; codifying and restating the existing Development Order for DRI #22; providing for severability; and providing for an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-92-01(G)(R14) - DTS#20120254 - SCHROEDER-MANATEE RANCH, INC. - (AKA SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, approving a revised Zoning Ordinance to eliminate maximum increase in land use exchanges (Table C - Column E), to recognize the revocation of the Development Review Agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modify affordable housing conditions consistent with current practices; update conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; update the phasing and buildout dates to reflect legislatively approved extensions; other minor amendments and amendments for internal consistency; amending the General Development Plan and Zoning Ordinance to show these changes; providing for severability; and providing an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-11-08(Z)(G) - DTS#20110165 - TREES DIRECT LLC

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 85.54 acres on the north side of Mendoza Road and east side of I-75 at 5500 37th Street East, Ellenton, from the A-1 (Suburban Agriculture, one dwelling unit per acre) to PDMU (Planned Development Mixed Use) zoning district; approving a General Development Plan for two development scenarios (tradition and mixed use development) with a trade-off matrix that includes a maximum of:

- 500 multi-family units which may include a 120-bed residential care facility (equals 20 units), and
- Commercial/office use(s) of up to 150,000 square feet; and

subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, 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 (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

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

d Tribune

Americans With Disabilities: Board of County Commissioners of Manatee County does not discriminate on the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's actions including one's access to and participation in public hearings. Anyone requiring a reasonable accommodation for a meeting as provided for by the ADA, should contact the Board of County Commissioners at 742-5800; TDD 742-5802 and wait 60 minutes, or FAX 745-3790.

HEARING MAY BE CONSIDERED FROM TIME TO TIME DURING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION Manatee County Building and Development Services Department Manatee County, Florida 8/2012

Copy of Newspaper Advertising

Sarasota Herald Tribune

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An Ordinance of the Board of County Commissioners of Manatee County, Florida, rendering an amended and restated Development Order pursuant to Chapter 380, Florida Statutes, for the Lakewood Centre Development of Regional Impact (Ordinance 08-13) to approve the following changes to Map H and the ordinance: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify affordable housing conditions consistent with current practices, (4) other amendments for internal consistency providing for development rights, conditions, and obligations; providing for severability; and providing an effective date.

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

PDMU-06-30(G)(R) - DTS#20120212 - LAKEWOOD CENTRE

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development amending Ordinance PDMU-06-30(Z)(G) to approve changes to the General Development Plan and Ordinance as follows: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify affordable housing conditions consistent with current practices, (4) modify design conditions; (5) clarification of allowable uses; (6) allow for transfer of residential units to parcel K; (7) other amendments for internal consistency; providing for severability; and providing for an effective date. The Lakewood Centre DRI is generally located east of Lakewood Ranch Blvd, south of Malachite Drive, west of Pope Road, and north of S.R. 70 (697.4 ± acres).

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

ORDINANCE 12-34 - DTS#20120255 - SCHROEDER-MANATEE RANCH, INC. (SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating a Development Order pursuant to Chapter 380 Florida Statutes for the University Lakes Development of Regional Impact (Manatee County DRI #22, a/k/a Tampa Bay Regional Planning Council (TBRPC) DRI #216); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for recognition of the revocation of the development review agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes; to modify transportation conditions based upon such revocation; modification of affordable housing conditions consistent with current practices; to update Table 1 and Table 2 for consistency with previously approved land use exchanges; updating conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; updating the phasing and buildout dates to reflect legislatively approved extensions; eliminate maximum increase in land use exchanges (Table 1 - Column E), modify Map H to reflect previously approved land use exchanges, other minor amendments and amendments for internal consistency; codifying and restating the existing Development Order for DRI #22; providing for severability; and providing for an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-92-01(G)(R14) - DTS#20120254 - SCHROEDER-MANATEE RANCH, INC. - (AKA SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP) (UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, approving a revised Zoning Ordinance to eliminate maximum increase in land use exchanges (Table C - Column E), to recognize the revocation of the Development Review Agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modify affordable housing conditions consistent with current practices; update conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; update the phasing and buildout dates to reflect legislatively approved extensions; other minor amendments and amendments for internal consistency; amending the General Development Plan and Zoning Ordinance to show these changes; providing for severability; and providing an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-11-08(Z)(G) - DTS#20110165 - TREES DIRECT LLC

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 85.54 acres on the north side of Mandoza Road and east side of I-75 at 5500 37th Street East, Ellenton, from the A-1 (Suburban Agriculture, one dwelling unit per acre) to PDMU (Planned Development Mixed Use) zoning district; approving a General Development Plan for two development scenarios (tradition and mixed use development) with a trade-off matrix that includes a maximum of:

- 500 multi-family units which, may include a 120-bed residential care facility (equals 20 units), and
- Commercial/office use(s) of up to 150,000 square feet; and

subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, 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 (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

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

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

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
Date of pub: October 24, 2012

ORDINANCE 07-7212-34
SCHROEDER-MANATEE RANCH, INC.
(SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)
(UNIVERSITY LAKES)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380 FLORIDA STATUTES FOR THE UNIVERSITY LAKES DEVELOPMENT OF REGIONAL IMPACT (MANATEE COUNTY DRI #22, A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #216); PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONCLUSIONS OF LAW; PROVIDING FOR DEFINITIONS; PROVIDING FOR RECOGNITION OF THE REVOCATION OF THE DEVELOPMENT REVIEW AGREEMENT THAT REQUIRED THE COMBINED REVIEW OF UNIVERSITY LAKES AND LAKEWOOD RANCH CORPORATE PARK FOR CERTAIN PURPOSES AND, TO MODIFY TRANSPORTATION CONDITIONS BASED UPON SUCH REVOCATION; MODIFICATION OF AFFORDABLE HOUSING CONDITIONS CONSISTENT WITH CURRENT PRACTICES; AND TO UPDATE TABLE 1 AND TABLE 2 FOR CONSISTENCY WITH PREVIOUSLY APPROVED LAND USE EXCHANGES; UPDATING CONDITIONS TO REFLECT COMPLIANCE WITH REQUIREMENTS CONTAINED THEREIN; PROVIDE FOR FLEXIBILITY IN UNIT ALLOCATION AMONG PARCELS; UPDATING THE PHASING AND BUILDOUT DATES TO REFLECT LEGISLATIVELY APPROVED EXTENSIONS; ELIMINATE LMAXIMUM INCREASE IN LAND USE EXCHANGES (TABLE 1 - COLUMN E), MODIFY MAP H TO REFLECT PREVIOUSLY APPROVED LAND USE EXCHANGES, OTHER MINOR AMENDMENTS AND AMENDMENTS FOR INTERNAL CONSISTENCY, AMENDED LIMITATIONS ON AND CONDITIONS OF APPROVAL; INITIATE PHASE 4 DEVELOPMENT; AMEND MAP H TO REMOVE 73.0 ACRES AND ADD 53.8 ACRES; VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, CLARIFICATION CHANGES, CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #22; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 31, 1991, SMR Communities Joint Venture, a Florida general partnership filed an Application for Development Approval* (ADA*) of a Development of Regional Impact (DRI) with the Manatee County Board of County Commissioners (County*) pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said ADA* proposed construction of a multi-use project on approximately two-thousand three-hundred fifty-three (2,353) acres, located in southern Manatee County, hereinafter referred to as University Lakes DRI, or the Project*; and

WHEREAS, the described Project* lies within the unincorporated area of Manatee County; and

WHEREAS, a second development is planned, commonly known as Lakewood Ranch Corporate Park adjacent to the Manatee County line in Sarasota County; and

WHEREAS, the University Lakes and Lakewood Ranch Corporate Park DRI's have been reviewed pursuant to the terms of the 380 Review Agreement* defined in Section 3. below; and

WHEREAS, the Board of County Commissioners, on June 1, 1992, approved Ordinance 92-32, which granted local approval to University Lakes, DRI No. 22; and

WHEREAS, the Department of Community Affairs and the Tampa Bay Regional Planning Council appealed Ordinance 92-32 within the statutory time frame allowed; and

WHEREAS, the Developer* entered into a settlement agreement with the Department of Community Affairs and the Tampa Bay Regional Planning Council to resolve their concerns; and

WHEREAS, on October 24, 1993, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-25) for the University Lakes DRI adopting language to settle administrative action between the Department of Community Affairs, Tampa Bay Regional Planning Council, and Schroeder-Manatee Ranch, Inc., et. al.; and

WHEREAS, on January 25, 1996, the Board of County Commissioners adopted Ordinance 95-44, approving amendments to modify development totals, add 69.8 acres, and modify various definitions and conditions of the Development Order for the University Lakes DRI, which amendments were not found to be a Substantial Deviation to the originally approved Development Order; and

WHEREAS, on October 28, 1997, the Board of County Commissioners adopted Ordinance 97-61, approving amendments to extend the buildout and expiration dates; amend Map H to modify acreage totals per land use, change one subphase from business to residential, modify the internal roadway network between I-75 and Lakewood Ranch Boulevard; amend transportation, wetland, and other conditions; employ the land use trade-off mechanism in the D.O. to modify development totals in Phases I, II and III; modify the Certificate of Level of Service for Phase I to address land use exchange; and approve Development Order modifications to more accurately reflect the status of compliance with certain conditions of approval; and

WHEREAS, on December 16, 1997, the Board of County Commissioners adopted Ordinance 97-81, to allow a hospital use in Phase II of the development; and

WHEREAS, on February 22, 2000, the Board of County Commissioners adopted Ordinance 00-45, to initiate Phase II construction; relocate the Town Center to the east side of Lakewood Ranch Blvd.; relocate an access point onto University Parkway; shift square footage amounts between different Regional Commercial and Business parcels; make changes to tables 1, 5 and 6 of the Development Order; and amend Transportation and Affordable Housing Conditions; and

WHEREAS, on December 18, 2001, the Board of County Commissioners adopted Ordinance 01-60 to decrease Retail uses by 74742 sq. ft.; increase Hotel uses by 300 rooms; increase Office uses by 93,000 sq. ft; relocate 75,258 sq. ft. of Retail from the NW quadrant of Lorraine Road and University Parkway from Community Commercial to Residential; decrease Single-Family Attached units by 153; increase Multi-family units by 125; and amend Tables C and D to reflect these changes; and

WHEREAS, on August 26, 2003, the Board of County Commissioners adopted Ordinance 03-35 to extend the phase date of Phase I by seven (7) years; extend the phase date of Phase II by two (2) years; accelerate the Phase III start date by eight (8) years; accelerate the Phase IV start date by four (4) years; increase Business Office acreage by 4.2 acres; decrease Wetland/Mitigation acreage by 4.2 acres; change the quantifying reference for hospital use from square footage to bed count; move 425,600 square feet of General Commercial Retail from Phase II to Phase IV; move 4,300

square feet of General Commercial Retail from Phase III to Phase IV; move 327,508 square feet of Business Industrial from Phase III to Phase IV; move 88,328 square feet of Business Office from Phase IV to Phase III; move 30,000 square feet of Neighborhood Commercial from Phase II to Phase IV; move 151 single-family dwelling units from Phase IV to Phase III and reduce the entitlements for single-family dwelling units by 294; move 105 single-family attached dwelling units from Phase IV to Phase III and reduce the total entitlements for Single Family Attached Dwelling Units by 93; increase Multi-Family Dwelling Units in Phase III by 387; move 106.0 acres from the University Lakes DRI to the Cypress Banks DRI; amend the name of the authorized agent from Rex Jensen to Tim Martin; replace all references to the University Place DRI to the Lakewood Ranch Corporate Park DRI; amend Tables 3 and 4 to update the entitlements for Lakewood Ranch Corporate Park; establish February 22 as the annual reporting date; amend Section 4.C to update Attachment #5 (Land Use Equivalency) to the latest ITE generation rates; amend Tables 1 and 2 to reflect these changes; amend Section 5, Transportation and Affordable Housing to reflect updated analysis; and, amend Map H and the Development Order to reflect the above changes; and

WHEREAS, on October 19, 2004, the Board of County Commissioners adopted Ordinance 04-59 to add 1,804.7 acres (east of Lorraine road); add ten access points for new internal roadways; increase single-family detached dwelling units by 350 in Phase III; decrease single-family attached dwelling units by 135 in Phase III; decrease multi-family dwelling units by 292 in Phase III; increase general commercial (regional) retail by 251,578 square feet in Phase III; decrease neighborhood commercial (community) by 34,236 square feet in Phase I; decrease neighborhood commercial (community) by 31,143 square feet in Phase II; decrease business office by 58,323 square feet in Phase III; decrease general commercial (highway) retail by 150,000 square feet in Phase II; decrease general commercial (highway) hotel and motel by 85 rooms in Phase I; decrease general commercial (highway) hotel and motel by 405 rooms in Phase IV; increase residential acreage by 811.4 acres; increase community commercial acreage by 31.0 acres; increase open space acreage by 129.3 acres; increase recreational acreage by 9.9 acres; increase wetland acreage by 343.2 acres; increase lake acreage by 277.4 acres; increase road right-of-way acreage by 202.5 acres; changed the labeling of cluster villa (cv) residential units to multi-family (mf); amending the name of the authorized agent from Tim Martin to Todd Pokrywa; amending Tables 1 and 2 to reflect these changes; amending Map H and the Development Order to reflect the above changes; amending Map H to allow Community, Highway, and Regional Commercial uses on a Community Commercial parcel located west of the town center; amending Map H to allow commercial uses in certain Business parcels; amending the legal description to reflect the above referenced changes, and; various other changes to the Development Order and terminology and formatting changes; and

WHEREAS, the Developer* of University Lakes submitted and supplied information pursuant to the Notice of Proposed Change Provisions of Section 380.06, Florida Statutes, concerning the regional impacts of Traffic, Air Quality, and Affordable Housing to Manatee County concerning the proposed development in Phases I, II, III, and IV pursuant to the which information was reviewed by the Tampa Bay Regional Planning Council, Department of Community Affairs, and other applicable state agencies, each of which had opportunity to request additional information and make comments and suggestions, and each of which in fact did so. The Developer* further responded to questions and comments raised by said parties in the form of sufficiency responses; and

WHEREAS, on October 16, 2007 the Board of County Commissioners adopted Ordinance 07-72 to the developers of University Lakes have proposed to implement the following changes to the Development:

- (1) Revising the project boundary to delete 73.0 acres (east of Lorraine Road) in favor of the Cypress Banks DRI;
- (2) Revising the project boundary to add 53.8 acres (east of Lorraine Road);

- (3) Increasing single family detached dwelling units by 434 in Phase IV;
- (4) Increasing multifamily dwelling units by 578 in Phase IV;
- (5) Decreasing General Commercial (Regional) Retail by 70,100 square feet in Phase III;
- (6) Decreasing General Commercial (Regional) Retail by 429,900 square feet in Phase IV;
- (7) Increasing (Business) Office by 120,000 square feet in Phase IV;
- (8) Decreasing Industrial by 11,397 sq. ft. in Phase III.
- (9) Decreasing Industrial (Business) by 778,088 square feet in Phase IV;
- (10) Decreasing Community Commercial by 59,778 sq. ft. in Phase IV.
- (11) Increasing General Commercial (Highway) Hotel and Motel by 405 rooms in Phase IV;
- (12) A decrease in residential acreage by 37.0 acres;
- (13) A decrease in Community Commercial acreage by 8.8 acres;
- (14) An decrease in open space acreage by 41.3 acres;
- (15) An increase in recreational acreage by 8.1 acres;
- (16) An decrease in wetland acreage by 8.8 acres;
- (17) An increase in lake acreage by 54.8 acres;
- (18) An increase in right-of-way acreage by 13.8 acres;
- (19) An extension of The Masters Avenue to the proposed Dam Road in close proximity to the eastern boundary of the project;
- (20) Initiate Phase IV;
- (21) Accelerate the start date of Phase IV by five (5) years from 2011 to 2006;
- (22) Amending Tables 1 and 2 to reflect these changes;
- (23) Amending Map H and the Development Order to reflect these changes;
- (24) Amending the legal description to reflect the above referenced changes, and
- (25) Various other changes to the Development Order including terminology and formatting changes;
- (26) Extending the buildout date of Phases II, III, and IV to 2014, 2014, and 2022, respectively; and
- (27) Extend the project buildout date to 2022 and extend the Development Order expiration date to 2027.

WHEREAS, Schroeder-Manatee Ranch, Inc. filed a request to amend the Development Order pursuant to Section 380.06(19)(e)2, Florida Statutes, which does not require the filing of a notice of proposed change, but, requires an application to the local government to amend the development order in accordance with the local government's procedures; and

WHEREAS, on or about July 9, 2008, the Development Review Agreement entered into by and between DCA, TBRPC, SWFRPC and SMR related to the University Lakes DRI, among other matters, was revoked by mutual agreement and is of no future force or effect.

WHEREAS, the above described changes, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for University Lakes, pursuant to Subsection 380.06(19), Florida Statutes; 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 held a public hearing on October 11, 2007, has reviewed the NOPC, and has filed a recommendation on this NOPC with the Board of County Commissioners; and~~

WHEREAS, the Planning Commission has held duly noticed public hearings on November 8, 2012 and found the development order and Map H consistent with the Manatee County Comprehensive Plan (Ordinance 89-01, as amended).

~~**WHEREAS**, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council and the Department of Community Affairs; and~~

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

~~**WHEREAS**, the County* on October 23, 2007XXXX, December 6, 2012, held a duly noticed public hearing on the NOPC application and the language proposed by the Developer* to amend and replace Ordinance 04-59, 07-72 as amended, and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County and City agencies, the applicant, as well as the review and report of the Manatee County Planning Building and Development Services Department.~~

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

SECTION 1. FINDINGS OF FACT

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

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 92-32, (as amended by Ordinances 93-25, 95-44, 97-61, 97-81, 00-45, 01-60, 03-35, and 04-59 and 07-72).
- C. ~~An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised General Development Plan to revise the project boundary to revise the project boundary to delete 73.0 acres (east of Lorraine Road) in favor of Cypress Banks DRI; revise the project boundary to add 53.8 acres (east of Lorraine Road); increase single family detached dwelling units by 434 in Phase IV; increase multifamily dwelling units by 578 in Phase IV; decrease General Commercial (Regional) Retail by 70,100 square feet in Phase III; decrease General Commercial (Regional) Retail by 429,900 square feet in Phase IV; increase Business Office by 120,000 square feet in Phase IV; decrease Industrial by 11,397 sq. ft. in Phase III; decrease Industrial by 778,088 square feet in Phase IV; increase General Commercial (Highway) Hotel and Motel by 405~~

~~rooms in Phase IV; decrease Community Commercial by 59,778 sq. ft. in Phase IV; decrease residential by 37.0 acres; decrease Community Commercial by 8.8 acres; decrease open space by 41.3 acres; increase recreational by 8.1 acres; decrease wetland by 8.8 acres; increase lake by 54.8 acres; increase right of way by 13.8 acres; extend The Masters Avenue to the proposed Dam Road in close proximity to the eastern boundary of the project; initiate Phase IV; accelerate the start date of Phase IV by five (5) years from 2011 to 2006; extend the buildout date of Phases II, III, and IV to 2014, 2014, and 2022, respectively; extend the project buildout date to 2022; extend the Development Order expiration date to 2027; amend Tables 1 and 2 to reflect these changes; amend Map H and the Development Order to reflect these changes; amend the legal description to reflect the above referenced changes; and make various other changes to the Development Order including terminology and formatting changes.~~

D.C The Board of County Commissioners of Manatee County has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC application to amend the Development Order and Zoning Ordinance and the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance ~~of an NOPC pursuant to Section 380.06, Florida Statutes. The report was rendered on October 11, 2007, following public hearing regarding the NOPC and the proposed Official Zoning Atlas Ordinance Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (the Manatee County Land Development Code) and Ordinance No. 89-01, as amended, (Manatee County Comprehensive Plan), and has further considered the testimony, comments, and information received at the Public Hearing.~~

F.D The proposed changes to the DRI regarding the property described in Section 7. herein, are found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified in Section 5. and the Developer* Commitments specified in Section 6. of this Development Order.

G.E The Developer* of the Project* submitted to Manatee County, Florida, an ADA* for the original project and the above described Notices of Proposed Change ~~including this one,~~ which are incorporated herein by reference.

H. ~~F.~~ The Developer* submitted an Affordable Housing Impact Analysis for Phases I, II, and III to Manatee County which describes the housing demand for low, very low and median income households and the existing housing supply (see Attachment #1 to Ordinance 07-72). As mitigation for the impact of Phase IV on affordable housing, the developer has committed to provide, within 10 miles of the project, a number of affordable-workforce housing units equal to 10% of the number of housing units constructed within University Lakes Phase IV.

I.G The real property which is the subject of this Development Order is legally described as set forth in Section 7.

J.H The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

~~K.~~ I The authorized agent for the Project* is Todd Pokrywa, and his address is SMR Communities Joint Venture, a Florida general partnership, 14400 Covenant Way, Bradenton Lakewood Ranch, Florida 34202.

~~L.~~ J The owner of the property, (which SMR Communities Joint Venture intends to develop), is Schroeder-Manatee Ranch, Inc., a Delaware corporation.

~~M.~~ A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, TBRPC, Sarasota County, SWFRPC, and the Department of Community Affairs (DCA).

SECTION 2. CONCLUSIONS OF LAW

A. Based upon the previous findings of fact and the development conditions, in Section 5 below, the Board of County Commissioners of Manatee County concludes that:

1. The Project* will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.
2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Strategic Regional Policy Plan (SRPP), and Ordinance 89-01, as amended (The Manatee County Comprehensive Plan).
3. The Project* is consistent with the report and recommendations of TBRPC approved on February 10, 1992 and on January 8, 1996, regarding the first NOPC; in May 1997, regarding the second NOPC; on October 13, 1997 regarding the third NOPC; on December 16, 1997 regarding the fourth NOPC; on January 24, 2000 regarding the fifth NOPC; on September 21, 2001 regarding the sixth NOPC; on April 14, 2003 regarding the seventh NOPC; on October 22, 2003 regarding the eighth NOPC; on October 19, 2004 regarding the ninth NOPC; and on August 13, 2007 regarding the tenth NOPC.

B. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

~~C.~~ The review by the County*, 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*, the NOPC, and the Air Quality, Transportation, and Affordable Housing Analyses submitted pursuant to Chapter 380.06, Florida Statutes to initiate Phase IV. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

~~D.~~ C This Ordinance replaces Ordinance 07-72-04-59, which granted amendments to Ordinance, 92-32, 93-25, 95-44, 97-61, 97-81, 00-45, 01-60, and 03-35 and 04-59 in their entirety and

adequately addresses the impacts of the development, pursuant to the requirements of Chapter 380, Florida Statutes.

~~E. Pursuant to Sections 380.06(19)(c), 380.06(19)(e)3, and 380.06(19)(e)5.c, Florida Statutes, the Developer has submitted clear and convincing evidence to rebut the presumption that the changes proposed pursuant to the NOPC submitted on January 27, 2006 and approved pursuant to Ordinance 07-72, are Substantial Deviations.~~

SECTION 3. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined. The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order, in addition to those listed herein.

~~A. "380 Review Agreement*" shall mean the Agreement executed between DCA, TBRPC, the Southwest Florida Regional Planning Council ("SWFRPC"), and SMR Communities Joint Venture, a Florida general partnership, dated September 6, 1991 which governs the review of the University Lakes and Lakewood Ranch Corporate Park DRI's. A copy of the 380 Review Agreement* is on file with the Clerk's Office and previously supplied to DCA as Attachment #2 to Ordinance 93-25.~~

~~B. A "Application for Development Approval*" (or ADA*) shall mean University Lakes, Inc. Development of Regional Impact Application for Development Approval (May 31, 1991), the Sufficiency Response submitted by the Developer* on October 25, 1991, Appendix E Cumulative Affordable Housing Analysis; in May 1997, regarding the second NOPC; on October 13, 1997 regarding the third NOPC; on December 16, 1997 regarding the fourth NOPC; on January 24, 2000 regarding the fifth NOPC; and on September 21, 2001 regarding the sixth NOPC; on March 26, 2002 regarding the seventh NOPC; on October 22, 2003, regarding the eighth NOPC; on October 19, 2004 regarding the ninth NOPC, and on January 27, 2006 regarding the 10th NOPC and on July 17~~XX~~, 2012 regarding the amendment to the Development Order.~~

~~C. B "Best Management Practices*" (BMP) 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. "Combined Projects*" shall refer to both University Lakes and the neighboring project, Lakewood Ranch Corporate Park.~~

~~E. C "County*" shall mean the Board of County Commissioners for Manatee County, or their designee(s).~~

~~F. D. "Developer*" shall mean SMR Communities Joint Venture, a Florida general partnership, their heirs, assigns, designees, and successors in interest as to the Project* and all its conditions of approval.~~

~~G. E "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.~~

H.F. "Development Plans*" shall mean any Preliminary Site Plan issued by Manatee County or a site and development plan issued by Sarasota County.

I.G. "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services, or related Development Order commitments and conditions and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is the declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.

J.H. "SRPP" shall mean the TBRPC's Future of the Region, a Strategic Regional Policy Plan for the Tampa Bay Region, December 11, 1995.

I. "Fair Market Rent Documentation System" shall mean a system established by the Department of Housing and Urban Development (HUD) that provides complete documentation of the development of the Fair Market Rents (FMRs) for any area of the country. FMRs are developed and updated from the metropolitan Core-Based Statistical Areas (CBSAs) as established by the Office of Management and Budget.

K.J. "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 the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County* for construction to be completed when the improvement is required as referenced in Table 5 of this Development Order; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years (or current plus first four years for FIHS facilities) of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated in this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380 of the Florida Statutes. Said Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Table 5.

L.K. "Post-Development Wetlands*" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-340, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development for this Project*.

M.L. "Project*" shall mean the land uses, phasing, and improvements described in the ADA* which are attributable to development on that property described in Section 7 herein and set forth on Revised Map H, December, 2012 ~~January 2006~~ and attached hereto.

N.M. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the ~~Combined-Projects*~~ will be five percent (5%) (or whatever greater percentage may be employed from time to time by ~~DCADEQ~~, TBRPC, or the County*, provided the more restrictive percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on Figure 21-2 dated July 2012 ~~revised Map J, dated October 2003~~ (which was attached as Attachment #4 to Ordinance ~~04-60 12-XX~~) which was based on data submitted with the ADA*. ~~In determining the Transportation Impact Area* for this Project* all traffic generated by Lakewood Ranch Corporate Park shall be deemed project traffic for University Lakes.~~

O.N. "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 such units.

SECTION 4. ~~380 REVIEW AGREEMENT*, APPROVALS, AND DEVELOPMENT COMPONENTS~~

~~A. Some of the impacts of the University Lakes DRI have been reviewed in conjunction with the impacts of the proposed Lakewood Ranch Corporate Park DRI under the terms of the 380 Review Agreement*. The 380 Review Agreement* provides for a cumulative assessment of the impacts of both projects on the issues of transportation, air quality, affordable housing, and listed species.~~

~~Tables 1 through 4 list the appropriate land uses for University Lakes (Tables 1 and 2) and Lakewood Ranch Corporate Park (Tables 3 and 4) under the designations used by the respective Counties and the designations used in Section 380.0651, Florida Statutes, in parentheses (-).~~

B. A ~~Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the land uses, square footage, dwelling units, and approximate area described in Columns A through D of Table 1 and the land uses, square footage, dwelling units, and approximate area by phase as described in Table 2. Phase I, II, III, and IV of the Project* are approved subject to the conditions found within this Development Order. Upon its review and approval by staff, a Certificate of Level of Service will be issued as part of this approval, and is authorized until the dates for each Phase set forth in Table 2.~~

~~The conditions of approval of Phases I, II, and III of University Lakes and Phase I of Lakewood Ranch Corporate Park, (Combined Projects) with respect to the impacts that were cumulatively assessed, shall not necessarily apply to subsequent phases. In addition to obtaining a Development Order amendment, Certificates of Level of Service must be obtained for Phase IV, but shall be limited to roadway capacity, mass transit, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code. The Certificate of Level of Service for potable water and sanitary sewer must be obtained with each Final Site Plan.~~

**TABLE 1
UNIVERSITY LAKES DEVELOPMENT COMPONENTS**

Column A Map H Land Use (Section 380.0651 F.S. Designation)	Column B Number Acres *****	Column C Square Feet	Column D Dwelling Units	Column E Land Use Exchange Maximum Increase
Residential	1,444.2	n/a	4,043 <u>3,941</u>	An increase in dwelling units by 5% or 50 units, whichever is greater
General Commercial*				Land Area increased by 6 acres or increase by 50,000 s.f. of gross floor area, or the greater of a 5% increase in parking spaces or an increase of customer parking by 300 spaces
Retail	56.6	571,578 <u>677,506</u>	n/a	
Hospital	32.0	150 beds	n/a	
Total General Commercial	88.6	571,578 <u>677,506/</u> 150 beds	n/a	
Neighborhood Commercial**	39.7	181,104 <u>141,298</u>	n/a	
General Commercial***				75 rooms
Retail	21.0	0	n/a	
Hotel and Motel	7.0	250,000/ 620 rooms	n/a	
Total General Commercial	28.0	250,000 / 620 rooms	n/a	
Business				Land area increased by the greater of 5% or 6 acres, whichever is greater, or gross floor area increased by greater of 5% or 60,000 s.f. whichever is greater
Office	59.3	1,248,877 <u>1,021,969</u>	n/a	
Industrial	55.0	18,603	n/a	
Total Business	114.3	1,267,480 <u>1,040,572</u>	n/a	
Right of Way	393.5			
Recreation	348.4			
Wetlands/Mitigation	674.3			
Lakes****	688.2			
Open Space	282.0			
TOTAL	4,101.2	2,270,159/ <u>2,109,376</u>150 hospital beds / 620 hotel rooms	4,043 <u>3,941</u>	

* Acreage and square footage are referred to as Regional Commercial in the ADA*.

** Acreage and square footage are referred to as Community Commercial in the ADA*.

*** Acreage and square footage are referred to as Highway Commercial in the ADA*.

**** Additional lakes will be constructed within the Project* as required by the stormwater management system.

***** Acreages subject to verification and adjustment based upon future survey activities, consistent with the graphic depictions on revised Map H.

**TABLE 2
UNIVERSITY LAKES PHASING SCHEDULE**

Map H. Land Use Designation ('380.0651, F.S., Designation)	Phase I 1992-2011 ♦	Phase II 2000-2019 2014 ♦	Phase III 2002-2019 2014 ♦	Phase IV 2006 – 2027 2022 ♦	Total
Residential Dwelling Units					
Single Family	970	361	450	402,434	2,183,215
Single Family Attached	88	0	0	0	88
Multi-Family	449	412	301	508,578	1,671,740
Total Residential	1,507	773	751	910,012	3,941,043
General Commercial* s.f. (Regional)					
Retail	275,557	114,543	287,406,181,478	0	677,506,571,578
Hospital	0	150 beds	0	0	150 beds
Total General Commercial	275,557	114,543	287,406,181,478	0	677,506,571,578
					150 BEDS
Neighborhood Commercial** s.f. (Community)					
Retail	52,764	0	0	88,534,128,337	141,298,181,104
Total Neighborhood Commercial	52,764	0	0	88,534,128,337	141,298,181,104
Business s.f.					
Office	323,318	381,700,608,608	191,677	125,274	1,021,969,124,887
Industrial	0	0	18,603	0	18,603
Total Business	323,318	381,700,608,608	210,280	125,274	1,040,572,126,748
General Commercial*** s.f. (Highway)					
Retail	0	0	0	0	0
Hotel and Motel	250,000/ 215 rooms	0	0	0 405 rooms	250,000/ 620 rooms
Total General Commercial	250,000	0	0	0	250,000
Recreational Facilities****	Tennis & Boat Club+, Park, Golf Course & Park				

* Acreage and square footage are referred to as Regional Commercial in the ADA*.
 ** Acreage and square footage are referred to as Community Commercial in the ADA*.
 *** Acreage and square footage are referred to as Highway Commercial in the ADA*.

**** Phasing of recreational facilities may be accelerated in accordance with the provisions of Sections 4.B., C. and E.

+ The Boat Club shall be located on the 160 +/-acre manmade lake and shall contain facilities for launching and dockage for wet storage of not more than 20 watercraft and dry storage for not more than 30 watercraft. Small craft not commonly moored, such as sailboards, canoes, paddle boats, and similar non-motorized craft, and assorted storage facilities for such small craft shall not count against this limitation, and such craft may be used on the manmade lake.

◆ Buildout date is September 13th August 5th of each year indicated.

TABLE 3

LAKWOOD RANCH CORPORATE PARK DEVELOPMENT COMPONENTS

Sarasota County Land Use Designation (Section 380.06.0651, F.S. Designation)	Number of Acres	Square Feet
Interstate Regional Office Park (Office)	250.0	998,308
Major Employment Center (Office) (Industrial) (Retail)	728.9	(1,849,885) (2,774,827) (76,980)
Open Use Conservation	395	n/a
Totals	1,373.9	5,700,000

TABLE 4
LAKEWOOD RANCH CORPORATE PARK PHASING SCHEDULE

Sarasota county Land Use Designation (Section 380.0651, F.S. Designation)	Phase I	Phase II	Phase III	Total
Interstate Regional Office Park s.f. (Office)	436,000	365,334	196,974	998,308
Major Employment Center s.f. (Office)	957,600	555,219	337,066	1,849,885
(Industrial)	1,435,600	832,828	505,599	2,774,827
(Retail)	40,000	23,287	13,693	76,980
Total	2,869,200	1,776,668	1,053,332	5,700,000

The amounts of residential, retail, hotel and motel, office, and industrial uses shown in Table 1 above within the Project* can be exchanged, with Board of County Commissioners approval of a revised General Development Plan, to allow flexibility in the exact land use mix shown in Columns B, C, and D of Table 1, above, and within each individual Phase shown in Table 2, provided that the following conditions are satisfied: The following uses designated in Table 1, shall not be reduced by the Developer* below the amounts set forth in Table 1, except as described elsewhere herein in specific provisions pertaining to those uses: lakes, recreation, wetlands/mitigation, open space.

1. ~~No land use category in the final Project* shall contain more development than that reflected in Table 1 Columns B, C, and D, plus that amount reflected in Column E.~~
2. ~~The following uses designated in Table 1, shall not be reduced by the Developer* below the amounts set forth in Table 1, except as described elsewhere herein in specific provisions pertaining to those uses: lakes, recreation, wetlands/mitigation, open space.~~
3. ~~The mix of approved uses within an individual Phase shall not be increased nor decreased by more than 500 dwelling units.~~
4. ~~The mix of approved uses within an individual Phase shall not be increased nor decreased by more than 400,000 square feet of General Commercial.~~
5. ~~The mix of approved uses within an individual Phase shall not be increased by more than 170,000 square feet nor decreased by more than 100,000 square feet of Business.~~

~~6. The mix of approved uses within an individual Phase shall not be increased nor decreased by more than 75 hotel rooms.~~

~~7. All other uses not specifically mentioned in Paragraphs 3, 4, 5, and 6 above shall not be subject to an exchange pursuant to this section.~~

C.B. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the proposed land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation which are authorized in this Development Order and in any Certificate of Level of Service Compliance (CLOS) issued for that Phase. Additionally, the Developer* shall demonstrate that the proposed land use mix will not generate additional demand for affordable housing beyond the amount for which the supply of affordable housing has been demonstrated to be available and is described in Section P.(1) of this Development Order. If the impacts of a specific land use exchange exceeds the impacts authorized and approved for that phase in the Development Order, then the land use exchange shall be denied.

As to the CLOS, the Developer* must apply for a modification to the CLOS and if the proposed land use exchange results in impacts in excess of those previously approved, the Developer* may be granted approval for that excess only if and when capacity is available and in conformance with other provisions of this Section 4. However, reapplication shall not cause the Developer* to lose capacity already approved in the Certificate of Level of Service for that Project*. If the request for a land use exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved pursuant to the CLOS.

An application for a land use exchange must include a revised General Development Site Plan which will include a revised Table 2 showing the reallocation of square footage or units. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan. ~~Upon submission of a request to the County* to implement this section of the Development Order, all application materials and information necessary to support approval of such a request shall be provided to the Department of Community Affairs, TBRPC, SWFRPC, and Sarasota County by the Developer*. The Developer* shall provide written notification to the Department, TBRPC, SWFRPC, and Sarasota County of the approval or denial of any land use exchange requested by the Developer*.~~

With the submittal of any ~~Notice of Proposed Change requiring changes~~ application to amend to this Development Order, the Revised Master Development Plan and Phasing Schedule shall be amended to reflect any Land Use Exchange(s) that have been approved since the issuance of the Development Order or last amendment to the Development Order. Such change considered by itself shall not constitute a substantial deviation. Changes to the Phasing Schedule under this paragraph do not include extensions to the buildout date.

The land use exchange request shall contain information sufficient to enable the County* to determine that the impacts of the revised land use mix do not exceed the impacts of the land use mix being replaced. The quantifiable impacts will be measured based upon the relevant

factors then currently used by the County* (e.g., ITE trip generation rates, EDU tables, solid waste generation factors, etc.) The Developer* shall verify the appropriate factors with County* staff prior to the submittal of any such land use exchange request.

The traffic impacts of the revised land use mix shall be deemed by the County* not to exceed the approved traffic impacts of the land use mix being replaced so long as the change does not increase the peak hour total traffic and the relative proportions of trips produced by attractors and the trips produced by generators remains substantially the same for the phase or subphase. In the event that the attractor or generator proportions are not substantially the same, as determined by the County*, additional information may be required to assess intersection performance, trip distribution, or particular roadway segments designated by the County*.

Attached hereto as Attachment #5 (updated February 2003) is a table of conversion factors for equating only traffic impacts of land use exchanges. The incorporation of this land use exchange mechanism shall not operate to permit the Developer* to develop any land use which will generate peak hour trips in excess of the total number of peak hour trips for which it has obtained specific Development Order approval.

Any amendments to the land use mix or proposed phasing schedule (Tables 1 and 2 respectively), other than those described herein, shall be submitted to the County* for review and approval, pursuant to ~~notice of change as required by~~ Subsection 380.06(19), F.S., which approval shall not be withheld for mere acceleration of phases if otherwise there is compliance with the terms of this Development Order. Any departure in Project* buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a Substantial Deviation pursuant to Subsection 380.06(19), F.S.

Any specific land use exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan. ~~The land use exchange may not be exercised more than once in any calendar year.~~

D.C The list of required transportation improvements described in Table 5 are triggered by the construction of ~~Phase I of the Combined Projects* and Phases I, II, III, and IV of University Lakes. In the event that at any time the amount of development authorized in the Lakewood Ranch Corporate Park Development Order is less than that shown as Phase I Table 4 of this Development Order, the Developer* may submit a Notice of Proposed Change requesting a Development Order amendment to increase the amount of development in Phase I, II, and III and IV of University Lakes by an amount equal in impacts to the Lakewood Ranch Corporate Park reduction. In reviewing such a Notice of Proposed Change, transportation issues shall not form the basis of a recommendation of Substantial Deviation if the impacts (trip generation or distribution) on transportation facilities remain essentially the same. Nothing herein shall operate as a waiver of the Developer's* obligation to obtain a CLOS for any and all development which the Developer* proposes to transfer from Lakewood Ranch Corporate Park to University Lakes. In making a request under this Section 4.D., the Developer* must meet all of the following conditions:~~

1. ~~The impacts of the proposed change do not exceed the impacts which were approved in the Development Order, or any amendments thereto, for potable water, wastewater treatment, solid waste disposal, mass transit, drainage, affordable housing, and parks~~

and recreation.

2. ~~The Developer* must further demonstrate that the request is consistent with applicable provisions of the Comprehensive Plan and the Land Development Code.~~
3. ~~The amount of any increase in any Land Use Category may not exceed the limitations set forth in Table 1 Column E above.~~
4. ~~The County* shall not be required to approve any increase to Phase I, II, III, and IV of University Lakes unless adequate capacity exists to serve such increase and assurance of corresponding decrease is demonstrated to the County's* satisfaction, in Phase I of Lakewood Ranch Corporate Park.~~
5. ~~In the event that the amount of development is increased for Phase I of Lakewood Ranch Corporate Park after approval of an increase of the permitted uses, density, or intensity for Phase I, II, III, and IV of University Lakes under this Section 4.D., then this entire Development Order shall be subject to an additional Substantial Deviation review to address the impacts of development which was previously added to University Lakes.~~

~~The intent of this provision is not to alter the size or land use mix of the Combined Projects* at buildout. There is no intent to change the land uses actually approved for University Lakes. It is intended to provide flexibility in the timing of development between phases of the respective projects in response to economic development opportunities or development constraints. The applicability of this provision "D" is limited to Phase I of the Combined Projects* and Phase II, III, and IV of University Lakes.~~

E.D ~~To foster intergovernmental coordination in the administration of University Lakes and Lakewood Ranch Corporate Park, the Developer* will furnish to the Sarasota County Planning Department, the SWFRPC, and the City of Bradenton for review and comment, copies of all BiennialAnnual Reports (together with any documents required to accompany said Annual Biennial Reports), any applications or submissions by the Developer* under this Section 4, and any revisions to University Lakes resulting from determinations by the County* under this Section 4. Further, the Developer* shall furnish to the County* copies of all Annual Reports (together with any documents required to accompany said Annual Reports) regarding Lakewood Ranch Corporate Park.~~

F.E No provision of this Development Order shall serve to approve uses which were not previously reviewed and approved for University Lakes or which are inconsistent with the Manatee County Comprehensive Plan, including the WO-E Overlay District.

SECTION 5. DEVELOPMENT CONDITIONS

Transportation

- A.(1) ~~The revised and updated cumulative-transportation analysis for Phases I, II, III, and IV for University Lakes and Phase I for Lakewood Ranch Corporate Park, conducted under the 380~~

Review Agreement* determined the need for the roadway intersection improvements described in Table 5 below. ~~This revised Table 5 reflects changes from the previous versions due to the following:~~

- ~~• Recognition of the revocation of the development review agreement separating University Lakes and Lakewood Ranch Corporate Park.~~
- ~~• Since the previous list, many several of the improvements have been completed.~~
- ~~• Improvements identified in previous analyses were the result of traffic growth projections that were higher than actually have occurred and future traffic growth is likewise estimated to be at lower levels than previously assumed.~~
- ~~• Many of the listed improvements are actually tied to the impacts of Lakewood Ranch Corporate Park (LWRCP) and not to the impacts of University Lakes, especially those south of University Parkway, and are now covered separately in the LWRCP Development Order.~~
- ~~• As was planned, but not included in the previous traffic study, the real capture of the University Lakes development of trips has proved to be considerably higher than predicted assumed in previous analyses. And, therefore, actual external trip generation is significantly less than what the study was required to assume, resulting in some improvements not being needed.~~

Note: Tables 3 and 4 were deleted with Ordinance 12-34 revisions.

**Table 5
Ramp and Intersection Improvements**

Improvement Number	Location	PM Peak Hour LOS Prior to Improvement LOS	Applicable Peak Hour LOS Standard	Development Traffic as A % of LOS Peak Hour Capacity	Required Improvement to Restore LOS	Total PM Peak Hour External Trips for Combined Projects Before Need*
1	I-75 SB on-ramp at University Pkwy	F	D	11.8	Add 1 lane to ramp	6615
2	I-75 SB off-ramp at University Pkwy	F	D	7.1	Add 1 lane to ramp, add 1 lane to interstate	5413
3	I-75 NB on-ramp at University Pkwy	F	D	7.1	Add 1 lane to ramp	8297
4	I-75 NB off-ramp at University Pkwy	F	D	11.8	Add 1 lane to ramp	6251
5 1	I-75 SNB off-ramp at Fruitville Rd.	F <u>E</u>	D	7.6 9.9	Add 1 lane to ramp <u>Extend ramp lane 200 feet</u>	3681 8377
6	SR 64 & Lorraine Road	NB—F	D	8.1	Signalize	5413
7	SR 70 & 15th Street	F	D	5.2	WB, NB, SB-add 1 left turn lane	5253

8	SR 70 & US 301	F	D	7.6	add 1 through lane, all approaches; add 1 EB right turn lane; extend NB left turn lane and WB left turn as need to accommodate future year storage requirements	6895
9	SR 70 & 33rd Street	F	D	9.4	EB & WB add 1 through lane	6134
10	SR 70 & 39th Street	E	D	9.4	EB & NB add 1 right turn lane	6735
11	SR 70 & 45th Street	F	D	9.4	NB add 1 left and 1 through lane, EB add 1 through lane, WB add 1 left and 1 through lane	5613
12	SR 70 & Caruso Road	F	D	13.9	EB & WB add 1 through lane	6535
13	University Parkway & 15th Street	F	D	5.5	WB add 1 right turn lane	8137
14	University Parkway & US 301	E	D	12.2	EB & NB add 1 right turn lane	5693
15	University Parkway & Tuttle Avenue	F	D	14.2	NB add 1 through lane, SB add 1 left turn lane and 1 through and receiving lane	5429
16	University Parkway & Lockwood Ridge Road	F	D	17.2	add 1 through lane, all approaches	5133
17	University Parkway & Honore Avenue	E	D	37.5	WB & NB add 1 left turn lane, EB & NB add 1 right turn lane	4572
18	University Parkway & Cooper Creek Boulevard	F	D	45.2	EB & WB add 1 through lane	5333
19	University Parkway & I-75 Northbound	F	D	62.9	NB add 1 left turn lane	7336
20	Fruitville Road & Beneva Road	F	D	6.6	NB, SB, EB, WB add 1 through lane; EB, WB, SB add 1 left turn lane; EB add 1 right turn lane	7336
21	Fruitville Road & McIntosh Road	F	D	11.5	WB add 1 left turn lane; EB add	5814

						1 right turn lane	
22	Fruitville Road & Honore Ave	E	D	18.1	EB & WB add 1 left turn lane; Add WBL receiving lane. Add 2nd NB through lane and receiving lane	4033	
23	Fruitville Road & I-75 Northbound	F	D	22.4	NB add 1 left turn lane	5330	
24	Fruitville Road & I-75 Southbound	F	D	21	SB add 1 right turn lane	5253	
25	Fruitville Road & Coburn Road (east)	F	D	42.3	EB add 1 through lane; lengthen WB left turn lane	4892	
26	Fruitville Road & East Road/River Road	D (w/c > 1.0)	D	42.3	EB & WB add 1 through lane	7336	
27	Bee Ridge Road & Honore Avenue	D (w/c > 1.0)	D	11.6	NB add 1 left turn lane	6134	
28	Bee Ridge Road & Cattlemen Road	F	D	9.2	EB, WB, SB add 1 through lane; WB & SB add 1 left turn lane	6334	
29	Bee Ridge Road & I-75 Northbound	F	D	9.2	NB add 1 left turn lane	7816	
30	Bee Ridge Road & I-75 Southbound	N/A	D	5.8	Lengthen WB left turn lane	7341	
34	Clark Road & Honore Avenue	F	D	7.3	WB, NB, SB add 1 left turn lane; SB add 1 right turn lane	7015	
32	Clark Road & I-75 NB	E	D	6.7	NB add 1 left turn lane	6535	
33	Cattlemen Road & Bahia Vista Street	F	C	11.9	Grade separated interchange with 2 NB and 2 SB lanes on the overpass and 2 NB left turn lanes and 2 WB left turn lanes at the interchange intersection; or WB, NB add 1 left turn lane, SB add 1 through and 1 right turn lane, and adopt LOS D	5581	

34	Cattlemen Road & Palmer Boulevard	F	G	14.9	Grade-separated interchange with 2 NB and 2 SB lanes on the overpass; or EB add 1 right turn lane, NB add 1 left turn lane, and adopt LOS D	4852
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This column represents the cumulative number of peak hour external trips for the ~~Combined Projects~~ before the need of the identified improvements for the respective phase Land Uses as depicted in Tables 2 and 4 for University Lakes and Phase I of Lakewood Ranch Corporate Park (or the equivalent thereof in trip generation) which may be constructed prior to requiring that the listed improvements be constructed or subject to a funding commitment.

~~(1) No improvement is required if the Level of Service standard for the subject segment of I-75 is modified to LOS D by the appropriate governmental agency.~~

Note: Design details of intersection/ramp improvements shall be determined in construction plan permitting phase.

A.(2) The improvements listed in Table 5 include critical link and intersection improvements for the development of Phase I, II, III, and IV of University Lakes.

In the event that Funding Commitments* for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development, the capacity and loading of transportation facilities in the Transportation Impact Area*, shall be limiting factors in any subsequent approvals. A subphase analysis has been performed, and cumulative subphases for the ~~Combined Projects*~~ have been identified in Table 5 together with subphase time frames that were used in the subphase study. An initial subphase of ~~4,5723,681~~ external p.m. peak hour trips for the ~~Combined Projects*~~ has been identified as requiring no additional transportation improvements. The Developer* shall, at the time of each application for Final Site Plan approval, furnish to the County* an accurate, up to date report of the amount of development, defined in terms of external p.m. peak hour trips, which has previously been permitted in the ~~Combined Projects*~~. The Developer* shall not be entitled to a Final Site Plan approval which would result in the cumulative number of external p.m. peak hour trips for the ~~Combined Projects*~~ to exceed the applicable subphase threshold unless Funding Commitments* have been obtained for the improvements required for such subphase.

In the event that the total external p.m. peak hour trips projected to be generated by the ~~Combined Projects*~~ has exceeded the levels described in Table 5 ~~by the expiration of the Annual Report Years listed in Table 5~~ for the appropriate uncommitted improvement, no further Final Site Plan approvals shall be granted unless the Developer* using the notice of change procedure has prepared an analysis which identifies the revised dates by which said improvement would be required under the new subphase analysis. The Development Order shall be amended to reflect these revised trip levels and dates.

The Developer* shall be bound by the subphase external trip thresholds and schedules set forth in Table 5, unless the Developer* files an amendment to this Ordinance Notice of

~~Proposed Change~~ and provides the County*, pursuant to the ~~notice of change procedures~~, an updated subphase traffic analysis for the Transportation Impact Area* that will result from the completion of construction of all of the previously permitted development in the ~~Combined Projects*~~ plus that to be generated by the next subphase for which the Developer* is seeking approval, and such proposed change is approved. ~~Copies of such Notice Of Proposed Change for revised subphase transportation analysis shall be submitted to Manatee County, Sarasota County, TBRPC, and SWFRPC for review and comment.~~ Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Table 5) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Table 5 at the appropriate Level of Service. In the event that the new analysis demonstrates the need for alternate improvements or different subphase thresholds, the Development Order may be amended to reflect the revised subphases or improvements. With each Preliminary Site Plan application, the Developer* shall submit to the County* a limited traffic study which shows the following:

1. External P.M. peak hour trips for the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvements in Table 5 will be required; and,
2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the project covered by the Preliminary Site Plan application.

Any revised transportation analysis for the ~~Combined Projects*~~ shall utilize the adopted ~~Sarasota County~~Manatee County Level of Service, or that of any agency with jurisdiction, whichever Level of Service is higher, for determining deficiencies on all roads in ~~Sarasota~~ Manatee County. If deficiencies exist on said roadways, then Funding Commitments* to correct such deficiencies shall be required in accordance with this Paragraph A.(2).

- A.(3) The Developer* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project*. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway. That is, the lanes must be included in design but may be constructed separately or in separation from the roadway itself.
- A.(4) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* as required by the Manatee County Land Development Code.
- A.(5) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of University Lakes.
- A.(6) Within three years of the effective date of Ordinance 00-45 or at the request of the County, an annual monitoring program consisting of peak hour traffic counts at the Project* entrances shall be instituted to verify that the projected number of external trips for the Project* are not exceeded. Counts will continue on an ~~annual~~biennial basis through Project* buildout, and the information shall be supplied in the required ~~Annual~~Biennial Report. If an ~~Annual~~Biennial Report is not submitted within thirty (30) days of its due date, or if the ~~Annual~~Biennial Report

indicates that the total external trips exceed projected counts for the Project* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

- A.(7) ~~The transportation analysis in the ADA* was performed without consideration of the potential effects of a Transportation Systems Management ("TSM") program. Accordingly, the development thresholds described in Table 5 may reflect a "worst case" scenario, dependent upon future TSM measures. The Developer* or its assigns shall prepare and implement a TSM program which will endeavor to divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and be reviewed by the County*, the MPO, and the FDOT.~~

~~The TSM program shall be submitted with the first annual report subsequent to the monitoring program in Section A. (6) showing external trips exceeding 25% of the total external trips for Phase I of both University Lakes and Lakewood Ranch Corporate Park.~~

~~The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments which increase the applicable development thresholds or which will allow reduced impacts per square foot or dwelling unit of development in future phases. The TSM Program Developer shall seek to further the Transportation Systems Management ("TSM") objectives and Policies set forth in the Florida Transportation Plan by and shall include, but not be limited to:~~

- ~~(a) — promoteing ride sharing by public and private sector employees with the goal of;~~
- ~~(b) — increaseing urban area peak hour automobile occupancy rates through expanded ride sharing efforts and by promoting the use of;~~
- ~~(c) — increase peak hour occupancy rates for transit and other high occupancy vehicles with the goal of increasing peak hour occupancy rates; and~~
- ~~(d) — other appropriate trip diversion measures.~~

A summary of TSM implementation measures and results shall be included as a part of each Biennial Report.

~~A.(8) To allow for the finalization of interchange design relative to Improvements #3 and #4 in Table 6, Developer* agrees to reserve, until January 28, 1998, the property which it owns and which lies within the following description:~~

~~Commence at the easterly corner of the existing FDOT right of way north of University Parkway where the limited access terminates, thence westerly along the FDOT right of way, a distance of 650 feet to the Point of Beginning. From the Point of Beginning, proceed northwest a distance of 1,500 feet to the existing FDOT right of way, thence southeasterly and easterly to the Point of Beginning.~~

~~This restriction shall expire on January 28, 1998. If the right of way is dedicated by the Developer* or otherwise acquired by the appropriate governmental agency, then the Developer* may transfer the impacted land uses to other appropriate areas within the Project* with approval of a revised General Development Plan. **(This item has been completed.)**~~

~~A.(9) (8) The Developer* shall submit a Preliminary Site Plan for Phase I, or any subphase thereof, within twenty-four (24) months of the effective date of this Development Order. **(Completed).**~~

~~A.(10) (9) The schedules of listed improvements may be adjusted at the Developer's* request with submission of adequate data to support any such adjustments, and the Development Order amended as needed in the event that the appropriate agencies determine that:~~

- ~~(a) The Project* is determined by the County* and TBRPC to be in a regional activity center or otherwise designated for alternative levels of service or alternative percentage thresholds in accordance with applicable rules and regulations; or~~
- ~~(b) The appropriate level of service standard for the particular roadway link or intersection is adjusted by the agency(ies) having jurisdiction over such link or intersection. In no event shall any level of service be adjusted if the result of said adjustment is to permit a lower level of service than established by that agency or agencies having jurisdiction at the time of the request for adjustment.~~

~~A.(11) The roadway shown on Revised Map H, which generally is oriented in a north/south alignment and connects to the proposed extension of Upper Manatee River Road, shall be required to be designated on the Future Traffic Circulation Map as a collector facility prior to providing any credits for right of way and/or construction. **(The requirements of Condition A.(11) have been completed)**~~

~~A.(12) (10) Access to and from the site will be in accordance with state and local access regulations unless limited by the General Development Plan or any conditions placed thereon, whichever is most restrictive.~~

~~A.(13) The Developer shall conduct an annual monitoring assessment of the I-75 southbound off-ramp intersection and merge with University Parkway to determine if operating conditions become congested and negatively impact the mainline interstate traffic at this ramp. This monitoring assessment shall continue until such time as agreement is reached with the~~

~~FDOT regarding future year conditions for the above referenced ramp and intersection, and the Development Order is amended if needed, pursuant to NOPC procedures.~~

~~If such impact is identified to the mainline diverging traffic at this ramp, no further Development Plans* will be issued until the deficiency has been mitigated and the Development Order is amended as appropriate, if such amendment is necessary. The following monitoring methodology will be performed.~~

- ~~1. The monitoring shall consist of existing traffic counts and visual observations of peak hour queues on the southbound off-ramp from I-75 to University Parkway, over a three-day period during the p.m. peak hour (4:00 to 6:00), and the results factored to peak season. The historic annual growth rate for traffic volumes on this ramp shall also be determined and applied to estimate the maximum queue likely to develop in the coming year.~~

~~Based on a 70 mph speed on southbound I-75 at this location, the safe stopping distance that a vehicle exiting I-75 would require, including perception and reaction time if required to immediately brake to a stop upon exiting I-75 onto the southbound off-ramp, shall be calculated, and the location of this point on the ramp at which the vehicle would come to a complete stop determined.~~

~~If the back of the maximum existing peak season queue established in (1), above, extends beyond the safe stopping point established in (2) above, a safety hazard will be deemed to exist, and a stop order on all further development approvals shall be issued until such time that improvements sufficient to alleviate the hazard are implemented.~~

Wetlands

- B.(1) The portions of the University Lakes site that meet the definition of Conservation or Preservation Areas as set forth in policies 10.1.2 and 10.3.1 of the Council's adopted (SRPP*) have been designated on Revised Map H.
 - (a) All wetlands and uplands on-site defined by Council policies as Preservation Areas as shown on Revised Map H, shall be preserved. No dredging, filling, or development activities shall be allowed within Preservation Areas.
 - (b) All wetlands and uplands on-site defined by Council policies as Conservation Areas shall be protected from development as shown on Revised Map H.
- B.(2) Except for wetland restoration or enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas as depicted on Revised Map H. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required semi-annually in selected preserved wetlands and initiated prior to on-site construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland monitored. If the hydroperiod monitoring results demonstrate that Project* activities are inappropriately altering the hydroperiod in Preservation Areas, such activities shall cease until remedial measures are implemented.

B.(3) Any impacted wetlands, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas on Revised Map H, shall be mitigated in accordance with the Manatee County Comprehensive Plan and Land Development Code and the SRPP* Policies.

B.(4) In addition to meeting the requirements of the Manatee County Land Development Code, the Developer* shall submit a wetland management and mitigation plan for the area to be developed to the County* for approval, and to TBRPC, and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands on-site, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, and methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands. **(Completed)**.

The Developer* shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County*:

- (a) Identification of existing dry and wet season site conditions;
- (b) Narrative descriptions and evaluations of all wetlands to be disturbed by wetland type;
- (c) Photographs and 24"x36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);
- (d) Narrative descriptions of any proposed wetland restoration activities and related issues;
- (e) Estimated costs of wetland mitigation/restoration schemes including maintenance and monitoring for appropriate time periods; and
- (f) Mitigation plans shall also include:
 - (1) Area and location of plantings;
 - (2) Species to be planted and spacing;
 - (3) Elevations for plantings;
 - (4) Source of plants or mulch;
 - (5) Source of wetland soil and depth proposed; and
 - (6) Monitoring and maintenance plans.

B.(5) If allowable wetland losses require type-for-type (herbaceous or forested) wetland replacement in accordance with stipulation B.(3), mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Created wetlands and littoral shelves shall require monitoring and maintenance activities. Percent survival of plant species in the created wetland or littoral shelf shall meet or exceed Manatee County

Comprehensive Plan and Land Development Code success criteria and the SRPP* Policies. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

- B.(6) The Developer* shall provide buffering around all Post-Development Wetlands* to provide an upland transition into the wetland areas and to protect natural systems from development impact. All such buffers shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

- C.(1) A cumulative assessment of the impacts of ~~the Combined Projects*~~ University Lakes and Lakewood Ranch Corporate Park on listed plant and animal species has been performed ~~as required by the 380 Review Agreement*~~. The Developer* has provided open space for wildlife in the form of preserved wetlands and the wildlife corridor along Cooper Creek as depicted on Revised Map H. In addition, Developer* shall retain large pines (>4" dbh) where possible in golf course rough for kestrel habitat and include and maintain open grassy areas in golf course rough for burrowing owl habitat. The specific locations of retained pines and open grassy areas shall be shown on the final development plan containing the golf course and shall be submitted to Manatee County for review and approval and to the Florida Fish & Wildlife Conservation Commission (FFWCC) for comment. However, as the Developer* is planning a large wildlife management area on Lakewood Ranch Corporate Park, the Developer* has prepared ~~(pursuant to the 380 Review Agreement*)~~ a wildlife management plan, as revised June 16, 1992, for the 395 acre Open Use Conservation District within Lakewood Ranch Corporate Park which provides additional protection of any listed species found on University Lakes and Lakewood Ranch Corporate Park. The plan includes information on site maintenance, fire frequency, wetland management, and boundary protection.

In the event that Lakewood Ranch Corporate Park is not approved by Sarasota County with the 395 acre Open Use Conservation District within one (1) year of the effective date of this Development Order or if such Open Use Conservation District is reduced in size by more than ten (10) acres, then within one (1) year of either such date or action the Developer* shall prepare a wildlife management plan to address the impacts of the Project* on any listed species found on University Lakes, except for the gopher tortoise. The FFWCC found that a regionally significant population of gopher tortoise does not exist on University Lakes. However, any taking must comply with FFWCC rules and the Developer* must obtain a gopher tortoise incidental take permit from the FFWCC. If a management plan is prepared, pursuant to this paragraph, the plan shall be submitted to the and the Department of Community Affairs for review and to the County* for review and approval. **(Completed)**.

- C.(2) The Developer* shall provide small wildlife crossings (18" culverts) under roadways at the two locations where the north/south collector roadways intersect with Cooper Creek. **(Completed)**.
- C.(3) In accordance with applicable law, the Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the County* for proper relocation of any listed species found on-site in addition to the requirements of C.(1) above.

- C.(4) Representative tracts of all major natural upland vegetative communities (Live Oak, Pine-Mesic Oak, Pine Flatwoods, Temperate Hardwoods), as depicted on Revised Map H, shall be set aside in their natural state to serve as conservation areas.
- C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the County* consistent with the provisions of the Manatee County Comprehensive Plan.
- C.(6) Areas designated as Preservation Areas on Revised Map H shall be protected in perpetuity by conservation easement or other legal instrument approved by County*.

Land

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

Air Quality

- E.(1) The Developer* shall, subject to applicable water quality standards, institute the following procedures to ensure dust control during development of the Project*:
 - (a) Implement a watering program during excavation and dredge and fill operations;
 - (b) Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;

- (c) Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
- (d) Keep soil stockpiles moist, or treat with soil binders or cover;
- (e) Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
- (f) Remove dust producing materials as soon as possible;
- (g) Maintain 15 mph or less vehicle and equipment speeds on temporary roads;
- (h) Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;
- (i) Limit site work and construction to areas needed for immediate development;
- (j) Develop asphalt roads as soon as possible;
- (k) Initiate landscaping before development work is completed on-site; and
- (l) Utilize water spray trucks to control dust generation in heavy construction areas.

E.(2) Further Section 380.06(6), Florida Statutes, review will be required for air quality impacts, of Phase IV. This Development Order* must be amended prior to granting specific approval to Phase IV to address any air quality impacts and to specify any necessary mitigation prior to the commencement of said Phases. This review shall be a cumulative assessment of the Combined-Projects* **(Completed)**.

Water Quality and Drainage

F.(1) Prior to any site alteration associated with the Project*, the Master Drainage Plan for the Project* shall be submitted to DEP, SWFWMD, and EMD for review and to the County* for approval. **(The requirements of Condition F.(1) have been completed)**

The stormwater management system shall be designed, constructed, and maintained to meet or exceed the applicable requirements of Chapter 62-25, 40D-4, and 62-40, F.A.C. The stormwater management system shall be designed to comply with the provisions relating to the Evers Reservoir Watershed Protection Overlay District by providing treatment, at a minimum, of 150% of the criteria found in Chapter 62-25 and 40D-4, F.A.C. Nothing in this Section F.(1) shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved (as depicted in an approved Preliminary Site Plan for that Phase or subphase) or constructed stormwater facilities. With the exception of any such vested rights, if any, the Project* shall also comply with any special local watershed protection provisions adopted after the approval of this Development Order. An acceptable method for meeting such standards for the treatment of stormwater runoff for the majority of the site will be wet detention with effluent filtration utilizing the double underdrain system described in Exhibit 19-2 of the ADA.

- F.(2) Best Management Practices* (BMP) for reducing water quality impacts, as recommended by the County* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented and may include a street cleaning program for parking and roadway areas within the Project*.
- F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The Developers* maintenance and inspection schedule for ensuring proper water quality treatment shall be submitted to the County* for approval, prior to site alteration activities associated with the Project*.
- F.(4) Stormwater discharge shall not cause the receiving water body to violate the limits defined in the Class appropriate to that water body. Where background conditions in the water body in question do not meet the applicable standards due to natural causes outside the control of the Developer*, site specific, alternative criteria may be established in conjunction with the County*.
- F.(5) Prior to any site alteration activities associated with the Project*, the Developer* shall implement a surface water quality and quantity monitoring program approved by the County* **(Completed)**. This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include provisions for the characterization of pre-construction baseline water quality and quantity conditions of surface water entering and leaving the site. The surface water monitoring program shall also provide the monitoring of surface water quality during periods of construction. In addition, the surface water monitoring program shall include an ongoing plan for monitoring of post-construction surface water quality. The surface water quality monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements. All water quality sample collections and laboratory analyses shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the FDHRS 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.
- F.(6) Prior to any site alteration activities associated with the Project*, the Developer* shall implement a groundwater monitoring program approved by the County* and EMD. This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include appropriate provisions for the characterization of the pre-development baseline water quality and water level conditions of the site's groundwater. The groundwater monitoring program required pursuant to this condition shall include an identification of well locations, sampling frequency, and sampling duration, as well as parameters to be monitored and applicable collection and analytical methods. **(Completed)**

Upon completion of the pre-development groundwater program, a report of results will be submitted to the County* for review and approval. In addition to the official laboratory results, the report shall include recommendations regarding monitoring during construction and post-construction. Any proposed construction and post-construction monitoring plans developed pursuant to this condition shall be submitted to the County* for review and approval. **(Completed)**.

- F.(7) In the event that an overall watershed monitoring and reporting program is implemented and satisfies the intent of conditions F.(5) and F.(6), these programs may be discontinued upon the recommendation and approval of such by the County*. The City of Bradenton shall be notified prior to the approval of the discontinuance of this program.
- F.(8) To the extent required by applicable law, any shoreline banks created along on-site stormwater detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, diverse native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting, if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) in accordance with applicable regulations.
- F.(9) The Developer* shall conduct ~~annual~~biennial inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage/treatment for which they were designed and intended. Verification of such inspection shall be supplied in each ~~Annual~~Biennial Report.
- F.(10) Prior to any site alteration, the Developer* shall develop and submit for approval by the County* an Integrated Pesticide/Herbicide Management Plan (IPMP) and a Hazardous Materials Management Plan (HMMP). **(Completed)**

Historical and Archaeological Sites

- G.(1) The discovery of any historical or archaeological resources during development activities of the University Lakes Project* shall be immediately reported to the Florida Division of Historical Resources (FDHR). If the significance of an archaeological or historical site, discovered during development, is unknown and the site is to be impacted by Project* activities, additional testing shall be required at the site to determine significance. Disposition of such resources shall be determined in cooperation with the FDHR, TBRPC, and Manatee County. Treatment of the resources shall be completed before resource-disturbing activities are allowed to continue.

Water

- H.(1) The Developer* shall participate, as required by Manatee County ordinances and consistent with any Developer Agreements, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.
- H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations. Any existing on-site wells not intended for potable or non-potable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
- H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, if mandated by the Florida Water

Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.

- H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.
- H.(5) The Developer* shall, to the extent non-potable water is available, use only non-potable water to meet non-potable water demands. For purposes of this Approval, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to the County* and the TBRPC for the use of non-potable water on-site. The plan shall be completed prior to Final Site Plan approval for any phase or subphase and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes, to the extent permitted by law. **(The last two sentences have been completed)**
- H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.
- H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area (WUCA) to the extent then in effect.
- H.(8) The Developer* shall use the lowest quality water supply which meets the needs of the intended use, provided that such sources are economically feasible, practically available, and legally permissible.
A plan which investigates the use and feasibility of these alternatives shall be prepared by the Developer* and submitted with the first ~~Annual~~ Biennial Report to TBRPC, SWFWMD, the County* for review and further action if warranted. **(Completed)**
- H.(9) For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles are required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall only be irrigated to the minimum extent required to ensure healthy vegetation.

Wastewater

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

inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs must be included in the ~~Annual~~ Biennial Report.

- I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28).
- I.(6) The Developer* shall implement a wastewater reuse system when feasible, as discussed in development condition H.(8) herein.

Solid Waste

- J.(1) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals* for any non-residential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed by DEP, TBRPC, approved by the County*, and then distributed by the Developer* to non-residential land users within the Project*.

At a minimum, the plan shall:

- (a) Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
- (b) Provide a list of agencies which can be consulted regarding the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
- (c) Provide a list of agencies which can describe generally appropriate disposal methods;
- (d) Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances and disposal of hazardous wastes;
- (e) Provide a list of agencies which can describe construction requirements for hazardous waste holding areas;
- (f) Describe a program to inform owners and tenants of the information contained in the Plan;
- (g) Provide a list of agencies which can describe typical spill clean up methods; and
- (h) Be updated and distributed to each non-residential land user annually.

(Said Plan has been approved)(Completed)

- J.(2) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each ~~Annual~~ Biennial Report.

- J.(3) The Developer* shall participate, as required by Manatee County ordinances or Developer Agreements in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.
- J.(4) Surface impoundments of hazardous materials and hazardous wastes, land treatment of hazardous materials and hazardous wastes and landfills for hazardous materials and hazardous wastes are prohibited.
- J.(5) Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants. Individual Tenants shall be encouraged to develop permittable temporary on-site hazardous waste treatment and storage capabilities prior to transport and shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that is accredited by all appropriate agencies in the transportation and handling of such materials.
- J.(6) All aboveground and underground pollutant storage tanks systems will be installed, monitored, and managed according to applicable Federal, State, and Local regulations.

Recreation and Open Space

- K.(1) The Project* shall contain, at a minimum, 1,992.9 acres of open space. This acreage consists of 348.4 acres of recreational areas including golf courses, a 16.1 tennis/boat club, a 9.7 acre swim/tennis center and a 22.6 acre park. The open space also includes 674.3 acres of wetlands, 688.2 acres of lakes and 282.0 acres of common space consisting of wetland buffers, upland habitat, greenbelt and perimeter buffering.

Notwithstanding the above, if the County* should decide the 22.6 acres of park is not needed, then the Developer* shall be able to use the applicable parcel for residential development or as a school site, provided the number of dwelling units is not increased.

- K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be maintained as common open space through deed restrictions or owned by a property owners' association for the Project* or neighborhood within the Project*, as may be appropriate in accordance with the Land Development Code.
- K.(3) Except as described in K.(1) above, all recreation, park, and wetland sites, as shown on Revised Map H of the ADA*, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.
- K.(4) The Project's* public parks and public recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged and may be subject to a reasonable agreement between the County* and the Developer* limiting the use as a park facility and times of operation.

Education

- L.(1) The Development shall dedicate an elementary school site either adjacent to, or having direct access on, a constructed County-maintained right-of-way and meeting all State and Manatee County new school site requirements upon request by the School Board. The school site shall be deemed to be a part of the Phase I approvals for the Project* and shall be shown on an amendment to the General Development Plan unless dedicated off-site as may be allowed elsewhere in this condition. The dedicated school site shall be a minimum of 18 acres, depending upon the characteristics of the site selected and said site shall be selected from property shown as residential, commercial, or business on Revised Map H, and shall be reflected on a revised General Development Plan unless dedicated off-site as may be allowed elsewhere in this condition. If the Developer* and the County School Board agree, the dedicated school site may be located off-site on property owned by the Applicant*. If adjacent property is provided as a public park or for emergency services, this acreage may be reduced to a total of fifteen acres. (Completed)
- L.(2) If the County School Board should decide the school is not required, or the selected location is inappropriate, the Developer* shall be permitted to exchange sites, to the School Board's satisfaction, and shall be permitted to use the originally selected parcel for residential development, provided the number of dwelling units approved for the Project* is not increased. Any such exchanges in school sites shall require an amendment to the General Development Plan. If additional recreational opportunities are required, the County* may require dedication of up to five acres of the designated school site parcel for active recreation. (No longer applicable. See Condition L.(1))

Health Care, Police, and Fire

- M.(1) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to December 31, 1997. Any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **(Completed)**.
- M.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase I or any subphase thereof. Any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **(Completed)**
- M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the applicable Fire Code.

- M.(4) The height of buildings allowed in the Project* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- M.(5) Prior to approval of each Final Site Plan, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the Braden River Fire Department that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.
- M.(6) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Project*. The Developer* shall participate, in accordance with applicable County* ordinances or Developer Agreements, in any expansion of such services necessary to serve the Project* or any phase or subphase thereof.

Economics

- N.(1) Excess infrastructure capacity constructed by the Developer* shall be at the Developer's* risk and shall not vest latter development rights not addressed in this approval.
- N.(2) The Project* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Policies 21.2, SCP and 21.5.3, FCRPP, respectively.
- N.(3) The development and promotion of a day care system should be encouraged on site and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

- O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical or gas utilities to meet the energy requirements of the development.
- O.(2) All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:
 - (a) Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and cogeneration, where economically feasible;
 - (b) Obtain energy audits provided by energy companies or other qualified agencies;
 - (c) Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - (d) Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;

- (e) Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
- (f) Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- (g) Institute and utilize recycling programs;
- (h) Utilize energy efficient packaging or recyclable materials;
- (i) Install total energy systems on large facilities when cost effective; and
- (j) Elimination of advertising requiring lighting after business hours where feasible.

O.(3) Incorporation of the energy conservation measures referenced on pages 265 and 266 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each Annual Biennial Report.

Affordable Housing

P.(1) A cumulative assessment of the affordable housing needs of Phases I, II, III of the University Lakes DRI and Phase I of Lakewood Ranch Corporate Park (~~Combined Projects*~~) ~~had~~ been performed, ~~as required by the 380 Review Agreement*~~. This assessment utilized the 2000 US Census as its source for rental vacancy data. This assessment was accepted by all reviewing agencies and determined no potential unmet need for affordable housing and a potential surplus of 390 affordable units. This analysis utilized the East Central Florida Regional Planning Council's (ECFRPC) "Housing Demand, Supply and Need Methodology for Assessing the Affordable Housing Impact of Developments of Regional Impact", April 1996.

P.(2) The Developer shall provide, within 10 miles of the project boundary, a number of residential units equal to 10% of the total number of residential units constructed in University Lakes, Phase IV, that qualify as workforce housing at a price as determined pursuant to the parameters as set forth in the definition contained within ~~as defined in~~ the Manatee County Land Development Code. ~~These units shall be referred to as Worker Housing Units (WHUs).~~ The developer intends, but is not required, to locate the WHUs units within the Lakewood Centre DRI. Failure to construct such WHUs units shall result in the Developer making a fee-in-lieu payment in accordance with Condition P.(7). The workforce housing required herein is generally designed to provide housing for essential workers such as local government employees, quasi-governmental employees, and private sector employees.

P.(3) ~~Income limits and m~~Maximum home sale prices shall correspond to values as provided in the Manatee County Maximum Income Limits Table. These limits are updated periodically by Manatee County and shall be utilized accordingly. The maximum sale price and income limits in effect at the time a contract for purchase of a WHU workforce housing unit is executed shall apply.

P.(4) Maximum rental rates shall correspond to values as provided for in the Fair Market Rent Documentation System. These rates are updated periodically by Manatee County and shall be utilized accordingly. The rental rate in effect at the time a lease is executed shall apply.

~~P.(4)~~ In conjunction with the Manatee County Community Services Department, the Developer shall devise and implement marketing guidelines designed to enhance the number of WHU sales to qualified purchasers.

~~P.(5)~~ Should the Developer be unable to sell an advertised unit to a qualified purchaser within 120 days after the WHU is initially advertised for sale, the Developer may, at its sole option, sell the unit without any of the restrictions contained in these conditions at market rate. In such case, the unit shall not be counted for WHU purposes, and the Developer shall be required to designate another unit as a WHU or make a fee-in-lieu payment in accordance with Condition P. (7).

~~P.(6)~~ (5) The Developer shall include in its annual/biennial report data showing the number and sale prices of WHUs/workforce sold or rented within the development during the reporting period. The annual/biennial report shall also include the current Manatee County Maximum Income Limits Table and the current Fair Market Rent Documentation System. Only those units that have a sale price equal to or less than the maximum allowable home sales price or a rental rate equal to or less than the maximum allowable rental rate, as provided in P.(3) and P.(4), shall be counted toward the required mitigation.

~~P.(7)~~ (6) Should the Developer be unable to provide the required number of WHUs/workforce housing units, the Developer shall be required to pay a fee of \$2,500 per WHU/workforce housing unit not provided. With each annual report, the overall ratio of WHU units provided to the number of residential units constructed in University Lakes, Phase IV, shall be determined. For each WHU under 10% the Developer shall make the payment of \$2,500 into an escrow account for the benefit of the Manatee County Housing Trust Fund. In the event the Developer constructs any such WHU in the next reporting period, the applicable \$2,500 payment shall be returned to Developer. In the event the developer fails to construct any such WHU by the next reporting period, the \$2,500 payment for each WHU not provided shall be turned over to the Manatee County Housing Trust Fund. At build out any fees for WHU's not provided that remain in the escrow account shall be returned to the developer if the WHU's are then provided as required here.

General Conditions

Q.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* will be subject to a Substantial Deviation Review, pursuant to if required under the provisions of Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes, shall require a hearing to determine if the change constitutes a Substantial Deviation.

Q.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 6 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.

Q.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual/Biennial Report, subject to approval by the County*.

Q.(4) All Development Approvals* shall be obtained prior to ~~September 13, 2022~~ August 5, 2027. This Development Order shall expire 5 years after the buildout date to allow for post-

development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

Q.(5) If required by the Land Development Code provisions in effect at the time of submittal, a A Preliminary Site Plan for each phase shall be required.

Q.(6) The Developer* shall make appropriate efforts to coordinate with, and inform the appropriate public authorities of, the feasibility of the proposed school site for hurricane shelter, building closings, security and safety precautions, and evacuation plans.

Q.(7) Except for any existing use or for construction offices and similar temporary uses, or any use on the school site or park site, or other use by a public agency, any proposal to utilize mobile homes on the site shall require a Substantial Deviation Determination, pursuant to the procedures in 380.06(19)(a), Florida Statutes.

Q.(8) The Developer*, its successors, assigns or transferees, shall submit Biennial Annual-DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on February 22nd of ~~each~~every other year 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 the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The ~~Annual~~-Biennial Report shall contain the following:

- (a) Any changes in the plan of development, or in the representations contained in the ADA*, or in the phasing or land uses for the reporting year and for the next year;
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;
- (d) Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
- (e) 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*, TBRPC, or DEO-DGA, 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 Project* since the Development Order was issued;
- (h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- (i) A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(15)(f), Florida Statutes;
- (j) A statement that all persons have been sent copies of the Biennial Annual Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
- (k) Reports or information pursuant to pertinent conditions herein requiring copies of information to be provided in the Biennial Report A.(7), A.(8), J.(2), and O.(3).

~~Q.(9) All proposed modifications to University Lakes will be reviewed based on the Combined Projects* to determine whether the proposed modification will exceed any of the criteria set forth in Subsection 380.06(19), Florida Statutes.~~

~~In the event the Lakewood Ranch Corporate Park Development Order is amended by Sarasota County to allow development inconsistent with Table 3 or Table 4 of the University Lakes Development Order, then upon expiration of the 45-day appeal period of the amendment or, if the amendment is appealed, upon settlement of the appeal, the Developer* shall apply for an amendment to the University Lakes Development Order, and Manatee County subsequently shall consider an amendment to the University Lakes Development Order to make it consistent with the Lakewood Ranch Corporate Park Development Order. A Notice of Proposed Change, pursuant to Subsection 380.06(19), Florida Statutes, shall not be required for the amendment to the University Lakes Development Order, as described above, to make it consistent with the Lakewood Ranch Corporate Park Development Order, but shall require the requisite public hearings under Chapter 125, Florida Statutes, and the Land Development Code. However, such Development Order amendment adopted by Manatee County must be rendered to the Department, pursuant to Subsection 380.06(19), Florida Statutes. If the amendment to the University Lakes Development Order is consistent with the amendment to the Lakewood Ranch Corporate Park Development Order or any settlement of an appeal of the Lakewood Ranch Corporate Park Development Order amendment, then DCA shall not appeal the amendment.~~

The substantial deviation criteria set forth herein are not applicable to land use exchanges which are authorized pursuant to Sections 4.B. and 4.C. of this Development Order. Additions to the amount of development in a particular land use category resulting from the use of the exchange mechanism are permitted only in conjunction with the simultaneous reduction from another specifically approved use and do not authorize additional development beyond that which has received specific Development Order Approval.

Q.(10) Unless otherwise expressly stated in this Ordinance, the Project* shall comply with all future amendments to the Land Development Code and the Comprehensive Plan.

- Q.(11) Wherever in this Development Order the Developer* is required to file a Notice of Proposed Change, the Developer* shall send a copy of said NOPC to Sarasota County and SWFRPC.
- Q.(12) In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of Community Affairs, the Developer* shall pay all reasonable costs and fees of County* staff and attorneys relating to said appeal or legal challenge at the rate for processing this Development Order under the current Planning fee schedule. Payment of all billings by the Developer* related to such fees and costs shall be paid within forty-five (45) days of submittal of an invoice.

Section 6. DEVELOPER* COMMITMENTS

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

A. GENERAL PROJECT* DESCRIPTION

- A.(1) The three designated community commercial areas will be developed in compliance with the adopted Comprehensive Plan in terms of permitted uses, maximum square footage, floor area ratio, and location on the road network. (SR, 17 & 18)
- A.(2) All requirements of the Evers Reservoir Watershed Overlay District will be met within this Project*. (ADA*, 16)
- A.(3) Neighborhood oriented retail areas will be located within the community commercial parcels which lie within the RES-1 Future Land Use Classification. (SR, 13)
- A.(4) The Project* will construct, or cause to be constructed, two major thoroughfares, University Parkway and the extension of Upper Manatee River Road. (SR, 93)

B. WETLANDS

- B.(1) The existing wetlands and proposed mitigation areas will have 50-foot wetland buffers around DEP wetlands and 30-foot buffers around wetlands within the jurisdiction of ACOE and SWFWMD, as shown on Revised Map H. (ADA*, 16)
- B.(2) A total of approximately 674.3 Acres of native wetland habitats on-site will be preserved. (ADA*, 65)
- B.(3) Numerous precautions, described on page 33 of the Sufficiency Response, will be taken to prevent contamination of surrounding soils and waters. (ADA*, 21)

C. WATER

- C.(1) The pesticides, herbicides, and fertilizers used on grassed areas of the University Lakes site will be applied in strict accordance with the manufacturer's application guidelines to avoid negative impacts on surface water quality. (SR, 175)
- C.(2) Erosion controls will be of primary importance in preventing fertilizer runoff. Soil tests will be conducted to avoid application of unnecessary types, rates, and amounts of fertilizers. Applications will be made when adequate soil moisture exists and likelihood of major storm event is minimal. (SR, 32)
- C.(3) Numerous precautions, described on page 33 of the Sufficiency Response, will be taken to prevent contamination of surrounding soils and waters. (SR, 33)

D. SOILS

- D.(1) All of the methods described on pages 140 and 143 of the ADA* will be utilized to overcome the soil limitations on-site. (ADA*, 140 & 143)
- D.(2) The wind and soil erosion abatement methods listed in the ADA* will be followed. (ADA*, 143)

E. FLOODPLAINS

- E.(1) Any loss of 100-year floodplain storage volume will be compensated by the excavation and creation of equal storage volume within the 100-year floodplain. (ADA*, 147)

F. WATER SUPPLY

- F.(1) The internal potable water supply system will be constructed to Manatee County standards and dedicated to Manatee County where the potable system exists in proposed public rights-of-way. (ADA*, 155)
- F.(2) Non-potable water conservation will be accomplished through the use of xeriscaping and preservation of existing native vegetation communities in accordance with applicable provisions in the Manatee County Land Development Code. (ADA*, 157)

G. STORMWATER MANAGEMENT

- G.(1) All off-site runoff is to be routed through or around the property. There are five areas where off-site flow will be accepted into the stormwater management system, totaling 50.2 acres along the southern boundary and 12.6 acres along the northern boundary. (ADA*, 167)
- G.(2) The stormwater management system will accept all existing off-site flows from Sarasota County. (SR, 190)
- G.(3) The primary method for treatment of stormwater runoff for virtually the entire site will be wet detention with effluent filtration utilizing the double underdrain system described in Exhibit 19-2. (ADA*, 172)

- G.(4) The wet detention system will incorporate vegetated littoral zones which will equal approximately 15 to 20 percent of the surface area of the stormwater detention ponds. Sediment sumps will be provided at all inflow locations. (ADA*, 174)
- G.(5) The hydroperiods of all on-site wetlands will be maintained except as depicted on Revised Map H. (ADA*, 176)
- G.(6) Water levels in the detention ponds will be designed to be compatible with wetland seasonal high water tables and existing upland water tables. (ADA*, 183)
- G.(7) Litter and debris which is captured within the stormwater treatment ponds will be periodically removed during routine clean-up of the Project's* open space areas and pond system. (SR, 104)

H. SOLID WASTE/HAZARDOUS WASTE/MEDICAL WASTE

- H.(1) The Applicant will investigate the possibility of mulching trees and brush that will be removed as land clearing operations commence, for the purpose of retaining mulch to meet the on-site needs. (SR, 109)

I. TRANSPORTATION RESOURCES

- I.(1) The Project* will construct or cause to be constructed University Parkway and the extension of Upper Manatee River Road. (ADA*, 23)
- I.(2) The segment of University Parkway through the site will be dedicated to Manatee County and will include 200 feet of right-of-way. (SR, 72)
- I.(3) The Applicant is proposing dedication of all necessary right-of-way with regard to roadways located in the Project* as shown on Revised Map H. (SR, 132)

J. AIR

- J.(1) The Project* will utilize current state-of-the-art methodologies for prevention of fugitive dust particulates during construction. (ADA*, 21)
- J.(2) Clearing and grubbing operations will be performed only on individual parcels of land where construction is scheduled to proceed. Measures to be employed to minimize fugitive dust will include sodding, seeding, mulching, or landscape planting in cleared or disturbed areas. (ADA*, 226)

K. POLICE AND FIRE PROTECTION

- K.(1) The Applicant/Developer* will provide a pro-rata share for any equipment or personnel needs that may be created by this Project* for police and fire protection and emergency medical services in accordance with applicable regulations. (ADA*, 25)
- K.(2) The Developer* will provide a pro-rata share of the cost of building and equipping the facilities needed to provide emergency medical services to the Project*. (ADA*, 259)

L. RECREATION AND OPEN SPACE

- L.(1) All proposed bike and pedestrian paths will be confined to appropriate areas outside of preservation areas in accordance with applicable laws and regulations. (SR, 83)
- L.(2) The Project* will feature pedestrian ways and bikeways throughout the development, connecting the housing area to the recreational areas and the commercial areas. (ADA*, 9; SR, 207)
- L.(3) University Lakes will have major active recreational land uses comprising over 18 percent of the total Project* acreage. The project will contain a tennis and swim club and boat clubhouse which will be located on the 160.4 acre lake. It will also contain a park, golf course, clubhouses, and driving ranges. (ADA*, 9)
- L.(4) The recreational lakes, tennis and boat club, and golf course may be maintained and operated by a private owner and may require private membership or use permits. Open space and environmentally sensitive land will be protected by covenants or conservation easements to protect the natural qualities and will be conveyed to the appropriate homeowners' or master homeowners' association for maintenance. (ADA*, 252-253)

M. EDUCATION

- M.(1) The Project* will provide a financial contribution or donation of land to the educational system for the purpose of building schools to service the residential component of the Project*, facilitating educational opportunities within close proximity for the school age children of the Project*. (ADA*, 24)

N. ENERGY

- N.(1) The Project* will utilize both electric power and natural gas as sources of energy. Energy conservation techniques, including the use of landscaping, building orientation, and natural vegetation will be used to promote energy conservation. (ADA*, 27)
- N.(2) If the need for an electric substation arises, a suitable location will be determined and provided to Florida Power and Light Company. (SR, 86)
- N.(3) The traditional energy conservation methods will be used in the residential and non-residential building construction. Some of these methods are:
 - (a) increased insulation;
 - (b) high efficiency-type mechanical appliances;
 - (c) cross ventilation;
 - (d) window orientation;
 - (e) solar heating and cooling systems; and
 - (f) low pressure sodium lamps for exterior lighting. (ADA*, 265-266)

- N.(4) The Developer* will implement, where feasible, the energy conservation measures described in the ADA*. (ADA*, p.263)

O. AIR

- O.(1) The Developer* will implement the steps described in the ADA* to minimize fugitive dust emissions from wind erosion of disturbed soil surfaces, movement of construction equipment, and burning of cleared vegetative material. (ADA*, 226)
- O.(2) The level of service of all roadways in the Transportation Impact Area* will be maintained at LOS D or better, thereby maintaining air quality. (ADA*, 228)

P. WATER SUPPLY

- P.(1) The Developer* will consider the use of surface water from detention ponds as a supplement to groundwater resources. (ADA*, 154)
- P.(2) Non-potable water conservation measures will include xeriscaping and preservation of native vegetative communities. If permitted, the Developer* would also consider the use of treated effluent from the County's* regional wastewater treatment facilities. (ADA*, 157)

Q. WATER QUALITY AND DRAINAGE

- Q.(1) The primary method of treatment will be wet detention with effluent filtration utilizing a double underdrain system. The required level of treatment will be exceeded further by the use of biological filtration utilizing vegetated shallow shelves within the stormwater detention ponds. The on-site 160 acre lake will also be incorporated into the stormwater management system providing an opportunity to utilize extended residence time as an additional mitigative measure. (ADA*, 128)
- Q.(2) Existing on-site wetlands will form an integral part of the stormwater management system, providing a mechanism for hydroperiod maintenance, storage, and improved surface water quality. (ADA*, 168)
- Q.(3) All major drainageways and lake outfalls will be designed based upon a 25-year/24-hour storm event as provided in the ADA*. All interior and minor drainage systems are to be designed to a 10 year critical duration storm event. While runoff volume will increase with total development, the post-development 25-year/24-hour peak discharge rate will be maintained at or below to pre-development 25-year/24-hour peak discharge rate throughout the construction phases. (ADA*, 171)
- Q.(4) The stormwater treatment system will meet FDEP Stormwater System Design Standards for discharge into Outstanding Florida Waters, as provided by Chapter 403, Florida Statutes, and Chapters 62-302, 62-4, and 62-25, F.A.C. (ADA*, 172)
- Q.(5) Wetland hydroperiods will be maintained through the introduction of pre-treated stormwater ponds upstream of those wetlands. (ADA*, 176)

SECTION 7. LEGAL DESCRIPTION

Development of University Lakes shall be restricted to the 4,101.2 acres owned by the Developer* and described by the legal description included as Attachment # 4 attached to, and made a part of, this Development Order.

SECTION 8. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION

Physical development of the Project* has commenced within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 4. above, or if any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

Prior to ~~October 13, 2022~~ August 5, 2027, 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 of intensity or unit density shall be affected only through the usual and customary procedures required by statute or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County* to down-zone or alter the density or intensity of the Project*, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. COMPLIANCE WITH CODES AND ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, except as specifically provided herein.

SECTION 11. BINDING ORDER UPON DEVELOPER*

This Development Order shall be binding upon the Developer*.

SECTION 12. RENDITION

The Planning Building and Development Services Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer*, the Florida Department of Community Affairs Economic Opportunity (DEO), and TBRPC.

SECTION 13. NOTICE OF RECORDING

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

SECTION 14. SEVERABILITY

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

SECTION 15. EFFECTIVE DATE

This Ordinance, ~~07-72, 12-34~~ shall take effect upon being signed by the Chairman of the Board of County Commissioners, and filing of a certified copy of the Ordinance with the Department of State provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Fla. Statutes shall suspend development authorization for the changes granted by the Development Order until resolution of said appeal.

SECTION 16 . AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 22.

The previous Development Order for University Lakes which was adopted on ~~June 1, 1992~~ October 16, 2007 and all subsequent amendments are hereby replaced in their entirety.

ADOPTED AND APPROVED with a quorum present and voting the 6th Day of December, 2012 ~~16th day of October, 2007.~~

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

BY: _____
Chairman

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

By: _____
Deputy Clerk

ATTACHMENTS

1. Impact Analysis
2. 380 Review Agreement
3. Revised Map H (as attached herein)
4. Legal Description (as attached herein)
5. Equivalency Matrix (As attached herein)

ATTACHMENTS #1 AND 2, ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED ORDINANCE-93-25

ATTACHMENT #4

UNIVERSITY LAKES DRI

UNIVERSITY LAKES DRI

LEGAL DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Section 36, Township 35 South, Range 18 East, and Sections 25, 26, 28, 29, 31, 32, 33, 34, 35 and 36, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Begin at the southwest corner of said Section 29; thence N.00°22'41"E. along the west line of said Section 29, a distance of 2,656.56 feet; thence S.89°30'30"E., a distance of 211.38 feet; thence N.26°03'03"E., a distance of 41.16 feet; thence S.61°21'58"E., a distance of 186.34 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.61°21'58"E., a radial distance of 295.00 feet; thence northeasterly along the arc of said curve, through a central angle of 15°08'34", an arc length of 77.97 feet to the end of said curve; thence S.46°13'24"E. radial to the last described curve, a distance of 141.12 feet; thence N.33°11'55"E., a distance of 59.75 feet; thence N.85°03'09"E., a distance of 131.05 feet; thence S.61°13'40"E., a distance of 51.46 feet; thence S.89°30'48"E., a distance of 469.77 feet; thence N.00°29'12"E., a distance of 48.63 feet; thence S.89°30'30"E., a distance of 120.00 feet to the northeast corner of the West 1/2 of the Southwest 1/4 of the aforementioned Section 29; thence S.00°29'12"W. along the east line of the West 1/2 of the Southwest 1/4 of said Section 29, a distance of 2,658.57 feet to the north line of Section 32; thence S.89°30'25"E. along said north line, a distance of 1,269.55 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of the Public Records of Manatee County; the following 3 calls are along said east line; thence S.00°29'35"W., a distance of 166.41 feet; thence S.58°34'00"E., a distance of 423.22 feet; thence S.01°20'47"W., a distance of 240.50 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126 of the aforementioned Public Records; the following 2 calls are along said north line; thence S.36°55'37"E., a distance of 85.33 feet; thence S.60°40'54"E., a distance of 184.30 feet to the west line of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, recorded in Plat Book 34, Page 113; thence N.23°47'43"E. along said west line, a distance of 277.38 feet to the north line of said Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass; thence N.90°00'00"E. along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 33 of the aforementioned Public Records, a distance of 2,269.90 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles, recorded on Plat Book 34, Page 181 of the aforementioned Public Records; the following 7 calls are along said north line; thence N.07°30'16"E., a distance of 437.56 feet; thence N.72°30'29"E., a distance of 190.11 feet; thence S.17°29'31"E., a distance of 20.40 feet; thence N.72°30'29"E., a distance of 161.83 feet; thence S.26°06'53"E., a distance of 49.82 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.26°06'53"E., a radial distance of 58.00 feet; thence easterly along the arc of said curve, through a central angle of 24°50'29", an arc length of 25.15 feet to the end of said curve; thence N.72°30'29"E. non-tangent to the last described curve, a distance of 181.80 feet; thence N.76°17'54"E., a distance of 33.84 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.76°17'54"W., a radial distance of 550.00 feet; thence northerly along the arc of said curve, through a central angle of

59°36'16", an arc length of 572.16 feet to the point of reverse curvature of a curve to the right having a radius of 600.00 feet and a central angle of 73°58'28"; thence northwesterly along the arc of said curve, a distance of 774.66 feet to the point of tangency of said curve; thence N.00°40'06"E., a distance of 221.36 feet; thence S.89°31'24"E. parallel with the north line of the aforementioned Section 28 and 4077.34 feet southerly therefrom, a distance of 2,614.09 feet to the west line of the East 1/2 of said Section 28; thence S.00°45'47"W. along said west line, a distance of 1,236.76 feet to the South 1/4 corner of said Section 28; thence S.89°30'25"E. along the south line of said Section 28, a distance of 2,662.03 feet to the northwest corner of the aforementioned Section 34; thence N.89°57'56"E. along the north line of said Section 34, a distance of 120.02 feet; thence S.00°51'27"W., a distance of 1.87 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.89°08'34"E., a radial distance of 2,190.00 feet; thence southerly along the arc of said curve, through a central angle of 13°14'44", an arc length of 506.28 feet to the point of tangency of said curve; thence S.12°23'18"E., a distance of 982.01 feet to the point of curvature of a curve to the right having a radius of 3,060.00 feet and a central angle of 10°28'18"; thence southerly along the arc of said curve, an arc length of 559.26 feet to the point of tangency of said curve; thence S.01°55'00"E., a distance of 1076.32 feet to the southwest corner of premises described in Official Record Book 1532, Page 5848, of said public records; the following 2 calls are along the lines of said premises described in Official Record Book 1532, Page 5848; thence N.88°07'20"E., a distance of 1,147.54 feet; thence N.00°45'04"W., a distance of 877.03 feet; thence N.88°05'00"E., a distance of 155.33 feet to the point of curvature of a curve to the left having a radius of 2,723.82 feet and a central angle of 23°07'59"; thence easterly along the arc of said curve, an arc length of 1,099.74 feet to the point of reverse curvature of a curve to the right having a radius of 1,690.00 feet and a central angle of 21°24'41"; thence easterly along the arc of said curve, a distance of 631.55 feet to the point of tangency of said curve; thence N.86°21'42"E., a distance of 275.42 feet to the point of curvature of a curve to the left having a radius of 1,940.00 feet and a central angle of 38°34'52"; thence northeasterly along the arc of said curve, an arc length of 1,306.33 feet to the point of tangency of said curve; thence N.47°46'50"E., a distance of 466.55 feet to the point of curvature of a curve to the right having a radius of 2,610.00 feet and a central angle of 28°29'57"; thence northeasterly along the arc of said curve, an arc length of 1,298.23 feet to the point of tangency of said curve; thence N.76°16'47"E., a distance of 615.98 feet to the point of curvature of a curve of to the right having a radius of 2,920.00 feet and a central angle of 30°55'19"; thence easterly along the arc of said curve, an arc length of 1,575.89 feet to the point of tangency of said curve; thence S.72°47'54"E., a distance of 1,139.89 feet to the point of curvature of a curve to the left having a radius of 2,940.00 feet and a central angle of 31°21'44"; thence easterly along the arc of said curve, an arc length of 1,609.28 feet to the point of tangency of said curve; thence N.75°50'22"E., a distance of 1,640.22 feet to the point of curvature of a curve to the right having a radius of 5,060.00 feet and a central angle of 14°11'52"; thence easterly along the arc of said curve, an arc length of 1,253.85 feet to the point of tangency of said curve; thence S.89°57'46"E., a distance of 1,827.12 feet to the east line of said Section 25; thence S.00°30'59"W. along said east line, a distance of 62.61 feet to the northeast corner of said Section 36; thence S.00°35'33"W. along the east line of said Section 36, a distance of 5,904.94 feet to the southeast corner of said Section 36; thence N.89°58'32"W. along the south line of said Section 36, a distance of 5,320.24 feet to the southeast corner of aforementioned Section 35; thence continue N.89°58'32"W. along the south line of said Section 35, a distance of 5,320.24 feet to the southeast corner of aforementioned Section 34; thence N.89°58'32"W. along the southerly line of Section 34, a distance of 5320.24 feet to the southwest corner of said Section 34; thence N.89°58'32"W. along the southerly line of the aforementioned Section 33, a distance of 5,320.24 feet to the southwest corner of said Section 33; thence N.89°58'32"W. along the southerly line of the aforementioned Section 32, a distance of 5,320.24 feet to the southwest corner of said Section 32; thence N.89°58'32"W. along the southerly line of the aforementioned Section 31, a distance of 4,602.00 feet to the southwest corner of said Section 31, also being a point on the easterly Limited Access Right-of-way of State Road 93

(Interstate 75); the following 15 calls are along the easterly Limited Access Right-of-way of State Road 93 (Interstate 75); thence N.00°37'10"E. along the west line of said Section 31, a distance of 615.67 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.68°06'12"E., a radial distance of 216.00 feet; thence northeasterly along the arc of said curve, through a central angle of 66°23'34", an arc length of 250.29 feet to the point of tangency of said curve; thence N.88°17'22"E., a distance of 628.58 feet; thence S.89°25'46"E., a distance of 298.15 feet; thence continue S.89°25'46"E., a distance of 133.30 feet; thence N.00°34'14"E., a distance of 336.00 feet; thence N.89°25'46"W., a distance of 606.88 feet; thence N.85°36'55"W., a distance of 460.53 feet to the point of curvature of a curve to the right having a radius of 396.00 feet and a central angle of 27°45'53"; thence westerly along the arc of said curve, an arc length of 191.90 feet to the end of said curve; thence S.01°15'38"W., a distance of 68.34 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.27°44'12"E., a radial distance of 456.00 feet; thence northwesterly along the arc of said curve, through a central angle of 34°29'47", an arc length of 274.55 feet to the point of tangency of said curve; thence N.27°46'01"W., a distance of 566.48 feet to the point of curvature of a curve to the right having a radius of 4,489.66 feet and a central angle of 12°57'00"; thence northerly along the arc of said curve, an arc length of 1,014.75 feet to the point of tangency of said curve; thence N.14°49'01"W., a distance of 899.55 feet; thence N.13°40'16"W., a distance of 1,016.33 feet; thence S.88°43'35"E., a distance of 1,369.65 feet; thence S.89°40'28"E., a distance of 1,438.64 feet; thence N.01°15'38"E., a distance of 1,532.73 feet to the north line of the aforementioned Section 31; thence S.89°40'28"E., a distance of 3,164.99 feet to the POINT OF BEGINNING.

Said tract contains 4131.64 acres, more or less.

LESS AND EXCEPT

THE TRACT KNOWN AS PARCELS NO. 1, NO. 4, NO. 5 AND A PORTION OF COVENANT WAY

DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Section 34, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the southwest corner of Said Section 34; thence S.89°58'32"E. along the south line of said Section 34, a distance of 678.97 feet to a point on the easterly line of premises described in Official Records Book 1532, Page 5845 of the Public Records of Manatee County, Florida; thence N.00°01'28"E. along said easterly line and the east line of Lorraine Road also described in said Official Records Book 1532, Page 5845, a distance of 1,020.28 feet to the southwest corner of premises described in Official Record Book 1555, Page 4954 of the Public Records of Manatee County, Florida; thence S.89°58'32"E., along the south line of said premises, a distance of 488.93 feet; thence N.00°01'28"E., along the east line of said premises and the northerly extension thereof, a distance of 891.04 feet to a point on the north line of Covenant Way (84-foot wide private roadway) as shown on Covenant Way, A Roadway Plat and recorded in Plat Book 37, Page 148 of the Public Records of Manatee County, Florida, also being a point on the southerly line of premises described in Official Record Book 1571, Page 4068 of said public records; the following 28 calls are along line of said premises described in Official Record Book 1571, Page 4068; thence N.88°05'00"E. a distance of 151.89 feet to the point of curvature of a curve to the right having a radius of 292.00 feet and a central angle of 33°21'59"; thence easterly along the arc of said curve, an arc length of 170.05 feet to the point of tangency of said curve; thence S.58°33'01"E., a distance

of 208.77 feet to the point of curvature of a curve to the left having a radius of 211.00 feet and a central angle of 31°25'31"; thence easterly along the arc of said curve, an arc length of 115.73 feet to the point of tangency of said curve; thence S.89°58'32"E., a distance of 38.37 feet; thence N.00°01'28"E., a distance of 391.85 feet; thence N.53°08'42"W., a distance of 108.39 feet; thence N.64°51'52"W., a distance of 72.10 feet; thence N.51°15'29"W., a distance of 71.24 feet; thence N.88°53'01"W., a distance of 64.72 feet; thence S.42°31'45"W., a distance of 48.99 feet; thence S.57°15'03"W., a distance of 43.67 feet; thence N.75°08'44"W., a distance of 93.01 feet; thence N.36°23'58"W., a distance of 51.93 feet; thence N.30°15'09"W., a distance of 120.41 feet; thence N.26°03'26"W., a distance of 83.03 feet; thence N.11°24'03"E., a distance of 191.05 feet; thence N.77°32'10"W., a distance of 49.33 feet; thence N.54°48'49"W., a distance of 53.50 feet; thence S.83°25'42"W., a distance of 39.97 feet; thence N.77°03'04"W., a distance of 27.57 feet; thence N.76°42'11"W., a distance of 51.49 feet; thence S.09°58'45"W., a distance of 46.64 feet; thence S.17°32'46"W., a distance of 26.17 feet; thence N.55°40'30"W., a distance of 120.52 feet; thence S.34°19'30"W., a distance of 52.27 feet; thence S00°00'00"W, a distance of 86.03 feet; thence S.88°05'00"W., a distance of 286.50 feet to the aforementioned east line of Lorraine Road; the following 3 calls are along said east line of Lorraine Road; thence S.01°55'00"E., a distance of 791.84 feet to the point of curvature of a curve to the right having a radius of 10,560.00 feet and a central angle of 01°56'28"; thence southerly along the arc of said curve, an arc length of 357.76 feet to the point of tangency of said curve; thence S.00°01'28"W., a distance of 382.49 feet to the POINT OF BEGINNING.

Said tract contains 24.95 acres, more or less.

THE TRACT KNOWN AS THE CRICKET CLUB:

DESCRIPTION:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST; THENCE S89°58'32"E, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 3762.59 FT.; THENCE N00°01'28"E, PERPENDICULAR WITH SAID SOUTH LINE, A DISTANCE OF 801.79 FT. FOR A POINT OF BEGINNING; THENCE N00°00'00"E (NORTH), A DISTANCE OF 358.16 FT.; THENCE N85°08'24"E, 58.79 FT.; THENCE N54°54'36"E, 292.35 FT.; THENCE N90°00'00"E (EAST), 221.92 FT.; THENCE S00°00'00"E (SOUTH), 528.25 FT.; THENCE N85°00'17"W, A DISTANCE OF 48.76 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2303.68 FT.; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°44'23", A DISTANCE OF 472.02 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 5.52 ACRES MORE OR LESS.

The above tract contains in total 4,101.17 acres, more or less.

LAND USE EQUIVALENCY
UNIVERSITY LAKES, PHASE III
ATTACHMENT 5
DECEMBER 2005

"A" LAND USES THAT ARE TO BE TRADED	"B" EQUIVALENT USES									
	# OF SINGLE- FAMILY DWELLING UNITS	# OF SINGLE- FAMILY ATTACHED UNITS	# OF MULTI- FAMILY APARTMENTS	# OF SQ. FT. NEIGHBORHOOD COMMERCIAL	# OF SQ. FT. COMMUNITY COMMERCIAL	# OF SQ. FT. OFFICE	# OF SQ. FT. LIGHT INDUSTRIAL	# OF SQ. FT. MANUFACTURING	# OF SQ. FT. WAREHOUSING	# OF HOTEL ROOMS
ONE SINGLE FAMILY DETACHED DWELLING UNIT	(1.00)	(1.85)	(1.50)	(255.00)	(270.00)	(310.00)	(835.00)	(880.00)	(860.00)	(1.41)
SINGLE FAMILY ATTACHED	(0.48)	(1.00)	(0.83)	(120.00)	(127.00)	(147.00)	(392.00)	(410.00)	(405.00)	(0.65)
MULTI FAMILY APARTMENT	(0.58)	(1.20)	(1.00)	(146.00)	(155.00)	(180.00)	(475.00)	(500.00)	(490.00)	(0.80)
1000 SQ. FT. OF COMMUNITY RETAIL	(1.96)	(3.60)	(3.00)	(945.00)	(1000.00)	(1165.00)	(3050.00)	(3225.00)	(3175.00)	(5.00)
1000 SQ. FT. OF NEIGHBORHOOD RETAIL	(2.00)	(3.85)	(3.20)	(1000.00)	(1060.00)	(1225.00)	(3250.00)	(3425.00)	(3375.00)	(5.50)
1000 SQ. FT. OF OFFICE	(0.38)	(0.70)	(0.58)	(185.00)	(195.00)	(1000.00)	(1780.00)	(1050.00)	(1825.00)	(0.98)
1000 SQ. FT. OF MANUFACTURING	(0.37)	(0.65)	(0.55)	(175.00)	(190.00)	(365.00)	(950.00)	(1000.00)	(995.00)	(0.95)
1000 SQ. FT. WAREHOUSING	(0.21)	(0.39)	(0.32)	(100.00)	(105.00)	(370.00)	(950.00)	(575.00)	(1000.00)	(0.54)
1000 SQ. FT. OF LIGHT INDUSTRIAL	(0.22)	(0.40)	(0.34)	(105.00)	(115.00)	(575.00)	(1000.00)	(600.00)	(1050.00)	(0.55)
ONE HOTEL ROOM	(0.40)	(0.70)	(0.61)	(185.00)	(195.00)	(225.00)	(635.00)	(620.00)	(620.00)	(1.00)

* The calculations must always start in Column "A" and end in Column "B". Start in Column "A" at appropriate row, proceed horizontally, then vertically to the equivalent use in Column "B". The equivalent Column "B" land use is noted in the () at the intersection of the "traded land use" horizontal row, and the "equivalent uses" vertical column. For example, one Single Family Attached unit (Column "A", second row) can be traded into 127 sq. feet of Community Commercial. The intersection of the Single Family Attached unit row, and the Community Commercial column is 127 Sq. Feet.

LAND USE SCHEDULE

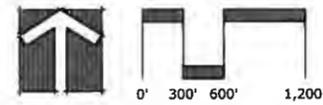
USE	ACRES	SQ. FT.	UNITS
RESIDENTIAL	1,444.2		3,941
REGIONAL COMMERCIAL	88.6	677,506 150 Hospital beds	
COMMUNITY COMMERCIAL	39.7	141,298	
HIGHWAY COMMERCIAL	28.0	250,000*	
BUSINESS	114.3	1,040,572	
RIGHT-OF-WAY	393.5		
RECREATION	348.4		
WETLANDS	674.3		
LAKES	688.2		
OPEN SPACE	282.0		
TOTAL	4,101.2	2,109,376 150 Hospital beds	3,941

*Includes 620 hotel rooms

LEGEND

- TEMPERATE HARDWOODS
- LIVE OAKS
- STREAM & LAKE SWAMPS (T.B.R.P.C.)
- INLAND PONDS & SLOUGHS (T.B.R.P.C.)
- MIXED WETLAND HARDWOODS (T.B.R.P.C.)
- FRESHWATER MARSHES
- WET PRAIRIES
- WETLAND MITIGATION AREAS
- VEGETATED NON-FORESTED WETLANDS
- UPLAND PRESERVATION AREA
- LAKES
- EXISTING WATER WELLS
- CELL TOWER

(T.B.R.P.C.) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS



** Permitted Commercial square footage may be allowed in these Business Parcels.
 *** Permitted Community, Highway and Regional Commercial square footage may be allowed in these Community Commercial Parcels.
 **** Permitted Commercial square footage and Multifamily Residential may be allowed in this Business Parcel.

DRI#22/ORD-12-34
 20120255(1)
 University Lakes DRI
 Development Order and Map H
 Application

Wilson Miller <small>Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants</small> Wilson Miller, Inc. <small>2209 North 20th Street • Tampa, Florida 33607 • Phone 813-223-9500 • Fax 813-223-0009 • Web Site www.wilsonmiller.com</small>		CLIENT: SCHROEDER-MANATEE RANCH, INC PROJECT: UNIVERSITY LAKES	DATE: JULY 2012 HORIZONTAL SCALE: 1" = 600' VERTICAL SCALE: 1" = 600' SHEET NUMBER: 1 of 3	TITLE: MASTER DEVELOPMENT PLAN MAP H PROJECT NUMBER: 215610613
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LAND USE SCHEDULE

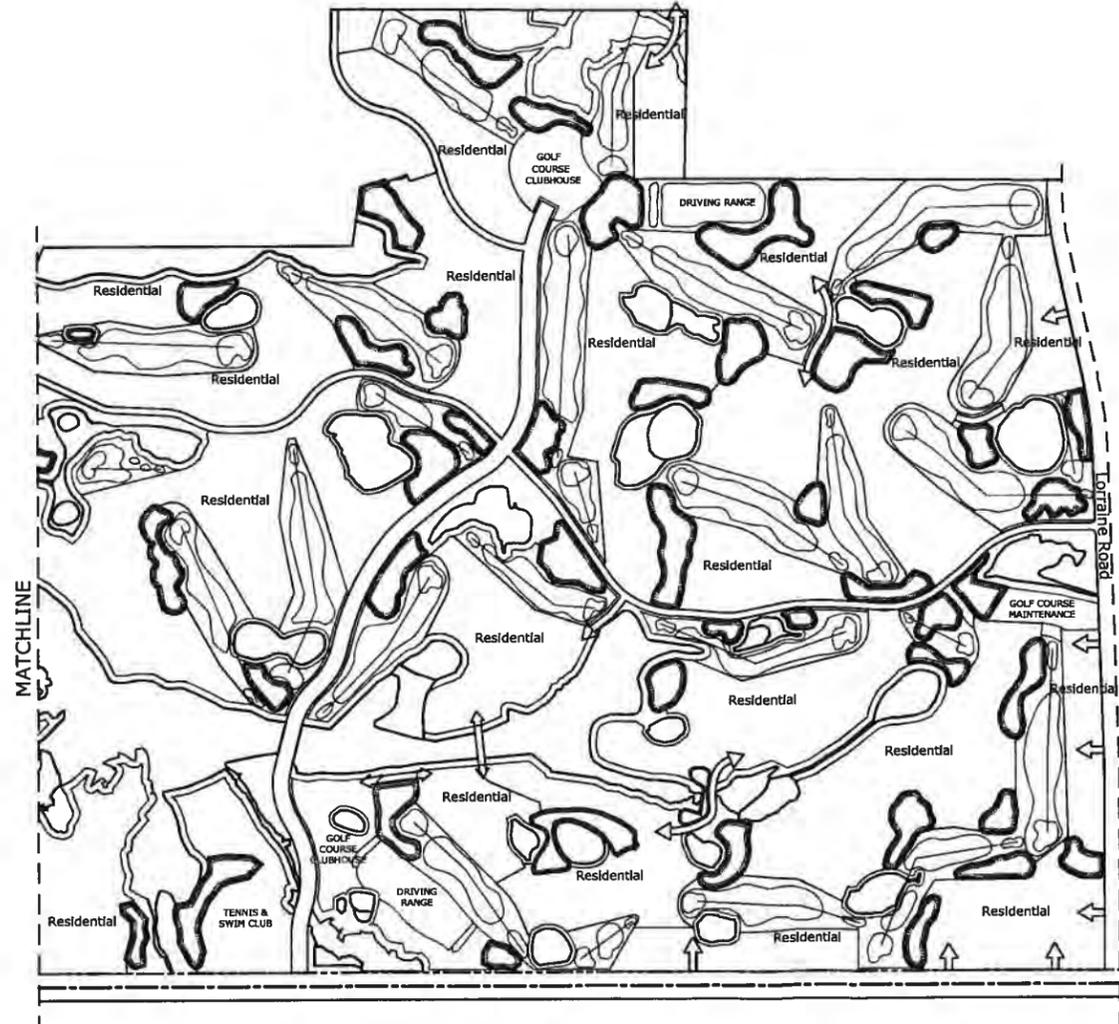
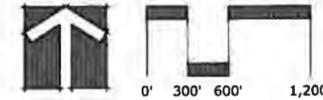
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RESIDENTIAL	1,444.2		3,941
REGIONAL COMMERCIAL	88.6	677,506 150 Hospital beds	
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*Includes 620 hotel rooms

LEGEND

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- WET PRAIRIES
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- VEGETATED NON-FORESTED WETLANDS
- UPLAND PRESERVATION AREA
- LAKES
- EXISTING WATER WELLS

(T.B.R.P.C.) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS



Adopted June 1, 1992 (Ord. 92-32)
 Amended October 28, 1993 (Ord. 93-25)
 Amended January 25, 1996 (Ord. 95-44)
 Amended October 28, 1997 (Ord. 97-61)
 Amended December 16, 1997 (Ord. 97-81)
 Amended February 22, 2000 (Ord. 00-45)
 Amended December 18, 2001 (Ord. 00-60)
 Amendment August 26, 2003 (Ord. 03-35)
 Amendment October 19, 2004 (Ord. 04-59)
 Amendment October 16, 2007 (Ord. 07-72)
 Proposed Amendment Submitted July 2012

Wilson Miller Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants 2205 North 28th Street • Tampa, Florida 33605 • Phone 813-222-6500 • Fax 813-222-0008 • Web Site www.wilsonmiller.com		CLIENT: SCHROEDER-MANATEE RANCH, INC PROJECT: UNIVERSITY LAKES	DATE: JULY 2012 HORIZONTAL SCALE: 1" = 600' VERTICAL SCALE: AS SHOWN SHEET NUMBER: 2 of 3	TITLE: MASTER DEVELOPMENT PLAN MAP H PROJECT NUMBER: 215610613
ACTIVITY DESIGNED BY: CVO/1995 DRAWN BY: CHECKED BY: CONTRACT ADMIN. BY: W/M APPROVED BY:	DETAILS/DRW. NO. DATE 07/21/05	SHEET NUMBER: 2 of 3	CROSS REFERENCE FILE NO.:	PROJECT NUMBER: 215610613

LAND USE SCHEDULE

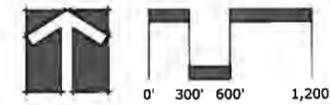
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REGIONAL COMMERCIAL	88.6	677,506 150 Hospital beds	
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RIGHT-OF-WAY	393.5		
RECREATION	348.4		
WETLANDS	674.3		
LAKES	688.2		
OPEN SPACE	282.0		
TOTAL	4,101.2	2,109,376 150 Hospital beds	3,941

* Includes 620 hotel rooms

LEGEND

- TEMPERATE HARDWOODS
- LIVE OAKS
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- VEGETATED NON-FORESTED WETLANDS
- UPLAND PRESERVATION AREA
- PALMETTO PRAIRIE AREAS
- LINEAR PARK
- LAKES
- EXISTING WATER WELLS
- CELL TOWER TO BE RELOCATED OUTSIDE THE PROJECT BOUNDARY

(T.B.R.P.C.) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS



NOTE: ALL ROADS WILL BE TWO-WAY

<table border="1"> <thead> <tr> <th>REV. NO.</th> <th>REVISION</th> <th>DATE</th> <th>DRAWN BY / REV. NO.</th> <th>CHECKED BY / REV. NO.</th> <th>WM APPROVED BY:</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV. NO.	REVISION	DATE	DRAWN BY / REV. NO.	CHECKED BY / REV. NO.	WM APPROVED BY:							<table border="1"> <thead> <tr> <th>ACTIVITY</th> <th>INITIALS/REV. NO.</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>DESIGNED BY:</td> <td>CVO/1995</td> <td>07/21/05</td> </tr> <tr> <td>DRAWN BY:</td> <td> </td> <td> </td> </tr> <tr> <td>CHECKED BY:</td> <td> </td> <td> </td> </tr> <tr> <td>CONTRACT ADMIN. BY:</td> <td> </td> <td> </td> </tr> </tbody> </table>	ACTIVITY	INITIALS/REV. NO.	DATE	DESIGNED BY:	CVO/1995	07/21/05	DRAWN BY:			CHECKED BY:			CONTRACT ADMIN. BY:			<p>Wilson Miller Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants Wilson Miller, Inc. 2205 North 20th Street • Tampa, Florida 33605 • Phone: 813-223-9200 • Fax: 813-223-0000 • Web Site: www.wilsonmiller.com</p>	<p>CLIENT: SCHROEDER-MANATEE RANCH, INC</p> <p>PROJECT: UNIVERSITY LAKES</p>	<p>DATE: JULY 2012</p> <p>HORIZONTAL SCALE: 1"=600'</p> <p>VERTICAL SCALE: 1"=600'</p> <p>SEC. TYP. HORIZ. CROSS REFERENCE FILE NO. PROJECT NUMBER: 215610613</p>	<p>TITLE: MASTER DEVELOPMENT PLAN MAP H</p> <p>SHEET NUMBER: 3 of 3</p>
REV. NO.	REVISION	DATE	DRAWN BY / REV. NO.	CHECKED BY / REV. NO.	WM APPROVED BY:																											
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PNATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	PDMU-92-01(G)(R14) – Schroeder-Manatee Ranch, Inc. (University Lakes DRI#22)	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	11/08/12 PC	DATE SUBMITTED/REVISED	11/01/12
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services/Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	Lisa Barrett, Planning Division Manager
CONTACT PERSON TELEPHONE/EXTENSION	Kathleen Thompson / 748-4501 ext. 6841 / DTS#20120254	PRESENTER/TITLE TELEPHONE/EXTENSION	Kathleen Thompson, AICP, Planning Manager / 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-92-01(G)(R14) per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY

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

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

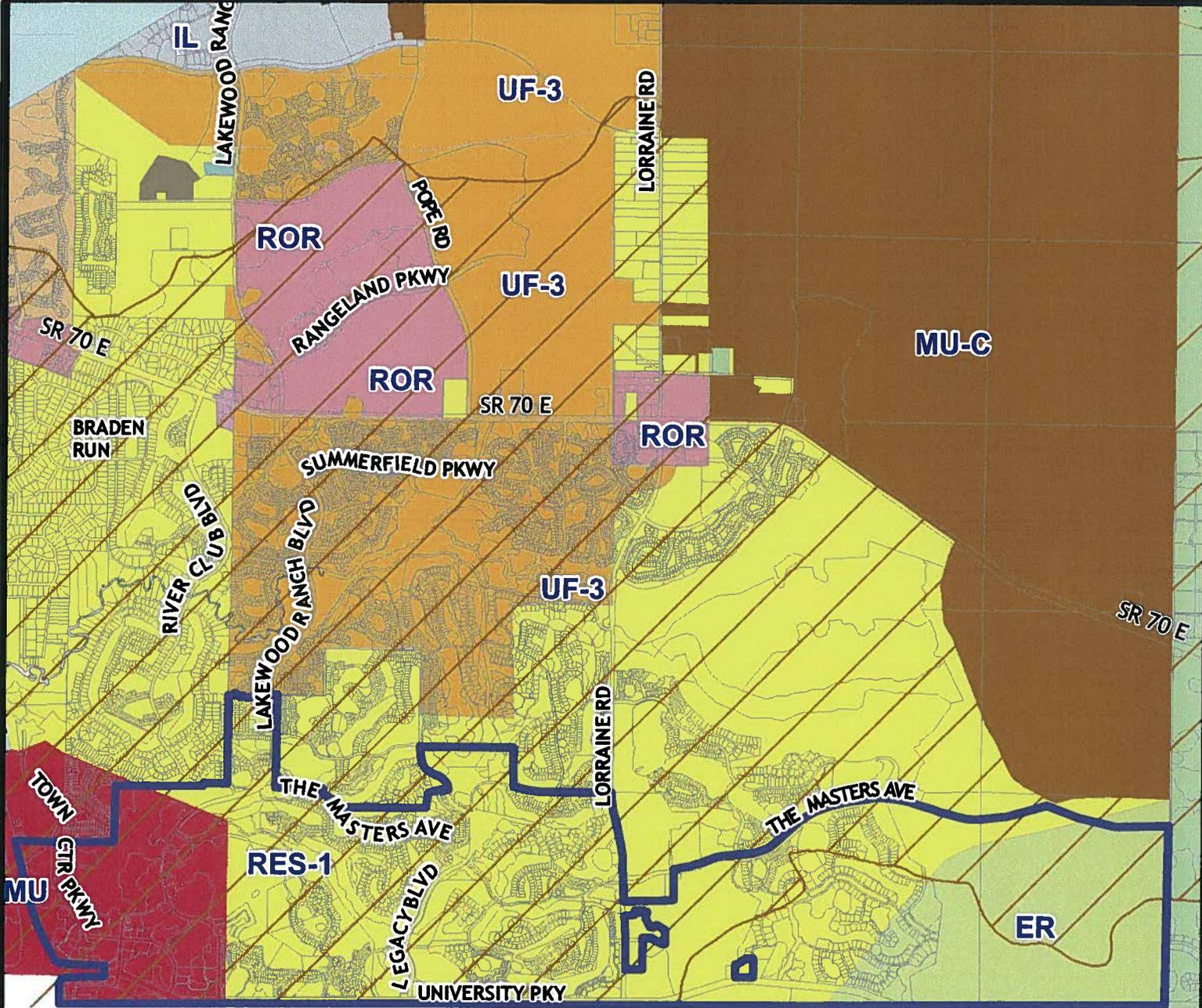
- This is a revised Zoning Ordinance to recognize the Revocation of the 380 Development Review Agreement. The agreement was entered into when SMR filed two DRI's – University Lakes in Manatee County and University Place in Sarasota County. The Agreement provided a cumulative review of the impacts for transportation, air quality, affordable housing, vegetation and wildlife. In 2008 it was determined the cumulative review was no longer necessary and that the projects could stand alone.
- The transportation conditions are being modified based on the revocation of the agreement. Other modifications are as follows:
 - Affordable Housing conditions
 - Flexibility in unit allocation among parcels
 - Updates to the project phasing, expiration and build out dates
 - Terminology and department references
 - Eliminate the maximum increase in Land Use Exchanges (Table C - Column E)
 - Other minor amendments
- Staff recommends approval of the 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 Lakes GDP
 Project #: PDMU-92-01 (G)(R14)
 DTS#: 20120254
 Proposed Use: Mixed Use

S/T/R: Sec 35,25,0,34,31,36 Twn 0,35 Rng 2,2,0,20,19
 Acreage: ± 4,101
 Existing Zoning: PD-MU
 Existing FLU: MU, RES-1, ER
 Overlays: ST
 Special Areas: Greenway

CHH: NONE
 Watershed: WPE
 Drainage Basin: COW PEN SLOUGH, COOPER CREEK,
 Commissioner: Donna Hayes



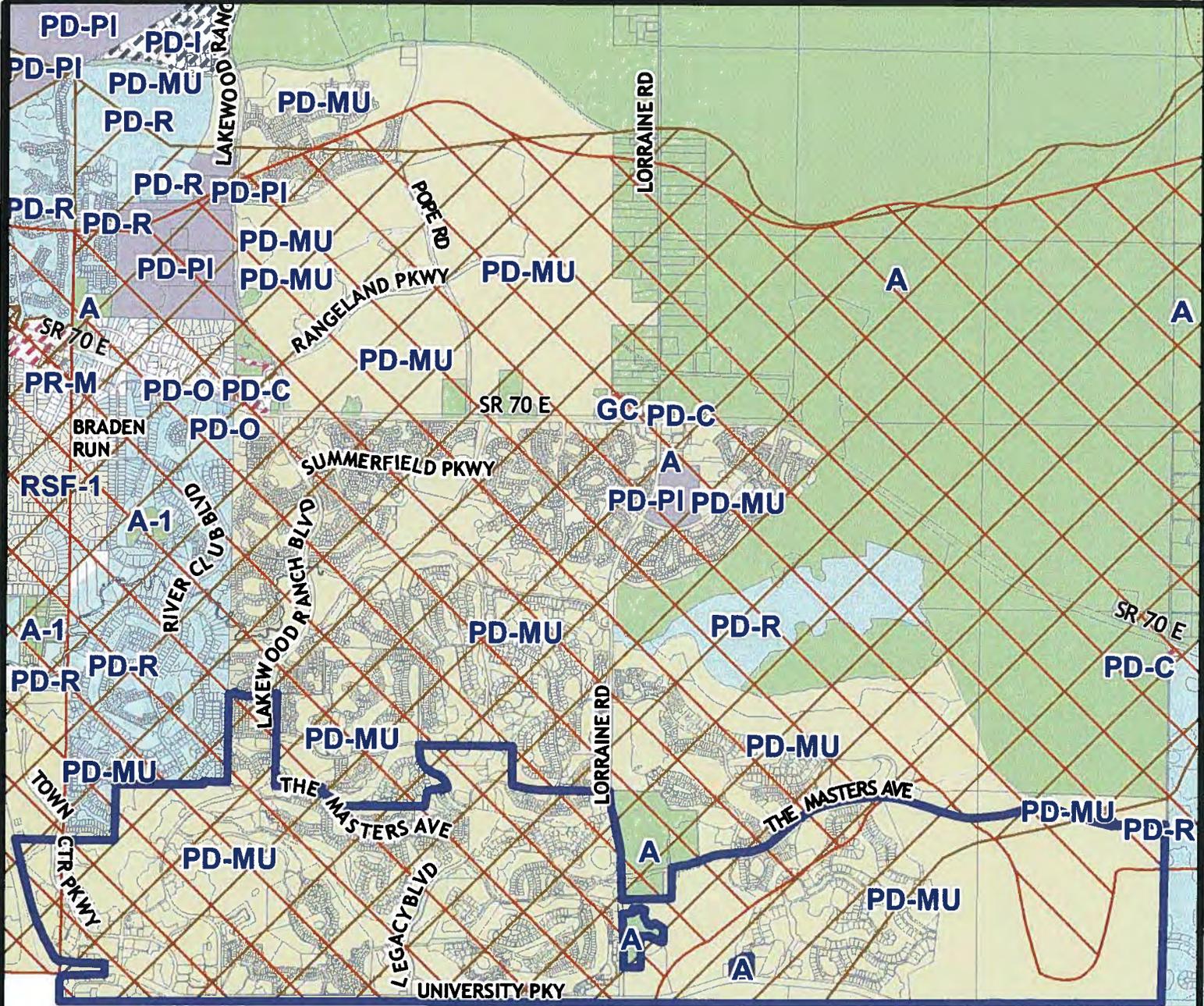
Manatee County
 Staff Report Map

Map Prepared 9/27/2011
 1 inch = 4,233 feet

Overlays

Evers Watershed (WPE)

ZONING



Parcel ID #(s) Multiple

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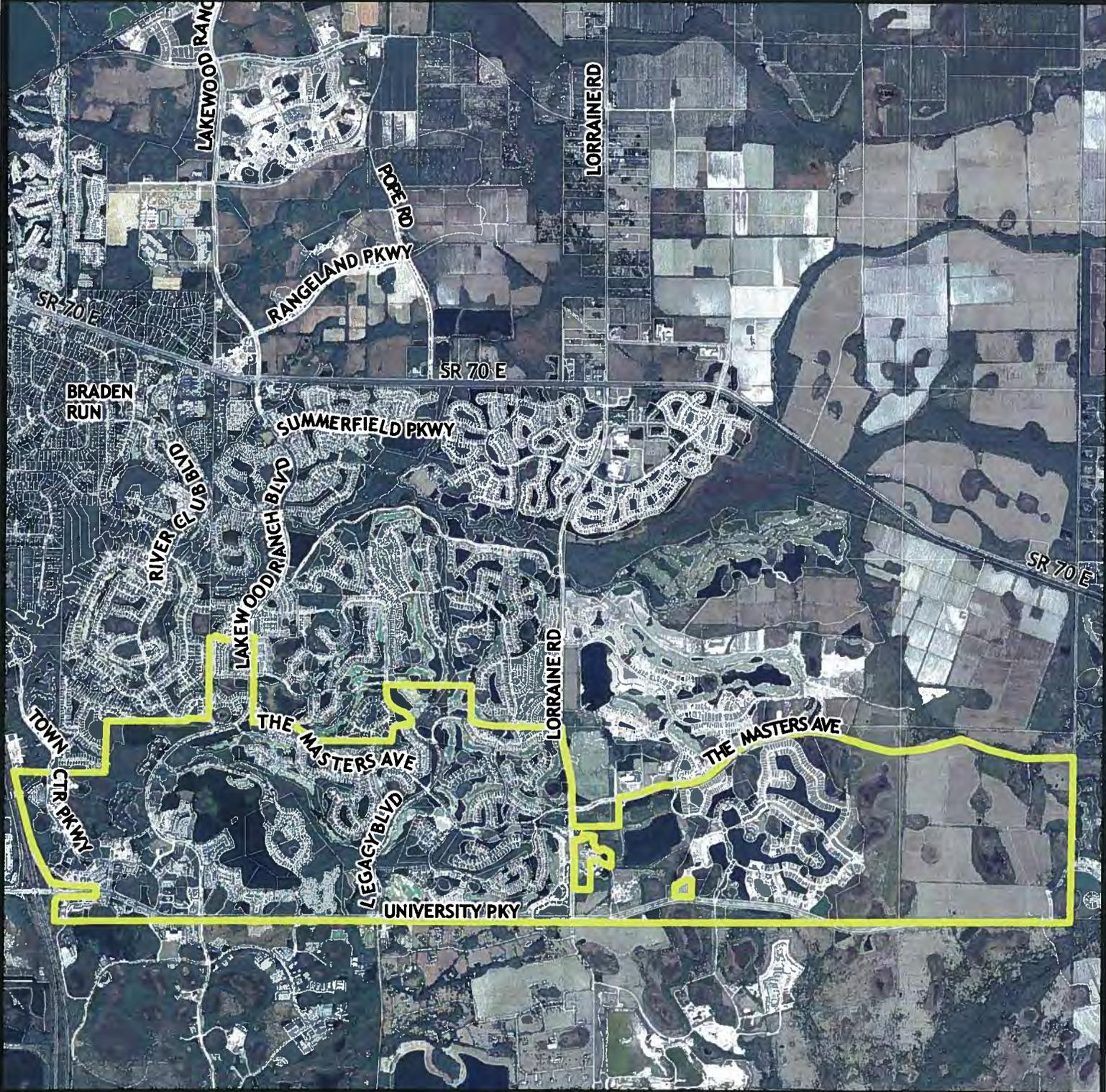
Manatee County
 Staff Report Map

Map Prepared 9/27/2011
 1 inch = 4,233 feet

Legend

-  Special Treatment
-  Evers Watershed (WPE)

AERIAL



Parcel ID #(s) Multiple

Project Name: University Lakes GDP
 Project #: PDMU-92-01 (G)(R14)
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 Proposed Use: Mixed Use

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 Overlays: ST
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 Watershed: WPE
 Drainage Basin: COW PEN SLOUGH, COOPER CREEK,
 Commissioner: Donna Hayes



Manatee County
 Staff Report Map

Map Prepared 9/27/2011
 1 inch = 4,233 feet

P.C. 11/08/12

PDMU-92-01(G)(R14) - SCHROEDER-MANATEE RANCH, INC.
(UNIVERSITY LAKES DRI #22) / DTS#20120254

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, approving a revised Zoning Ordinance and General Development Plan to:

1. Recognize the Revocation of the 380 Development Review Agreement,
2. Modify Transportation Conditions related to the Revocation of the 380 Development Review Agreement,
3. Modify the Affordable Housing Conditions consistent with current county practices,
4. Provide flexibility in unit allocation among parcels,
5. Update the Zoning Ordinance to reflect the project phasing expiration and build out dates as previously authorized by the State of Florida and Manatee County,
6. Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes
7. Elimination of Maximum Increase in Land Use Exchanges (Table C- Column E), and
8. Other minor amendments.

Subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (±4,101.2 acres).

P.C.: **11/08/12**

B.O.C.C.: **12/06/12**

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-92-01(G)(R14); APPROVAL of the revised General Development Plan; with Stipulations; for a project that was previously granted

Special Approval: 1) for a project in the Evers Reservoir Watershed; 2) a Mixed Use project; and 3) a project adjacent to a perennial stream, as recommended by staff.

CASE SUMMARY

CASE NO.: PDMU-92-01(G)(R14)

PROJECT: University Lakes DRI #22

APPLICANT: Schroeder- Manatee Ranch, Inc.

REQUEST: Approval of a revised Zoning Ordinance to:

1. Recognize the Revocation of the 380 Development Review Agreement,
2. Modify Transportation Conditions related to the Revocation of the 380 Development Review Agreement,
3. Modify the Affordable Housing Conditions consistent with current county practices,
4. Provide flexibility in unit allocation among parcels,
5. Update the Zoning Ordinance to reflect the project phasing, expiration and build out dates as previously authorized by the State of Florida and Manatee County,
6. Update the Zoning Ordinance to reflect terminology changes, Department references and other minor changes
7. Elimination of Maximum Increase in Land Use Exchanges (Table C- Column E), and
8. Other minor amendments.

Subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

STAFF RECOMMENDS: Approval

LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- **University Lakes is on the north side of University Parkway, generally located between Interstate 75 and 3 miles east of Lorraine Road.**
- **To the NORTH is Cypress Banks DRI zoned PDMU/WP-E/ST, the Colonial Apartments and office development, and the River Club DRI zoned PDR/WP-E/ST.**
- **To the SOUTH are office and institutional uses in Sarasota County which fall under the approved Lakewood Ranch Corporate Park and the Villages of Lakewood Ranch South DRIs (Schroeder-Manatee Ranch, Inc. projects). Lakewood Ranch Corporate Park is an industrial and office DRI while the Village of Lakewood Ranch South DRI is proposed primarily as a residential development.**
- **To the EAST is residential land presently known as The Concession zoned PDR/WP-E/ST.**
- **To the WEST, across Interstate 75, is commercial development (part of the Cooper Creek DRI) zoned PDMU/WP-E/ST.**

SUMMARY:

The University Lakes Zoning Ordinance was originally approved on June 1, 1992 and first amended on October 28, 1993. The approved project consisted of a mixture of land uses, including residential, commercial, business (industrial and offices), and recreation on 2,352.7 acres.

On January 25, 1996, the Zoning Ordinance was amended to add 69.8 acres without increasing development totals.

On October 22, 1997, the Zoning Ordinance was amended to extend the buildout and expiration dates, modify the site plan, employ the land use tradeoff, and make other various changes.

On December 11, 1997, the Zoning Ordinance was amended to allow a hospital use in Phase 2.

On October 27, 1998, the Zoning Ordinance was amended to allow a land use exchange to reduce industrial square footage and increase residential and commercial square footage.

On February 22, 2000, the Zoning Ordinance was amended to add an access point, modify land use entitlements, and other relevant changes.

On October 23, 2001, the Zoning Ordinance was amended to approve a land use exchange that decreased industrial and commercial square footage and increased office entitlements.

On December 18, 2001, the Zoning Ordinance was amended to modify land use entitlements to allow the addition of 300 hotel rooms.

On August 26, 2003, the Zoning Ordinance was amended to extend phasing dates, swap land with the Cypress Banks DRI, and other modifications.

On October 19, 2004, the Zoning Ordinance was amended to add 1,804.7 acres (east of Lorraine road); add ten access points for new internal roadways; increase 350 single-family detached dwelling units, decreased 450 hotel rooms, and other changes to acreages and entitlements.

On October 16, 2007, the Zoning Ordinance and General Development Plan were amended to increase hotel rooms by 450, amend locations and sizes of various development areas, and other changes as needed.

On August 7, 2008, the General Development Plan and Zoning Ordinance were amended to allow a land use exchange to increase General Commercial square footage by 105,928 sq. ft.; decrease 32 single family detached dwelling units in Phase IV; decrease 70 multi-family dwelling units in Phase IV; decrease 39,803 sq. ft. of Neighborhood Commercial in Phase IV; and 226, 908 sq. ft. of Office from Phase II, amend Table C (Development Components) and Table D (Phasing Schedule) and other minor changes as needed.

On October 25, 2011, the General Development Plan and Zoning Ordinance were amended to allow the reallocation of entitlements to several parcels: 100 multi-family units from Parcel 53 to Parcel 15; 16,791 square feet of non-residential sq. ft. from Parcel 15 to Parcel 4/5, and 255 hotel rooms from Parcel 15 to Parcel 4/5; amended Stipulation Q(1). No corresponding changes to the Development Order were required.

On July 17, 2012, the applicant submitted amendments to the General Development Plan and Zoning Ordinance to recognize the revocation of the 380 Agreement, modify Transportation conditions, modify the Affordable Housing condition, update the expiration and build out dates of the project and update terminology changes, Department references and other minor changes.

To date, the following have been completed, are under construction or received some level of detailed site plan approval: 36 holes of the golf course; three clubhouses; 1,713 single-family lots, 1,148 multi-family units, a maintenance facility, swim and tennis center, 799,941 sq. ft. of office uses, 365 hotel rooms, a Town Hall, a residential care facility, daycare, and an information center. There is also a 120 bed hospital, 553,913 sq. ft. of commercial uses including a gas station, restaurants, banks and retail shops and 18,603 square feet of industrial uses.

Remaining Entitlements *

Residential	976 units (25% of total)
Regional Commercial	176,357 sf (26% of total)
Community Commercial	88,534 sf (63% of total)
Business	222,028 sf (21% of total)

*as of the last reporting period February 23, 2011-February 22, 2012

According to the February 23, 2011-February 22, 2012 Annual Report, the following development has been completed during this reporting period:

- Residential: 8 single family detached and 12 multi-family units
- Commercial/Retail: 34,992 square feet
- Business/Office: 2,167 square feet

REQUEST #1

1. Recognition of the Revocation of the 380 Development Review agreement.

ANALYSIS

In 1991, SMR filed two DRI's, University Lakes in Manatee County and University Place (nka Lakewood Ranch Corporate Park) in Sarasota County. As both were under review at the same time, neither project could count the other's impacts as background. Therefore, the 380 Development Review Agreement was entered into in 1991 by the Department of Community Affairs (nka Department of Economic Opportunity), SWFRPC (the Southwest Florida Regional Planning Council), TBRPC (the Tampa Bay Regional Planning Council) and SMR to provide for a cumulative review of the impacts for transportation, air quality, affordable housing, vegetation and wildlife. In 2008, all of the involved parties determined there was no longer a need for such cumulative reviews to continue as the projects could stand alone and be treated separately as individual DRIs and the 380 Agreement was formally revoked. University Lakes Development Order has not had an amendment since 2008, so the Revocation is now being recognized with this companion Zoning Ordinance amendment.

REQUEST #2

2. Modification of Transportation conditions based on the Revocation of the 380 Development Review Agreement.

ANALYSIS

Transportation improvements required to accommodate traffic from the build out of University Lakes DRI were determined as follows:

- Traffic for the build out year of the University Lakes DRI was determined using actual counts from the annual monitoring reports, trip generation estimates from unbuilt portions of University Lakes, and a determination of the interaction between University Lakes and the adjacent Lakewood Ranch Corporate Park.
- Background (non-University Lakes DRI) traffic for the build out year of the University Lakes DRI was determined using estimated population growth, traffic modeling, and historical traffic trends.
- Total traffic for the build out year of the University Lakes DRI was determined by combining the University Lakes DRI traffic with the background traffic.
- This total traffic was then applied to the existing + committed roadway network. This network includes the existing roadway system, plus any improvements that are funded for construction within the next three years.
- The roadways and intersections were then tested to determine which facilities would not function within the adopted level of service standard without improvements, and those necessary improvements were identified.

- Once the improvements were identified, the roadway system was retested without University Lakes DRI traffic to determine which improvements were required to accommodate traffic even without University Lakes. As required by current State law, these improvements were removed from the list of improvements required to accommodate University Lakes DRI.
- The list of required improvements from the previous combined University Lakes DRI/Lakewood Ranch Corporate Park DRI Development Order was reviewed to determine the status of those improvements. A number of those improvements have either been constructed by Schroeder-Manatee Ranch or by others. Still others, while no longer required under the new study, still remain the responsibility of Lakewood Ranch Corporate Park DRI under a separate development order.
- The remaining required improvement still needed to accommodate build out of University Lakes DRI is the extension of the southbound off-ramp lane at I-75 and Fruitville Road, and is included as a requirement of University Lakes DRI in the revised University Lakes DRI development order.

**Table A
Ramp and Intersection Improvements**

Improvement Number	Location	PM Peak Hour LOS Prior to Improvement LOS	Applicable Peak Hour LOS Standard	Development Traffic as A % of LOS Peak Hour Capacity	Required Improvement to Restore LOS	Improved LOS	Total PM Peak Hour External Trips for Combined Projects Before Need*	Explanation
1	I-75 SB on-ramp at University Pkwy	F	D	41.8	Add 1 lane to ramp	D	6615	Obligation of LWRCP
2	I-75 SB off-ramp at University Pkwy	F	D	7.1	Add 1 lane to ramp, add 1 lane to interstate	D	5413	Improvement no longer required per traffic study
3	I-75 NB on-ramp at University Pkwy	F	D	7.1	Add 1 lane to ramp	D	8297	Obligation of LWRCP
4	I-75 NB off-ramp at University Pkwy	F	D	41.8	Add 1 lane to ramp	D	6254	Obligation of LWRCP
5-1	I-75 S N-B off-ramp at Fruitville Rd.	F E	D	9.9 7.6	Add 1 lane to ramp Extend ramp lane 200 feet	A D	8377 3681	Required for U Lakes
6	SR 64 & Lorraine Road	NB-F	D	8.1	Signalize	C	5413	Obligation of LWRCP
7	SR 70 & 15th Street	F	D	5.2	WB, NB, SB add 1 left turn lane	D	5253	Improvement no longer required per traffic study
8	SR 70 & US 301	F	D	7.6	add 1 through lane, all approaches; add 1 EB right turn lane; extend NB left turn lane and WB left turn as need to accommodate future year storage requirements	D	6895	Improvement no longer required per traffic study
9	SR 70 & 33rd Street	F	D	9.1	EB & WB add 1 through lane	D	6134	Improvement no longer required per

								traffic study
40	SR-70 & 39th Street	E	D	9.4	EB & NB add 1 right turn lane	C	6735	Improvement no longer required per traffic study
41	SR-70 & 45th Street	F	D	9.4	NB add 1 left and 1 through lane, EB add 1 through lane, WB add 1 left and 1 through lane	D	5613	Improvement no longer required per traffic study
42	SR-70 & Caruso Road	F	D	13.9	EB & WB add 1 through lane	C	6535	Improvement no longer required per traffic study
43	University Parkway & 15th Street	F	D	5.5	WB add 1 right turn lane	D	8137	Obligation of LWRCP
44	University Parkway & US-301	E	D	12.2	EB & NB add 1 right turn lane	D	5693	Improvement no longer required per traffic study
45	University Parkway & Tuttle Avenue	F	D	14.2	NB add 1 through lane, SB add 1 left turn lane and 1 through and receiving lane	D	5429	Improvement no longer required per traffic study
46	University Parkway & Lockwood Ridge Road	F	D	17.2	add 1 through lane, all approaches	D	5133	Improvement no longer required per traffic study
47	University Parkway & Honore Avenue	E	D	37.5	WB & NB add 1 left turn lane, EB & NB add 1 right turn lane	D	4572	Improvement completed
48	University Parkway & Cooper Creek Boulevard	F	D	45.2	EB & WB add 1 through lane	D	5333	Obligation of LWRCP
49	University Parkway & I-75 Northbound	F	D	62.9	NB add 1 left turn lane	D	7336	Obligation of LWRCP
20	Fruitville Road & Beneva Road	F	D	6.6	NB, SB, EB, WB add 1 through lane; EB, WB, SB add 1 left turn lane; EB add 1 right turn lane	D	7336	Obligation of LWRCP
21	Fruitville Road & McIntosh Road	F	D	11.5	WB add 1 left turn lane; EB add 1 right turn lane	C	5814	Obligation of LWRCP
22	Fruitville Road & Honore Ave	E	D	18.1	EB & WB add 1 left turn lane; Add WBL receiving lane. Add 2nd NB through lane and receiving lane	D	4933	Obligation of LWRCP
23	Fruitville Road & I-75 Northbound	F	D	22.4	NB add 1 left turn lane	C	5330	Improvement completed
24	Fruitville Road & I-75 Southbound	F	D	21	SB add 1 right turn lane	D	5253	Improvement completed
25	Fruitville Road & Coburn Road (east)	F	D	12.3	EB add 1 through lane; lengthen WB left turn lane	C	4892	Improvement completed
26	Fruitville Road & East Road/River Road	D (v/c > 1.0)	D	12.3	EB & WB add 1 through lane	A	7336	Improvement completed
27	Bee Ridge Road & Honore Avenue	D (v/c > 1.0)	D	11.6	NB add 1 left turn lane	C	6134	Obligation of LWRCP
28	Bee Ridge Road & Cattlemen Road	F	D	9.2	EB, WB, SB add 1 through lane; WB & SB add 1 left turn	D	6334	Obligation of LWRCP

					lane			
29	Bee Ridge Road & I-75 Northbound	F	D	9.2	NB add 1 left turn lane	C	7816	Improvement no longer required per traffic study
30	Bee Ridge Road & I-75 Southbound	N/A	D	5.8	Lengthen WB left turn lane	N/A	7341	Improvement no longer required per traffic study
31	Clark Road & Honore Avenue	F	D	7.3	WB, NB, SB add 1 left turn lane; SB add 1 right turn lane	D	7015	Obligation of LWRCP
32	Clark Road & I-75 NB	E	D	6.7	NB add 1 left turn lane	C	6535	Obligation of LWRCP
33	Cattlemen Road & Bahia Vista Street	F	C	11.9	Grade-separated interchange with 2 NB and 2 SB lanes on the overpass and 2 NB left turn lanes and 2 WB left turn lanes at the interchange intersection; or WB, NB add 1 left turn lane, SB add 1 through and 1 right turn lane, and adopt LOS D	C	5581	Obligation of LWRCP
34	Cattlemen Road & Palmer Boulevard	F	C	14.9	Grade-separated interchange with 2 NB and 2 SB lanes on the overpass; or EB add 1 right turn lane, NB add 1 left turn lane, and adopt LOS D	C	4852	Obligation of LWRCP

REQUEST #3

3. Modification of the Affordable Housing conditions

The applicant proposes the following changes (in strike-thru/underline) to the Affordable Housing Conditions within the Zoning Ordinance:

R. Affordable Housing

R.(4)Maximum rental rates shall correspond to values as provided for in the Fair Market Rent Documentation System. These rates are updated periodically by Manatee County and shall be utilized accordingly. The rental rate in effect at the time a lease is executed shall apply.

~~R(4) Prior to the first Final Site Plan the Developer shall establish the provisions for the sale of the WHUs through a Land Use Restriction Agreement in form and substance acceptable to and approved by the Board of County Commissioners, which shall at a minimum include provisions to assure that the units remain available after the initial sale to qualified purchasers for a period mutually agreeable to the County and Developer.~~

R.(5)The Developer shall include in its ~~annual~~ biennial report data showing the number and sale prices of ~~WHU's~~ workforce housing units sold or rented within the development during the reporting period. The ~~annual~~ biennial report shall also include the current Manatee County Maximum Income Limits Table and the current Fair Market Rent Documentation System. Only those units that have a sale price equal to or less than the maximum allowable home sales price or a rental rate equal to or less than the maximum allowable rental rate, as provided in R.(3) and R(4), shall be counted toward the required mitigation.

ANALYSIS

The above changes were reviewed and approved by the Community Development Division Manager of Neighborhood Services Department.

The changes proposed will make it easier for local staff to review compliance with the housing stipulations in the Biennial Reports. The Developer has also added a "rental" component which Neighborhood Services agrees with as rental housing is a desired element for developments of this size.

REQUEST #4

4. Provide for flexibility in unit allocation among parcels.

Q. (32) Notwithstanding limitations contained within this Ordinance governing land use exchanges, the maximum number of units for each residential parcel may be increased provided there is a simultaneous decrease on another residential parcel and all dimensional standards (i.e. setbacks, open space, parking, etc. pursuant to the LDC) can be met. This shall not authorize an overall increase in residential units for the Project. Such modification does not require the submittal or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan. Such preliminary or final site plan shall include a tracking chart to assure Manatee County that there has been no increase in units. However, this shall not allow the introduction of multi-family units on a parcel where only single family has been authorized without review and approval of a revised general development plan at an advertising public hearing. Such preliminary or final site plan shall include a tracking chart and exhibit giving location of additions and deletions to assure Manatee County that there has been no increase in units. Any such changes shall be noted in each biennial report.

Q. (33) Notwithstanding limitations contained within this Ordinance governing land use exchanges, the maximum square footage for each non- residential parcel may be increased provided there is a simultaneous decrease on another non- residential parcel and all dimensional standards (i.e. setbacks, open space, parking, etc. pursuant to the LDC) can be met. This shall not authorize an overall increase in square footage for the Project. Such modification does not require the submittal or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan. Such preliminary or final site plan shall include a tracking chart and exhibit giving location of additions and deletions to assure Manatee County that there has been no increase in units and noted in each biennial report. However, this shall not allow the introduction of a non-residential use which is not currently identified on the general

development plan for such parcel without review and approval of a revised general development plan at an advertised public hearing.

ANALYSIS

The applicant proposes to reallocate entitlements within the development boundaries. The number of residential units and square footage shall not exceed approved density and intensity. This provision allows flexibility in being able to increase or decrease same type residential units and/or square footage entitlements from parcel(s) to parcel(s) with no increase in entitlements or change in the mix of land uses. The modification will not create any additional impacts.

REQUEST #5

- 5. Update the Zoning Ordinance to reflect the project phasing, expiration and buildout dates as previously authorized by the State of Florida and Manatee County.**

ANALYSIS

Current project expiration and build out analysis

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 expiration date is extended to 08/05/2027 with a build out date of 08/05/2032. Phase II and III expire on 08/05/2019; Phase IV expires 08/05/2027.

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 of 08/05/2027.

The project has a Certificate of Level of Service Compliance (CLOS) for Phases I, II, III and IV until August 5, 2021. This request does not change the approved entitlements which were reviewed as a basis for the issuance of the CLOS. Water concurrency is issued only with Final Site Plan approvals.

REQUEST #6

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

ANALYSIS

These are department name changes and other minor changes.

REQUEST #7

7. Elimination of Maximum Increase in Land Use Exchanges (Table C- Column E)

ANALYSIS

Developments of Regional Impact often employ Land Use Exchange Mechanisms within Development Orders to allow flexibility in changes to the land use entitlements which are not considered to be regionally significant and which can be approved with an amendment to the local Zoning Ordinance and General Development Plan. Such exchanges are based upon pre-determined ratios to ensure that the impacts to transportation, utilities and other facilities will not be greater than originally deemed acceptable. In some cases, limitations on the frequency or the amount (percentage) of such exchanges have been included when addressing the intended land use pattern and mix of uses.

This particular project, approved in four phases and covering over 4,000 acres, is nearing completion. While remaining entitlements are as indicated, only approximately 10 percent of the land area, in terms of acreage, remains undeveloped.

The project has developed as contemplated. As remaining infill parcels are completed, the developer may find it necessary to seek approval of additional land use exchanges. The limitations on exchanges in this project are no longer serving the original purpose and could hinder the applicant's ability to respond to market demands on certain parcels. Such future land use exchange requests will include a review of impacts to the above-referenced facilities to ensure there are no greater impacts generated than those previously deemed acceptable in connection with the existing land use mix approved for the project.

The amounts of residential, retail, hotel and motel, office, and industrial uses shown in Table C can be exchanged, with Board of County Commissioners approval of a revised General Development Plan, to allow flexibility in the exact land use mix shown in Columns B, C, and D of Table C and within each individual Phase shown in Table D.

REQUEST # 8

8. Other minor amendments

a. Amending "annual" reports to "biennial" reports

§380.06(18) allows development orders that require annual reports to be amended to biennial reports at the option of the local government. Most DRI's are now reporting every two years.

b. Future Development Area Boundary

Q. Land Conditions

~~Q (30) That portion of the development located outside the Future Development Area Boundary may not be connected to the Manatee County Public Utility System without~~

~~the approval of the Board of County Commissioners in the form of a Utility Service Agreement~~

With EAR based amendments in late 2006, the FDAB line was moved one mile further east. University Lakes property is now west of the FDAB.

c. University Lakes Development Components – Table C / Column C

The square footage under Total General Commercial was not added correctly in PDMU-92-01(Z)(G)(R12). This corrects the addition.

CONCLUSION

Based on the above analysis, staff recommends approval of the Zoning Ordinance for University Lakes. The amendments are shown in ~~strike-thru~~ and underline format in the attached PDMU-92-01(G)(14).

ATTACHMENTS:

1. Applicable Comprehensive Plan Policies
2. Ordinance PDMU-92-01 (G)(R14) in strike-thru/underline format
3. Copy of Newspaper Advertising

The following Comprehensive Plan policies apply:

Objective: 2.1.2 **Geographic Extent of Future Development:** Limit urban sprawl through provision of locations for new residential and non-residential development consistent with the adopted Land Use Concept, to that area west of the Future Development Area Boundary (FDAB) thereby, preserving agriculture as the primary land use east of the FDAB through 2025.

Policy: 2.1.2.2 Limit urban sprawl by prohibiting all future development to the area east of the established FDAB except as follows:

- a. small commercial development providing for the needs of the agricultural community,
- b. Agro-Industrial and industrial development where associated with approved mining operations,
- c. Residential development in excess of 0.2 du/ga during the following:
 - 1) farm worker housing
 - 2) residential within Myakka City
 - 3) legal lots of record prior to May 11, 1989
 - 4) redevelopment per policy 2.9.3.2
 - 5) projects obtaining Special approval from the Board of County Commissioners which implement significant clustering provisions for the protection of open space and agricultural operations.
- d. Plan amendments resulting from a change in the Future Land Use Concept.

Such uses shall be allowed, only if developed consistent with all Goals, Objectives and Policies of this Comprehensive Plan.

Policy: 2.1.2.6 Limit urban sprawl through the consideration of new development, when deemed compatible with future growth, in areas which are currently undeveloped yet suitable for improvements.

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

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

Policy: 2.2.1.9 **RES-1:** Establish the Residential-1 Dwelling Unit/Gross Acre future land use category as follows:

Policy: 2.2.1.9.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established for a low density suburban residential environment, or a clustered low density urban residential environment where appropriate, and which may be utilized for compatible agricultural activities in the short-term, while recognizing that suburban or clustered urban uses are the preferred long-term land use for these areas. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these suburban or urban areas.

Policy: 2.2.1.9.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, neighborhood retail uses, short term agricultural uses, agriculturally-compatible residential uses, farmworker housing, 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: 2.2.1.9.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:
1 dwelling unit per acre

Maximum Net Residential Density:

2 dwelling units per acre

or

6 dwelling units per acres (see 2.2.1.9.4(b) and (c) for explanation)

Maximum Floor Area Ratio:

0.23 (0.35 for mini-warehouse uses only)

Maximum Square Footage for Neighborhood

Retail Uses: Medium (150,000sf)

Policy: 2.2.1.9.4

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) Maximum net residential density within areas which are predominantly developed at a net residential density of 2 du/ga or less, or where existing development has not utilized "clustering" to achieve a net density which is significantly greater than gross density, shall be limited to a 2 dwelling units/acre on any part, or all, of a proposed project.
- c) Maximum net residential density within areas which are generally undeveloped, or which have experienced development which has predominantly utilized "clustering" to achieve net densities which are significantly greater than gross densities of the same projects(s), shall be limited to 6 dwelling units per acre on any part, or all of any proposed project. Net densities greater than 6 dwelling units per net acre may be considered within the WO (Evers) or CHHA Overlay Districts, pursuant to policies 2.3.1.5 and 4.3.1.5, to maximize protection of natural resources and to maximize reserved open space.
- d) Any project containing any net density in excess of 1 dwelling unit per acre shall require special approval.
- e) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.

Policy: 2.2.1.21

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

Policy: 2.2.1.21.1

Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Map, areas which are established as major centers of suburban/urban activity and are limited to areas with a high level of public facility

availability along functionally classified roadways. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

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

Policy: 2.2.1.21.3 **Range of Potential Density/Intensity:**
Maximum Gross Residential Density:
9 dwelling units per acre
Minimum Gross Residential Density: 7.0 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

Maximum Net Residential Density:
20 dwelling units per acre
24 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".

Maximum Floor Area Ratio: 1.0
2.0 inside the CRA's and UIRA.

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

Policy: 2.2.1.21.4 **Other Information:**
a) All projects require special approval and are subject to the criteria within b, c, d below, unless all the following are applicable:
1. The proposed project consists of a single family dwelling unit located on a lot of record which is not subject to any change in property boundary lines during the development of the proposed land use, and
2. The proposed project is to be developed without

generating a requirement for either subdivision review, or final site or development plan review, or equivalent development order review.

b) Non-Residential uses exceeding 150,000 square feet of gross building area (region-serving uses) may be considered only if consistent with the requirements for large commercial uses, as described in this element.

c) Development in each area designated with the Mixed Use category shall:

contain the minimum percentage of at least three of the following general categories of land uses;

- 10 %Residential,
- 10 %Commercial / Professional,
- 10 %Light Industrial / Distribution.
- 5 %Recreation / Open Space,
- 3 %Public / Semi Public,

d) Access between these uses shall be provided by roads other than those shown on the Major Thoroughfare Map Series of this Comprehensive Plan or alternative vehicular and pedestrian access methods acceptable to the County:

(e) Development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Objectives 2.10.4.1 and 2.10.4.2 of this element.

Policy: 2.2.1.26

ER: Establish the Estate Rural future land use category as follows:

Policy: 2.2.1.26.1

Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on Future Land Use Map, areas which are established for a clustered, low density suburban residential environment which includes large tracts of open space which may be utilized for compatible agricultural activities, low intensity recreational use, environmental protection or other open space which serve as transitional buffers between suburban development and rural / agricultural development. Also, to provide for a complement of residential support uses normally utilized during the daily activities of the residents of these areas.

Policy: 2.2.1.26.2 Range of potential uses: (See Policies 2.1.2.3 – 2.1.2.7, 2.2.1.5): Clustered suburban residential uses, neighborhood retail, 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 Objective 2.3.1 and 2.10.4).

Policy: 2.2.1.26.3 Range of Potential Density / Intensity:

Maximum Gross Residential Density:
0.2 dwelling units per acre

Maximum Net Residential Density:
1 dwelling unit per acre (except in WO)

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

Maximum Square Footage for Neighborhood
Retail Uses: Small (30,000 s.f.)

Policy: 2.2.1.26.4 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) Any non-residential project exceeding 3,000 square feet of gross building area shall require special approval.

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

- use of undisturbed or undeveloped and landscaped buffers

- use of increased size and opacity of screening

- increased setbacks
- innovative site design (which may include planned development review)

- appropriate building design

- limits on duration/operation of uses

- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

- Policy: 2.6.1.2 Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conformance with the special approval process in order to achieve compatibility between these large projects and adjacent existing and future land uses.
- Policy: 2.6.2.1 Limit location of new residential development and residential support uses adjacent to intensive and incompatible agricultural operations.
- Policy: 2.6.2.9 Require a gradual transition in density and utilize the mitigation techniques under objective 2.6.1 when siting residential development adjacent to non-residential uses.
- Policies: 2.9.1.1 Minimize the development of residential projects which create isolated neighborhoods.
- Policies: 2.9.1.9 Require where feasible, pedestrian and bicycle access to community spaces, schools, recreational facilities, adjacent neighborhoods, employment opportunities, professional and commercial uses. (See also Obj. 3.3.3)
- Policy: 2.9.4.1 Maintain all interstate connectors as "Entranceways" to permit implementation of special landscaping, project design, and signage control criteria to achieve a boulevard image and positive sense of place.
- Policy: 2.9.4.2 Develop Corridor Plans on primary travel routes into and through the urban area of Manatee County creating a positive sense of place.
- Objective: 3.2.1 **Potable Water Quality:** Maintain or improve the water quality and quantity in Lake Manatee, Evers Reservoir, and Peace River Watershed Overlay (WO) Districts for the purpose of ensuring a continued supply of drinking water at lowest possible cost to the current and future residents of Manatee County and component jurisdictions.
- Policy: 5.2.2.3 Designate where determined to be necessary by the Board of County Commissioners, any roadway shown on the Future Traffic Circulation Map (Map 5E) as a "controlled access facility," as defined herein. This designation should not be confused with the category of roadway used for functional classification purposes called "limited access facility". Also, for any controlled access facility, limit the rights of abutting lands to direct or indirect access to the facility in a manner specific to that facility. Furthermore, to

prohibit the issuance of a Certificate of Level of Service Compliance on any project unless project design meets all criteria adopted for adjacent controlled access facilities. A list of approved intersections may also be developed for each controlled access facility to identify permitted access points to the facility.

All "entranceways," as described in Policies 2.9.4.1 & 2.9.4.2, shall also be designated as controlled access facilities, with access limitations specified at time of defining the extent of these facilities pursuant to Policies 2.9.4.1 & 2.9.4.2.

At a minimum, the following roadways shall be considered as Manatee County Designated "Controlled Access Facilities".

- 1) University Parkway between U.S. 301 and SR70.
- 2) State Route 70 between I-75 and Verna Bethany Road.
- 3) State Route 64 between I-75 and Verna Bethany Road.
- 4) U.S. 301 Between I-75 and North Manatee County line.
- 5) U.S. 41 between 49th Street East (Experimental Farm Road) and north Manatee County Line.

All Manatee County "Controlled Access Facilities" shall be shown on the Future Traffic Circulation Map (Map 5E) via the plan amendment process, and a description of access limitations shall be contained in land development regulations developed pursuant to Section 163.3202, F.S.

Policy: 5.2.2.10

Minimize the utilization of I-75 and I-275 as roadways for meeting local travel demand by establishing a future land use map and related policies that shall encourage highly integrated multi-use projects, and varied complementary projects, in close proximity to interstate highway interchanges to increase internal trip capture within and between such projects.

Policy: 5.2.3.1

Prohibit the issuance of certain development orders unless compliance of the particular project is established, at time of review of development orders listed under 2.4.1.1.(1)-(4), with regard to adopted infrastructure and performance (level of service) standards. Compliance shall be established only when the development order is issued at the same time, or following, the issuance of a Certificate of Level of Service Compliance for that project, as described in policies under Objective 2.4.1. Adopted level of service standards are listed in policies under Objective 5.1.2 above.

- Policy: 9.2.3.2 Require that new development pay for the full cost of installation of all wastewater collection system components which are needed on and off the development site to provide wastewater service to the site, and to meet adopted level of service standards, and Policy 9.1.2.3.
- Policy: 9.2.4.6 Request for connection to Manatee County's central sewer system may be denied based solely on the developments location outside the Future Development Area Boundary.
- Policy: 9.6.1.1 Require new development within the potable water service area to connect to the County potable water system, including installation of any necessary off-site transmission lines.
- Policy 9.6.2.2 Require that new development pay for the full cost of installation of all water distribution system components which are needed on and off the development site to effectuate potable water service to the site to meet adopted level of service standards.

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, November 8, 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 12-28 - DTS#20120215 - LAKEWOOD CENTRE DRI #27

An Ordinance of the Board of County Commissioners of Manatee County, Florida, rendering an amended and restated Development Order pursuant to Chapter 380, Florida Statutes, for the Lakewood Centre Development of Regional Impact (Ordinance 08-13) to approve the following changes to Map H and the ordinance: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify affordable housing conditions consistent with current practices, (4) other amendments for internal consistency providing for development rights, conditions, and obligations; providing for severability; and providing an effective date.

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

PDMU-06-30(G)(R) - DTS#20120212 - LAKEWOOD CENTRE

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development amending Ordinance PDMU-06-30(Z)(G) to approve changes to the General Development Plan and Ordinance as follows: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify

affordable housing conditions consistent with current practices; (4) modify design conditions; (5) clarification of allowable uses; (6) allow for transfer of residential units to parcel k; (7) other amendments for internal consistency; providing for severability; and providing for an effective date. The Lakewood Centre DRI is generally located east of Lakewood Ranch Blvd, south of Malachite Drive, west of Pope Road, and north of S.R. 70 (697.4 ± acres).

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

ORDINANCE 12-34 - DTS#20120255 - SCHROEDER-MANATEE RANCH, INC.(SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating a Development Order pursuant to Chapter 380 Florida Statutes for the University Lakes Development of Regional Impact (Manatee County DRI #22, a/k/a Tampa Bay Regional Planning Council (TBRPC) DRI #216); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for recognition of the revocation of the development review agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes; to modify transportation conditions based upon such revocation; modification of affordable housing conditions consistent with current practices; to update Table 1 and Table 2 for consistency with previously approved land use exchanges; updating conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; updating the phasing and buildout dates to reflect legislatively approved extensions; eliminate maximum increase in land use exchanges (Table 1 - Column E), modify Map H to reflect previously approved land use exchanges, other

minor amendments and amendments for internal consistency; codifying and restating the existing Development Order for DRI #22; providing for severability; and providing for an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-92-01(G)(R14) - DTS#20120254 - SCHROEDER-MANATEE RANCH, INC. - (AKA SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP) (UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, approving a revised Zoning Ordinance to eliminate maximum increase in land use exchanges (Table C - Column E), to recognize the revocation of the Development Review Agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modify affordable housing conditions consistent with current practices; update conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; update the phasing and buildout dates to reflect legislatively approved extensions; other minor amendments and amendments for internal consistency; amending the General Development Plan and Zoning Ordinance to show these changes; providing for severability; and providing an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-11-08(Z)(G) - DTS#20110185 - TREES DIRECT LLC

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 85.54 acres on the north side of Mendoza Road and east side of I-75 at 5500 37th Street East, Ellenton, from the A-1 (Suburban Agriculture, one dwelling unit per acre) to PDMU (Planned Development Mixed Use) zoning district; approving a General Development Plan for two development scenarios (traditional and mixed use development) with a trade-off matrix that includes a maximum of:

- 500 multi-family units which may include a 120-bed residential care facility (equals 20 units), and
- Commercial/office use(s) of up to 150,000 square feet;

subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description; 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 (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

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

d Tribune

Americans With Disabilities: Board of County Commissioners of Manatee County does not discriminate on the basis of any individual's disability status. This nondiscrimination policy involves every aspect of the Board's actions including one's access to and participation in public hearings. Anyone requiring reasonable accommodations for a meeting as provided for in the ADA, should contact: see Ellis at 742-5800; TDD: Y 742-5802 and wait 60 mins, or FAX 745-3790.

HEARING MAY BE CONSIDERED FROM TIME TO TIME DURING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
8/2012

Copy of Newspaper Advertising

Sarasota Herald Tribune

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ORDINANCE 12-28 - DTS#20120215 - LAKEWOOD CENTRE, DRI #27

An Ordinance of the Board of County Commissioners of Manatee County, Florida, rendering an amended and restated Development Order pursuant to Chapter 380, Florida Statutes, for the Lakewood Centre Development of Regional Impact (Ordinance 08-13) to approve the following changes to Map H and the ordinance: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify affordable housing conditions consistent with current practices, (4) other amendments for internal consistency providing for development rights, conditions, and obligations; providing for severability; and providing an effective date.

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

PDMU-06-30(G)(R) - DTS#20120212 - LAKEWOOD CENTRE

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development amending Ordinance PDMU-06-30(Z)(G) to approve changes to the General Development Plan and Ordinance as follows: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify affordable housing conditions consistent with current practices, (4) modify design conditions; (5) clarification of allowable uses; (6) allow for transfer of residential units to parcel k; (7) other amendments for internal consistency; providing for severability; and providing for an effective date. The Lakewood Centre DRI is generally located east of Lakewood Ranch Blvd, south of Malachite Drive, west of Pope Road, and north of S.R. 70 (697.4 ± acres).

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

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An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating a Development Order pursuant to Chapter 380 Florida Statutes for the University Lakes Development of Regional Impact (Manatee County DRI #22, a/k/a Tampa Bay Regional Planning Council (TBRPC) DRI #216); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for recognition of the revocation of the development review agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes; to modify transportation conditions based upon such revocation; modification of affordable housing conditions consistent with current practices; to update Table 1 and Table 2 for consistency with previously approved land use exchanges; updating conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; updating the phasing and buildout dates to reflect legislatively approved extensions; eliminate maximum increase in land use exchanges (Table 1 - Column E), modify Map H to reflect previously approved land use exchanges, other minor amendments and amendments for internal consistency; codifying and restating the existing Development Order for DRI #22; providing for severability; and providing for an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-92-01(G)(R14) - DTS#20120254 - SCHROEDER-MANATEE RANCH, INC. - (AKA SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP) (UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, approving a revised Zoning Ordinance to eliminate maximum increase in land use exchanges (Table C - Column E), to recognize the revocation of the Development Review Agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modify affordable housing conditions consistent with current practices; update conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; update the phasing and buildout dates to reflect legislatively approved extensions; other minor amendments and amendments for internal consistency; amending the General Development Plan and Zoning Ordinance to show these changes; providing for severability; and providing an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-11-08(Z)(G) - DTS#20110165 - TREES DIRECT LLC

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 85.54 acres on the north side of Mandoza Road and east side of I-75 at 6500 37th Street East, Ellenton, from the A-1 (Suburban Agriculture, one dwelling unit per acre) to PDMU (Planned Development Mixed Use) zoning district; approving a General Development Plan for two development scenarios (tradition and mixed use development) with a trade-off matrix that includes a maximum of:

- 500 multi-family units which, may include a 120-bed residential care facility (equals 20 units), and
- Commercial/office use(s) of up to 150,000 square feet; and

subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, 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 (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

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

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

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
Date of pub: October 24, 2012

MANATEE COUNTY ZONING ORDINANCE
PDMU-92-01(Z)(G)(R1214) SCHROEDER-MANATEE RANCH, INC.
(AKA SMR Communities Joint Venture, a Florida general partnership)
(UNIVERSITY LAKES)

~~AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO LAND DEVELOPMENT, APPROVING A REVISED ZONING ORDINANCE INVOLVING A LAND USE EXCHANGE TO ADD 105,928 SQ. FT. OF GENERAL COMMERCIAL BY: DECREASING SINGLE FAMILY DETACHED DWELLINGS BY 32 IN PHASE IV; DECREASING MULTI FAMILY UNITS BY 70 IN PHASE IV; DECREASING NEIGHBORHOOD COMMERCIAL BY 39,803 SQ.FT. IN PHASE IV; DECREASING BUSINESS OFFICE BY 226,908 SQ. FT.; AMENDING TABLES C AND D TO REFLECT THESE CHANGES; TO ELIMINATE MAXIMUM INCREASE IN LAND USE EXCHANGES (TABLE E – COLUMN C), TO RECOGNIZE THE REVOCATION OF THE DEVELOPMENT REVIEW AGREEMENT THAT REQUIRED THE COMBINED REVIEW OF UNIVERSITY LAKES AND LAKEWOOD RANCH CORPORATE PARK FOR CERTAIN PURPOSES AND TO MODIFY TRANSPORTATION CONDITIONS BASED UPON SUCH REVOCATION; MODIFY AFFORDABLE HOUSING CONDITIONS CONSISTENT WITH CURRENT PRACTICES; UPDATE CONDITIONS TO REFLECT COMPLIANCE WITH REQUIREMENTS CONTAINED THEREIN; PROVIDE FOR FLEXIBILITY IN UNIT ALLOCATION AMONG PARCELS; UPDATE THE PHASING AND BUILDOUT DATES TO REFLECT LEGISLATIVELY APPROVED EXTENSIONS; OTHER MINOR AMENDMENTS AND AMENDMENTS FOR INTERNAL CONSISTENCY. AMENDING THE GENERAL DEVELOPMENT PLAN AND ZONING ORDINANCE TO SHOW THESE CHANGES; OTHER MINOR AMENDMENTS AS NECESSARY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.~~

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

Section 1. AMENDMENT AND RESTATEMENT OF ORDINANCE PDMU-92-01(G)(R12) AS MODIFIED BY ORDINANCE PDMU-92-01(G)(R13). Ordinance PDMU-92-01(G)(R12), as modified by Ordinance PDMU-92-01(G)(R13), is hereby amended and restated in its entirety. All prior zoning ordinances shall be superseded by this Ordinance.

Section 1. FINDINGS OF FACT. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance and the General Development Plan for University Lakes, ~~the recommendation and findings of the Planning Commission,~~ and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. ~~The Board of County Commissioners received and considered the report of the Manatee County Planning Commission concerning the application for approval of a revised General Development Plan and revised Zoning Ordinance decreasing single family detached units by 32 in Phase IV; decreasing multi-family units by 70~~

~~in Phase IV; decreasing neighborhood commercial by 39,803 sq. ft. in Phase IV; decreasing business office by 226,908 sq. ft.; increasing general commercial by 105,928 sq. ft.; amending Tables C and D to reflect these changes; amending the General Development Plan and the Zoning Ordinance to reflect these changes; and various other changes to the Zoning Ordinance including terminology and formatting changes; and, other minor amendments as necessary; providing for severability; and providing an effective date.~~

A. The Planning Commission has held duly noticed public hearing on November 8, 2012 and found the application and the revised General Development Plan consistent with the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and recommended approval of the application and General Development Plan by the adoption of this Ordinance.

B. The Board of County Commissioners held a public hearing on ~~August 7, 2008,~~ December 6, 2012, regarding the proposed revised General Development Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, (the Manatee County Land Development Code), and further considered the information received at the public hearing.

C. - The proposed revised General Development Plan regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended, (the 2020 Manatee County Comprehensive Plan).

D. The University Lakes Zoning Ordinance was originally approved on June 1, 1992 and amended on October 28, 1993. The approved project consisted of a mixture of land uses, including residential, commercial, business (industrial and offices), and recreation on 2,352.7 acres.

On January 25, 1996, the Zoning Ordinance was amended to add 69.8 acres without increasing development totals.

On October 22, 1997, the Zoning Ordinance was amended to extend the buildout and expiration dates, modify the site plan, employ the land use tradeoff, and make other various changes.

On December 11, 1997, the Zoning Ordinance was amended to allow a hospital use in Phase II.

On October 27, 1998, the Zoning Ordinance was amended to allow a land use exchange to increase the amount of single- family residential and office uses in Phase I and decrease the amount of multifamily and industrial uses in Phase I.

On February 22, 2000, the Zoning Ordinance was amended to add an access point, modify land use entitlements and other relevant changes.

On October 23, 2001, the Zoning Ordinance was amended to approve a land use exchange that decreased industrial and commercial square footage and increased office entitlements.

On December 18, 2001, the Zoning Ordinance was amended to modify land use entitlements to allow the addition of 300 hotel rooms.

On August 26, 2003, the Zoning Ordinance was amended to extend phasing dates, swap land with the Cypress Banks DRI, and other modifications.

On October 19, 2004, the Zoning Ordinance was amended to add 1,804.7 acres (east of Lorraine road); add ten access points for new internal roadways; increase single-family detached dwelling units by 350 units, decreased 450 hotel rooms, and other changes to acreages and entitlements.

On October 16, 2007, the Zoning Ordinance and General Development Plan were amended to increase hotel rooms by 450, amend locations and sizes of various development areas and other changes as needed.

~~On December 12, 2007, the applicant submitted amendments to the General Development Plan and Zoning Ordinance that include: an increase in General Commercial square footage of 105,928 sq. ft. In order to achieve an even exchange, the following reductions of existing entitlements are proposed; 32 single-family detached units from Phase IV; 70 multi-family units from Phase IV; 39,803 sq. ft. of Neighborhood Commercial from Phase IV; and 226,908 sq. ft. of office from Phase II. There are also amendments to Tables C and D and the General Development Plan and Zoning Ordinance to reflect these changes.~~

WHEREAS, on or about July 9, 2008, the Development Review Agreement entered into by and between DCA, TBRPC, SWFRPC and SMR related to the University Lakes DRI, among other matters, was revoked by mutual agreement and is of no future force or effect.

On August 7, 2008, the Zoning Ordinance and General Development Plan were amended to approve a land use exchange to add 105,928 square feet of General Commercial by: decreasing single-family detached dwellings by 32 in Phase IV;

decreasing multi-family units by 70 in Phase IV; decreasing Neighborhood Commercial by 39,803 square feet in Phase IV, decreasing Business Office by 226,908 square feet; amended Tables C and D to reflect these changes and other minor changes as needed.

On October 25, 2011, the Zoning Ordinance and the General Development Plan were amended to modify dimensional criteria conditions related to Business Parcel 15 and to reallocate 100 multi-family units from Parcel 53 to 15, reallocate 16,791 square feet of non-residential square footage from Parcel 15 to Parcel 4/5 .

On July 17, 2012, the applicant submitted amendments to the General Development Plan and Zoning Ordinance that include the recognition of the revocation of the development review agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modification of affordable housing conditions consistent with current practices; updating conditions to reflect compliance with requirements contained therein; providing for flexibility in unit allocation among parcels; updating the phasing and buildout dates to reflect legislatively approved extensions; and other amendments for internal consistency.

Section 2. DEFINITIONS

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

~~A. "380 Review Agreement*" shall mean the Agreement executed between DCA, TBRPC, the Southwest Florida Regional Planning Council ("SWFRPC"), and Schroeder Manatee, Inc. dated September 6, 1991 which governs the review of the University Lakes and Lakewood Ranch Corporate Park DRI's. A copy of the 380 Review Agreement* was attached as Attachment #2 to the Development Order (Ordinance 07-72).~~

B. A. "Application for Development Approval*" (or ADA*) shall mean University Lakes Development of Regional Impact Application for Development Approval (May 31, 1991), the Sufficiency Response submitted by the Developer* on October 25, 1991, and Appendix E Cumulative Affordable Housing Analysis, the NOPC submitted on July 10, 1995, the second NOPC submitted on March 26, 1997 and amended on July 17, 1997, the NOPC submitted on August 28, 1997, and the NOPC submitted on December 31, 1998, on January 24, 2000 regarding the fifth NOPC; on September 21, 2001 regarding the sixth NOPC, on October 8, 2002 regarding the seventh NOPC; on October 22, 2003 regarding the eighth NOPC; and on October 19, 2004 regarding the ninth NOPC; and on October 16, 2007 regarding the 10th NOPC and on July 17, 2012 regarding the amendment to the Development Order.

- C.B "Best Management Practices*" (BMP) 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.C "Cluster Villas*" shall mean a dwelling which is joined to another such unit in groups of at least two (2) or no more than nine (9) units by a common party wall, floor and ceiling, or connecting permanent structure such as breezeway, carport, or garage, where the dwellings are located on adjoining lots, such as townhouses, or on commonly owned lots.
- E. ~~"Combined Projects*" shall refer to both University Lakes and the neighboring project, Lakewood Ranch Corporate Park.~~
- F.D "County*" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- G. E. "Development Plans*" shall mean any Preliminary Site Plan issued by Manatee County or a site and development plan issued by Sarasota County.
- H.F "Developer*" shall mean SMR Communities Joint Venture, a Florida general partnership, their heirs, assigns, designees, and successors in interest as to the Project* and all its conditions of approval.
- I.G "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- J.H "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services, or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the

discharge of any obligation of the Developer*.

K. I "Dwelling, Single-Family Semi-Detached" shall mean a one (1) family dwelling which is joined to no more than one (1) other such unit by a common party, wall, a common floor/ceiling or connecting permanent structure such as breezeways, carports, garages, screening fences, or walls, where such two (2) dwelling units are also located on adjoining individual lots such as duplex dwellings which have been divided into two (2) dwelling units on separate lots.

L. J "SRPP*" shall mean the TBRPC's Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region, adopted June 23, 1987 and amended in 1989.

K. "Fair Market Rent Documentation System" shall mean a system established by the Department of Housing and Urban Development (HUD that provides complete documentation of the development of the Fair Market Rents (FMRs) for any area of the country. FMRs are developed and updated from the metropolitan Core-Based Statistical Areas (CBSAs) as established by the Office of Management and Budget.

M. L.—"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 the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County* for construction to be completed when the improvement is required as referenced in Tables A and B of this Development Order; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current year plus the first two years (or current plus first four years for FIHS facilities) of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated in this Development Order through an amendment of the Development Order, pursuant to the ~~Notice Of Proposed Change provisions of Chapter 380 of the Florida Statutes.~~ Said Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables A and B.

N. M "Post-Development Wetlands*" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-340, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development for this Project*.

O. N "Project*" shall mean the land uses, phasing, and improvements described in the

ADA* which are attributable to development on that property described in Section 4 herein and set forth on Revised General Development Plan attached hereto as Attachment #3.

- P.O. "Residential Resort Units*" shall mean residential dwelling units which are leased for less than 28 consecutive days.
- Q.P. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the ~~Combined Projects*~~ will be five percent (5%) (or whatever greater percentage may be employed from time to time by ~~DGA, DEO~~ TBRPC, or the County*, provided the more restrictive percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on ~~Map J Figure 21-2, dated October, 2003~~ July, 2012 (attached hereto as Attachment #4) which was based on data submitted with the ADA*. ~~In determining the Transportation Impact Area* for this Project* all traffic generated by Lakewood Ranch Corporate Park shall be deemed project traffic for University Lakes.~~
- R.Q. "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 such units.

Section 3. GENERAL DEVELOPMENT PLAN STIPULATIONS

Subject to the stipulations below, the revised General Development Plan, dated ~~December 2007, December~~ July, 2012 entitled UNIVERSITY LAKES, is hereby APPROVED to update conditions to reflect compliance with the requirements contained herein. ~~to recognize the revocation of the development review agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modify affordable housing conditions consistent with current practices; update conditions to reflect compliance with requirements contained therein; provide for flexibility in same type unit allocation among parcels; update the phasing and buildout dates to reflect legislatively approved extensions; and other amendments for internal consistency, to increase General Commercial square footage of 105,928 sq. ft. decrease 32 single family detached units from Phase IV; decrease 70 multi family units from Phase IV; decrease 39,803 sq. ft. of Neighborhood Commercial from Phase IV; decrease 226,908 sq. ft. of office from Phase II; amend Tables C and D to reflect these changes; and amend the General Development Plan and Zoning Ordinance to further reflect these changes.~~

Transportation

A.(1) ~~The cumulative revised and updated Phase I, II, III, and IV University Lakes and Phase I Lakewood Ranch Corporate Park transportation analysis conducted under the 380 Review Agreement* determined the need for the roadway segment and intersection improvements described in Table A below. [This revised Table A reflects changes from the previous versions due to the following:~~

~~Recognition of the revocation of the development review agreement separating University Lakes and Lakewood Ranch Corporate Park.~~

~~Since the previous list, many of the improvements have been completed.~~

~~Many of the listed improvements are actually tied to the impacts of Lakewood Ranch Corporate Park (LWRCP) and not to the impacts of University Lakes, especially those south of University Parkway, and are now covered separately in the LWRCP Development Order.~~

~~As was planned, but not included in the previous traffic study, the real capture of the University Lakes development of trips has proved to be higher than predicted. And, therefore, actual external trip generation is significantly less than what the study was required to assume, resulting in some improvements not being needed.]~~

**Table A
Ramp and Intersection Improvements**

Improvement Number	Location	PM Peak Hour LOS Prior to Improvement LOS	Applicable Peak Hour LOS Standard	Development Traffic as A % of LOS Peak Hour Capacity	Required Improvement to Restore LOS	Improved LOS	Total PM Peak Hour External Trips for Combined Projects Before Need*
1	I-75 SB on-ramp at University Pkwy	F	D	11.8	Add 1 lane to ramp	D	6615
2	I-75 SB off-ramp at University Pkwy	F	D	7.1	Add 1 lane to ramp, add 1 lane to interstate	B	5413
3	I-75 NB on-ramp at University Pkwy	F	D	7.1	Add 1 lane to ramp	B	8297
4	I-75 NB off-ramp at University Pkwy	F	D	11.8	Add 1 lane to ramp	B	6254
5	I-75 NB off-ramp at Fruitville Rd.	EF	D	7.69-9	Extend ramp lane 200 feet Add 1 lane to ramp	AD	36818377
6	SR 64 & Lorraine Road	NB-F	D	8.1	Signalize	C	5413
7	SR 70 & 15th Street	F	D	5.2	WB, NB, SB add 1 left turn lane	D	5253
8	SR 70 & US 301	F	D	7.6	add 1 through lane, all approaches; add 1 EB right turn lane; extend NB left turn lane and WB left turn as need to accommodate future year storage requirements	D	6895
9	SR 70 & 33rd Street	F	D	9.1	EB & WB add 1 through lane	D	6134
10	SR 70 & 39th Street	E	D	9.4	EB & NB add 1 right turn lane	C	6735
11	SR 70 & 45th Street	F	D	9.4	NB add 1 left and 1 through lane, EB add 1 through lane, WB add 1 left and 1 through lane	D	5613
12	SR 70 & Caruso Road	F	D	13.9	EB & WB add 1 through lane	C	6535
13	University Parkway & 15th Street	F	D	5.5	WB add 1 right turn lane	D	8137
14	University Parkway & US 301	E	D	12.2	EB & NB add 1 right turn lane	D	5693
15	University Parkway & Tuttle Avenue	F	D	14.2	NB add 1 through lane, SB add 1 left turn lane and 1 through and receiving lane	D	5429
16	University Parkway & Lockwood Ridge Road	F	D	17.2	add 1 through lane, all approaches	D	5133

17	University Parkway & Honore Avenue	E	D	37.5	WB & NB add 1 left turn lane, EB & NB add 1 right turn lane	D	4572
18	University Parkway & Cooper Creek Boulevard	F	D	45.2	EB & WB add 1 through lane	D	5333
19	University Parkway & I-75 Northbound	F	D	62.9	NB add 1 left turn lane	D	7336
20	Fruitville Road & Beneva Road	F	D	6.6	NB, SB, EB, WB add 1 through lane; EB, WB, SB add 1 left turn lane; EB add 1 right turn lane	D	7336
21	Fruitville Road & McIntosh Road	F	D	11.5	WB add 1 left turn lane; EB add 1 right turn lane	C	5814
22	Fruitville Road & Honore Ave	E	D	18.1	EB & WB add 1 left turn lane; Add WBL receiving lane. Add 2nd NB through lane and receiving lane	D	4933
23	Fruitville Road & I-75 Northbound	F	D	22.4	NB add 1 left turn lane	D	5330
24	Fruitville Road & I-75 Southbound	F	D	24	SB add 1 right turn lane	D	5253
25	Fruitville Road & Coburn Road (east)	F	D	12.3	EB add 1 through lane; lengthen WB left turn lane	C	4892
26	Fruitville Road & East Road/River Road	D (v/c > 1.0)	D	12.3	EB & WB add 1 through lane	A	7336
27	Bee Ridge Road & Honore Avenue	D (v/c > 1.0)	D	11.6	NB add 1 left turn lane	C	6134
28	Bee Ridge Road & Cattlemen Road	F	D	9.2	EB, WB, SB add 1 through lane; WB & SB add 1 left turn lane	D	6334
29	Bee Ridge Road & I-75 Northbound	F	D	9.2	NB add 1 left turn lane	D	7816
30	Bee Ridge Road & I-75 Southbound	N/A	D	5.8	Lengthen WB left turn lane	N/A	7341
31	Clark Road & Honore Avenue	F	D	7.3	WB, NB, SB add 1 left turn lane; SB add 1 right turn lane	D	7015
32	Clark Road & I-75 NB	E	D	6.7	NB add 1 left turn lane	C	6535
33	Cattlemen Road & Bahia Vista Street	F	C	11.9	Grade-separated interchange with 2 NB and 2 SB lanes on the overpass and 2 NB left turn lanes and 2 WB left turn lanes at the interchange intersection; or WB, NB add 1 left turn lane, SB add 1 through and 1 right turn lane, and adopt LOS-D	C	5584

34	Cattlemen Road & Palmer Boulevard	F	G	14.9	Grade-separated interchange with 2 NB and 2 SB lanes on the overpass; or EB add 1 right turn lane, NB add 1 left turn lane, and adopt LOS D	G	4852
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This column represents the cumulative number of peak hour external trips for the ~~Combined Projects~~ before the need of the identified improvements for the respective phase. Land Uses as depicted in Tables 2 and 4 for University Lakes and Phase I of Lakewood Ranch Corporate Park (or the equivalent thereof in trip generation) which may be constructed prior to requiring that the listed improvements be constructed or subject to a funding commitment.

~~(1) No improvement is required if the Level of Service Standard for the subject segment of I-75 is modified to LOS D by the appropriate governmental agency.~~

~~(2) At State Road 64 @ Lorraine Road, Developer shall install a traffic signal when warranted. The Developer shall evaluate whether the warrant requirements are met on an annual basis beginning January 1, 2008.~~

~~(3) At State Road 70 @ Lockwood Ridge, Developer has previously funded the addition of a NB left turn lane & SB Right Turn Lane, which has satisfied this required improvement.~~

Note: Design details of the intersection/ramp improvements shall be determined in Construction Plan permitting phase.

A.(2) The improvements listed in Table A include critical link ~~and intersection~~ improvements for the development of Phase I, II, III and IV of the Project*.

In the event that Funding Commitments* for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development, the capacity and loading of transportation facilities in the Transportation Impact Area*, shall be limiting factors in any subsequent approvals. A subphase analysis has been performed and cumulative subphases for the ~~Combined Projects*~~ has have been identified in Table A together with subphase time frames that were used in the subphase study. An initial subphase of 3,6814,572 external p.m. peak hour trips for the ~~Combined Projects*~~ has been identified as requiring no additional transportation improvements. The Developer* shall, at the time of each application for Final Site Plan approval, furnish to the County* an accurate, up to date report of the amount of development, defined in terms of external p.m. peak hour trips, which has previously been permitted in the ~~Combined Projects*~~. The Developer* shall not be entitled to a Final Site Plan approval which would result in the cumulative number of external p.m. peak hour trips for the ~~Combined Projects*~~ to exceed the applicable subphase threshold unless Funding Commitments* have been obtained for the improvements required for such subphase.

In the event that the total external p.m. peak hour trips projected to be generated by the ~~Combined Projects*~~ has exceeded the levels described in Table A ~~by the expiration of the Annual Report Years listed in Table A~~ for the appropriate uncommitted improvement, no further Final Site Plan approvals shall be granted

unless the Developer* ~~using the notice of change procedure~~ has prepared an analysis which identifies the revised dates by which said improvement would be required under the new subphase analysis. The Development Order shall be amended to reflect these revised trip levels ~~and dates~~.

The Developer* shall be bound by the subphase external trip thresholds and schedules set forth in Table A, unless the Developer* files an amendment to this Development Order pursuant to § 380.06 a Notice of Proposed Change and provides the County*, ~~pursuant to the notice of change procedures~~, an updated subphase traffic analysis for the Transportation Impact Area* that will result from the completion of construction of all of the previously permitted development in the ~~Combined Projects*~~ plus that to be generated by the next subphase for which the Developer* is seeking approval, and such proposed change is approved. ~~Copies of such Notice Of Proposed Change for revised subphase transportation analysis shall be submitted to Manatee County, Sarasota County, TBRPC, and SWFRPC for review and comment.~~ Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Table A) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Table A at the appropriate Level of Service. In the event that the new analysis demonstrates the need for alternate improvements or different subphase thresholds, the Development Order may be amended to reflect the revised subphases or improvements. With each Preliminary Site Plan application, the Developer* shall submit to the County* a limited traffic study which shows the following:

1. External P.M. peak hour trips for the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvements in Table A will be required; and,
2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the project covered by the Preliminary Site Plan application.

Any revised transportation analysis for the ~~Combined Projects*~~ shall utilize the adopted ~~Sarasota County~~ Manatee County Level of Service, or that of any agency with jurisdiction, whichever Level of Service is higher, for determining deficiencies on all roads in ~~Sarasota~~ Manatee County. If deficiencies exist on said roadways, then Funding Commitments* to correct such deficiencies shall be required in accordance with this Paragraph A.(2).

- A.(3) The Developer* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project*. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway. That is, the lanes must be included in design but may be constructed separately or

in separation from the roadway itself.

- A.(4) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* as required by the Manatee County Land Development Code.
- A.(5) Developer shall work with Manatee County Area Transit (MCAT) on identifying a potential transit stop(s) within the Project. At such time that MCAT has established a plan for service to the Project and coordinated needed location(s) for a transit stop with Developer, Developer shall accommodate the requisite stop(s) within the Project.
- A.(6) Within three years of the effective date of the original Development Order or at the request of the County*, ~~a biennial~~~~an annual~~ monitoring program consisting of peak hour traffic counts at the Project* entrances shall be instituted to verify that the projected number of external trips for the Project* are not exceeded. Counts will continue on an ~~biennial~~~~annual~~ basis through Project* buildout, and the information shall be supplied in the required ~~Annual~~~~Biennial~~ Report. If an ~~Biennial~~~~Annual~~ Report is not submitted within thirty (30) days of its due date, or if the ~~Annual~~~~Biennial~~ Report indicates that the total external trips exceed projected counts for the Project* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.
- A.(7) ~~The transportation analysis in the ADA* was performed without consideration of the potential effects of a Transportation Systems Management ("TSM") program. Accordingly, the development thresholds described in Table A may reflect a "worst case" scenario, dependent upon future TSM measures.~~

~~The Developer* or its assigns shall prepare and implement a TSM program which will endeavor to divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and be reviewed by the County*, the MPO, and the FDOT.~~

~~The TSM program shall be submitted with the first annual report subsequent to the monitoring program in Section A.(6) showing external trips exceeding 25% of the total external trips for Phase I of both University Lakes and Lakewood Ranch Corporate Park.~~

~~The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments which increase the applicable development~~

~~thresholds or which will allow reduced impacts per square foot or dwelling unit of development in future phases. The Developer~~ The TSM Program shall seek to further the Transportation Systems Management ("TSM") objectives and Policies set forth in the Florida Transportation Plan by ~~and shall include, but not be limited to:~~

- ~~(a) promoting ride sharing by public and private sector employees with the goal of;~~
- ~~(b) increasing urban area peak hour automobile occupancy rates through expanded ride sharing efforts; and~~
- ~~(c) increase peak hour occupancy rates for by promoting the use of transit and other high occupancy vehicles with the goal of increasing peak hour occupancy rates; and~~
- ~~(d) other appropriate trip diversion measures.~~

A summary of TSM implementation measures and results shall be included as a part of each Biennial Report.

A.~~(8)~~ (8) ~~To allow for the finalization of interchange design relative to Improvements #3 and #4 in Table 6, Developer* agrees to reserve, until January 28, 1998, the property which it owns and which lies within the following description:~~

~~Commence at the easterly corner of the existing FDOT right of way north of University Parkway where the limited access terminates, thence westerly along the FDOT right of way, a distance of 650 feet to the Point of Beginning. From the Point of Beginning, proceed northwest a distance of 1,500 feet to the existing FDOT right of way, thence southeasterly and easterly to the Point of Beginning.~~

~~This restriction shall expire on January 28, 1998. If the right of way is dedicated by the Developer* or otherwise acquired by the appropriate governmental agency, then the Developer* may transfer the impacted land uses to other appropriate areas within the Project* with approval of a revised General Development Plan. (Completed).~~

A.~~(9)~~(8) ~~—The Developer* shall submit a Preliminary Site Plan for Phase I, or any subphase thereof, within twenty-four (24) months of the effective date of this Development Order. (Completed) The Developer* shall further meet the requirements of Section 8. of the DRI Development Order.~~

A.~~(10)~~ (9) ~~The schedules of listed improvements may be adjusted at the Developer's* request with submission of adequate data to support any such adjustments, and the Development Order amended as needed in the event that the appropriate~~

agencies determine that:

- (a) The Project* is determined by the County* and TBRPC to be in a regional activity center or otherwise designated for alternative levels of service or alternative percentage thresholds in accordance with applicable rules and regulations; or
- (b) The appropriate level of service standard for the particular roadway link or intersection is adjusted by the agency(ies) having jurisdiction over such link or intersection. In no event shall any level of service be adjusted if the result of said adjustment is to permit a lower level of service than established by that agency or agencies having jurisdiction at the time of the request for adjustment.

~~A.(11) The roadway shown on Revised General Development Plan, which generally is oriented in a north/south alignment and connects to the proposed extension of Lakewood Ranch Boulevard, shall be required to be designated on the Future Traffic Circulation Map as a collector facility prior to providing any credits for right of way and/or construction. **(The requirements of condition A.(11) have been completed)**~~

~~A.(12)-(10) Access to and from the site will be in accordance with state and local access regulations unless limited by the General Development Plan or any conditions placed thereon, whichever is most restrictive.~~

~~A.(13) The Developer shall conduct an annual monitoring assessment of the I-75 southbound off-ramp intersection and merge with University Parkway to determine if operating conditions become congested and negatively impact the mainline interstate traffic at this ramp. This monitoring assessment shall continue until such time as agreement is reached with the FDOT regarding future year conditions for the above referenced ramp and intersection, and the Development Order is amended if needed, pursuant to NOPC procedures. If such impact is identified to the mainline diverging traffic at this ramp, no further Development Plans* will be issued until the deficiency has been mitigated and the Development Order is amended as appropriate, if such amendment is necessary. The following monitoring methodology will be performed:~~

- ~~1. The monitoring shall consist of existing traffic counts and visual observations of peak hour queues on the southbound off-ramp from I-75 to University Parkway, over a three-day period during the p.m. peak hour (4:00 to 6:00), and the results factored to peak season. The historic annual growth rate for traffic volumes on this ramp should also be determined and applied to estimate the maximum queue likely to develop in the coming year.~~
- ~~2. Based on a 70 mph speed on southbound I-75 at this location, the safe stopping distance that a vehicle exiting I-75 would require, including perception and reaction time if required to immediately brake to a stop upon exiting I-75 onto the southbound off-ramp, should be calculated, and the location of this~~

~~point on the ramp at which the vehicle would come to a complete stop determined.~~

~~If the back of the maximum existing peak season queue established in (1) above extends beyond the safe stopping point established in (2) above, a safety hazard will be deemed to exist, and a stop order on further development approvals shall be issued until such time that improvements sufficient to alleviate the hazard are implemented.~~

A. (14) (11) As shown in the revised and updated traffic analysis for Phase I, II, III and IV of the ~~Combined-Projects*~~, net external P.M. peak hour vehicle trips shall be limited to ~~8,537-5,161~~ which includes net new external trips, pass-by trips, and Lakewood Ranch Corporate Park-captured trips P.M. peak hour trips (3,140-2,329 enter trips/5,397-2,832 exit trips) for the ~~Project*~~ or the Combined Project. The Developer* shall not be entitled to a Final Site Plan approval which would result in the ~~cumulative~~ number of external p.m. peak hour trips for the ~~Combined-Projects*~~ to exceed this limit, and no further Final Site Plan approvals shall be granted unless the Developer* uses the ~~notice of change~~ statutory procedure to revise the traffic analysis and provide mitigation for any additional impacts.

A.(15) (12) The applicant shall be responsible for the costs of all traffic lights attributable to the it's development.

A.(16) (13) A road dedicated to Manatee County (that is non-CDD road) shall be constructed between University Parkway and Masters Avenue at a location approved by the Transportation Public Works Department Director. The location of the road shall be shown with the first Final Site Plan approved after October 19, 2004. The roadway shall be constructed with Phase IV of the development. Timing of construction within Phase IV will be determined by the Board of County Commissioners during approval of said phase.

A.(17) (14) The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in the sales contract or a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing prospective homeowners of the construction of a future north-south roadway described in Stipulation A.46 13 above.

A.(18) (15) At the time of Preliminary Site Plan, Final Site Plan and Construction Plan approval for each phase of the project the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.

~~A.(19) Developer shall provide Funding Commitments* if not funded by others in a legally enforceable commitment, for the following transportation improvements required for traffic circulation and safety prior to the issuance of the first Certificate of Occupancy for any structure in Phase IV: the construction of an additional northbound left turn lane from Honore Ave. onto University Parkway and an additional westbound left turn lane from University Parkway onto Honore Ave. In the event one or both of these transportation improvements are funded in a legally enforceable commitment or constructed by others within three years from date of payment, Manatee County shall refund the sum paid back to the Developer attributable to the completed improvement.~~

~~When warranted, the Developer shall install a traffic signal at the intersection of SR 64 and Lorraine Road. The Developer shall evaluate whether the warrant requirements are met on an annual basis beginning January 1, 2008. An additional northbound to westbound left turn lane and a southbound to westbound right turn lane shall be provided at the intersection of SR 70 and Lockwood Ridge Road. The Developer has satisfied these required improvements in full through the previous payment of funds to the County.~~

Wetlands

- B.(1) The portions of the University Lakes site that meet the definition of Conservation or Preservation Areas as set forth in policies 10.1.2 and 10.3.1 of the Council's adopted (SRPP*) have been designated on Revised General Development Plan.
- (a) All wetlands and uplands on-site defined by Council policies as Preservation Areas, as shown on Revised General Development Plan shall be preserved. No dredging, filling, or development activities shall be allowed within Preservation Areas.
 - (b) All wetlands and uplands on-site defined by Council policies as Conservation Areas shall be protected from development as shown on Revised General Development Plan.
- B.(2) Except for wetland restoration or enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas as depicted on Revised General Development Plan. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required semi-annually in selected preserved wetlands and initiated prior to on-site construction activity and continued for

three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland monitored. If the hydroperiod monitoring results demonstrate that Project* activities are inappropriately altering the hydroperiod in Preservation Areas, such activities shall cease until remedial measures are implemented.

- B.(3) Any impacted wetlands, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas on Revised General Development Plan, shall be mitigated in accordance with the Manatee County Comprehensive Plan and Land Development Code and the SRPP* Policies.
- B.(4) In addition to meeting the requirements of the Manatee County Land Development Code, the Developer* shall submit a wetland management and mitigation plan for the area to be developed to the County* for approval, and to TBRPC and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands on-site, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, and methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.

The Developer* shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County*:

- (a) Identification of existing dry and wet season site conditions;
- (b) Narrative descriptions/evaluations of all wetlands to be disturbed by wetland type;
- (c) Photographs and 24"x36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);
- (d) Narrative descriptions of any proposed wetland restoration activities and related issues;
- (e) Estimated costs of wetland mitigation and restoration schemes including maintenance and monitoring for appropriate time periods; and
- (f) Mitigation plans shall also include:
 - (1) Area and location of plantings;
 - (2) Species to be planted and spacing;

- (3) Elevations for plantings;
- (4) Source of plants or mulch;
- (5) Source of wetland soil and depth proposed; and
- (6) Monitoring and maintenance plans.

B.(5) If allowable wetland losses require type-for-type (herbaceous or forested) wetland replacement in accordance with stipulation B.(3), mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Created wetlands and littoral shelves shall require monitoring and maintenance activities. Percent survival of plant species in the created wetland or littoral shelf shall meet or exceed Manatee County Comprehensive Plan and Land Development Code success criteria and the SRPP Policies. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

B.(6) The Developer* shall provide buffering around all Post-Development Wetlands* to provide an upland transition into the wetland areas and to protect natural systems from development impact. All such buffers shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

C.(1) A cumulative assessment of the impacts of the ~~Combined Projects*~~ University Lakes and Lakewood Ranch Corporate Park on listed plant and animal species has been performed, ~~as required by the 380 Review Agreement*~~. The Developer* has provided open space for wildlife in the form of preserved wetlands and the wildlife corridor along Cooper Creek as depicted on Revised General Development Plan. In addition, Developer* shall retain large pines (>4" dbh) where possible in golf course rough for kestrel habitat and include and maintain open grassy areas in golf course rough for burrowing owl habitat. the specific locations of retained pines and open grassy areas shall be shown on the final development plan containing the golf course and shall be submitted to Manatee County for review and approval and to the Florida Wildlife Conservation Commission (FWCC) for comment. However, as the Developer* is planning a large wildlife management area on Lakewood Ranch Corporate Park, the Developer* has prepared (~~pursuant to the 380 Review Agreement*~~) a wildlife management, plan as revised June 16, 1992, for the 395 acre Open Use Conservation District within Lakewood Ranch Corporate Park which provides additional protection of any listed species found on University Lakes and Lakewood Ranch Corporate Park. The plan includes information on site maintenance, fire frequency, wetland management, and boundary protection.

In the event that Lakewood Ranch Corporate Park is not approved by Sarasota County with the 395 acre Open Use Conservation District within one (1) year of the effective date of this Development Order or if such Open Use Conservation District is reduced in size by more than ten (10) acres, then within one (1) year of either such date or action eliminated, the Developer* shall prepare a wildlife management plan to address the impacts of the Project* on any listed species found on University Lakes, except for the gopher tortoise. The FWCC found that a regionally significant population of gopher tortoise does not exist on University Lakes. However, any taking must comply with FWCC rules and the Developer* must obtain a gopher tortoise incidental take permit from the FWCC. If a management plan is prepared, pursuant to this paragraph, the plan shall be submitted to the FWCC and the Department of Community Affairs for review and to the County* for review and approval. **(Completed)**

- C.(2) The Developer* shall provide small wildlife crossings (18" culverts) under roadways at the two locations where the Lakewood Ranch Boulevard and The Masters Avenue intersect with Cooper Creek. **(Completed)**
- C.(3) In accordance with applicable law, the Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the County* for proper relocation of any listed species found on-site in addition to the requirements of C.(1) above.
- C.(4) Representative tracts of all major natural upland vegetative communities (Live Oak, Pine-Mesic Oak, Pine Flatwoods, Temperate Hardwoods), as depicted on revised Map H, shall be set aside in their natural state to serve as conservation areas.
- C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the County* consistent with the provisions of the Manatee County Comprehensive Plan.
- C.(6) Areas designated as Preservation Areas on Revised Map H shall be protected in perpetuity by conservation easement or other legal instrument approved by County*.
- C.(7) Prior to each Final Site Plan approval, the site shall be reevaluated for the presence of listed species. Where applicable, Wildlife Management Plans shall be approved by the Florida Fish and Wildlife Conservation Commissions or U.S. Fish and Wildlife Service prior to Final Site Plan approval. Relocation or Take Permits shall be obtained from the appropriate State or Federal Agency prior to commencement of construction.

Land

- D.(1) The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:

- (a) Sod, seed, or plant embankment areas of stormwater detention or retention ponds;
- (b) Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;
- (c) Limit clearing and site work, construction, and clearing to areas needed for immediate development;
- (d) Develop asphalt roads as soon as possible;
- (e) Initiate landscaping before development work is completed on a site;
- (f) Construct sediment basins at the start of each drainage system phase;
- (g) Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points;
- (h) Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis; and
- (i) Preserve the existing natural vegetation along Foley Creek and Cooper Creek, as depicted on Revised Map H.

Air Quality

- E.(1) The Developer* shall, subject to applicable water quality standards, institute the following procedures to ensure dust control during development of the Project*:
- (a) Implement a watering program during excavation and dredge and fill operations;
 - (b) Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
 - (c) Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
 - (d) Keep soil stockpiles moist, or treat with soil binders or cover;
 - (e) Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;

- (f) Remove dust producing materials as soon as possible.
- (g) Maintain 15 mph or less vehicle and equipment speeds on temporary roads;
- (h) Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;
- (i) Limit site work and construction to areas needed for immediate development;
- (j) Develop asphalt roads as soon as possible;
- (k) Initiate landscaping before development work is completed on-site; and
- (l) Utilize water spray trucks to control dust generation in heavy construction areas.

E.(2) Further Section 380.06(6), Florida Statutes, review will be required for air quality impacts, of Phase IV. This Development Order* must be amended prior to granting specific approval to Phase IV to address any air quality impacts and to specify any necessary mitigation prior to the commencement of said Phases. This review shall be a cumulative assessment of the ~~Combined-Projects*~~. (Completed)

Water Quality and Drainage

F.(1) Prior to any site alteration associated with the Project*, the Master Drainage Plan* for the Project* shall be submitted to DER, SWFWMD, and EMD for review and to the County* for approval. **(The requirements of Condition F.(1) have been completed)**

The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Chapter 62-25 and 40D-4, F.A.C. The stormwater management system shall be designed to comply with the provisions relating to the Evers Reservoir Watershed Protection Overlay District by providing treatment at 150% of the criteria found in Chapter 62-25 and 40D-4, F.A.C. An acceptable method for meeting such standards for the treatment of stormwater runoff for the majority of the site will be wet detention with effluent filtration utilizing the double underdrain system described in Exhibit 19-2 of the ADA.

F.(2) Best Management Practices* (BMP) for reducing water quality impacts, as recommended by the County* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented and may include a street cleaning program for parking and roadway areas within the Project*.

- F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The Developers* maintenance and inspection schedule for ensuring proper water quality treatment shall be submitted to the County* for approval, prior to site alteration activities associated with the Project*.
- F.(4) Stormwater discharge shall not cause the receiving water body to violate the limits defined in the Class appropriate to that water body. Where background conditions in the water body in question do not meet the applicable standards due to natural causes outside the control of the Developer*, site specific, alternative criteria may be established in conjunction with the County*.
- F.(5) Prior to any site alteration activities associated with the Project*, the Developer* shall implement a surface water quality and quantity monitoring program approved by the County*. **(Completed)** This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include provisions for the characterization of pre-construction, baseline water quality and quantity conditions of surface water entering and leaving the site. The surface water monitoring program shall also provide the monitoring of surface water quality during periods of construction. In addition, the surface water monitoring program shall include an ongoing plan for monitoring of post-construction surface water quality. The surface water quality monitoring program required pursuant to this condition shall include an identification of the locations, frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements. All water quality sample collections and laboratory analyses shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the FDHRS 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.
- F.(6) Prior to any site alteration activities associated with the Project*, the Developer* shall implement a groundwater monitoring program approved by the County* and EMD NRD. This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include appropriate provisions for the characterization of the pre-development baseline water quality and water level conditions of the site's groundwater. The groundwater monitoring program required pursuant to this condition shall include an identification of well locations, sampling frequency, and sampling duration, as well as parameters to be monitored and applicable collection and analytical methods. **(Completed)**

Upon completion of the pre-development groundwater program, a report of results will be submitted to the County* for review and approval. In addition to the official laboratory results, the report shall include recommendations regarding monitoring during construction and post-construction. Any proposed construction and post-construction monitoring plans developed pursuant to this condition shall be

submitted to the County* for review and approval. **(Completed)**

- F.(7) In the event that an overall watershed monitoring and reporting program is implemented and satisfies the intent of conditions F.(5) and F.(6), these programs may be discontinued upon the recommendation and approval of such by the County*. The City of Bradenton shall be notified prior to the approval of the discontinuance of this program.
- F.(8) To the extent required by applicable law, any shoreline banks created along on-site stormwater detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, diverse native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting, if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) in accordance with applicable regulations.
- F.(9) The Developer* shall conduct biennial-annual inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage/treatment for which they were designed and intended. Verification of such inspection shall be supplied in each ~~Annual~~ Biennial Report.
- F.(10) Prior to any site alteration, the Developer* shall develop and submit for approval by the County* an Integrated Pesticide/Herbicide Management Plan (IPMP) and a Hazardous Materials Management Plan (HMMP). **(Completed)**
- F.(11) The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the following planned thoroughfare roadways that are located immediately adjacent to the project to accommodate the following planned build-out conditions. The developer shall design and construct the stormwater capacity for that portion of the following planned thoroughfare roadways within the project area and such design and construction shall be included in the SWFWMD permit documentation.

Lakewood Ranch Boulevard	4 lanes
Masters Avenue	4 lanes
University Parkway	
I-75 to Lakewood Ranch Boulevard	6 lanes
Lakewood Ranch Blvd. to east boundary	4 lanes
Lorraine Road	4 lanes
Bourneside Boulevard (Dam Road)	4 lanes

Historical and Archaeological Sites

- G.(1) The discovery of any historical or archaeological resources during development activities of the University Lakes Project* shall be immediately reported to the Florida Division of Historical Resources (FDHR). If the significance of an archaeological or historical site, discovered during development, is unknown and the site is to be impacted by Project* activities, additional testing shall be required at the site to determine significance. Disposition of such resources shall be determined in cooperation with the FDHR, TBRPC, and Manatee County. Treatment of the resources shall be completed before resource-disturbing activities are allowed to continue.

Water

- H.(1) The Developer* shall participate, as required by Manatee County ordinances and consistent with any Developer Agreements, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.
- H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations. Any existing on-site wells not intended for potable or non-potable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
- H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, if mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.
- H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.
- H.(5) The Developer* shall, to the extent non-potable water is available, use only non-potable water to meet non-potable water demands. For purposes of this Approval, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to the County* and the TBRPC for the use of non-potable water on-site. The plan shall be completed prior to Final Site Plan approval for any phase or subphase and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes, to the extent permitted by law. **(The last two sentences of Condition H.(5) have been completed)**

- H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.
- H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area (WUCA) to the extent then in effect.
- H.(8) The Developer* shall use the lowest quality water supply which meets the needs of the intended use, provided that such sources are economically feasible, practically available, and legally permissible.

A plan which investigates the use and feasibility of these alternatives shall be prepared by the Developer* and submitted with the first Annual-Biennial Report to TBRPC, SWFWMD, the County* for review and further action if warranted.
(Completed)

- H.(9) For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles are required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall only be irrigated to the minimum extent required to ensure healthy vegetation.

Wastewater

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

- I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28, as amended).
- I.(6) The Developer* shall implement a wastewater reuse system when feasible, as discussed in development condition H.(8) herein.

Solid Waste

- J.(1) Within one year of the effective date of the Original Development Order, or prior to issuance of subsequent Development Approvals* for any non-residential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed by DEP, TBRPC, approved by the County*, and then distributed by the Developer* to non-residential land users within the Project*.
At a minimum, the plan shall:
 - (a) Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
 - (b) Provide a list of agencies which can be consulted regarding the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
 - (c) Provide a list of agencies which can describe generally appropriate disposal methods;
 - (d) Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances and disposal of hazardous wastes;
 - (e) Provide a list of agencies which can describe construction requirements for hazardous waste holding areas;
 - (f) Describe a program to inform owners and tenants of the information contained in the Plan;
 - (g) Provide a list of agencies which can describe typical spill clean up methods; and

(h) Be updated and distributed to each non-residential land user annually.
(Said Plan has been approved)

- J.(2) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each ~~Annual~~Biennial Report.
- J.(3) The Developer* shall participate, as required by Manatee County ordinances or Developer Agreements in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.
- J.(4) Surface impoundments of hazardous materials and hazardous wastes, land treatment of hazardous materials and hazardous wastes, and landfills for hazardous materials and hazardous wastes are prohibited.
- J.(5) Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants. Individual Tenants shall be encouraged to develop permissible temporary on-site hazardous waste treatment and storage capabilities prior to transport and shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that is accredited by all appropriate agencies in the transportation and handling of such materials.
- J.(6) All aboveground and underground pollutant storage tanks systems will be installed, monitored and managed according to applicable Federal, State, and Local regulations.

Recreation and Open Space

- K.(1) The Project* shall contain, at a minimum, 1,992.9 acres of open space. This acreage consists of 348.4 acres of recreational areas including golf courses, a 16.1 acre tennis/boat club, a 9.7 acre swim/tennis center and a 22.6 acre park. The open space also includes 674.3 acres of wetlands, 688.2 acres of lakes and 282.0 acres of common space consisting of wetland buffers, upland habitat, greenbelt and perimeter buffering.

Notwithstanding the above, if the County* should decide the 22.6 acres of park is not needed, then the Developer* shall be able to use the applicable parcel for residential development or as a school site, provided the number of dwelling units is not increased.

- K.(2) All recreation and open space areas not deeded to the County* or other state

agencies shall be maintained as common open space through deed restrictions or owned by a property owners' association for the Project* or neighborhood within the Project*, as may be appropriate in accordance with the Land Development Code.

- K.(3) Except as described in K.(1) above, all recreation, park, and wetland sites, as shown on Revised Map H of the ADA*, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06 (19), Florida Statutes.
- K.(4) The Project's* public parks and public recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged and may be subject to a reasonable agreement between the County* and the Developer* limiting the use as a park facility and times of operation.
- K.(5) Regardless of the ownership of the golf course facility(ies) within the project boundaries, the use of those lands for anything other than recreation shall be subject to a Substantial Deviation Determination if required by Subsection 380.06 (19), Florida Statutes.

Education

- L.(1) The Development shall dedicate an elementary school site either adjacent to, or having direct access on, a constructed county-maintained right-of-way and meeting all State and Manatee County new school site requirements upon request by the School Board. The school site shall be deemed to be a part of the Phase I approvals for the Project* and shall be shown on an amendment to the General Development Plan unless dedicated off-site as may be allowed elsewhere in this condition. The dedicated school site shall be a minimum of 18 acres, depending upon the characteristics of the site selected and said site shall be selected from property shown as residential, commercial, or business on Revised Map H, and shall be reflected on a revised General Development Plan unless dedicated off-site as may be allowed elsewhere in this condition. If the Developer* and the County School Board agree, the dedicated school site may be located off-site on property owned by the Applicant*. If adjacent property is provided as a public park or for emergency services, this acreage may be reduced to a total of fifteen acres. (Completed)
- L.(2) If the County School Board should decide the school is not required or the selected location is inappropriate, the Developer* shall be permitted to exchange sites, to the School Board's satisfaction, and shall be permitted to use the originally selected parcel for residential development, provided the number of dwelling units approved for the Project* is not increased. Any such exchanges in school sites shall require an amendment to the General Development Plan. If additional recreational

opportunities are required, the County* may require dedication of up to five acres of the designated school site parcel for active recreation. (No longer applicable. See Condition L.(1).)

Health Care, Police, and Fire

- M.(1) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction and equipping of emergency service facilities for emergency medical services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to December 31, 1997. Any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **(Completed)**
- M.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase I or any subphase thereof. Any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **(Completed)**
- M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the applicable Fire Code.
- M.(4) The height of buildings allowed in the Project* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- M.(5) Prior to approval of each Final Site Plan, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the Braden River Fire Department that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy

for the Project* by the County*.

- M.(6) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Project*. The Developer* shall participate, in accordance with applicable County* ordinances or Developer Agreements, in any expansion of such services necessary to serve the Project* or any phase or subphase thereof.

Economics

- N.(1) Excess infrastructure capacity constructed by the Developer* shall be at the Developer's* risk and shall not vest latter development rights not addressed in this approval.
- N.(2) The Project* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Policies 21.2, SCP and 21.5.3, SCRPP*, respectively.
- N.(3) The development and promotion of a day care system should be encouraged on site and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

- O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical or gas utilities to meet the energy requirements of the development.
- O.(2) All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:
- (a) Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and cogeneration, where economically feasible;
 - (b) Obtain energy audits provided by energy companies or other qualified agencies;
 - (c) Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - (d) Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;

- (e) Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
- (f) Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- (g) Institute and utilize recycling programs;
- (h) Utilize energy efficient packaging or recyclable materials;
- (i) Install total energy systems on large facilities when cost effective; and
- (j) Elimination of advertising requiring lighting after business hours where feasible.

O.(3) Incorporation of the energy conservation measures referenced on pages 265 and 266 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each Biennial~~Annual~~ Report.

General Conditions

- P. (1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* will be subject to a Substantial Deviation Review, ~~pursuant to~~ if required under the provisions of Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.
- P. (2) The Developer's* commitments set forth in the ADA* shall be honored, except as they may be superseded by specific terms of the Development Order.
- P. (3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the ~~Annual~~ Biennial Report, subject to approval by the County*.
- P. (4) All Development Approvals* shall be obtained prior to ~~September 13, 2022~~ August 5, 2027. This Development Order shall expire 5 years after the buildout date to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

~~P. (5) A Preliminary Site Plan for each phase shall be required.~~

P. (6) The Developer* shall make appropriate efforts to coordinate with, and inform the appropriate public authorities of, the feasibility of the proposed school site for hurricane shelter, building closings, security, safety precautions, and evacuation plans.

~~P. (7) Except for any existing use or for construction offices and similar temporary uses, or any use on the school site or park site, or other use by a public agency, any proposal to utilize mobile homes on the site shall require a Substantial Deviation Determination, pursuant to the procedures in 380.06(19)(a), Florida Statutes.~~

~~P. (8)~~ (7) The Developer*, its successors, assigns, or transferees, shall submit Annual Biennial DRI Reports in accordance with SubSection 380.06(18), Florida Statutes to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on February 22nd of each every other year 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 the Manatee County Planning Building and Development Services Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Building and Development Services Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Annual Biennial Report shall contain the following:

- a. Any changes in the plan of development, or in the representations contained in the ADA*, or in the phasing or land uses for the reporting year and for the next years;
- b. A summary comparison of development activity proposed and actually conducted for the years;
- 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*, TBRPC, or DCA DEO, 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 years;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the Project* since the Development Order was issued;
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(15)(f), Florida Statutes;
- j. A statement that all persons have been sent copies of the Annual-Biennial Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
- k. Information on the actual prices and rents of housing units constructed relative to the then-current Department of Housing and Urban Development (HUD) affordable housing guidelines;
- l. Reports or information pursuant to pertinent conditions herein requiring copies of information to be provided in the Biennial Report. A.(6) and A.(7).

~~P. (9) All proposed modifications to University Lakes will be reviewed based on the Combined Projects* to determine whether the proposed modification will exceed any of the criteria set forth in Subsection 380.06(19), Florida Statutes.~~

~~In the event the Lakewood Ranch Corporate Park Development Order is amended by Sarasota County to allow development inconsistent with Table 3 or Table 4 of the University Lakes Development Order, then upon expiration of the 45-day appeal period of the amendment or, if the amendment is appealed, upon settlement of the appeal, the Developer* shall apply for an amendment to the University Lakes Development Order, and Manatee County subsequently shall consider an amendment to the University Lakes Development Order to make it consistent with the Lakewood Ranch Corporate Park Development Order. A Notification of Proposed Change, pursuant to Subsection 380.06(19), Florida Statutes, shall not be required for the amendment to the University Lakes Development Order, as~~

~~described above, to make it consistent with the Lakewood Ranch Corporate Park Development Order, but shall require the requisite public hearings under Chapter 125, Florida Statutes, and the Land Development Code. However, such Development Order amendment adopted by Manatee County must be rendered to the Department, pursuant to Subsection 380.06(19), Florida Statutes. If the amendment to the University Lakes Development Order is consistent with the amendment to the Lakewood Ranch Corporate Park Development Order or any settlement of an appeal of the Lakewood Ranch Corporate Park Development Order amendment, then DCA shall not appeal the amendment.~~

The substantial deviation criteria set forth herein are not applicable to land use exchanges which are authorized pursuant to Sections 4.B. and 4.C. of the Development Order. Additions to the amount of development in a particular land use category resulting from the use of the exchange mechanism are permitted only in conjunction with the simultaneous reduction from another specifically approved use and do not authorize additional development beyond that which has received specific Development Order Approval.

P. ~~(10)~~ (8) Unless otherwise expressly stated in this Ordinance or the Development Order of the DRI, the Project* shall comply with all future amendments to the Land Development Code and the Comprehensive Plan.

P. ~~(11)~~ (9) In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of ~~Community Affairs~~ Economic Opportunity, the Developer* shall pay all reasonable costs and fees of County* staff and attorneys relating to said appeal or legal challenge at the rate for processing this Development Order under the current Planning fee schedule. Payment of all billings by the Developer* related to such fees and costs shall be paid within forty five (45) days of submittal of an invoice.

P. ~~(12)~~ (10) Wherever in this Development Order or the University Lakes DRI Development Order the Developer is required to file a Notice of Proposed Change, the Developer shall send a copy of said Notice to Sarasota County and SWFRPC with said Notice.

Land Conditions

Q. (1) The setbacks and height for land uses shall be as follows:

USES	HEIGHT MAXIMUM ****	LOT WIDTH *	FRONT	SIDE	REAR
Single Family Detached	35 ft.	45+++ - 79 ft.	20/15ft.***/ 5 ft +++	6 ft.	15 ft./ 5 ft +++
Single Family Detached	35 ft.	80 or greater ft.	25/20 ft. ***/ 5 ft +++	8 ft.	15 ft./5 ft. +++
Zero Lot Line (SFD)	35 ft.	45 ft.	20/15 ft.***	0 ft./10 ft.**	15 ft.
Single Family Attached	35 ft.	35 ft./ 30 ft.+++	20/15 ft. ***/ 5 ft. +++	0/8 ft.+	15 ft./ 5 ft. +++
Single Family Semi-Detached	35 ft.	35 ft.	20/15 ft. ***	0/8 ft.+	15 ft.
Duplex	35 ft.	80 ft.	20/15 ft.***	8 ft.	15 ft.
Multi-Family	4 stories++		20 ft.	10 ft.	25 ft.
Commercial	35 ft.		40 ft.	15 ft.	20 ft.
Office/Hotel	10 stories		40 ft.	15 ft.	20 ft.
Industrial	6 stories		30 ft.	15 ft.	20 ft.
School, Park Recreation Center	35 ft.		25 ft.	15 ft.	15 ft.

* Minimum lot width is 45 ft. measured at setback line.

** Applies to one side (when one yard is measured at 0 feet the other yard must be ten feet), or end unit.

*** Front setback for units with side entry garages.

**** Section 702.5 of the Manatee County Land Development Code shall not apply to the maximum height of buildings within the University Lakes Project. In instances where structures are proposed adjacent to I-75, for each 1 foot of height over 35 feet, the setback from the I-75 right-of-way shall be increased by 1 foot. Structures which are proposed to be located within 200 feet from the Project* boundary on sites which are adjacent to off-site residential zoning or uses shall be limited to four stories. Structures which are proposed to be located within 400 feet of I-75 cannot exceed six stories.

+ Applies to end unit.

++ Five (5) stories allowed in Town Center parcel and Nine (9) stories allowed in Business Parcel 15. The structures on Business Parcel 15 shall be in substantial compliance with the graphics provided at the public hearing on October 16, 2007 or October 25, 2011. At the time of Preliminary/Final Site Plan, if the applicant proposes elevations less than nine stories for Business Parcel 15 that are not in substantial compliance with the elevations entered into the Record, staff may review and administratively approve the new elevations, provided they are consistent with LDC Section 603.7.4.9, Building Height. The applicant may appeal staff's decision regarding the proposed elevations to the Board of County Commissioners at an advertised public hearing.

+++ For units south of University Parkway. Minimum lot width is 44 feet measured at setback line, however, in no instance shall flag lots be permitted.

- Q. (2) Buildings in said Project* which are adjacent to Interstate 75 or University Parkway shall be finished so that the facades which face said roads are either the front facades or finished in the same materials as the front facades.
- Q. (3) Dumpsters or compactors to be used for the temporary storage of solid waste shall not be located in front of any buildings, and these units shall meet all minimum setback requirements. These units shall be screened from view of any collector or arterial roadway. Specific locational approval for these units is required during Preliminary and Final Site Plan review.
- Q. (4) Access to and from the site shall be in accordance with state and local access regulations

and with the number and general location as shown on Attachment #1.

- Q. (5) A pre-design conference between the Developer* and County* staff shall be held prior to submittal of Construction Drawings for the Project* to discuss the points of connection for potable water and wastewater service and the configuration of the potable water and sanitary sewer systems.
- Q. (6) The Developer* shall submit a Master Plan for potable water, wastewater, and fire protection prior to construction plan submittal. The Developer* shall also be responsible for determining if upgrading of off-site potable water and wastewater facilities is necessary prior to construction plan submittal to provide adequate potable water, sanitary sewer or fire protection service to the portion of the development for which such service is being requested. Oversizing of potable water and wastewater facilities may be necessary to provide for future development in or adjacent to the Project* and the Developer* shall participate in such oversizing in accordance with applicable County* ordinances or policies.
- Q. (7) The Developer* will investigate appropriate recycling efforts both during and after construction.
- Q. (8) It is strongly suggested that the Developer* investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.
- Q. (9) The commercially designated sites adjacent to Lakewood Ranch Boulevard shall not be developed in excess of .23 floor area ratio or 150,000 square feet, which ever is less.
- Q. (10) Prior to the development of any commercial land uses on Lakewood Ranch Boulevard, the Developer* shall dedicate the necessary right-of-way and construct and complete the referenced roadways providing a continuous connection between University Parkway and State Road 70.
- Q. (11) The minimum size for any dwelling unit within the Project* shall be six hundred (600) square feet unless this provision is waived by the Board for purposes of affordable housing, at time of preliminary plan approval.
- Q. (12) No adult entertainment establishments shall be permitted within this Project*.
- Q. (13) The land uses approved on this site are limited as described on the General Development Plan.
- Q. (14) Individual driveways for individual residences shall not be allowed direct access to the major internal roadway as shown on the General Development Plan and reverse frontage lots shall be required adjacent to said roadways.
- Q.(15) The Developer* shall dedicate or make available for public use at the option of the County*, a minimum of 14.5 acres of the designated parks (as shown on the General Development Plan). These parks must be available in conformance with Level of Service requirements but in no event shall this be postponed later than completion of Phase II. (Completed)

- Q. (16) The Development* consists of the area and land uses described in Table C and the area and land uses by phase as described in Table D. Phases I, II, III, and IV of the Development* are approved subject to the conditions found within this Development Order. Certificates of Level of Service shall be issued for Phase IV for land uses and acreage, subject to the performance by Developer of the stipulations contained in this ordinance. The Certificate of Level of Service shall be limited to, roadway capacity, mass transit, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code. The Certificate of Level of Service for potable water and sanitary sewer must be obtained with each Final Site Plan.
- Q. (17) The setback for the secondary front yard of residential corner lots shall be a minimum of fifteen (15) feet.
- Q. (18) Where side yards are adjacent to rear yards of corner lots, the driveway on the adjacent lot (non-corner lot) shall be located on the opposite side of the lot from the corner lot.
- Q. (19) Where residential uses abut Lorraine Road, the Developer* shall provide a twenty (20) foot landscaped buffer immediately adjacent to the right-of-way. This buffer shall consist of a 3' high berm measured from the proposed finish grade of the road right-of-way, with trees and shrubs planted on the berm to create a 6-8' high hedge. The hedge will consist of suitable plant material (e.g. Wax Myrtle, Viburnum ordora, Ligustrum jap) installed from 15 gallon containers, measuring 5-6' overall height, placed on alternating 5-7' centers.

All landscape buffers will be adequately irrigated by an automatic irrigation system and maintained by SMR Communities, the Community Development District, or the appropriate homeowner association.

In those cases where there is existing vegetation that effectively meet this criteria, no additional planting will be required.

This landscaped buffer shall be installed prior to the issuance of the first Certificate of Occupancy for a residential structure within the adjacent development area.

- Q. (20) Residential resort units may be permitted in any residential tract which permits multi-family or cluster villa units provided:
- a. they are not accessed (except for emergency vehicles) through non-transient residential neighborhoods; and
 - b. they are separated from adjacent non-transient residential uses by a minimum buffer of 50 feet.
 - c. Each residential resort unit shall contain a minimum gross floor area of 600 square feet.
 - d. Setbacks shall be consistent with Condition Q.(1), depending on the specific unit type proposed.

- Q. (21) Subject to ~~Planning Director~~Building and Development Services Director approval, the number of replacement trees may be computed on the basis of the tree canopy of mature replacement trees compared to the canopy of the trees being replaced or other acceptable alternative.

- Q. (22) Since the Town Center is proposed to be a mixed use neighborhood, perimeter greenbelt buffering, landscaping, and open space may upon approval by the Planning Director Building and Development Services Director, be established around and for the Town Center as a whole, rather than around individual land uses.
- Q. (23) A hospital use may not be located within the same parcel, as shown on the General Development Plan, as any industrial use. In addition, the hospital use shall maintain a 200 foot separation from any industrial use located within an adjacent parcel.
- Q. (24) The minimum lot width for single-family attached, and single-family semi-detached development shall be 35 feet, with corner lots being 45 feet. The minimum lot width for zero lot line development shall be 45 feet. This revision shall be shown on future site plans.
- Q. (25) The minimum lot size for single-family attached, and single-family semi-detached development shall be 3,500 sq. ft., with 4,500 sq. ft. for corner lots. The minimum lot size for zero lot line development shall be 4,500 sq.ft. These revisions shall be shown on future site plans.
- Q.(26) A Public Use Facility meeting the needs of Condition M.(2) may be located in areas where that use is permitted. The square footage necessary for this building may be added to the total project square footage, and not counted against approved square footage for other uses.
- Q.(27) All lots contiguous to active agricultural operations shall have yards at least 35' greater than required in Q (1). If an adjoining agricultural operation is permanently discontinued at the time of submittal of the Final Subdivision Plat, then the requirements of Section 702.6.7 shall no longer apply, and the increased yard may be eliminated from the Final Subdivision Plat.
- Q.(28) The applicant shall submit an individual Master Preliminary Site Plan for each phase of the expansion area prior to each submittal of the first Preliminary or Final Site Plan within each phase. Each such Master Preliminary Site Plan shall include complete wetland information, preliminary street and lot layouts, and a preliminary landscape plan showing all perimeter, greenbelt and roadway buffers on University Parkway, Lorraine Road, and Masters Avenue (Completed).
- Q.(29) The applicant shall complete the sidewalks on the west side of Lorraine Road between Miramar and University Parkway, and those on the north side of University Parkway between Boca Grove and Lorraine Road prior to the opening of Elementary School J in August, 2005. (Completed)
- ~~Q (30) That portion of the development located outside the Future Development Area Boundary may not be connected to the Manatee County Public Utility System without the approval of the Board of County Commissioners in the form of a Utility Service Agreement.~~
- Q (31) (30) Developer shall work with Manatee County Area Transit (MCAT) on identifying a potential transit stop(s) within the Project. At such time that MCAT has established a plan for service to the Project and coordinated needed location(s) for a transit stop with Developer,

Developer shall accommodate the requisite stop(s) within the Project.

Q. (31) Notwithstanding limitations contained within this Ordinance governing land use exchanges, tThe maximum number of same type units for each residential parcel may be increased provided there is a simultaneous decrease on another same type residential parcel and all dimensional standards (i.e. setbacks, open space, parking, etc., pursuant to the LDC) can be met. This shall not authorize an overall increase in residential units for the Project. Such modification does not require the submittal or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan. However, this shall not allow the introduction of multi-family units on a parcel where only single family has been authorized without review and approval of a revised general development plan at an advertised public hearing. Such preliminary or final site plan shall include a tracking chart and exhibit giving locations or additions and deletions to assure Manatee County that there has been no increase in units. Any such changes shall be noted in each biennial report.

Q. (32) Notwithstanding limitations contained within this Ordinance governing land use exchanges, tThe maximum square footage for each same type non- residential parcel may be increased provided there is a simultaneous decrease on another same type non- residential parcel and all dimensional standards (i.e. setbacks, open space, parking, etc. pursuant to the LDC) can be met. This shall not authorize an overall increase in square footage for the Project. Such modification does not require the submittal or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan. Such preliminary or final site plan shall include a tracking chart and exhibit giving locations of additions and deletions to assure Manatee County that there has been no increase in units and noted in each biennial report. However, this shall not allow the introduction of a non-residential use which is not currently identified on the general development plan for such parcel without review and approval of a revised general development plan at an advertised public hearing.

R. Affordable Housing

R.(1) A cumulative assessment of the affordable housing needs of Phases I, II, III of the University Lakes DRI and Phase I of Lakewood Ranch Corporate Park (~~Combined Projects*~~) has been previously performed, ~~as required by the 380 Review Agreement*~~. This assessment utilized the 2000 US Census as its source for rental vacancy data. This assessment was accepted by all reviewing agencies and determined no potential unmet need for affordable housing and a potential surplus of 390 affordable units. This analysis utilized the East Central Florida Regional Planning Council's (ECFRPC) "Housing Demand, Supply and Need Methodology for Assessing the Affordable Housing Impact of Developments of Regional Impact", April 1996.

R.(2) The Developer shall provide, within 10 miles of the project boundary, a number of residential units equal to 10% of the total number of residential units constructed in University Lakes, Phase IV, that qualify as workforce housing at a price as determined pursuant to the parameters as set forth in the definition contained within as defined in the Manatee County Land Development Code. ~~These units shall be referred to as Worker Housing Units (WHUs).~~ The developer intends, but is not required, to locate the ~~WHUs~~ units within the Lakewood

Centre DRI. The workforce housing required herein is generally designed to provide housing for essential workers such as local government employees, quasi-governmental employees, and private sector employees. ~~Notwithstanding the provisions of the DRI, any payment in lieu of proposal will require an amendment to this Stipulation.~~

R.(3) ~~Income limits and m~~ Maximum home sale prices shall correspond to values as provided in the Manatee County Maximum Income Limits Table. These limits are updated periodically by Manatee County and shall be utilized accordingly. The maximum sale price and income limits in effect at the time a contract for purchase of a WHU workforce housing unit is executed shall apply.

R.(4) Maximum rental rates shall correspond to values as provided for in the Fair Market Rent Documentation System. These rates are updated periodically by Manatee County and shall be utilized accordingly. The rental rate in effect at the time a lease is executed shall apply.

~~R(4) Prior to the first Final Site Plan the Developer shall establish the provisions for the sale of the WHUs through a Land Use Restriction Agreement in form and substance acceptable to and approved by the Board of County Commissioners, which shall at a minimum include provisions to assure that the units remain available after the initial sale to qualified purchasers for a period mutually agreeable to the County and Developer.~~

R.(5) The Developer shall include in its annual-biennial report data showing the number and sale prices of WHUs workforce housing units sold or rented within the development during the reporting period. The annual-biennial report shall also include the current Manatee County Maximum Income Limits Table and the current Fair Market Rent Documentation System. Only those units that have a sale price equal to or less than the maximum allowable home sales price or a rental rate equal to or less than the maximum allowable rental rate, as provided in R.(3) and R(4), shall be counted toward the required mitigation.

R.(6) With each annual-biennial report, the overall ratio of WHU workforce units provided to the number of residential units constructed in University Lakes, Phase IV, shall be determined.

**TABLE C
UNIVERSITY LAKES DEVELOPMENT COMPONENTS**

Column A Map H Land Use (Section 380.0651 F.S. Designation)	Column B Number Acres *****	Column C Square Feet	Column D Dwelling Units	Column E Land Use Exchange Maximum Increase
Residential	1,444.2	n/a	3,941	An increase in dwelling units by 5% or 50 units, whichever is greater
General Commercial*				
Retail	56.6	677,506	n/a	Land Area increased by 6 acres or increase by 50,000 s.f. of gross floor area, or
Hospital	32.0	150 beds	n/a	the greater of a 5% increase in

Total General Commercial	88.6	677,57806/ 150 beds	n/a	parking spaces or an increase of customer parking by 300 spaces
Neighborhood Commercial**	39.7	141,298	n/a	
General Commercial***				
Retail	21.0	0	n/a	
Hotel and Motel	7.0	250,000/ 620 rooms	n/a	75 rooms
Total General Commercial	28.0	250,000 / 620 rooms	n/a	
Business				Land area increased by the greater of 5% or 6 acres, whichever is greater, or gross floor area increased by greater of 5% or 60,000 s.f. whichever is greater
Office	59.3	1,021,969	n/a	
Industrial	55.0	18,603	n/a	
Total Business	114.3	1,040,572	n/a	
Right of Way	393.5			
Recreation	348.4			
Wetlands/Mitigation	674.3			
Lakes****	688.2			
Open Space	282.0			
TOTAL	4,101.2	2,109,376/ 150 hospital beds /620 rooms	3,941	

* Acreage and square footage are referred to as Regional Commercial in the ADA*.

** Acreage and square footage are referred to as Community Commercial in the ADA*.

*** Acreage and square footage are referred to as Highway Commercial in the ADA*.

**** Additional lakes will be constructed within the Project* as required by the stormwater management system.

***** Acreages subject to verification and adjustment based upon future survey activities, consistent with the graphic depictions on revised General Development Plan.

**TABLE D
UNIVERSITY LAKES PHASING SCHEDULE**

Map H. Land Use Designation (*380.0651, F.S., Designation)	Phase I 1992-2011	Phase II 2000- 2014<u>2019</u>	Phase III 2002- 2014<u>2019</u>	Phase IV 2006 – 2022<u>2027</u>	Total
Residential Dwelling Units					
Single Family	970	361	450	402	2,183
Single Family Attached	88	0	0	0	88
Multi-Family	449	412	301	508	1,670
Total Residential	1,507	773	751	910	3,941
General Commercial* s.f. (Regional)					
Retail	275,557	114,543	287,406	0	677,506

Hospital	0	150 beds	0	0	150 beds
Total General Commercial	275,557	114,543	287,406	0	677,506 150 beds
Neighborhood Commercial** s.f. (Community)					
Retail	52,764	0	0	88,534	141,298
Total Neighborhood Commercial	52,764	0	0	88,534	141,298
Business s.f.					
Office	323,318	381,700	191,677	125,274	1,021,969
Industrial	0	0	18,603	0	18,603
Total Business	323,318	381,700	210,280	125,274	1,040,572
General Commercial*** s.f. (Highway)					
Retail	0	0	0	0	0
Hotel and Motel	250,000/ 215 rooms	0	0	405 rooms	250,000/ 620 rooms
Total General Commercial	250,000	0	0	0	250,000
Recreational Facilities****	Tennis & Boat Club+, Park, Golf Course & Park				

* Acreage and square footage are referred to as Regional Commercial in the ADA*.

** Acreage and square footage are referred to as Community Commercial in the ADA*.

*** Acreage and square footage are referred to as Highway Commercial in the ADA*.

**** Phasing of recreational facilities may be accelerated in accordance with the provisions of Sections 4.B., C. and E.

+ The Boat Club shall be located on the 160⁺ acre manmade lake and shall contain facilities for launching and dockage for wet storage of not more than 20 watercraft and dry storage for not more than 30 watercraft. Small craft not commonly moored, such as sailboards, canoes, paddle boats, and similar non-motorized craft, and assorted storage facilities for such small craft shall not count against this limitation, and such craft may be used on the manmade lake.

□ Buildout date is ~~September 13th~~ August 5th of each year indicated.

Exchanges in approved land uses may be made within the Project* or each phase in accordance with the approved Development Order for University Lakes DRI (Ordinance ~~93-2512-34XX~~, as amended) if said development order allows exchanges in land uses in phases. Any exchanges in land use must comply with the Comprehensive Plan, including the limitations of each Future Land Use Category. Any such exchange shall require an amendment to the General Development Plan and a public hearing by the County* to determine if the modification is in compliance with the planned development criteria unless the modification is of such type that administrative approval by the Director of Planning Building and Development Services is authorized by the Land Development Code. The amended General Development Plan shall describe the proposed exchange, as well as provide a history of all previous exchanges in addition to any other required information. The Developer* must also apply for a modification to the Certificate of Level of Service and will be granted approval, only if and when capacity is available.

SECTION 4. LEGAL DESCRIPTION.

UNIVERSITY LAKES DRI

LEGAL DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Section 36, Township 35 South, Range 18 East, and Sections 25, 26, 28, 29, 31, 32, 33, 34, 35 and 36, Township 35 South, Range 19 East, Manatee County, Florida and

described as follows:

Begin at the southwest corner of said Section 29; thence N.00°22'41"E. along the west line of said Section 29, a distance of 2,656.56 feet; thence S.89°30'30"E., a distance of 211.38 feet; thence N.26°03'03"E., a distance of 41.16 feet; thence S.61°21'58"E., a distance of 186.34 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.61°21'58"E., a radial distance of 295.00 feet; thence northeasterly along the arc of said curve, through a central angle of 15°08'34", an arc length of 77.97 feet to the end of said curve; thence S.46°13'24"E. radial to the last described curve, a distance of 141.12 feet; thence N.33°11'55"E., a distance of 59.75 feet; thence N.85°03'09"E., a distance of 131.05 feet; thence S.61°13'40"E., a distance of 51.46 feet; thence S.89°30'48"E., a distance of 469.77 feet; thence N.00°29'12"E., a distance of 48.63 feet; thence S.89°30'30"E., a distance of 120.00 feet to the northeast corner of the West 1/2 of the Southwest 1/4 of the aforementioned Section 29; thence S.00°29'12"W. along the east line of the West 1/2 of the Southwest 1/4 of said Section 29, a distance of 2,658.57 feet to the north line of Section 32; thence S.89°30'25"E. along said north line, a distance of 1,269.55 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of the Public Records of Manatee County; the following 3 calls are along said east line; thence S.00°29'35"W., a distance of 166.41 feet; thence S.58°34'00"E., a distance of 423.22 feet; thence S.01°20'47"W., a distance of 240.50 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126 of the aforementioned Public Records; the following 2 calls are along said north line; thence S.36°55'37"E., a distance of 85.33 feet; thence S.60°40'54"E., a distance of 184.30 feet to the west line of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, recorded in Plat Book 34, Page 113; thence N.23°47'43"E. along said west line, a distance of 277.38 feet to the north line of said Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass; thence N.90°00'00"E. along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 33 of the aforementioned Public Records, a distance of 2,269.90 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles, recorded on Plat Book 34, Page 181 of the aforementioned Public Records; the following 7 calls are along said north line; thence N.07°30'16"E., a distance of 437.56 feet; thence N.72°30'29"E., a distance of 190.11 feet; thence S.17°29'31"E., a distance of 20.40 feet; thence N.72°30'29"E., a distance of 161.83 feet; thence S.26°06'53"E., a distance of 49.82 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.26°06'53"E., a radial distance of 58.00 feet; thence easterly along the arc of said curve, through a central angle of 24°50'29", an arc length of 25.15 feet to the end of said curve; thence N.72°30'29"E. non-tangent to the last described curve, a distance of 181.80 feet; thence N.76°17'54"E., a distance of 33.84 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.76°17'54"W., a radial distance of 550.00 feet; thence northerly along the arc of said curve, through a central angle of 59°36'16", an arc length of 572.16 feet to the point of reverse curvature of a curve to the right having a radius of 600.00 feet and a central angle of 73°58'28"; thence northwesterly along the arc of said curve, a distance of 774.66 feet to the point of tangency of said curve; thence N.00°40'06"E., a distance of 221.36 feet; thence S.89°31'24"E. parallel with the north line of the aforementioned Section 28 and 4077.34 feet southerly therefrom, a distance of 2,614.09 feet to the west line of the East 1/2 of said Section 28; thence S.00°45'47"W. along said west line, a distance of 1,236.76 feet to the South 1/4 corner of said Section 28; thence S.89°30'25"E. along the south line of said Section 28, a distance of 2,662.03 feet to the northwest corner of the aforementioned Section 34; thence N.89°57'56"E. along the north line of said Section 34, a distance of 120.02 feet; thence S.00°51'27"W., a distance of 1.87 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.89°08'34"E., a radial distance of 2,190.00 feet; thence southerly along the arc of said curve, through a central angle of 13°14'44",

an arc length of 506.28 feet to the point of tangency of said curve; thence S.12°23'18"E., a distance of 982.01 feet to the point of curvature of a curve to the right having a radius of 3,060.00 feet and a central angle of 10°28'18"; thence southerly along the arc of said curve, an arc length of 559.26 feet to the point of tangency of said curve; thence S.01°55'00"E., a distance of 1076.32 feet to the southwest corner of premises described in Official Record Book 1532, Page 5848, of said public records; the following 2 calls are along the lines of said premises described in Official Record Book 1532, Page 5848; thence N.88°07'20"E., a distance of 1,147.54 feet; thence N.00°45'04"W., a distance of 877.03 feet; thence N.88°05'00"E., a distance of 155.33 feet to the point of curvature of a curve to the left having a radius of 2,723.82 feet and a central angle of 23°07'59"; thence easterly along the arc of said curve, an arc length of 1,099.74 feet to the point of reverse curvature of a curve to the right having a radius of 1,690.00 feet and a central angle of 21°24'41"; thence easterly along the arc of said curve, a distance of 631.55 feet to the point of tangency of said curve; thence N.86°21'42"E., a distance of 275.42 feet to the point of curvature of a curve to the left having a radius of 1,940.00 feet and a central angle of 38°34'52"; thence northeasterly along the arc of said curve, an arc length of 1,306.33 feet to the point of tangency of said curve; thence N.47°46'50"E., a distance of 466.55 feet to the point of curvature of a curve to the right having a radius of 2,610.00 feet and a central angle of 28°29'57"; thence northeasterly along the arc of said curve, an arc length of 1,298.23 feet to the point of tangency of said curve; thence N.76°16'47"E., a distance of 615.98 feet to the point of curvature of a curve to the right having a radius of 2,920.00 feet and a central angle of 30°55'19"; thence easterly along the arc of said curve, an arc length of 1,575.89 feet to the point of tangency of said curve; thence S.72°47'54"E., a distance of 1,139.89 feet to the point of curvature of a curve to the left having a radius of 2,940.00 feet and a central angle of 31°21'44"; thence easterly along the arc of said curve, an arc length of 1,609.28 feet to the point of tangency of said curve; thence N.75°50'22"E., a distance of 1,640.22 feet to the point of curvature of a curve to the right having a radius of 5,060.00 feet and a central angle of 14°11'52"; thence easterly along the arc of said curve, an arc length of 1,253.85 feet to the point of tangency of said curve; thence S.89°57'46"E., a distance of 1,827.12 feet to the east line of said Section 25; thence S.00°30'59"W. along said east line, a distance of 62.61 feet to the northeast corner of said Section 36; thence S.00°35'33"W. along the east line of said Section 36, a distance of 5,904.94 feet to the southeast corner of said Section 36; thence N.89°58'32"W. along the south line of said Section 36, a distance of 5,320.24 feet to the southeast corner of aforementioned Section 35; thence continue N.89°58'32"W. along the south line of said Section 35, a distance of 5,320.24 feet to the southeast corner of aforementioned Section 34; thence N.89°58'32"W. along the southerly line of Section 34, a distance of 5320.24 feet to the southwest corner of said Section 34; thence N.89°58'32"W. along the southerly line of the aforementioned Section 33, a distance of 5,320.24 feet to the southwest corner of said Section 33; thence N.89°58'32"W. along the southerly line of the aforementioned Section 32, a distance of 5,320.24 feet to the southwest corner of said Section 32; thence N.89°58'32"W. along the southerly line of the aforementioned Section 31, a distance of 4,602.00 feet to the southwest corner of said Section 31, also being a point on the easterly Limited Access Right-of-way of State Road 93 (Interstate 75); the following 15 calls are along the easterly Limited Access Right-of-way of State Road 93 (Interstate 75); thence N.00°37'10"E. along the west line of said Section 31, a distance of 615.67 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.68°06'12"E., a radial distance of 216.00 feet; thence northeasterly along the arc of said curve, through a central angle of 66°23'34", an arc length of 250.29 feet to the point of tangency of said curve; thence N.88°17'22"E., a distance of 628.58 feet; thence S.89°25'46"E., a distance of 298.15 feet; thence continue S.89°25'46"E., a distance of 133.30 feet; thence N.00°34'14"E., a distance of 336.00 feet; thence N.89°25'46"W., a distance of 606.88 feet; thence N.85°36'55"W., a distance of 460.53 feet to the point of curvature of a curve to the right having a radius of 396.00 feet and a central angle of 27°45'53"; thence westerly along the arc of said curve, an arc length of 191.90

feet to the end of said curve; thence S.01°15'38"W., a distance of 68.34 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.27°44'12"E., a radial distance of 456.00 feet; thence northwesterly along the arc of said curve, through a central angle of 34°29'47", an arc length of 274.55 feet to the point of tangency of said curve; thence N.27°46'01"W., a distance of 566.48 feet to the point of curvature of a curve to the right having a radius of 4,489.66 feet and a central angle of 12°57'00"; thence northerly along the arc of said curve, an arc length of 1,014.75 feet to the point of tangency of said curve; thence N.14°49'01"W., a distance of 899.55 feet; thence N.13°40'16"W., a distance of 1,016.33 feet; thence S.88°43'35"E., a distance of 1,369.65 feet; thence S.89°40'28"E., a distance of 1,438.64 feet; thence N.01°15'38"E., a distance of 1,532.73 feet to the north line of the aforementioned Section 31; thence S.89°40'28"E., a distance of 3,164.99 feet to the POINT OF BEGINNING.

Said tract contains 4131.64 acres, more or less.

LESS AND EXCEPT

THE TRACT KNOWN AS PARCELS NO.1, NO. 4, NO. 5 AND A PORTION OF COVENANT WAY

DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Section 34, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the southwest corner of Said Section 34; thence S.89°58'32"E. along the south line of said Section 34, a distance of 678.97 feet to a point on the easterly line of premises described in Official Records Book 1532, Page 5845 of the Public Records of Manatee County, Florida; thence N.00°01'28"E. along said easterly line and the east line of Lorraine Road also described in said Official Records Book 1532, Page 5845, a distance of 1,020.28 feet to the southwest corner of premises described in Official Record Book 1555, Page 4954 of the Public Records of Manatee County, Florida; thence S.89°58'32"E., along the south line of said premises, a distance of 488.93 feet; thence N.00°01'28"E., along the east line of said premises and the northerly extension thereof, a distance of 891.04 feet to a point on the north line of Covenant Way (84-foot wide private roadway) as shown on Covenant Way, A Roadway Plat and recorded in Plat Book 37, Page 148 of the Public Records of Manatee County, Florida, also being a point on the southerly line of premises described in Official Record Book 1571, Page 4068 of said public records; the following 28 calls are along line of said premises described in Official Record Book 1571, Page 4068; thence N.88°05'00"E. a distance of 151.89 feet to the point of curvature of a curve to the right having a radius of 292.00 feet and a central angle of 33°21'59"; thence easterly along the arc of said curve, an arc length of 170.05 feet to the point of tangency of said curve; thence S.58°33'01"E., a distance of 208.77 feet to the point of curvature of a curve to the left having a radius of 211.00 feet and a central angle of 31°25'31"; thence easterly along the arc of said curve, an arc length of 115.73 feet to the point of tangency of said curve; thence S.89°58'32"E., a distance of 38.37 feet; thence N.00°01'28"E., a distance of 391.85 feet; thence N.53°08'42"W., a distance of 108.39 feet; thence N.64°51'52"W., a distance of 72.10 feet; thence N.51°15'29"W., a distance of 71.24 feet; thence N.88°53'01"W., a distance of 64.72 feet; thence S.42°31'45"W., a distance of 48.99 feet; thence S.57°15'03"W., a distance of 43.67 feet; thence N.75°08'44"W., a distance of 93.01 feet; thence N.36°23'58"W., a distance of 51.93 feet; thence N.30°15'09"W., a distance of 120.41 feet; thence N.26°03'26"W., a distance of 83.03 feet; thence N.11°24'03"E., a distance of 191.05 feet; thence N.77°32'10"W., a distance of 49.33 feet; thence N.54°48'49"W., a distance of 53.50 feet; thence S.83°25'42"W., a distance of 39.97 feet; thence

N.77°03'04"W., a distance of 27.57 feet; thence N.76°42'11"W., a distance of 51.49 feet; thence S.09°58'45"W., a distance of 46.64 feet; thence S.17°32'46"W., a distance of 26.17 feet; thence N.55°40'30"W., a distance of 120.52 feet; thence S.34°19'30"W., a distance of 52.27 feet; thence S00°00'00"W, a distance of 86.03 feet; thence S.88°05'00"W., a distance of 286.50 feet to the aforementioned east line of Lorraine Road; the following 3 calls are along said east line of Lorraine Road; thence S.01°55'00"E., a distance of 791.84 feet to the point of curvature of a curve to the right having a radius of 10,560.00 feet and a central angle of 01°56'28"; thence southerly along the arc of said curve, an arc length of 357.76 feet to the point of tangency of said curve; thence S.00°01'28"W., a distance of 382.49 feet to the POINT OF BEGINNING.

Said tract contains 24.95 acres, more or less.

THE TRACT KNOWN AS THE CRICKET CLUB:

DESCRIPTION:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST; THENCE S89°58'32"E, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 3762.59 FT.; THENCE N00°01'28"E, PERPENDICULAR WITH SAID SOUTH LINE, A DISTANCE OF 801.79 FT. FOR A POINT OF BEGINNING; THENCE N00°00'00"E (NORTH), A DISTANCE OF 358.16 FT.; THENCE N85°08'24"E, 58.79 FT.; THENCE N54°54'36"E, 292.35 FT.; THENCE N90°00'00"E (EAST), 221.92 FT.; THENCE S00°00'00"E (SOUTH), 528.25 FT.; THENCE N85°00'17"W, A DISTANCE OF 48.76 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2303.68 FT.; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°44'23", A DISTANCE OF 472.02 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 5.52 ACRES MORE OR LESS.

The above tract contains in total 4,101.17 acres, more or less.

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

Section 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on this ~~7th~~ day of August, 2008. December 6, 2012.

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

BY: _____
John R. Chappie, Chairman

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

By: _____
Deputy Clerk

ATTACHMENTS #1 & #2

~~ARE IS~~ NOT ATTACHED BUT ~~ARE IS~~ ON FILE AT THE CLERK'S OFFICE
AS AN ATTACHMENTS TO THE PREVIOUSLY APPROVED PDMU-92-01(Z)(G)(R1)

1. Local Access Regulations
- ~~2. Revised General Development Plan~~

ATTACHMENT #2

- ~~2. Revise General Development Plan~~

LAND USE SCHEDULE

USE	ACRES	SQ. FT.	UNITS
RESIDENTIAL	1,444.2		3,941
REGIONAL COMMERCIAL	88.6	677,506 150 Hospital beds	
COMMUNITY COMMERCIAL	39.7	141,298	
HIGHWAY COMMERCIAL	28.0	250,000*	
BUSINESS	114.3	1,040,572	
RIGHT-OF-WAY	393.5		
RECREATION	348.4		
WETLANDS	674.3		
LAKES	688.2		
OPEN SPACE	282.0		
TOTAL	4,101.2	2,109,376 150 Hospital beds	3,941

*Includes 620 hotel rooms

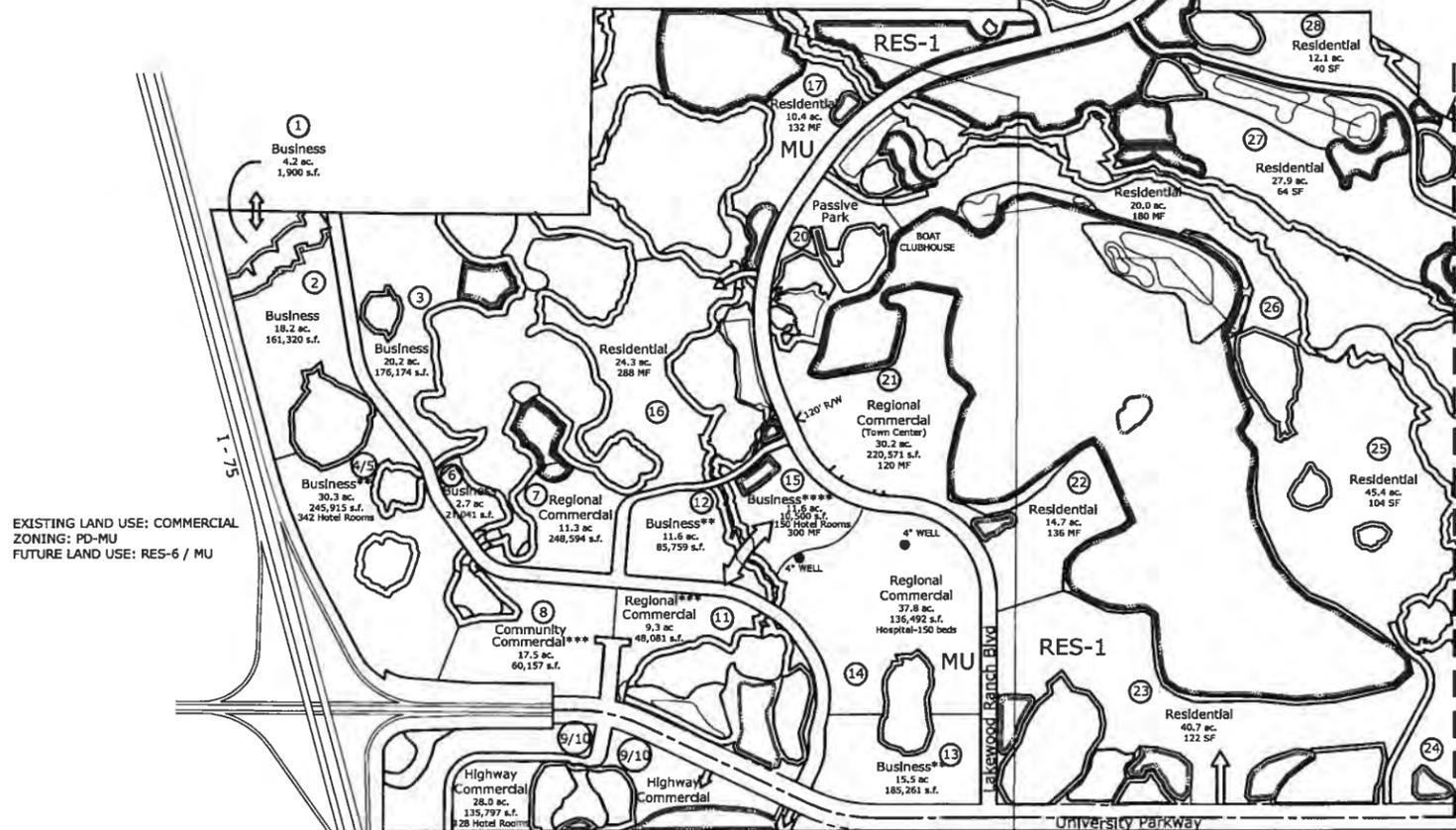
LEGEND

- TEMPERATE HARDWOODS
- LIVE OAKS
- STREAM & LAKE SWAMPS (T.B.R.P.C.)
- INLAND PONDS & SLOUGHS (T.B.R.P.C.)
- MIXED WETLAND HARDWOODS (T.B.R.P.C.)
- FRESHWATER MARSHES
- WET PRAIRIES
- WETLAND MITIGATION AREAS
- VEGETATED NON-FORESTED WETLANDS
- UPLAND PRESERVATION AREA
- LAKES
- EXISTING WATER WELLS

(T.B.R.P.C.) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS

EXISTING LAND USE: OFFICE / RESIDENTIAL
ZONING: PD-MU / PD-R
FUTURE LAND USE: RES-1 / UF-3

EXISTING LAND USE: RESIDENTIAL
ZONING: PD-MU
FUTURE LAND USE: UF-3



EXISTING LAND USE: COMMERCIAL
ZONING: PD-MU
FUTURE LAND USE: RES-6 / MU

EXISTING LAND USE: OFFICE / COMMERCIAL
ZONING: PCD / OUC
FUTURE LAND USE: MEC

- ** Permitted Commercial square footage may be allowed in these Business Parcels.
- *** Permitted Community, Highway and Regional Commercial square footage may be allowed in these Community Commercial Parcels.
- **** Permitted Commercial square footage and Multifamily Residential may be allowed in this Business Parcel.

GENERAL NOTES

- Permitted Uses of Tracts Shown**
 - Single-Family (SF)**
Single-family uses are primarily intended to be developed with single-family detached, and single-family semi-detached dwellings and related accessory uses. Also allowed are uses as permitted in the RSF District, except for the following:
Funeral Homes
Funeral Chapels
Cemeteries (Pet or Human)
The following community services uses:
Cultural Facilities
Emergency Shelters
Out-patient Treatment Facilities
Post Offices
Residential Treatment Facilities
Cluster Villages (CV)
Cluster villa tracts are primarily intended to be developed with single-family attached and single-family semi-detached dwellings and related accessory uses. Also allowed are uses as permitted in the RSF District, except those excluded from single-family tracts, cluster villas and residential resort units.
Cluster Villa shall mean a dwelling which is joined to another such unit in a group of two (2) but not more than nine (9) units by a common party wall, floor/ceiling and/or connecting permanent structure such as breezeway, carport, or garage, where the dwellings are located on adjoining lots, such as townhouses, or on a commonly owned lot such as condominiums or residential resort units.
Multifamily (MF)
As permitted in the RMF District, except those excluded from single-family, Multifamily tracts are primarily intended to be developed with multi-family dwellings and related accessory uses. Also allowed are uses tracts and residential resort units.
Residential Resort Units
Residential resort units (i.e., units which are leased for less than 28 consecutive days and/or time-share units) shall be permitted in CV and MF tracts, provided that they are planned and designed for such use, are segregated from adjacent residential by a 50' minimum landscape buffer and are not accessed (except for emergency vehicles) through single-family neighborhoods.
Business
Business tracts will primarily be developed with research and development, hotels, and uses as permitted in the PDO and LM Districts and related accessory uses. Uses which are not permitted are:
Animal Products Processing
Animal Rehabilitation Center
Animal Shelter/Boarding
Agricultural Products Processing Plants
Motor Vehicle Repair, Major
Heliport (Helistops are permitted)
Flea Markets, Enclosed or Open
Lumberyard
Outdoor Parking Ranges
Service Stations which primarily serve trucks ("truck stops")
Medium Intensity Recreational Use
Commercial (Community, Highway, and Regional) in MU Areas
Commercial tracts within the MU land use classification will be primarily developed with uses as permitted in the PDC District and related accessory uses, except the following:
Animal Rehabilitation Center
Animal Shelter/Boarding
Breeding Facility
Flea Markets, Enclosed or Open
Heliport (Helistops are permitted)
Game Preserve
Cemeteries (Pet or Human)
RV Parks
Service Stations which primarily serve trucks ("truck stops")
Medium Intensity Recreational Use
Commercial (Community) in RES-1 Area
Commercial Tracts within the RES-1 land use classification will primarily be developed with uses as permitted in the PDC District and related accessory uses, except the following:
Cemeteries (Pet or Human)
Service Stations which primarily serve trucks ("truck stops")
The Community Commercial parcel, located at the northeast corner of University Parkway and Lorraine may be developed in retail, office, and residential uses. Vertical and horizontal mixing of uses is permitted within structures.
Other Permitted Uses
Hospitals are permitted uses within Business or Commercial tracts in MU areas.
Interim Uses
Agricultural uses are permitted Interim uses as per Item 12 below.
- Minimum Lot Size, Setbacks and Heights**

Uses	Height Maximum (Ft.) ^a	Lot Width (Ft.) ^b	Front Setback (Ft.) ^c	Side Setback (Ft.)	Rear Setback (Ft.)	Minimum Lot Size (Sq.Ft.)
Single-Family Detached	35	45 ^c - 79	20/15 ^c / 7.5 ^d	6	15/5 ^f	4,500
Single-Family Detached	35	80 or greater	25/20 ^c / 7.5 ^d	8	15/5 ^f	8,000
Zero Lot Line (ZFL)	35	45	20/15 ^c	10 ^b	15	4,500
Single-Family Attached (Cluster Villages)	35	35/30 ^f	20/15 ^c	0/8	15/5 ^f	3,500/3,000 ^f
Single-Family Semi-Detached	35	35	20/15 ^c	0/8	15	3,500
Duplex	35	70	20/15 ^c	8	15	7,000
Multi-Family	4 stories ^g	-	20	10	25	8,000
Commercial	35	-	40	15	20	7,500
Office/Hotel	10 stories	-	40	15	20	7,500
Business	6 stories	-	30	15	20	7,500
School, Park, Recreation Center	35	-	25	15	15	N/A

^a Minimum lot width is 45 ft. measured at setback line.
^b Applies to one side (when one yard is measured at 0 feet the other yard must be ten feet), or end wall.
^c Front setback for lots with side entry garages.
^d Front setback for lots with side entry garages.
^e Section 702.5 of the Manatee County Land Development Code shall not apply to the maximum height of buildings within the University Lakes project. In instances where structures are proposed adjacent to 17.5' for each 1' foot of height over 35 feet, the setback from the 17.5' right-of-way shall be increased by 1 foot. Structures which are proposed to be located within 200 feet from the Project* boundary on sites which are adjacent to all-site residential zoning or uses shall be limited to four stories. Structures which are proposed to be located within 400 feet of I-75 cannot exceed six stories.
^f Five (5) stories allowed in Town Center parcel and Nine (9) stories allowed in Business Parcel 15. The structures on Business Parcel15 shall be in general compliance with the graphics provided at the public hearing on October 16, 2007 or October 25, 2011. Deviations not in general compliance with the elevations for Business Parcel 15 may be approved administratively provided the elevations are consistent with LDC Section 603.17.4.5, Building Height. If the applicant and staff are not in agreement on the revised elevations, the request shall go before the BOCC, at an advertised public hearing for a decision.
^g For units south of University Parkway, minimum lot width is 44 feet measured at setback line, however, in no instance shall flag lots be permitted.
- Special Town Center Setbacks/Parking**
For the purpose of this ordinance, the Town Center refers to that Regional Commercial tract so designated.
Allowable uses on this parcel include a Cultural Facility with a maximum building height of 100'.
Regardless of other provisions of this ordinance relating to the establishment of setbacks, there shall be a setback line for any building or structure on property abutting any of the streets within the Town Center. The special setback line shall be eight (8) feet from the edge of the existing right-of-way.
On-street parking and off-street parking will be permitted within the Town Center.
Corner Lots
The setback for the secondary front yard of corner lots shall be a minimum of fifteen (15) feet.
Where side yards are adjacent to rear yard of corner lots, the driveway on the adjacent lot (non-corner lot) shall be located on the opposite side of the lot from the corner lot.
Buffering/Screening
Buffering and screening shall be provided in accordance with Section 715 and 737 of the Land Development Code.
The addition is composed of a total of 5.6 acres of upland habitat preservation, of which 2.23 acres are within wetland and landscape buffers and 3.37 acres are strictly upland preservation.
Where residential uses abut Lorraine Road, the Developer shall provide a twenty (20) foot landscaped buffer immediately adjacent to the right-of-way. This buffer shall consist of a 3' high berm measured from the proposed finish grade of the road right-of-way, with trees and shrubs installed on the berm to create a 6-8' high hedge. The hedge will consist of suitable plant material (i.e. Wax Myrtle, Viburnum odorata, Ligustrum japonicum) planted from 11 gallon containers, measuring 5-6' overall height, placed on alternating 5-7' centers. This landscaped buffer shall be installed prior to the issuance of the First Certificate of Occupancy for a residential structure within the adjacent development area.
In those cases where there is existing vegetation that effectively meets this criteria, no additional planting will be required.
All landscaped buffers will be irrigated by an automatic irrigation system and maintained by SHR Communities, the Community Development District, or the appropriate homeowner association.
All development parcels adjacent to active agricultural uses at the time of final site plan approval shall provide a 35 ft setback as required by Section 702.6.7.
- Parking**
Except as permitted in notes #3 above, parking shall be provided in with Section 710 of the Manatee County Land Development Code.
- Project Access**
The alignment of all internal roadways and the location of all project access points is approximate. Exact alignments are subject to change pursuant to review by Manatee County during the site plan/subdivision review process.
- Drainage**
The developer has elected, pursuant to Subsection 380.06(5)(c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 in effect at the time that the Development Order for the University Lakes project is issued. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), Florida Statutes, affect the determination as to which laws, rules, or regulations are applicable to the University Lakes project, said determination shall apply.
Location and size of retention areas shown are conceptual and subject to refinement at the final site plan phase.
- Water and Wastewater Service**
Water and wastewater service will be provided by Manatee County.
- Development Mix**
Trade-offs in types and intensities/densities of approved land uses may be made as permitted in the Development Order and Zoning Ordinance.
- Wetlands**
Acres and location of environmental areas and mitigation areas are approximate and are subject to final determination by appropriate agencies.
Wetland buffers will be provided as required by Section 719, Land Development Code.
Mitigation will be as required by Section 719, Land Development Code.
- Agricultural Uses & Asphalt Plant**
Interim use of the site for agricultural uses shall be permitted prior to and during site development. The permitted asphalt plant and borrow pit operation may be continued to fulfill the obligations of the Special Permit.
- Signs**
On-site signs will be in accordance with Sections 724 and 737 of the Land Development Code and the Master Sign Plan for University Lakes.
- Trails**
Recreational trail corridors are conceptual and are subject to change based on detailed engineering design. Trails may be within road right-of-way.
- Permits**
Permits have not been surveyed and in accordance with the Land Development Code. Parcels are subject to future subdivision in compliance with the Land Development Code.
- General Information**

Total Acreage	4,101.2 ac.
Gross Residential Acreage	3,830.6 ac.
Total Dwelling Units	3,941
Gross Density	1.0 du./ac.
Net Residential Acreage	1,444.2 ac.
Net Density	2.7 du./ac.
Net Non-Residential Acreage	270.6 ac.
Net FAR	0.18
- The maximum number of units for each residential parcel may be increased provided there is a simultaneous decrease on another residential parcel and all dimensional standards can be met. This shall not authorize an overall increase in residential units for the Project. Such modification does not require the submittal or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan.
The maximum square footage for each non-residential parcel may be increased provided there is a simultaneous decrease on another non-residential parcel and all dimensional standards can be met. This shall not authorize an overall increase in square footage for the Project. Such modification does not require the submittal or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan.**

PDMU-92-01(G)(R14)
20120254(I)
University Lakes GDP and Zoning Ordinance

			CLIENT: SCHROEDER-MANATEE RANCH, INC PROJECT: UNIVERSITY LAKES	DATE: JULY 2012 HORIZONTAL SCALE: 1"=500' VERTICAL SCALE: 1"=50' SEC. TYP. AGE: CROSS REFERENCE FILE TEL:	TITLE: GENERAL DEVELOPMENT PLAN PROJECT NUMBER: 215610613 SHEET NUMBER: 1 of 3
DESIGNED BY: DRAWN BY: CHECKED BY: CONTRACT ADMIN. BY: VPM APPROVED BY:	INITIALS/DPW. NO. DATE	ACTIVITY DESIGNED BY: DRAWN BY: CHECKED BY: CONTRACT ADMIN. BY: VPM APPROVED BY:	DATE DRAWN BY / SW. NO. CHECKED BY / SW. NO.	2225 North 22nd Street • Tampa, Florida 33605 • Phone 813-233-2000 • Fax 813-233-0033 • Web Site www.wilsonmiller.com	REVISION

LAND USE SCHEDULE

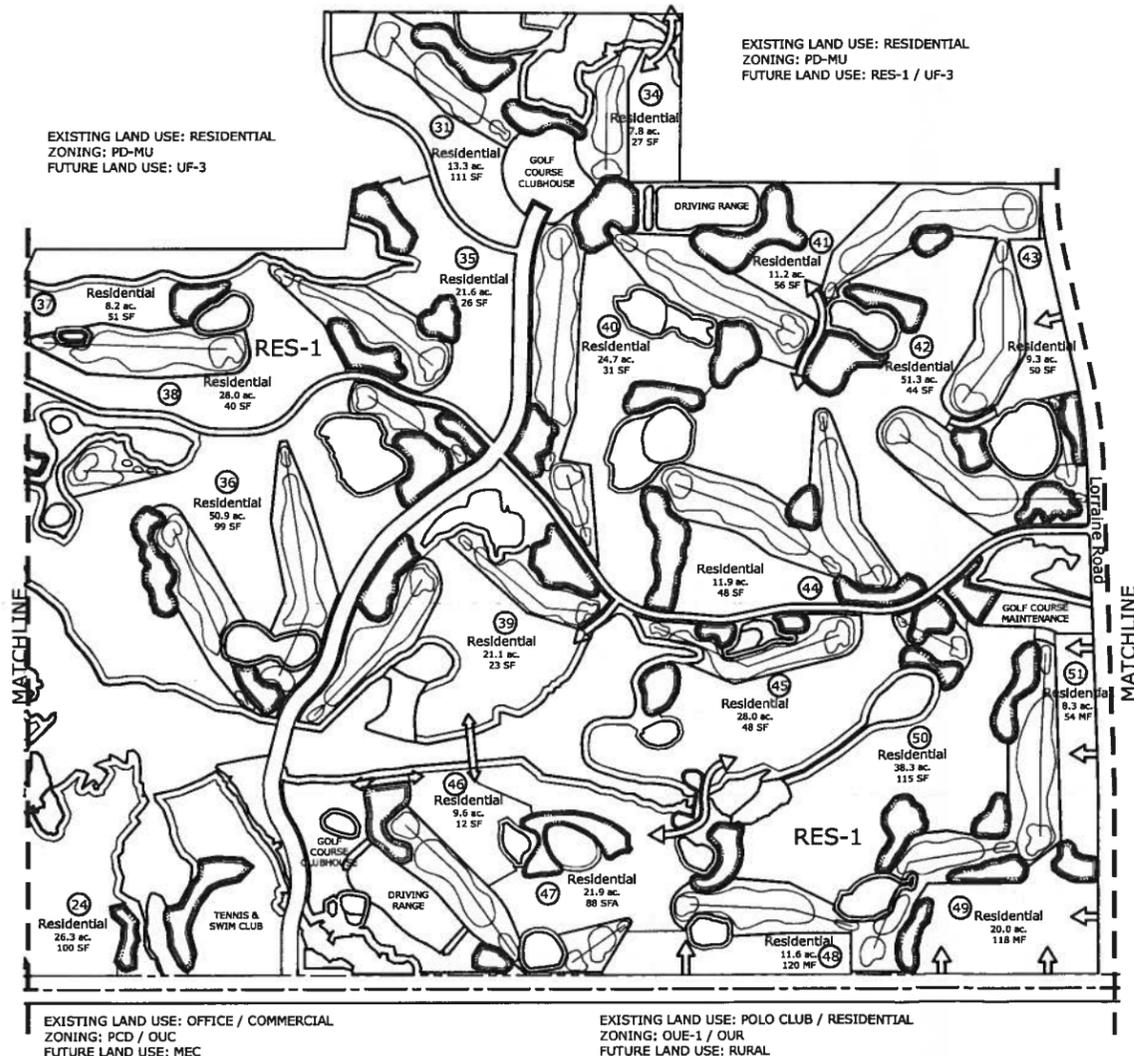
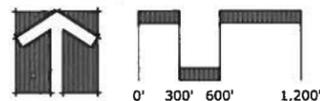
USE	ACRES	SQ. FT.	UNITS
RESIDENTIAL	1,444.2		3,941
REGIONAL COMMERCIAL	88.6	677,506 150 Hospital beds	
COMMUNITY COMMERCIAL	39.7	141,298	
HIGHWAY COMMERCIAL	28.0	250,000*	
BUSINESS	114.3	1,040,572	
RIGHT-OF-WAY	393.5		
RECREATION	348.4		
WETLANDS	674.3		
LAKES	688.2		
OPEN SPACE	282.0		
TOTAL	4,101.2	2,109,376 150 Hospital beds	3,941

*Includes 620 hotel rooms

LEGEND

- TEMPERATE HARDWOODS
- LIVE OAKS
- STREAM & LAKE SWAMPS (T.B.R.P.C.)
- INLAND PONDS & SLOUGHS (T.B.R.P.C.)
- MIXED WETLAND HARDWOODS (T.B.R.P.C.)
- FRESHWATER MARSHES
- WET PRAIRIES
- WETLAND MITIGATION AREAS
- VEGETATED NON-FORESTED WETLANDS
- UPLAND PRESERVATION AREA
- LAKES
- EXISTING WATER WELLS

(T.B.R.P.C.) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS



Adopted June 1, 1992 (Ord. PDMU-92-01(Z)(G))
 Amended October 28, 1993 (Ord. PDMU-92-01(Z)(G)(R1))
 Amended December 21, 1995 (Ord. PDMU-92-01(Z)(G)(R2))
 Amended October 28, 1997 (Ord. PDMU-92-01(Z)(G)(R3))
 Amended December 16, 1997 (Ord. PDMU-92-01(Z)(G)(R4))
 Amended October 27, 1998 (Ord. PDMU-92-01(Z)(G)(R5))
 Amended February 22, 2000 (Ord. PDMU-92-01(Z)(G)(R6))
 Amended October 23, 2001 (Ord. PDMU-92-01(Z)(G)(R7))
 Amended December 18, 2001 (Ord. PDMU-92-01(Z)(G)(R8))
 Amended August 26, 2003 (Ord. PDMU-92-01(Z)(G)(R9))
 Amendment October 19, 2004 (Ord. PDMU-92-01(Z)(G)(R10))
 Amendment October 16, 2007 (Ord. PDMU-92-01(Z)(G)(R11))
 Amendment August 20, 2008 (Ord. PDMU-92-01(Z)(G)(R12))
 Amendment October 25, 2011 (Ord. PDMU-92-01(Z)(G)(R13))
 Proposed Amendment Submitted July 2012

CLIENT: SCHROEDER-MANATEE RANCH, INC. PROJECT: UNIVERSITY LAKES		DATE: JULY 2012 HORIZONTAL SCALE: 1" = 500' VERTICAL SCALE:	TITLE: GENERAL DEVELOPMENT PLAN PROJECT NUMBER: 215610613 SHEET NUMBER: 2 of 3
WILSON MILLER Planners - Engineers - Ecologists - Surveyors - Landscape Architects - Transportation Consultants Wilson Miller, Inc. 2202 North 20th Street - Tampa, Florida 33605 - Phone 813-223-6000 - Fax 813-223-0008 - Web Site www.wilsonmiller.com		REVISIONS:	

LAND USE SCHEDULE

USE	ACRES	SQ. FT.	UNITS
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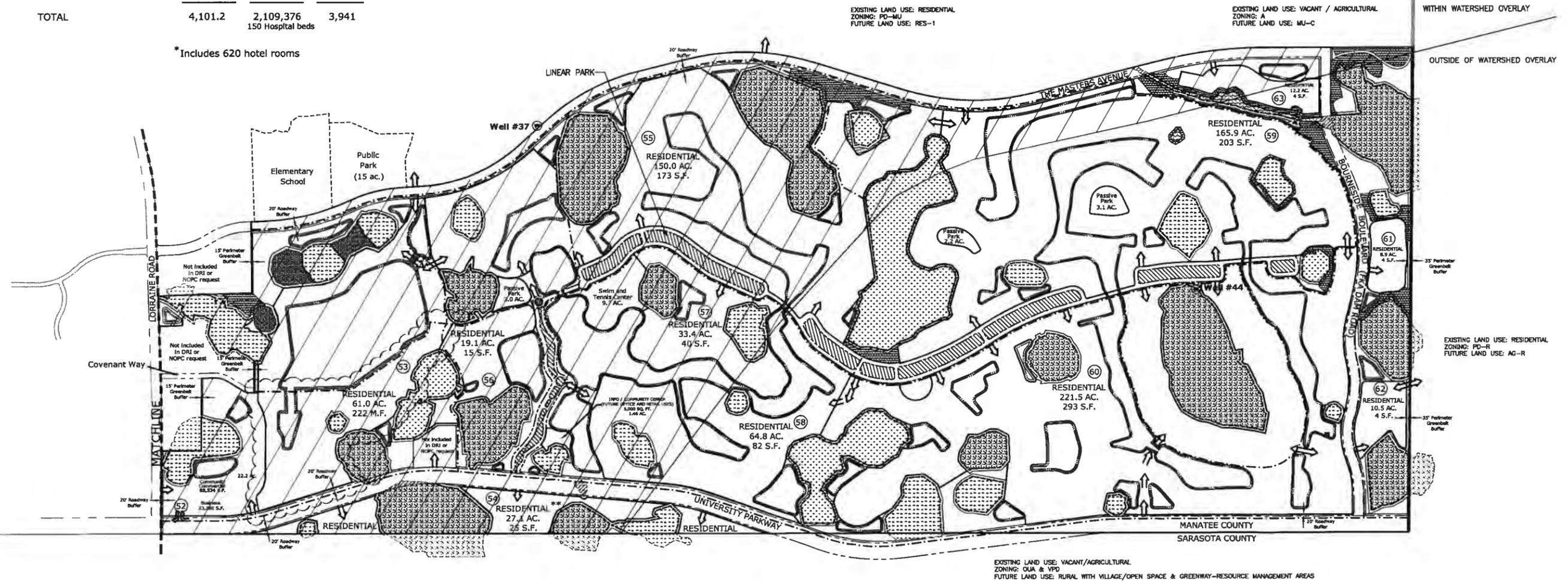
*Includes 620 hotel rooms

LEGEND

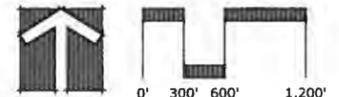
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- WET PRAIRIES
- WETLAND MITIGATION AREAS
- VEGETATED NON-FORESTED WETLANDS
- UPLAND PRESERVATION AREA
- PALMETTO PRAIRIE AREAS
- IMPROVED PASTURE
- LINEAR PARK
- WATERSHED OVERLAY
- FRESHWATER MARSHES TO BE IMPACTED BY DEVELOPMENT
- VEGETATED NON-FORESTED WETLANDS TO BE IMPACTED BY DEVELOPMENT
- LAKES
- EXISTING WATER WELLS
- CELL TOWER TO BE RELOCATED OUTSIDE THE PROJECT BOUNDARY
- RECREATIONAL TRAIL

(T.B.R.P.C.) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS

** SEE SHEET 1 OF 3 FOR DIMENSIONAL CRITERIA SPECIFIC TO THIS PARCEL. GREENBELT BUFFERS AND ROADWAY BUFFERS SHALL APPLY TO THIS PARCEL.



NOTE: ALL ROADS WILL BE TWO-WAY



REVISION	DATE	BY	CHKD BY	ACTIVITY	INITIALS	EMP. NO.	DATE	CLIENT:	DATE:	TITLE:	INDEX NUMBER:
				DESIGNED BY:				SCHROEDER-MANATEE RANCH, INC	JULY 2012	GENERAL DEVELOPMENT PLAN	
				DRAWN BY:				PROJECT:	HORIZONTAL SCALE:		
				CHECKED BY:				UNIVERSITY LAKES	1" = 600'		
				CONTRACT ADMIN. BY:					VERTICAL SCALE:		
				WM APPROVED BY:					1" = 10'		
<p>Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants Wilson Miller, Inc. 2205 North 25th Street • Tampa, Florida 33605 • Phone 813-233-9000 • Fax 813-233-0000 • Web-08a www.wilsonmiller.com</p>								CROSS REFERENCE FILE NO.: PROJECT NUMBER: 215610613 SHEET NUMBER: 3 of 3			

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	PA-12-05/Proposed Ordinance 12-36 – County Initiated Water Supply Facilities Work Plan	TYPE AGENDA ITEM	Advertised Public Hearing – Regular
DATE REQUESTED	11/08/12	DATE SUBMITTED/REVISED	10/31/12
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	Comprehensive Plan inconsistent with statutes; unable to process Plan Amendments.
DEPARTMENT/DIVISION	Building & Development Services Department/Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	Lisa Barrett, Planning Division Manager
CONTACT PERSON TELEPHONE/EXTENSION	Katie LaBarr, AICP, Principal Planner 748-4507, ext. 6828	PRESENTER/TITLE TELEPHONE/EXTENSION	Katie LaBarr, AICP, Principal Planner 748-4501, ext. 6828
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
I move to recommend Transmittal of PA-12-05/Ordinance 12-36 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. Chapter 163, Florida Statutes.

BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • The Water Supply Facilities Work Plan was adopted by reference into the Comprehensive Plan in May, 2008 following the approval of the Southwest Florida Water Management District (SWFWMD) Regional Water Supply Plan (RWSP) approval in 2006. • The SWFWMD updates the RWSP every five years. The most recent update was approved on July 26, 2011. In order to meet water supply and water facilities planning requirements, the Comprehensive Plan must address 6 criteria that are outlined in the staff report. • The purpose of this Comprehensive Plan Text Amendment is to adopt the Water Supply Facilities Work Plan by reference into the Technical Support Document of the Comprehensive Plan and update applicable policies to be consistent with the newly adopted plan. • Staff recommends approval.

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	

COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

P.C. 11/08/12

PA-12-05 (PROPOSED ORDINANCE 12-36)
COUNTY INITIATED
WATER SUPPLY FACILITIES WORK PLAN

Transmittal of a Plan Amendment of Manatee County, Florida amending Ordinance 89-01, as amended, (The Manatee County Comprehensive Plan), providing a text amendment to the Comprehensive Plan to amend and update references to the Water Supply Facilities Work Plan, providing for severability; and providing an effective date.

P.C.: 11/08/12

B.O.C.C.: 12/06/12

Type of Amendment: Text

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the Public Hearing, the technical support documents, and finding the request to be CONSISTENT with the provisions Chapter 163, Part II, Florida Statutes, and the Manatee County Comprehensive Plan, I move to recommend TRANSMITTAL of Plan Amendment PA-12-05.

PLAN AMENDMENT SUMMARY SHEET

Name: Water Supply Facilities Work Plan

Applicant: County Initiated

Case Numbers: PA-12-05
Proposed Ordinance 12-36

Request: Adoption of a Plan Amendment of Manatee County, Florida amending Ordinance 89-01, as amended, (The Manatee County Comprehensive Plan), providing a text amendment to the Comprehensive Plan to amend and update references to the Water Supply Facilities Work Plan.

Recommendation: Approval

Summary/Background

Recognizing the importance of adequate water supplies to Florida's future, the Florida Legislature has established a process for water supply planning through Florida's Community Planning Act Water Resources Act. The state's water management districts must periodically evaluate whether adequate water supplies exist to meet the needs of their areas. If a district finds that the water supply will not be adequate, it must prepare a regional water supply plan, identifying alternative ways in which water supply needs can be met for the next 20 years. Local governments that fall within an area subject to a regional water supply plan are required to amend their comprehensive plan to adopt a water supply plan covering at least a ten-year period. The water supply plan includes a work plan and addresses the water supply sources and facilities necessary to meet existing and projected water use needs, considering the applicable regional water supply plan.

In May, 2008, the Board of County Commissioners adopted a 10-year Water Supply Facilities Work Plan following approval of the Southwest Florida Water Management District (SWFWMD) Regional Water Supply Plan (RWSP) approval in December, 2006.

The SWFWMD updates the RWSP every five years. The most recent update was approved on July 26, 2011. Section 163.3177(6)(c), F.S., requires local governments to adopt a 10-year Water Supply Facilities Work Plan into its comprehensive plan within 18 months of approval of the RWSP. The deadline to meet this requirement is January 26, 2013. The Board of County Commissioners adopted the Water Supply Facilities Work Plan on September 11, 2012.

In order to meet water supply and water facilities planning requirements, the Comprehensive Plan must address the following:

1. Coordinate appropriate aspects of the comprehensive plan with the appropriate water management district's regional water supply plan. [Section 163.3177(4)(a), Florida Statutes.]
2. Revise the Potable Water Sub-Element to adopt a water supply facilities work plan covering at least a 10-year planning period to meet existing and projected demand. The work plan should address those water supply facilities for which the local government has responsibility and include the facilities needed to develop alternative water supplies. The work plan should also identify conservation and reuse measures to meet future needs. [Section 163.3177(6)(c), Florida Statutes.]
3. Revise the Conservation Element to assess current and projected water needs and sources for at least a 10-year planning period. The analysis must consider the existing levels of water conservation, use, and protection and the applicable policies of the water management district, and the district's approved regional water supply plan. [Section 163.3177(6)(d)3, Florida Statutes.]
4. Revise the Capital Improvements Element to identify capital improvements projects to be implemented in the first 5 years of the work plan for which the local government is responsible, including both publicly and privately funded water supply projects necessary to achieve and maintain adopted level of service standards; and adopt a five-year schedule of capital improvements to include those projects as either funded or unfunded, and if unfunded, assigned a level of priority for funding. [163.3177(3)(a)4, Florida Statutes.]
5. Revise the Intergovernmental Coordination Element to adopt principles and guidelines to be used to coordinate the comprehensive plan with SWFWMD and with the applicable regional water supply plan. [163.3177(6)(h)1, Florida Statutes.]
6. During the Evaluation and Appraisal review, determine if comprehensive plan amendments are necessary to reflect statutory changes related to water supply and facilities planning since the last update to the comprehensive plan. If necessary, transmit the amendments to incorporate the statutory changes as appropriate. [Section 163.3191(1) and (2), Florida Statutes.]

This Comprehensive Plan Text Amendment is intended to adopt the Water Supply Facilities Work Plan by reference into the Technical Support Document of the Comprehensive Plan and update applicable policies to be consistent with the newly adopted plan.

RECOMMENDATIONS:

Staff recommends adoption of the text amendments as shown in strikethrough and underline format, and the adoption of the 2012 Manatee County Water Supply Facilities Work Plan by reference.

INTRODUCTION: SECTION C - PLAN FORMAT AND ADMINISTRATION

Comment:

No amendments to the Goals, Objectives and Policies of the Introduction: Section C – Plan Format and Administration are proposed as the element already meets the intent of the new state legislation (§163.3177(6)(a), F.S.). The following Policies are provided for reference only. No changes are proposed.

C.2.3.3 Requirements for Amending the Comprehensive Plan.

In addition to the requirements contained in § 163.3184, F.S. and Section §163.3187, F.S., the Board of County Commissioners shall amend this Comprehensive Plan only:

- * after receiving a recommendation on the proposed amendment from the Local Planning Agency, pursuant to § 163.3174(1), F.S.
- * upon finding that the goal, objective, policy, or map sought to be amended is no longer in the best interest of the public.
- * Upon finding that the map amendment sought is compatible with the development trends in the area of consideration and that the proposed change is compatible with surrounding uses and densities/intensities of development.

Furthermore, all small-scale and other map amendments may be approved by the Board of County Commissioners only where the ordinance amending the Comprehensive Plan incorporates language limiting the development of the subject area or property to that consistent with all other goals, objectives, and policies including the requirements (objectives) for concurrent provision of adequate public facilities.

Where a small-scale or other map amendment which would establish the potential for an increased public facility impact is requested in an area subject to one or more public facility deficiencies, and is requested on a site that may be reasonably expected to further impact the deficient public facility, irrespective of the protection established by the level of service review process contained in this Comprehensive Plan, the Board of County Commissioners may approve the requested amendment only if:

- * the applicant enters into a local government development agreement with Manatee County to ensure the resolution of any current public facility deficiency, or
- * the adopted Capital Improvements Element's capital project listing identifies improvements that are sufficient to address the current deficiency, and address any increased demand for public facilities associated with the proposed amendment.

This limitation is intended to avoid the authorization, through the map amendment process, of the potential for increased public facility impacts, when a means of addressing an adverse impact on public facilities is not available within the short-term planning time frame.

FUTURE LAND USE ELEMENT

Comment:

No amendments to the policy are proposed. It is shown for informational purposes only.

Policy: 2.4.1.5

A certificate for potable water level of service will only be issued if the long term population projections and the permitted potable water capacity indicate that sufficient supplies are available during the County's water use permit period.

A certificate for sanitary sewer level of service will only be issued if the permitted sanitary sewer rated treatment capacities are available.

Implementation Mechanism:

- a) Amend land development regulations developed pursuant to Section 163.3202 of the Florida Statutes, to be consistent with this policy.
- b) Continual monitoring / updating of the water and sanitary sewer reservations, average daily use, treatment and permitted capacities.
- c) Continue to provide annual updates to the Board of County Commissioners during the CIP / Growth Management Workshop regarding water resources and sanitary sewer treatment, capacity, and reservations.

CONSERVATION ELEMENT

Comment:

No substantive amendments to the policy are proposed as the element already meets the intent of state legislation (§163.3177(6)(d)3, F.S.). Staff recommends revising the department name only.

Policy 3.2.2.7

Review all proposed development applications to assess projected water needs and sources, to ensure adequate supply for a 10-year planning period.

Implementation Mechanism:

- (a) Utility Operations~~Utilities~~, Planning~~Building~~ and Development Services, and Public

Works Departments to coordinate water supply facilities planning, considering the Southwest Florida Regional Water Supply Plan, and Manatee County Water Supply Facilities Work Plan.

WATER SUPPLY SUB ELEMENT

Comment: The entire text of the Water Supply Sub element is shown for reference.

GOAL: 9.5 **Ensure Adequate Supply, Treatment, And Delivery of Potable Water For All Retail And Wholesale Customers of Manatee County.**

Objective: 9.5.1 **Level of Service Standards:** Maintain the following level of service standards to minimize urban sprawl, maximize the use of existing facilities, plan capital improvements, and to review development applications.

Policy: 9.5.1.1 Adopt an infrastructure standard providing for an average daily flow of 110 gallons of potable water per capita per day of total population served to be distributed as follows

- 65 gpcpd for all residential users;
- 30 gpcpd for all business, industrial and institutional users;
- 15 gpcpd for all miscellaneous and unaccounted uses.

Policy: 9.5.1.2 Maintain treatment capacity at the Lake Manatee Treatment Plant of at least 84 million gallons per day to meet the demands of all wholesale and retail customers through 202022.

Comment: The year is extended to 2022 to include a 10-year planning horizon.

Objective: 9.5.2 **Potable Water Reservoir:** Preserve the Manatee River Reservoir as a long-term source of potable water.

Policy: 9.5.2.1 Continue to develop economically feasible water conservation techniques to preserve the Lake Manatee Reservoir and to minimize competition between agricultural, commercial, and residential users of surface water resources.

Implementation Mechanism:

- (a) Manatee County Utilities implementation of water conservation plans and programs consistent with Objective 3.2.1.

Policy: 9.5.2.2 Continue the program of public acquisition of sensitive lands within the Lake Manatee Watershed Overlay (WO).

Implementation Mechanism(s):

- (a) Manatee County Utilities investment in the Lake Manatee impoundment area as the primary source of potable water for Manatee County.
- (b) Land acquisition strategy in the Lake Manatee WO District to protect water quality.

Objective: 9.5.3 Manatee County will adopt and maintain a Water Supply Facilities Work Plan for a least a ten (10) year planning period addressing water supply facilities necessary to serve existing and future development within the County's water service area.

Policy: 9.5.3.1 *The Manatee County Water Supply Facilities Work Plan, dated ~~May, 2008~~ September 11, 2012, prepared by ~~McKim & Creed~~ Carollo for Manatee County is hereby adopted into the Comprehensive Plan by reference.*

Comment: The language is updated to reflect the revised Water Supply Facilities Work Plan prepared by Carollo and adopted by the BOCC on 9/11/12.

Policy: 9.5.3.2 Manatee County will coordinate with the Southwest Florida Water Management District and the Peace River/Manasota Regional Water Supply Authority to update the Water Supply Facilities Work plan every five years, and within eighteen months of the

approval of the updated Water Management District's Regional Supply Plan.

Policy: 9.5.3.3 The ten-year capital projects list contained in ~~this element~~ the Water Supply Facilities Work Plan identifies the capital improvements necessary to address existing deficiencies and new growth needs in potable water facilities and will be updated consistent with Objective 10.1.6.

Comment: Language revised to correctly identify location of ten-year capital projects list for water supply projects.

Policy: 9.5.3.4 The Water Supply Facilities Work Plan shall **implement and maintain** the potable water level-of-service standards established in Policies 9.5.1.1 and 2.4.1.5.

Policy: 9.5.3.5 When Updating the Water Supply Facilities Work Plan, the County will seek alternative sources of water, as well as conservation and reuse programs in order to meet projected demand increases.

Policy: 9.5.3.6 The Water Supply Facilities Work Plan will be used to prioritize and coordinate the expansion and upgrade of facilities used to withdraw, transmit, treat, store, and distribute potable water to meet future needs.

Implementation Mechanism(s):

(a) Preparation of an annual capital improvements program and operating budget consistent with potable water needs.

(b) Coordination between the Financial Management, Planning Building and Development Services, ~~Utilities Operations~~, and Public Works Departments to ensure implementation.

Objective: 9.5.4 **Wellfields and Alternative Emergency Sources:** Maintain self-sufficiency and redundancy in potable water supplies and water treatment capacity.

Policy: 9.5.4.1 Protect the Duette Park and other alternative potable water wellfields or other viable and redundant water sources to maintain reserve emergency capacity to meet 75% of projected average daily demand.

Implementation Mechanism(s):

- (a) Manatee County Utilities acquiring or leasing additional property, as needed to implement this policy, in eastern Manatee County suitable for accessing groundwater supplies consistent with this policy, and the development of wellfields, and transmission capacity from that property.
- (b) Utilities Department coordination with the Peace River/Manasota Regional Water Supply Authority.

Policy: 9.5.4.2

Continue to investigate, as necessary, other potential surface and groundwater supply sources and recharge/recovery technologies to provide for the greatest number of financially-feasible water supply options.

Implementation Mechanism(s):

- (a) Continued study, as necessary, by the Manatee County Utilities Department of alternative water supplies.
- (b) Continue membership and participation in the Peace River/Manasota Regional Water Supply Authority.
- (c) Continue Manatee County's voluntary participation in the cooperative water supply planning effort known as the Water Planning Alliance.

Policy: 9.5.4.3

Develop and maintain sufficient reserve treatment capacity for both ground- and surface-water supplies to guarantee the capability of Manatee County to provide treated water in amounts required to meet projected 202022 demand.

Comment: The year is extended to 2022 to include a 10-year planning horizon.

Implementation Mechanism:

- (a) Capital expenditures by the Manatee County Utilities Department to achieve compliance with this policy.

Policy: 9.5.4.4 Provide water to the beach communities of Anna Maria, Holmes Beach, Bradenton Beach, and Longboat Key and the jurisdictions of Palmetto and Sarasota County on a wholesale or retail basis consistent with valid interlocal or franchise agreements as may be amended and subject to approval by the Board of County Commissioners.

Policy: 9.5.4.5 Protect all public supply wells from incompatible uses.
(See Objective 2.6.1 and associated policies)

Implementation Mechanism(s):

- (a) Public supply potable water wells to be mapped on the Future Land Use Map.
- (b) Inclusion of policies for the siting of development near public supply wells in the Land Development Code consistent with this policy.

Objective: 9.5.5 **Potable Water Distribution:** Construct a potable water distribution system based on the potable water distribution plan to meet projected need for water storage tanks and distribution mains, capable of meeting fire flow performance standards in areas where potable water is used for fire protection, and capable of providing back up distribution systems to address failure of major system components.

Policy: 9.5.5.1 Maintain a computerized water distribution model based on population projections from the Planning Building and Development Services Department to determine future demand for potable water.

Policy: 9.5.5.2 Develop major water distribution mains with diameters of sixteen (16) inches or greater and storage facilities throughout the retail service area to balance fluctuation in water demand, safeguard supply in case of plant or water main breakdown, and to maintain required fire flow.

Objective: 9.5.6 **Recurrent and Retrofit Capital Costs:** Establish fair and equitable cost recovery methods for capital and operating expenditures associated with the public potable water system.

Policy: 9.5.6.1 Require the extension of local water distribution lines into existing developed areas be funded through line extension service charges or special assessments on properties benefitting from such extension whenever such improvements are determined by Manatee County to be financially-feasible. These charges or assessments shall be established as needed to recover public costs within a reasonable time frame.

Implementation Mechanism:

- (a) Manatee County Utilities, Public Works, and Financial Management Departments recommendations to the Board of County Commissioners on financing of retrofit projects.

Policy: 9.5.6.2 Utilize a peak factor of 1.5 for retail customers, and 1.25 for wholesale customers, which shall be multiplied times the average daily flow to determine the required treatment capacity for Manatee County's potable water system.

Policy: 9.5.6.3 Assess a fair share of recurrent operating, maintenance, and renewal and replacement costs associated with the potable water supply, treatment, and distribution system through recurrent user charges.

Implementation Mechanism:

- (a) Utilities Department and ~~Financial Management Department~~ collection of adequate and appropriate fees from the potable water customer base to offset operation and maintenance costs.

Policy: 9.5.6.4 Annually designate a portion of the operational and capital improvements budgets to be used for the identification and correction of existing deficiencies in the potable water distribution network.

Implementation Mechanism:

- (a) Capital and operating expenditures by the Utilities Department to identify and correct existing deficiencies.

GOAL: 9.6 **New Development to Provide Infrastructure to Connect to the Manatee County Potable Water**

System and to Conserve Potable Water Supplies Through Available Technologies.

Objective: 9.6.1 **Development Requirements:** Require that new development provide adequate potable water and fire flow capacity and that potable water conservation is practiced to conserve water supplies for future residents.

Policy: 9.6.1.1 Require new development within the potable water service area to connect to the County potable water system, including installation of any necessary off-site transmission lines.

Implementation Mechanism(s):

(a) Utilities, ~~and Planning~~ Building and Development Services, and ~~Building~~ Departments coordination to ensure policy compliance.

Policy: 9.6.1.2 Issue a Certificate of Level of Service Compliance for potable water only where compliance with Policy 9.5.1.1 and all of the policies under Objective 9.6.1 are achieved.

Implementation Mechanism:

(a) Manatee County ~~Planning~~ Building and Development Services Department and Fire District review, and conditioning as necessary, of proposed developments during review for issuance of a Certificate of Level of Service Compliance.

Policy: 9.6.1.3 Prohibit the use of potable water for landscape irrigation in new development (see Policy 3.2.3.2).

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

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

Residential Land Uses:

- Up to and including 3 du/ga requires 750 gallons per minute (gpm) or if each dwelling

unit is to be provided with a residential fire sprinkler system require 400 gallons per minute (gpm)

- 3+ to 6 du/ga requires 1,000 gallons per minute (gpm) or if each dwelling unit is to be provided with a residential fire sprinkler system, require 500 gallons per minute (gpm).
- 6+ to 9du/ga requires 1,500 gallons per minute (gpm) or if each dwelling unit is to be provided with a residential fire sprinkler system require 500 gallons per minute (gpm).
- 9+ du/ga requires 2,000 gallons per minute (gpm) or if each dwelling unit is to be provided with a residential fire sprinkler system require 1,000 gallons per minute (gpm).
- Where no potable water supply and distribution system exists, compliance with NFPA Standard 1231, Standards for Water Supplies for Suburban and Rural Firefighting apply, provided however, that an individual single family dwelling unit on an unplatted parcel of land of one acre or more is exempt from these provisions.

Nonresidential Land Uses:

- Nonresidential development less than or equal to 10,000 square feet may opt to calculate their specific fire flow by allocating one (1) gallon per minute fire flow per ten (10) square feet of floor area provided, however, that under no circumstances shall the minimum fire flow be less than seven hundred and fifty (750) gallons per minute.
- Nonresidential development over 10,000 square feet requires a minimum of 2,000 gallons per minute (gpm) unless the development is provided with a fire sprinkler system, in which case the requirement may be reduced to 1,000 gallons per minute (gpm) upon the approval of the fire district.
- Industrial or high-hazard uses may require

flows in excess of 2,000 gpm or may be appropriately reduced in cases where a fire sprinkler system is installed, as approved by the fire district.

Implementation Mechanism:

- (a) Planning Building and Development Services Department coordination with individual fire districts to ensure policy compliance.

Comment: The above policy was recently removed from the Comprehensive Plan (PA-12-04/ORD 12-25). It will be deleted from this staff report when the amendment becomes effective (November, 2012).

Policy: 9.6.1.5 Require new development to coordinate with the appropriate fire district prior to final development approval.

Implementation Mechanism:

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

Objective: 9.6.2 **Growth-Induced Capital Costs:** New growth assessed a fair share of capital costs associated with the County's potable water system.

Policy: 9.6.2.1 Continue to require that new growth pay its full share of needed capital facilities, through payment of facility investment fees (or other such fees) to fund necessary expansion of water supply, treatment, storage, and major distribution systems associated with this growth. This requirement will also apply to any increases in wholesale customer commitments.

Implementation Mechanism:

- (a) Wholesale and retail facility investment fees, or other fees, assessed by Manatee County in a manner consistent with this policy for application directly to costs of capital facility expansions, or for coverage of associated debt service.

Policy 9.6.2.2 Require that new development pay for the full cost of installation of all water distribution system components which are needed on and off the development site to effectuate potable water service to the site to meet adopted level of service standards.

Implementation Mechanism:

- (a) Land development agreements consistent with state and local regulations or other public-private agreements implementing this policy.

Policy: 9.6.2.3 Require new development to oversize the water distribution system where needed to efficiently distribute potable water to development. Where a development is required to oversize any component of the water distribution system for purposes of increasing system capacity to greater than that required by the proposed project, Manatee County shall pay for the cost of additional materials necessary for oversizing. Manatee County shall not pay for labor costs associated with installation of the oversized distribution system, unless substantial differences in pipe diameters (or other infrastructure parameters) cause a significant increase in labor costs.

Implementation Mechanism:

- (a) Land development agreements pursuant to state and local regulations or other public-private agreements implementing this policy.

CAPITAL IMPROVEMENT ELEMENT

Comment:

No amendments to the Goals, Objectives and Policies of the Capital Improvement Element (CIE) are proposed as the element already meets the intent of the state legislation. The following Goal and Policies are provided for reference only. No changes are proposed.

GOAL 10.1 Adequate Public Facilities as Determined by Adopted Level of Service (LOS) Standards.

Policy 10.1.2.6 Consider capital improvement project commitments by the Southwest Florida Water Management District and by State agencies/departments in prioritizing locally funded improvements

to complement these improvements where appropriate and to avoid duplication.

Policy 10.1.2.7 Achieve compliance with the following referenced policies (adopted level of service standards) by the expenditure of capital project funding on projects designed to achieve and maintain these standards:

- (a) Traffic Circulation: Refer to Table 5-1. Manatee County Peak Hour Level of Service Standards, and Policies 5.1.2.1, 5.1.2.2, 5.1.2.3, 5.1.2.4, and 5.1.2.5, and 5.1.2.6.
- (b) Transit: Refer to Policies 5.6.1.1, 5.6.1.2, 5.6.1.3, 5.6.1.4, 5.6.2.1, 5.6.2.2, 5.6.2.3, and 5.6.2.4.
- (c) Parks: Refer to Table 8-1. Park Facility Infrastructure Standards and Objective 8.1.1 and associated policies, and Policy 8.1.2.4.
- (d) Wastewater Treatment: Refer to Policies 9.1.1.1, 9.1.1.2, and 9.1.3.1.
- (e) Solid Waste: Refer to Policies 9.3.1.1 and 9.3.1.2.
- (f) Drainage: Refer to Policies 9.4.1.1, 9.4.1.2, 9.4.1.3, 9.4.1.4, and 9.4.1.5.
- (g) Potable Water: Refer to Policies 9.5.1.1, 9.5.1.2, 9.5.5.2, and 9.6.1.4.

Objective: 10.1.6

Capital Improvements Program and Funding: Programming and funding of capital projects consistent with the Goals, Objectives, and Policies of the Comprehensive Plan and the Future Land Use Map, to maintain adopted Level of Service Standards, and to meet other public facility needs not dictated by Level of Service Standards.

Attachments:

1. Statutory Requirements for Water Supply Facilities Work Plan
2. Consistency with State Comprehensive Plan
3. Consistency with Florida Statutes
4. Copy of Newspaper Advertising
5. 2012 Water Supply Facilities Work Plan

ATTACHMENT #1

STATUTORY REQUIREMENTS FOR WATER SUPPLY FACILITIES PLAN			
	Requirement	Statute	
		Location in Comprehensive Plan	
1	Coordinate aspects of comprehensive plan with regional water supply plan	s. 163.3177(4)(a), F.S.	
2	Revise the Potable Water Sub-Element to adopt a water supply facilities work plan covering at least a 10-year planning period to meet existing and projected demand. The work plan should address those water supply facilities for which the local government has responsibility and include the facilities needed to develop alternative water supplies. The work plan should also identify conservation and reuse measures to meet future needs.	Section 163.3177(6)(c), Florida Statutes.	Obj. 9.5.3 Policy 9.5.3.4, 9.5.3.5, 9.5.4.2, 9.5.4.3
3	Revise the Conservation Element to assess current and projected water needs and sources for at least a 10-year planning period. The analysis must consider the existing levels of water conservation, use, and protection and the applicable policies of the water management district, and the district's approved regional water supply plan. In the absence of an approved regional water supply plan, the analysis must consider the district's approved water management plan.	Section 163.3177(6)(d)3, Florida Statutes.	Policy 3.2.2.7
4	Revise the Capital Improvements Element to identify capital improvements projects to be implemented in the first 5 years of the work plan for which the local government is responsible, including both publicly and privately funded water supply projects necessary to achieve and maintain adopted level of service standards; and adopt a five-year schedule of capital improvements to include those projects as either funded or unfunded, and if unfunded, assigned a level of priority for funding.	163.3177(3)(a)4, Florida Statutes	10.1.6, 9.5.3.3,

5	<p>Revise the Intergovernmental Coordination Element to adopt principles and guidelines to be used to coordinate the comprehensive plan with the regional water supply authority (if applicable) and with the applicable regional water supply plan.</p>	163.3177(6)(h) ¹ , Florida Statutes	Policy 11.1.8.3
6	<p>During the Evaluation and Appraisal review, determine if comprehensive plan amendments are necessary to reflect statutory changes related to water supply and facilities planning since the last update to the comprehensive plan. If necessary, transmit the amendments to incorporate the statutory changes as appropriate.</p>	Section 163.3191(1) and (2), Florida Statutes	N/A

ATTACHMENT #2

CONSISTENCY OF THE LOCAL COMPREHENSIVE
PLAN AMENDMENT WITH THE STATE
COMPREHENSIVE PLAN

PA-12-05(Manatee County Ordinance 12-36)

The proposed amendment is consistent with
Florida Statutes 163 Part II

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

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

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

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

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

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

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

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

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

Chapter 187.201(7)(a)
187.201 (7)(b)3
187.201 (7) (b)9
187.201 (7) (b)10
187.201 (17) (b)4

ATTACHMENT #3

CONSISTENCY OF THE LOCAL COMPREHENSIVE
PLAN AMENDMENT WITH FLORIDA STATUTES

Section 163.3184, Florida Statutes, Process for Adoption of Comprehensive Plan or Amendment states that "in compliance" means consistent with the requirements of Sections 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, Florida Statutes.

Section 163.3177 Required and Optional Elements of Comprehensive Plan; Studies and Surveys

This plan amendment request does not affect the structural elements of the Comprehensive Plan.

Section 163.3178 Coastal Management

This plan amendment does not affect the structural elements of the Coastal Management Element of the Comprehensive Plan.

Section 163.3180 Concurrency

A level of service analysis is not necessary for this plan amendment as it is a text amendment to the Comprehensive Plan.

Section 163.3191 Evaluation and Appraisal of Comprehensive Plan

The Comprehensive Plan has been found to be in compliance, and this plan amendment request maintains the structure of the Comprehensive Plan. This plan amendment is being processed in compliance with the 2002, 2004, and 2005 Florida Legislature requirements to strengthen the coordination of water supply planning and local land use planning.

Section 163.3245 Optional Sector Plans

There are no sector plans established at this time.

NOTICE OF LAND USE CHANGE

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

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

Date: Thursday, November 8, 2012
Time: 9:00 A.M. or soon thereafter
Place: Manatee County Government Administrative Center
1112 Manatee Ave. West; Board Chambers (1st Floor)

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

PA-12-05 (PROPOSED ORDINANCE 12-36) COUNTY INITIATED WATER SUPPLY FACILITIES WORK PLAN

Transmittal of a Plan Amendment of Manatee County, Florida amending Ordinance 89-01, as amended, (The Manatee County Comprehensive Plan), providing a text amendment to the Comprehensive Plan to amend and update references to the Water Supply Facilities Work Plan, providing for severability; and providing an effective date.

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

Rules of Procedure for this public hearing are in effect pursuant to Resolution 10-195. Copies of this Resolution may be obtained from the Planning Department (See address below).

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

All written comments will be entered into the record.

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

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

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

Copy of Newspaper Advertising

Bradenton Herald

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048182

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 – Regular
DATE REQUESTED	11/08/12 PC	DATE SUBMITTED/REVISED	10/31/12
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 Division Manager
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 recommend approval of PDR-12-03(Z)(G) per the recommended motion in the staff report attached to this memo.

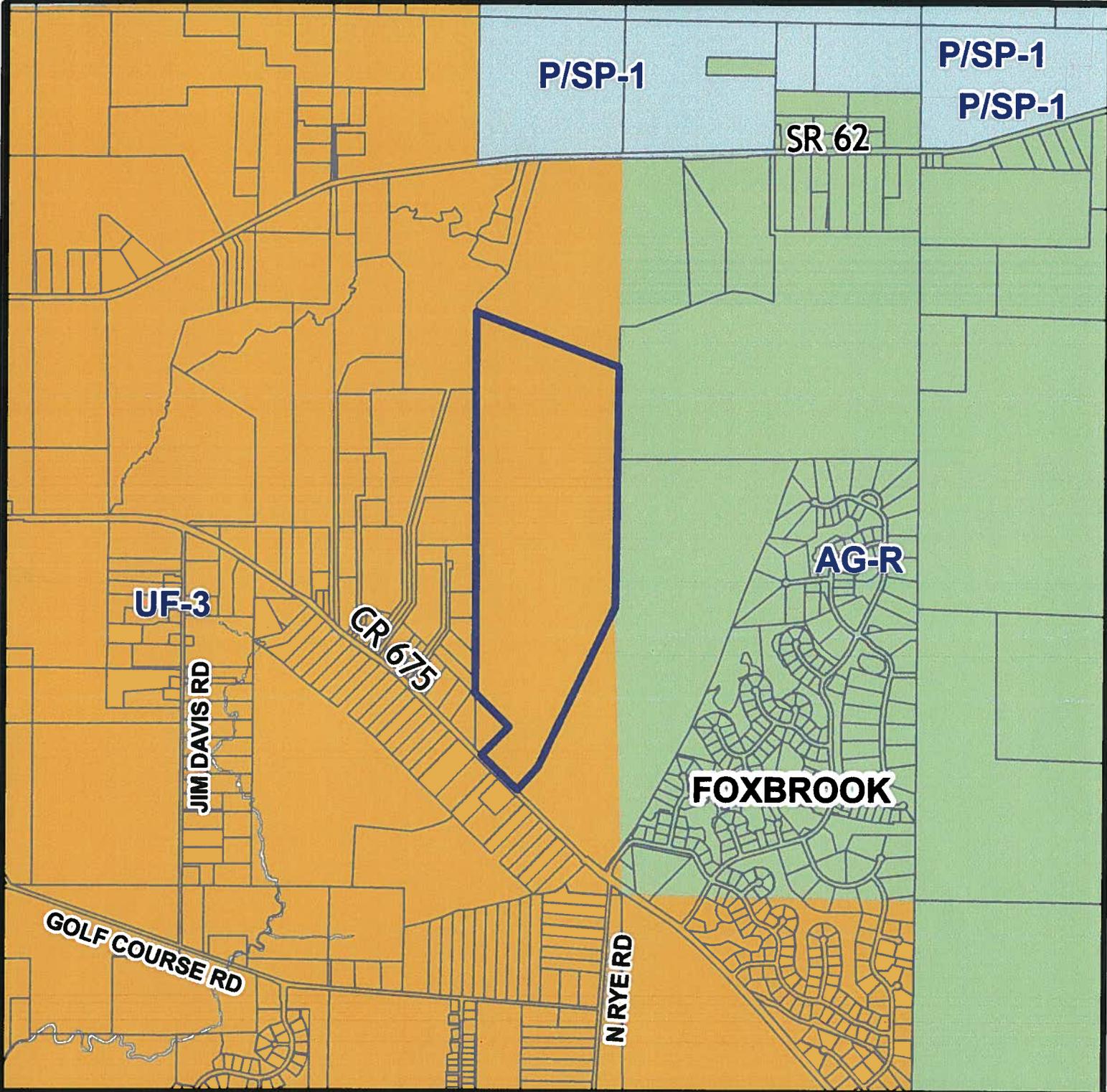
ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • The applicant is requesting a rezone of 400± acres from A/NCO (General Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential) retaining the North Central Overlay zoning district, and a General Development Plan for 784 residential units. • The property is located on the north side of CR 675 1800' east of 161st Avenue East at 16410 CR 675, Parrish. • Staff recommends approval.

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) 494901009

Project Name: The Aviary at Rutland Ranch
 Project #: PDR-12-03 (Z)(G)
 DTS#: 20120045
 Proposed Use: Residential

S/T/R: Sec 25,23,24,35,26 Twn 33 Rng 19
 Acreage: ± 400
 Existing Zoning: A
 Existing FLU: UF-3
 Overlays: NCO
 Special Areas: NONE

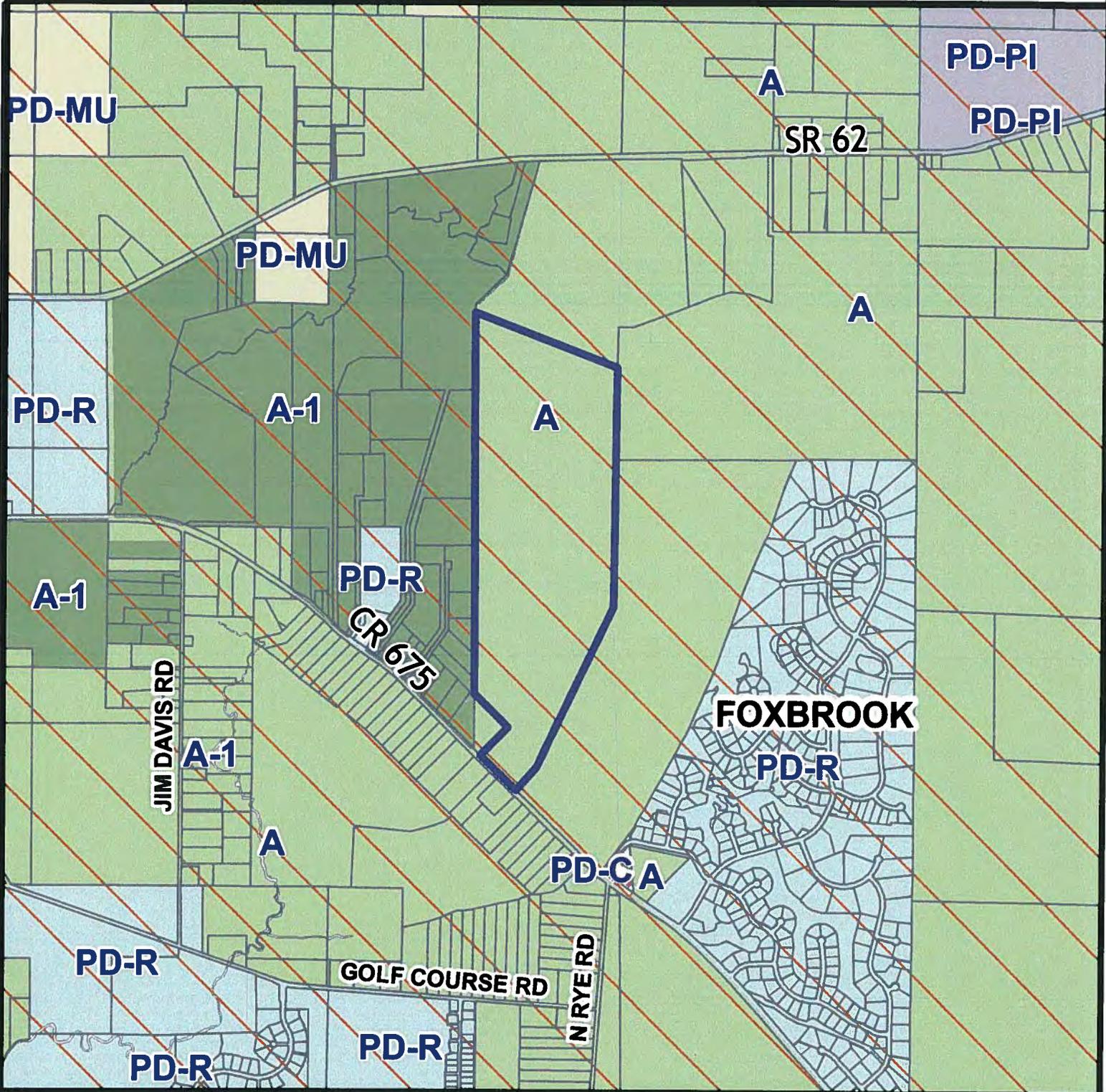
CHH: NONE
 Watershed: NONE
 Drainage Basin: GAMBLE SINK OVERFLOW, GAMBLE CREEK
 Commissioner: Larry Bustle



Manatee County
 Staff Report Map

Map Prepared 3/5/2012
 1 inch = 2,490 feet

ZONING



Parcel ID #(s) 494901009

Project Name: The Aviary at Rutland Ranch
 Project #: PDR-12-03 (Z)(G)
 DTS#: 20120045
 Proposed Use: Residential

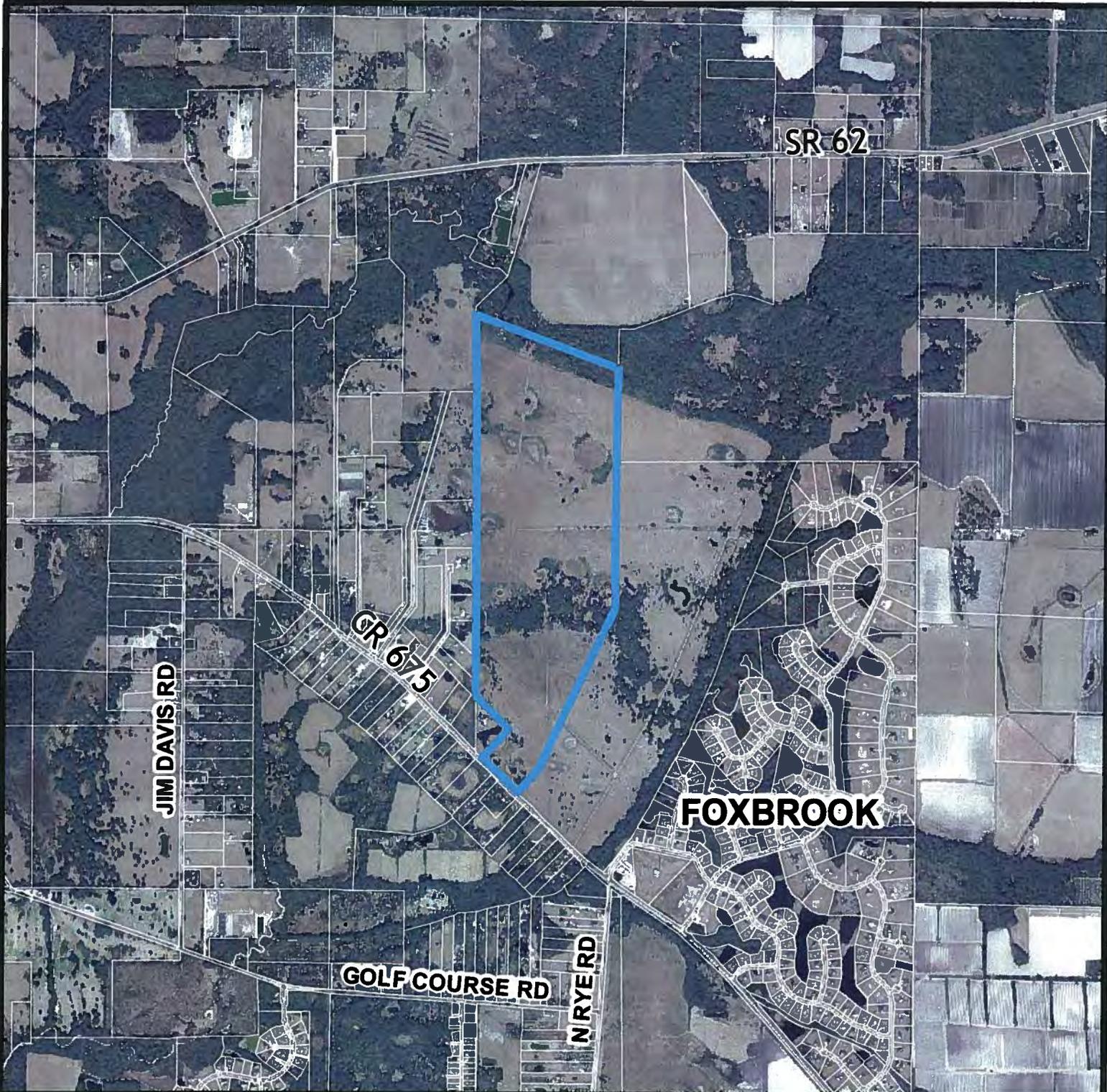
S/T/R: Sec 25,23,24,35,26 Twn 33 Rng 19
 Acreage: ± 400
 Existing Zoning: A
 Existing FLU: UF-3
 Overlays: NCO
 Special Areas: NONE

CHH: NONE
 Watershed: NONE
 Drainage Basin: GAMBLE SINK OVERFLOW, GAMBLE CREEK
 Commissioner: Larry Bustle

Manatee County
 Staff Report Map
 Map Prepared 3/5/2012
 1 inch = 2,490 feet

 North Central Overlay

AERIAL



Parcel ID #(s) 494901009

Project Name: The Aviary at Rutland Ranch
Project #: PDR-12-03 (Z)(G)
DTS#: 20120045
Proposed Use: Residential

S/T/R: Sec 25,23,24,35,26 Twn 33 Rng 19
Acreage: ± 400
Existing Zoning: A
Existing FLU: UF-3
Overlays: NCO
Special Areas: NONE

CHH: NONE
Watershed: NONE
Drainage Basin: GAMBLE SINK OVERFLOW, GAMBLE CREEK
Commissioner: Larry Bustle



Manatee County
Staff Report Map

Map Prepared 3/5/2012
1 inch = 2,490 feet

P.C. 11/08/12

**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, 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.

P.C.: 09/13/12, 11/08/12

B.O.C.C.: 01/03/13

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. PDR-12-03(Z)(G); APPROVAL of the General Development Plan with Stipulations # A1, B1-5, C1-5, D1-8 & E1; GRANTING Special Approval for a project: 1) adjacent to a perennial stream and 2) gross density greater than 1 d.u. per acre in the UF-3 Future Land Use Category; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval of an alternative to Section 714.8.7 of the Land Development Code, as recommended by staff.

PROJECT SUMMARY	
CASE#	PDR-12-03(Z)(G) (DTS #20120045)
PROJECT NAME	The Aviary at Rutland Ranch
APPLICANT(S):	Rowe Ventures, LLC
PROPOSED ZONING:	PD-R (Planned Development – Residential)
EXISTING ZONING: FUTURE LAND USE CATEGORY:	A (General Agriculture) zoning - 400± acres Urban Fringe – 3 dwelling units per acre (UF-3)
PROPOSED USE(S):	Single family detached and single family attached
CASE MANAGER:	John Osborne, AICP
STAFF RECOMMENDATION:	APPROVAL
DETAILED DISCUSSION	
<p>The Parrish area has experienced significant growth pressure. The US 301 corridor going northeast toward Parrish is rapidly transitioning from rural and agricultural uses to more suburban-oriented uses, with significant residential development, which includes approved but not yet constructed projects on both sides of US 301 North. CR 675 has also experienced more growth with Foxbrook to the east, and Creekside Meadows to the west towards the Village of Parrish. The trend in the area appears to be toward low to moderate density residential development, as the UF-3 FLUC allows a range of suburban residential developments.</p> <p>This area of the county is inside the Sewer Service Area, but currently has limited services and employment opportunities nearby. However, further analysis indicates partially constructed commercial development at Foxbrook, and other developments to the south. While perhaps not ideal location for next residential development in terms of infill development, it is within the Sewer Service Area and infill in terms of the Foxbrook development.</p> <p>This General Development Plan includes up to 784 single-family detached, attached and semi-detached units (units could range from 620-784). The maximum gross density requested</p>	

is 1.96 dwelling units per acre, below the 3 dwelling units per acre maximum permitted by the UF-3 FLUC. Staff was concerned about the visual impact of the proposed density, however the project is proposing to maintain consistency with the North Central Overlay District standards, which include higher design standards for landscaping, buffering and setbacks, mitigating any potential incompatibilities. In addition, the housing market has changed and smaller lots are now the prevalent market segment. Another positive aspect regarding higher density is more efficiency gained in terms of the provision of County water, sewer services and other services.

The General Development Plan shows five access points. The main access is off CR 675. An emergency access is proposed on the eastern property edge. The applicant has proposed two neighborhood ties that will provide access to the future Rye Road Extension to the east.

The project has evolved over the years. Originally in 2005 (DTS # 20050401), the project was a Preliminary Site Plan and larger, extending north to SR 62 with 862 residential units proposed and included entire right-of-way dedication for Rye Road Extension north to SR 62. In 2012, the project was scaled back to a GDP and site limited to the southern portion of the property, south of Gamble Creek, which is completely within the UF-3 Future Land Use Category.

Staff recommends approval of this General Development Plan with stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA

ADDRESS:	16410 CR 675, Parrish
GENERAL LOCATION:	approximately 1800' east of 161st Avenue East and north of CR 675
ACREAGE:	400 ± acres
EXISTING USE(S):	Agriculture
FUTURE LAND USE CATEGORY(S):	UF-3 (Urban Fringe 3 dwelling units per acre)
DENSITY / INTENSITY:	1.96 gross
SPECIAL APPROVAL(S):	1. Adjacent to a perennial stream (Gamble Creek) 2. Gross density over 1 d.u./acres
OVERLAY DISTRICT(S):	North Central Overlay District (NCO)
SPECIFIC APPROVAL(S):	Section 714.8.7 – to allow installation of smaller diameter trees for landscaping

	requirements.	
SURROUNDING USES & ZONING		
NORTH	Vacant/Agriculture - A	
SOUTH	Across CR 675: Vacant/Large lot single family residential - A	
EAST	Vacant/Agriculture - A	
WEST	Vacant/Large lot single family residential – A-1	
SITE DESIGN DETAILS		
LOT SIZE(S): Single-family Detached (316-434 units) Single-family Semi-Detached (122-133 units) Single-family Attached (182-217 units)	7,000 -10,000 sq. ft. 3,200 - 5,800 sq. ft. 2,200 - 3,300 sq. ft	
SETBACKS & LOTS: Single-family Detached	Front Side Rear S.F. Lot Width Lot Depth	25'/20' if side or rear garage '6'-8' depending on lot size 15' 7,000-10,000 S.F. 60-80' 100-120'
Single-family Semi-Detached	Front Side Rear S.F. Lot Width Lot Depth	25'/20' if side or rear garage '0' one side & 8' one side 15' 3,200-5,800 S.F. 30-50' 90-115'
Single-family Attached	Front Side Rear S.F. Lot Width Lot Depth	25'/20' if side or rear garage 15' - distance between buildings 15' 2,200-3,300 S.F. 20-30' 110-115'
	Waterfront	30' per LDC (for all the above)

	Wetland	15' per LDC (for all the above)
OPEN SPACE:	148 Acres – 37% (100 Acres required 25%)	
RECREATIONAL AMENITIES:	Trail will be provided in N portion of Parcel 5 and connect to sidewalk system and a 16.4 acre recreation area / park.	
ACCESS:	CR 675 – full boulevard access with emergency access. Site plan includes 3 inter-neighborhood ties.	
FLOOD ZONE(S)	X and AE with Base Flood Elevations between 22.3' – 25' per FIRM Panels 12013 0210C and 0230C, revised 7/15/92. Encroaches the regulatory floodway of Gamble Creek.	
AREA OF KNOWN FLOODING	Yes, 50% reduction is allowable runoff	
UTILITY CONNECTIONS	Potable Water - Existing 30" potable water main (Rutland Road) Wastewater –No wastewater facilities adjacent to this proposed development. Available by extension at developer expense.	

ENVIRONMENTAL INFORMATION

Overall Wetland Acreage:	30.1
Proposed Impact Acreage:	4.08

Wetland I.D.	Acres Impacted	Type	Quality (UMAM Score)	Reason for Impact	EPD Objection	Explanation
01	1.71	Herbaceous	Low (0.3)	Lots	No	Non-viable wetland
02	0.68	Herbaceous	Low (0.3)	Lots	No	Non-viable wetland
03	0.23	Herbaceous	Low (0.3)	Lots	No	Non-viable wetland
04	0.20	Herbaceous	Low (0.3)	Lots	No	Non-viable wetland
07	0.19	Herbaceous	Low (0.3)	Lots	No	Non-viable wetland
08	0.24	Herbaceous	Low (0.3)	Lots	No	Non-viable wetland
09	0.16	Herbaceous	Low (0.3)	Lots	No	Non-viable wetland
10	0.49	Herbaceous	Low (0.3)	Lots	No	Non-viable wetland
18	0.18	Herbaceous	Low (0.3)	Lots	No	Non-viable wetland
TOTAL	4.08					

The site contains 30.1 acres of wetlands. A total of 4.08 acres of wetland impacts are being proposed to non-viable wetlands for placement of additional single-family lots. If applicant was to preserve these wetlands, they would provide little or no usable habitat, as they would be surrounded by development, with no connection to viable habitat. There are no wetland buffer impacts proposed other than those of the wetlands being impacted. Therefore, the Environmental Planning Division has no objection to the 9 impacts totaling 4.08 acres.

Mitigation for the 4.08 acres of wetland impacts is proposed in the form of upland habitat preservation at a 5:1 ratio or through a combination of wetland enhancement of the preserved wetlands and upland preservation to be determined at the time of Final Site Plan. Final UMAM calculations will be approved by SWFWMD as part of the ERP process. The 10.1 acres of Forested Uplands are not included in the currently proposed 16.7 acres of Forested Uplands necessary to fulfill the Open Space requirements for the project.

Uplands:

The applicant is proposing 16.7 acres of preservation/conservation area consisting of native Forested Uplands to fulfill open space requirements. Additional areas of woodland pasture are proposed for passive recreational uses such as picnic areas, hiking trails, and benches. These woodland pasture areas exhibit significant coverage by live oaks with minimal understory present.

Endangered Species:

Surveys for "Listed Species" were performed during the month of April 2012. Specific attention was paid to such species as sand hill cranes, burrowing owl, Audubon's crested caracara, bald eagle nests, gopher tortoises and their commensal organisms, Sherman's fox squirrel, and the southeastern American kestrel. The surveys identified no known listed species nesting or breeding on the subject parcel.

An updated listed species inventory will be provided to staff prior to Final Site Plan approval since there may be a significant lapse in time from this approval of the rezone to the Final Site Plan approval. A stipulation is provided to require this.

Trees

The applicant has provided no tree information with this submittal. However, staff had tree data available to look at from the previous application submitted on this project for a very similar development layout. Staff only looked at the overall quantities on-site and removal amounts to ensure there will be no issues at Final Site Plan with the site's ability to accommodate the required replacement trees. Staff has concluded that this will not be an issue and that the applicant will be able to provide the required replacements in accordance with Section 714.8.7 of the LDC. The applicant is, at staff's recommendation, requesting Specific Approval for an alternative to this section to be able to provide smaller replacement tree sizes in accordance with the upcoming LDC amendments.

Staff will require identification of trees for removal as well as locations where replacement trees will be provided at the Final Site Plan stage. In addition to this information, staff will conduct a site visit with the applicant to find areas where adjustments to locations of improvements may be made to preserve additional trees. A stipulation has been provided to require field adjustments be made where possible to minimize impacts to trees.

NEARBY DEVELOPMENT

RESIDENTIAL

PROJECT	LOTS / UNITS	DENSITY	FLUC	YEAR APPROVED
CrossCreek	1282	1.95	UF-3	Pending
Martin/Hillwood	119	1.53	UF-3	Pending
Foxbrook (no sewer)	301	0.32	UF-3	1998
Rye Road Sub	99	2.9	UF-3	Approved
River's Reach	326	1.31	UF-3	2011
Wilderness Crossing	68	1.82	UF-3	2011
Dakin	448	1.88	UF-3	2010
Canoe Creek	896	2.94	UF-3	2010
Cone Ranch	1,999	1.70	UF-3	2009
Wilderness Bend	279	2.42	UF-3	2008

POSITIVE ASPECTS

- **Project inside Manatee County's Sewer Service Area.**
- **Proposed along existing County potable water line.**
- **Provides ROW for future expansion of CR 675 and extension of Rye Road.**
- **16.4 acre recreation area**

NEGATIVE ASPECTS

- **Inside Sewer Service Area, but limited infrastructure (i.e., sewer, reclaimed water) exists in this portion of the area at this time.**
- **The project is adjacent to A and A-1 zoning which permit agricultural uses that maybe incompatible with single family development.**
- **Proposed lot sizes are significantly smaller than surrounding agricultural lots and Foxbrook subdivision to east.**
- **Residents may be impacted by traffic noise along CR 675.**
- **Gamble Creek is a known flood way.**
- **Immediate area has limited employment and other services currently available.**

MITIGATING MEASURES

- **Developer will be required to extend existing wastewater services from the south to this site, consistent with the County's Wastewater Masterplan requirements.**
- **Project is consistent with North County Overlay District standards in terms of setbacks, buffers and other requirements ensuring compatibility with area.**
- **Site plan does not propose any residential development within the 25-Year Floodplain of Gamble Creek and site design will conform to FEMA Flood and Manatee County Engineering Design Standards.**
- **Commercial development approved and partially developed to the east at the intersection of CR 675 and Rye Road.**

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. At time of Final Site Plan, the landscape planting design shall comply with the North Central Overlay District, LDC Sections 604.10.3, 604.10.3.3 and 604.10.3.5, as amended.

B. TRANSPORTATION CONDITIONS:

1. To allow for future widening of CR 675, dedication of right-of-way is required at Final Plat or FSP approval, as appropriate, to provide Manatee County with up to a 75' half section from the existing centerline on CR 675. After dedication of right-of-way takes place, impact fee credits shall be available to the property owner, with final amount to be determined in accordance with the requirements of Chapter 8 of the LDC.

2. To allow for the construction of the future Rye Road Extension, dedication of right-of-way for the road, wetland mitigation, floodplain compensation, and attenuation volume is required at Final Plat or FSP approval, as appropriate, to provide Manatee County with a 42' half section along a portion of the property's eastern boundary. After dedication of right-of-way takes place, impact fee credits shall be available to the property owner, with final amount to be determined in accordance with the requirements of Chapter 8 of the LDC.
3. Typical boulevard cross section must be designed to Manatee County Transportation Department Highway, Traffic & Stormwater Standards, 2007, Index #401.2 (120' – Four Lane Divided Roadway). The landscape buffer cannot be included within the 120' R/W.
4. The precise location and alignment of the site's access to CR 675/Rutland Road shall be coordinated with the Public Works Department during the review of the PSP/FSP/Construction plan submittal.
5. Signs shall be posted at all future inter-neighborhood ties identifying the future connections. Sign locations and content shall be provided with FSP submittal.

C. STORMWATER CONDITIONS:

1. This project shall provide wetland mitigation, floodplain compensation and attenuation volume for the portion of the future alignment of Rye Road Extension within the project boundaries. After these improvements have been made, impact fee credits shall be available to the property owner, with final amount to be determined in accordance with the requirements of Chapter 8 of the LDC. These credits would be considered for the dedication of right-of-way of land, construction cost, and engineering design and permitting.
2. This project shall provide stormwater facilities for improvements associated with the proposed project entrance off of Rutland Road (C.R. 675).
3. Any fill within the 25-year or 100-year floodplains of the Gamble Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation in dual use facilities (i.e., stormwater attenuation and floodplain compensation) shall be compensated above the 25-year Design High Water Level (DHWL).
4. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Gamble Creek. Modeling shall be used to determine pre- and post- development flows.
5. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Gamble Creek within the project boundaries. In

addition, a Drainage-Maintenance Access Easement shall be provided along Gamble Creek. Manatee County is only responsible for maintaining the free flow of drainage through these systems

D. ENVIRONMENTAL CONDITIONS:

1. 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.
2. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval.
3. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
4. The Final Site Plan shall identify wildlife connections between preservation areas severed by roadway construction. Oversized culverts, rumble strips or wildlife crossing signage may be required for wildlife connections and shall be approved with the Final Site Plan.
5. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
6. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. Tree protection methodology shall be approved with the Final Site Plan.
7. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 519 of the LDC.
8. 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.

E. NOTICES:

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners in the project of the:
 - a) Lots located within a flood zone;
 - b) A and A-1 zoning districts surrounding the site and potential agricultural uses and operations permitted which may impact residents with noise and odor;
 - c) The potential extension of Rye Road extending from CR 675 to SR 62 over Gamble Creek as a future 6 lane divided arterial roadway; and
 - d) The potential expansion of CR 675 to a future 6 lane divided roadway.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

None. Future site plan submittals will be consistent with Land Development Code unless authorized by this ordinance for the Special and Specific Approvals.

COMPLIANCE WITH LDC				
Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
BUFFERS				
50' roadway buffer, SR 675		Y		Shown on site plan
50' perimeter buffer to the east, west and south		Y		Shown on site plan
Buffer landscaping		Y		Stipulation; To be verified with PSP/FSP
SIDEWALKS				
5' internal sidewalks on both sides of street		Y		GDP level site plan. To be verified with PSP/FSP
5' sidewalk, exterior		Y		GDP level site plan. To be verified with PSP/FSP
ROADS & RIGHTS-OF-WAY				
Internal rights-of-way		Y		Streets to be private
Paved roadways		Y		GDP level site plan. To be verified with PSP/FSP

Dedicate ROW for CR 675		Y		GDP level site plan. To be verified with PSP/FSP
Dedicate ROW for Rye Road Extension		Y		GDP level site plan. To be verified with PSP/FSP
Inter-neighborhood Ties		Y		Two provided to east (will connect to future Rye Rd Extension ROW dedication) One provided to west.

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Factors for Reviewing Proposed Site Plans (Section 508.6)
Planned Districts - Rezone Review Criteria (Section 603.4)**

Physical Characteristics:

The site is approximately 400 ± acres and extends from CR 675 north to the Gamble Creek. The site contains wetlands and upland preservation areas. The main access will occur from CR 675 and extend north.

Public Utilities, Facilities and Services:

The General Development Plan does not provide engineering detail for utilities. However, the development will be required to connect to Central Potable Water and Sanitary Sewer at the developer's expense.

Major Transportation Facilities:

The main access is proposed to function as a collector, with inter-neighborhood ties and access points to the future extension of Rye Road. ROW dedication intent is illustrated on the GDP, but not required for the Rye Road and CR 675 facilities at this time, but will occur with future site plan submittals.

A "Deferral and Acknowledgment of Eventual Requirement for Concurrency Certification" has been received. Applicant is advised that when seeking further development approval(s) for this project, the "Deferral" does not exempt applicant from the requirement for a Certificate of Level of Service Compliance.

The applicant provided a traffic impact statement (TIS), which has been reviewed. However, since the project is expected to generate 527 PM peak hour trips, which exceeds the 50 trips threshold for a traffic impact statement, the applicant will be required to undertake a detailed traffic impact analysis (TIA) at the time of preliminary site plan or final site plan submittal to determine the complete transportation impacts of this project.

Compatibility, Transitions and Design Quality

Staff was concerned about the visual impact of the proposed density; however the project is proposing to maintain consistency with the North Central Overlay District standards, which include higher design standards for landscaping, buffering and setbacks, mitigating any potential incompatibilities. In addition, the housing market has changed and smaller lots are now the prevalent market segment. The General Development Plan will be good in perpetuity, with no expiration. As the area grows, the lots will likely be more compatible with

future development given current market trends.

Adjacent Property

While adjacent property to the east is agriculture, there are some A-1 zoned properties to the west. Staff was concerned about the visual impact of the proposed density; however the project is proposing to maintain consistency with the North Central Overlay District standards, which include higher design standards for landscaping, buffering and setbacks, mitigating any potential incompatibilities.

Access

The General Development Plan shows five access points. The main access is off CR 675. An emergency access is proposed on the eastern property edge. The applicant has proposed two neighborhood ties that will provide access to the future Rye Road Extension to the east. The site plan also shows one inter-neighborhood tie to the west. Emergency tie is necessary to south as the three inter-neighborhood ties do not provide a secondary means of access until development occurs at west inter-neighborhood tie or to the east when Rye Rd Extension is constructed.

Streets, Drives, Parking and Service Areas:

Greater detail will be provided with the preliminary and final site plans and be required to be consistent with the Manatee County Land Development Code and Public Works Engineering Standards.

Pedestrian Systems:

Pedestrian systems will be consistent with sidewalk requirements in the Land Development Code. The North Central Overlay District standards also provides requirements for pedestrian and trail facilities which the development is consistent with. The Manatee County Greenways Masterplan includes a future facility to the east of this development along Gamble Creek. Alternatively, the greenway could be located within the future ROW of Rye Road Extension, which this development dedicates a portion of. This development would connect to the greenway through future sidewalk connections. Sidewalks along the frontage of the development will be determined with future site plan submittals, consistent with the LDC requirement, which allows payment in-lieu of.

Natural and Historic Features, Conservation and Preservation Areas:

The site contains 30.1 acres of wetlands. A total of 4.08 acres of wetland impacts are being proposed to non-viable wetlands for placement of additional single-family lots. The applicant is proposing 16.7 acres of preservation/conservation area consisting of native Forested Uplands to fulfill open space requirements. Additional areas of woodland pasture are proposed for passive recreational uses such as picnic areas, hiking trails, and benches.

Density/Intensity:

Staff was concerned about the visual impact of the proposed density given the project's location. However the project is proposing to maintain consistency with the North Central Overlay District standards, which include higher design standards for landscaping, buffering and setbacks, mitigating any potential incompatibilities. In addition, the housing market has changed and smaller lots are now the prevalent market segment.

Height:

Building heights will be required to be consistent with the Planned Development – Residential zoning district and the North Central Overlay District standards.

Fences and Screening:

Fences and screening measures will be required to be consistent with the North Central Overlay District standards.

Yards and Setbacks:

The General Development Plan provides a range of development types, lot sizes, and setbacks that are comparable with surrounding development with the utilization of the North Central Overlay District standards.

Signs:

Any proposed neighborhood entry signage will be consistent with the Land Development Code and the North Central Overlay District Standards.

Landscaping:

The North Central Overlay District standards require enhanced landscaping, buffering and aesthetic requirements over the standard zoning requirements of the LDC. Future site plan submittals shall be required to provide landscape plan details.

Water Conservation:

The General Development Plan does not provide engineering detail for water conservation measures. However, the development will be required to conform with Manatee County Land Development Code and Engineering Standards.

Rights-of-Way:

As designated on the Manatee County Right-of-Way Needs Map in this location, CR 675 requires a right-of-way of 150 feet (75' half-width right-of-way) with the existing half width adjacent to this proposed development of 50 feet. Therefore, dedication of an additional 25 foot is required for future roadway expansion. It will be required to show this roadway, dimensions, etc. in greater detail with the preliminary and final site plans.

As designated on the Manatee County Right-of-Way Needs Map in this location, Rye Rd requires a right-of-way of 84 feet (42' half-width right-of-way). As this future roadway will lie within the property boundaries of the project, a 42' half width for this future 2 lane roadway is shown on the site plan. It will be required to show this roadway, dimensions, etc. in greater detail with the preliminary and final site plans.

Utility Standards:

The General Development Plan does not provide engineering detail for utilities. However, the development will be required to connect to Central Potable Water and Sanitary Sewer at the developer's expense.

Stormwater Management:

Project Located in Flood Prone Area: Yes (portions of site)
Type of Flooding (i.e. rainfall, riverine, storm surge, etc): Rainfall
Project Subject to flow reduction: Yes; 50% reduction in allowable runoff
Project subject to OFW: No
Watershed/Basin: Gamble Creek
Project located within Floodplain and/or Floodway: FEMA 100-year Floodplain & Floodway;
25-year Floodplain (portions of site in 25-Year Floodplain)
Drainage Easements/Access Easements required for existing system(s): Yes

The following will be required at Final Design:

1.) A no-rise permit will be required for all encroachment within the FEMA 100-year floodway of the Gamble Creek. Any existing or proposed structures within the floodway shall be modeled.

The General Development Plan reflects an observation deck and trail system in the floodway. A no-rise permit will be required for any vertical development in the FEMA designated Floodway.

Open Space:

The site plan shows 37% open space (148 acres). 25% open space (100 ac.) is required. A 16.4 acre park is proposed that will accommodate the recreational needs of the development. This major recreational facility is an important community asset which gives the Aviary a sense of "community" as opposed to the large lot residential development in the surrounding area.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the UF-3 Future Land Use Category. A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.7 Appropriate Timing. The timing is appropriate given development trends in the area. The surrounding area is characterized by low density residential development to the east (served by County potable water) and low density development associated with agricultural uses to the west.

Policy 2.6.1.1 Compatibility. The General Development Plan design is compatible with surrounding development because the proposed uses, lot sizes, and setbacks are comparable with surrounding development with the utilization of the North Central Overlay District standards.

Policy 2.6.2.7 Require Clustering to Limit Impacts. The site design avoids any impacts to most wetlands and clusters development out of the Gamble Creek’s 25 Year Floodplain.

Policy 2.6.5.4 Preserve/Protect Open Space.

The site plan shows 37% open space (148 acres). 25% open space (100 ac.) is required.

CONCURRENCY

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

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
CR 675	US 301 – SR 64	D	B

Off-site improvements associated with traffic concurrency will be determined with future Certificate of Level of Service Application, which will include review of a Traffic Impact Analysis.

Wastewater and potable water determined with FSP/Construction Plans.

SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

Applicant Request:

LDC Section 714.8.7 requires replacement tree calipers to be three, five, or seven inches depending on the size of the tree removed. The request is to allow replacement tree calipers to be three or four inches.

Staff Analysis and Recommendation:

Staff is in support of the request for Specific Approval for an alternative to Section 714.8.7 of the LDC to allow replacement tree sizes at 3”/4”/4” instead of 3”/5”/7”. Staff believes that smaller size trees typically establish and grow faster. Therefore, they provide more tree canopy sooner. The LDC is slated to reflect the smaller replacement tree sizes with the upcoming amendment to Section 714 – Tree Protection.

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required number of trees and canopy will be

provided.

ATTACHMENTS

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

ATTACHMENT #1 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.

Implementation Mechanism(s):

- a) Designation of maximum allowable densities on the Future Land Use Map to permit consistent and compatible residential development on vacant areas within and adjacent to existing residential areas.
- b) Designation of nonresidential categories on the Future Land Use Map to permit compatible nonresidential development on vacant areas within and, where appropriate, adjacent to existing nonresidential 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:	2.1.2.6	Limit urban sprawl through the consideration of new development, when deemed compatible with future growth, in areas which are currently undeveloped yet suitable for improvements.
Policy:	2.1.2.7	<p>Review all proposed development for compatibility and appropriate timing. This analysis shall include:</p> <ul style="list-style-type: none">- consideration of existing development patterns,- types of land uses,- transition between land uses,- density and intensity of land uses,- natural features,- approved development in the area,- availability of adequate roadways,- adequate centralized water and sewer facilities,- other necessary infrastructure and services.- limiting urban sprawl- applicable specific area plans- (See also policies under Objs. 2.6.1 - 2.6.3) <p>Implementation Mechanism(s):</p> <ul style="list-style-type: none">a) Planning Department review of all plan amendments and development proposals for consistency with this policy.b) Placement of conditions, as necessary on development orders to ensure policy compliance.
Policy:	2.2.1.11	UF-3: Establish the Urban Fringe - 3 Dwelling Units/Gross Acre future land use category as follows:
Policy:	2.2.1.11.1	Intent: To identify, textually, in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas limited to the urban fringe within which future growth (and growth beyond the long term planning period) is projected to occur at the appropriate time in a responsible manner. The development of these lands shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services. At a minimum, the nature, extent, location of development, and availability of services will be reviewed to ensure the transitioning of these lands is conducted consistent with the intent of this policy. These UF-3

areas are those which are established for a low density urban, or clustered low-moderate density urban, residential environment, generally developed through the planned unit development concept. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban environments, and in limited circumstances non-residential uses of a community serving nature to allow for a variety of uses within these areas which serve more than the day to day needs of the community. (See further policies under 2.2.1.11.5 for guidelines)

Policy:

2.2.1.11.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban density planned residential development with integrated residential support uses as part of such developments, retail wholesale or office commercial uses which function in the marketplace as neighborhood or community serving, short-term agricultural uses, agriculturally-compatible residential uses, farmworker housing, 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: 2.2.1.11.3

Range of Potential Density/Intensity:

Maximum Gross Residential Density:
3 dwelling units per acre

Maximum Net Residential Density:
9 dwelling units per acre
(except within the WO or CHHA Overlay 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)

Maximum Square Footage for Neighborhood
Retail Uses: Medium (150,000sf)
Large (300,000)*
*With Limitations (See Policy 2.2.1.11.5)

Policy: 2.2.1.11.4

Other Information:

- a) All mixed, multiple-use, and community serving non-residential projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- b) All projects for which gross residential density exceeds 1 dwelling unit 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 shall require special approval.

Policy: 2.2.1.11.5

In order to serve more than day to day needs within the low-moderate density urban environment, properties meeting the following criteria may be developed with land uses which are defined as community serving non-residential uses:

- a) Located at the intersection of an arterial and a collector roadway as defined in the Chapter 5 of this plan.

MANATEE COUNTY GOVERNMENT
BUILDING & DEVELOPMENT SERVICES DEPARTMENT
ZONING DISCLOSURE AFFIDAVIT

Received
FEB 03 2012
ZONING

Project name: The Aviary at Rutland Ranch

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.

NAME, ADDRESS AND OFFICER

PERCENTAGE
STOCK, INTEREST OR OWNERSHIP

Check if owner () or contract purchaser ()

John Falkner, MGRM

100%

Rowe Ventures, LLC

3511 SR 64 East, Myakka City, FL 34251

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

Signature: John Falkner

(Applicant): John Falkner, MGRM

STATE OF FLORIDA
COUNTY OF Manatee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 20th day of Jan. 2012 by JOHN FALKNER, who is personally known to me or who has produced _____ as identification.

(type of identification)

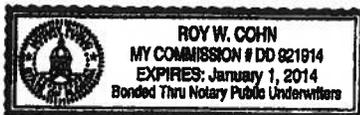
Roy W. Cohn
Notary Signature

My Commission Expires: 01/01/2014

Roy W. Cohn
Print or type name of Notary

Commission No: DD921914

Title or Rank



Copy of Newspaper Advertising

Sarasota Herald Tribune

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 380.08, 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).

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:

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PDMU-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 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.

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 181st Avenue East and north of CR 675, at 16410 CR 675, Parrish 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 concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6678; e-mail to: planning.agenda@mymanatee.org

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

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

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

Date of pub: August 29, 2012

Copy of Newspaper Advertising

Bradenton Herald

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July 12, 2012

Mr. John Osborne
Planning and Zoning Official
Manatee County Government
1112 Manatee Avenue West
Bradenton, FL 34205

Re: The Aviary at Rutland Ranch
Application Number: 20120045/Project Number PDR-12-03(Z)(G)
Specific Approval for Replacement Tree Sizes

Dear John:

As part of our application, we would like to formally request a Specific Approval for an alternative to Section 714.8.7 of the LDC. This approval will allow the installation of smaller diameter trees that will require a shorter timeframe for establishment and will ultimately provide superior tree canopy.

Thank you for your consideration.

Very truly yours,

ZNS ENGINEERING, L.C.



THOMAS C. MCCOLLUM, AICP
Vice President

TCM/dlh

cc: Mr. John Falkner
Hugh E. McGuire, Esquire



INDEX

COVER SHEET..... 1
 AERIAL..... 2
 GENERAL DEVELOPMENT PLAN..... 3

GENERAL DEVELOPMENT PLAN

TO SERVE

THE AVIARY AT RUTLAND RANCH

LOCATED IN

SECTIONS 26, AND 35, TOWNSHIP. 33 SOUTH, RANGE 19 EAST
 MANATEE COUNTY, FLORIDA

ZONED:
 A (AGRICULTURE)

EXISTING LAND USE:
 UF-3

OVERLAY DISTRICT:
 NORTH CENTRAL OVERLAY (NCO)

PROPOSED ZONING
 PD-R (RESIDENTIAL)

LANDUSE SUMMARY

PARCEL	USE	AREAS	UNITS
1	SINGLE FAMILY DETACHED	+/- 60.00 AC	80 - 111
2	SINGLE FAMILY DETACHED	+/- 53.56 AC	70 - 93
3	SINGLE FAMILY ATTACHED (TOWNHOUSE) & SINGLE FAMILY DETACHED	+/- 83.84 AC	200 - 247
4	SINGLE FAMILY SEMI DETACHED & SINGLE FAMILY DETACHED	+/- 59.28 AC	140 - 163
5	SINGLE FAMILY DETACHED	+/- 127.68 AC	130 - 170
PARK	COMMUNITY PARK*	+/- 16.43 AC	0
TOTAL		+/- 400.00 AC	620 - 784
GROSS DWELLING UNIT DENSITY			1.55 - 1.96

OPEN SPACE
 REQUIRED 100 AC (25%)
 PROVIDED 148 AC (37%)

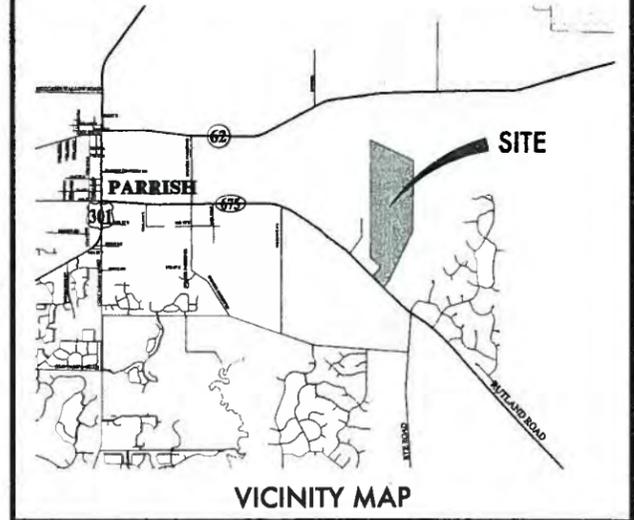
LOT & SETBACK SUMMARY

TYPE	AREA	LOT WIDTH	LOT DEPTH	FRONT SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
SINGLE FAMILY DETACHED	7,000 - 10,000 SQFT	60' - 80'	100' - 120'	25', UNLESS SIDE OR REAR GARAGE THEN 20'	6' - 8' DEPENDING ON LOT SIZE	15'
SINGLE FAMILY SEMI DETACHED	3,200 - 5,800 SQFT	30' - 50'	90' - 115'	25', UNLESS SIDE OR REAR GARAGE THEN 20'	0' ONE SIDE 8' ONE SIDE	15'
SINGLE FAMILY ATTACHED	2,200 - 3,300 SQFT	20' - 30'	110' - 115'	25', UNLESS SIDE OR REAR GARAGE THEN 20'	DISTANCE BETWEEN BUILDINGS 15'	15'

UNIT SUMMARY

UNIT BY TYPE	NUMBER OF UNITS
SINGLE FAMILY DETACHED	316 - 434
SINGLE FAMILY SEMI-DETACHED	122 - 133
SINGLE FAMILY ATTACHED	182 - 217
TOTAL	620 - 784

NOTE:
 WATER FRONT SETBACK - MINIMUM 30', AN ADDITIONAL 15' WETLAND BUFFER SETBACK WILL BE PROVIDED ADJACENT TO JURISDICTIONAL WETLANDS. WHERE THE REDUCTION OF THE BUFFER WIDTH WILL NOT IMPACT THE ADJACENT WETLAND BUFFER THE BUFFER WIDTH MAY BE REDUCED.



DESCRIPTION:

THE AVIARY AT RUTLAND RANCH
 PARCEL ID: 494910009
 A PARCEL OF LAND LYING IN SECTIONS 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:
 COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE S 00°12'00" W, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 51.30 FEET TO AN INTERSECTION WITH THE NORTHEASTLY BIGHT-OF-WAY LINE OF S.R. 675 (RUTLAND ROAD); THENCE ALONG SAID NORTHEASTLY BIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES: 1) S 44°26'31" E, A DISTANCE OF 114.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 34227.47 FEET; 2) ALONG THE ARC OF SAID CURVE IN A NORTHEASTLY DIRECTION, A DISTANCE OF 43.50 FEET THROUGH A CENTRAL ANGLE OF 0°00'42" TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTHEASTLY BIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES: 1) CONTINUE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 703.41 FEET THROUGH A CENTRAL ANGLE OF 01°10'09" TO THE POINT OF TANGENCY; 2) S 45°41'31" E, A DISTANCE OF 232.53 FEET; THENCE N 37°01'42" E, A DISTANCE OF 563.72 FEET; THENCE N 23°54'23" E, A DISTANCE OF 3222.26 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE N 00°57'02" E, ALONG SAID EAST LINE, AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 2682.99 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE N 00°57'02" E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,568.23 FEET; THENCE N 64°39'22" W, A DISTANCE OF 2847.39 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE S 00°01'41" W, ALONG SAID WEST LINE, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE S 00°01'25" W, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2657.96 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE S 00°12'02" W, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S 45°41'31" E, A DISTANCE OF 847.26 FEET; THENCE S 44°18'29" W, A DISTANCE OF 712.75 FEET TO THE POINT OF BEGINNING.
 SUBJECT TO PERTINENT EASEMENTS, RIGHTS-OF-WAYS AND RESTRICTIONS OF RECORD.
 CONTAINING 400.0 ACRES, MORE OR LESS.

Approval Type: GENERAL DEVELOPMENT PLAN Project Name: THE AVIARY AT RUTLAND RANCH

APPROVED: _____ Date _____ File Number _____

PROJECT PLANNER (PD) _____
 PROJECT ENGINEER (PW) _____
 CONCURRENCY (PD) _____
 ENVIRONMENTAL PLAN. IING _____
 ENVIRONMENTAL HEALTH _____
 FIRE DISTRICT _____
 OWNER/AGENT _____

Attention: The combination of this signed plan and accompanying letter constitutes the complete approval document. Both documents should be provided to interested parties and submitted with any building permit application.

ZNS ENGINEERING
 ENGINEERS | PLANNERS | SURVEYORS
 28 027476
 LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
 LC 000282
 POST OFFICE BOX 9448 BRADENTON, FL 34204 | 201 56 AVENUE DRIVE EAST BRADENTON, FL 34208
 E-MAIL: ZNS@ZNS-ENG.COM | TELEPHONE 941.748.8080 | FAX 941.748.3316

PREPARED FOR:
 ROWE VENTURES, LTD.
 16410 CR 675
 PARRISH, FL 34219

AUTHORIZED AGENT/PREPARER:
 ZNS ENGINEERING
 BOX 9449
 BRADENTON FLORIDA
 9417488080 AGENT EXT.

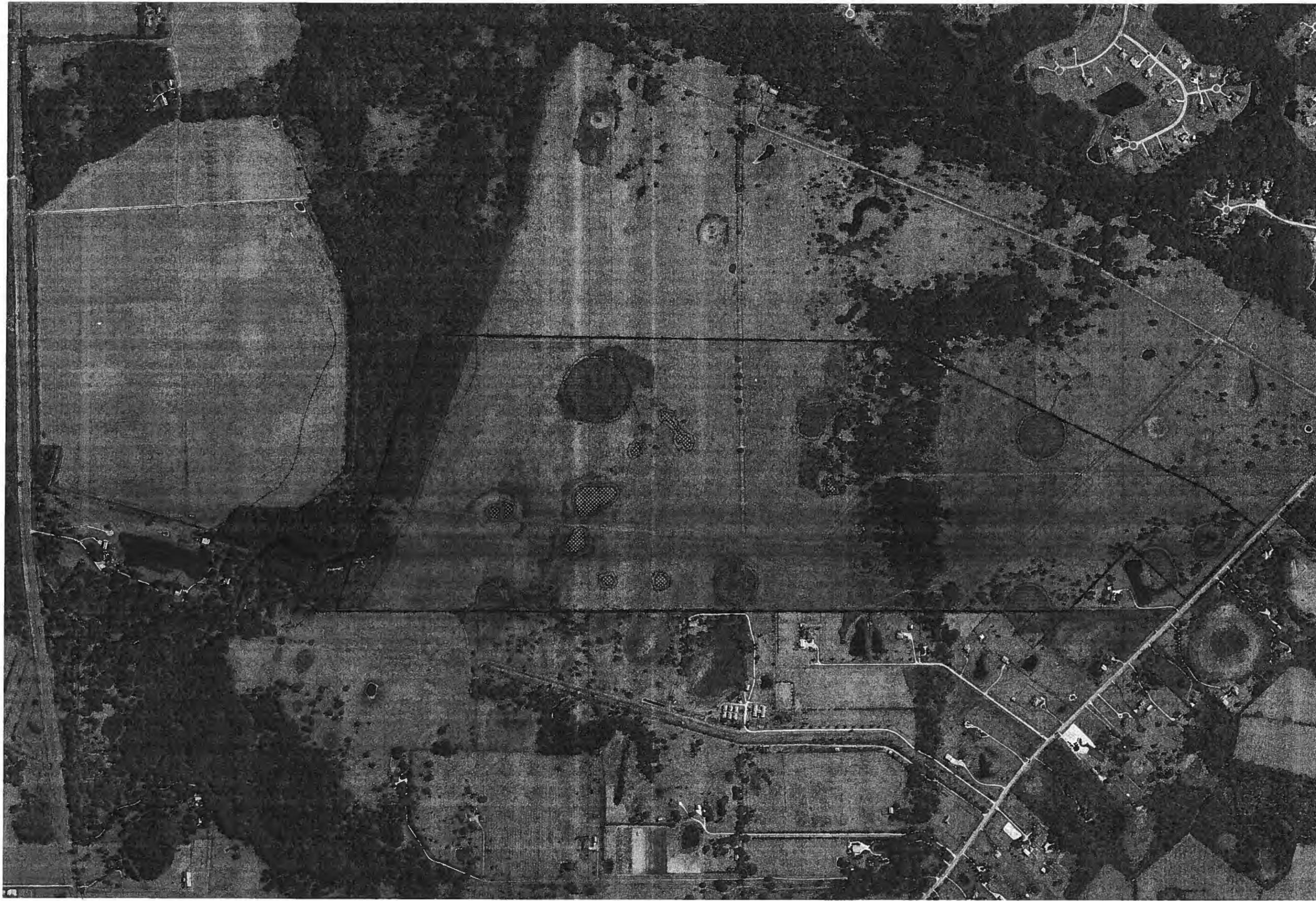
PROJECT DATA:
 THE AVIARY AT RUTLAND RANCH
 00-42994

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SHEET 1



REVISIONS:
 REVISED - MAY, 2012
 REVISED - JUNE, 2012
 REVISED - SEPTEMBER, 2012



DESIGNED	_____	DATE	_____
DRAWN	_____	DATE	_____
CHECKED	_____	DATE	_____
SCALE	_____	TITLE	_____
SHEET		2	

AERIAL
FOR
AVIARY AT RUTLAND RANCH
LOCATED IN
SECTION 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST
MANATEE COUNTY, FLORIDA

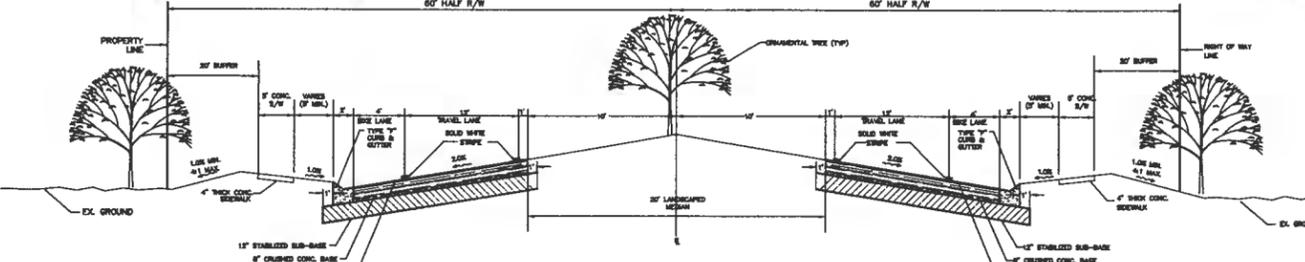
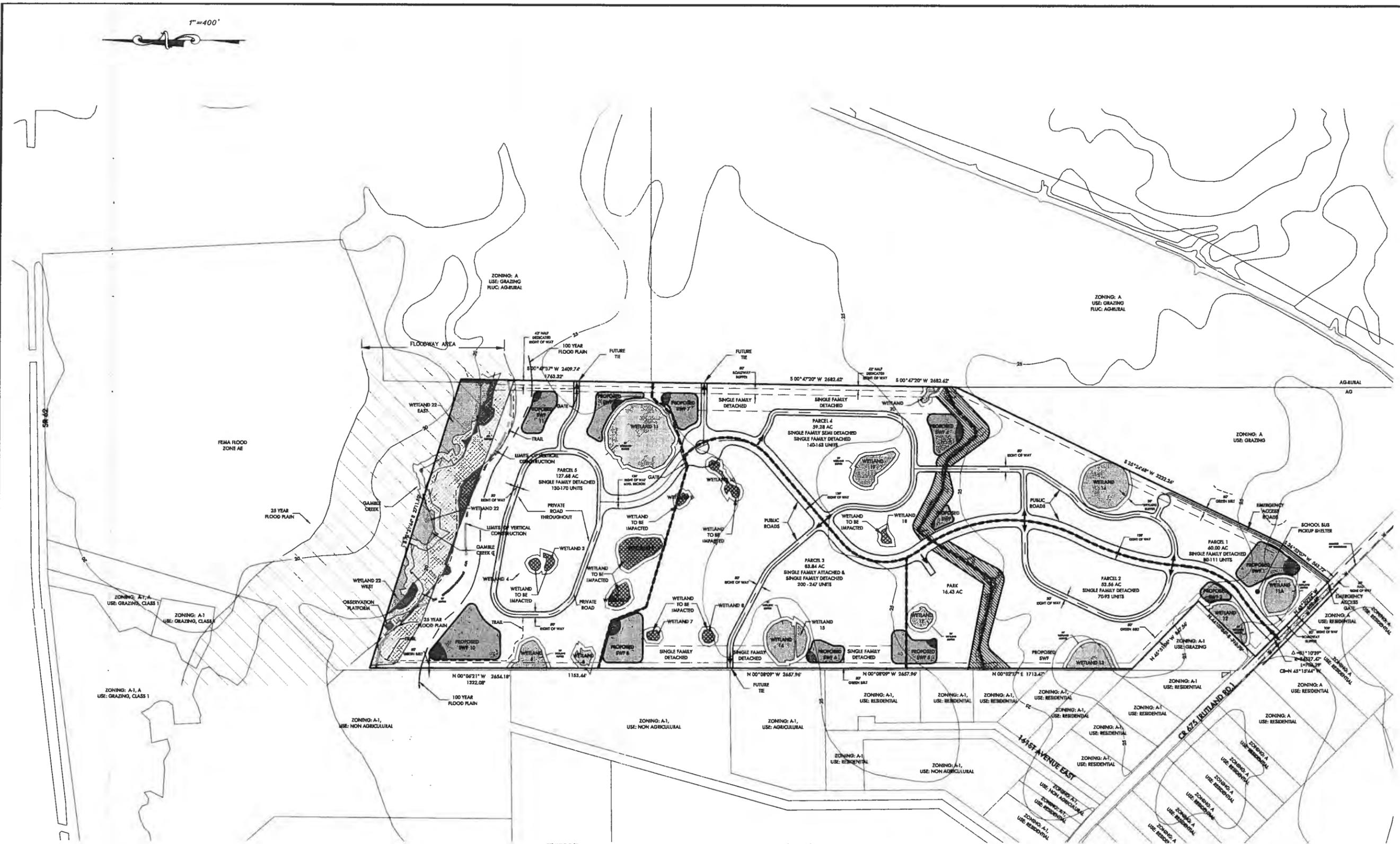
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SPECIFICALLY TO GOVERNMENTAL AGENCIES WITHIN THE STATE OF FLORIDA.
WITHIN U.S.A. CHAPTER 119.

REVISIONS	
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ZNS ENGINEERING
ENGINEERS | PLANNERS | SURVEYORS
LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
PORT OFFICE BOX 1468, MANATEE COUNTY, FLORIDA 34458
TEL: 888.222.2222 | WWW.ZNS-ENGINEERING.COM

1"=400'



TYPICAL BOULEVARD CROSS SECTION

LEGEND

	100 YEAR FLOODPLAIN		NATIVE UPLAND HARDWOOD FOREST PRESERVE
	25 YEAR FLOODPLAIN		NATIVE UPLAND HARDWOOD FOREST
	FLOODWAY		WOODLAND PASTURE
	WETLAND		
	WETLAND TO BE IMPACTED		
	PROPOSED STORM WATER FACILITIES		
	PROPOSED PROJECT BOUNDARY		
	TRAFFIC OBSTRUCTIONS		

ZNS ENGINEERING
 ENGINEERS | PLANNERS | SURVEYORS
 LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS

POST OFFICE BOX 1400, WINTER, FL 32787
 PHONE: 407.833.1111 | FAX: 407.833.1112
 WWW.ZNSENGINEERING.COM

REVISIONS

NO.	DATE	DESCRIPTION
1	08/20/12	ISSUED FOR PERMIT
2	09/10/12	ISSUED FOR PERMIT
3	09/10/12	ISSUED FOR PERMIT
4	09/10/12	ISSUED FOR PERMIT
5	09/10/12	ISSUED FOR PERMIT
6	09/10/12	ISSUED FOR PERMIT
7	09/10/12	ISSUED FOR PERMIT

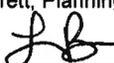
GENERAL DEVELOPMENT PLAN
 FOR
THE AVIARY AT RUTLAND RANCH
 LOCATED IN
 SECTION 26 & 35 TOWNSHIP 33 SOUTH, RANGE 19 EAST
 MANATEE COUNTY, FLORIDA

DESIGNED BY: [Name]
 DRAWN BY: [Name]
 DATE: [Date]
 JOB NO.: [Number]
 SCALE: 1"=400'
 SHEET: 3

Thu, 20 Sep 2012 - 11:32am V:\acad\Amary\Planning\AVR-GDP.dwg

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	PDMU-11-08(Z)(G) – Trees Direct, LLC	TYPE AGENDA ITEM	Advertised Public Hearing – Regular
DATE REQUESTED	11/08/12 PC	DATE SUBMITTED/REVISED	10/31/12
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services Department/Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	Lisa Barrett, Planning Division Manger 
CONTACT PERSON TELEPHONE/EXTENSION	Stephanie Moreland 941-748-4501, ext. 3880	PRESENTER/TITLE TELEPHONE/EXTENSION	Stephanie Moreland, Planner / 941-748-4501, ext.3880
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-11-08(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.

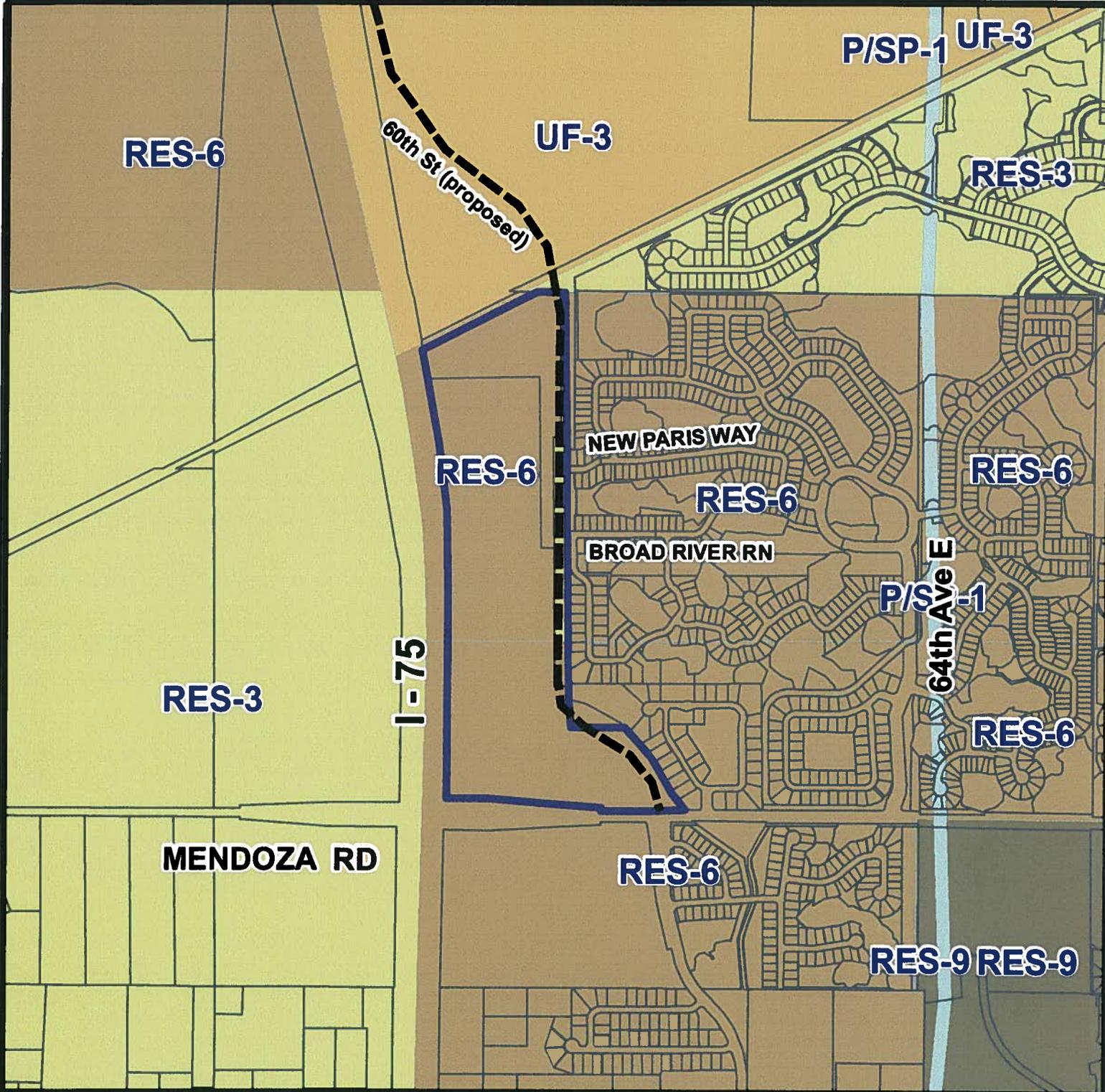
BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • The 85.54± acre site has frontage on the north side of Mendoza Road, east side of I-75, and west side of the future alignment of 60th Avenue East. The site has a 170-foot wide Florida Power and Light easement crossing the property from east to west. The site is adjacent to a perennial stream and in a designated Entranceway. Special Approval is required for a project adjacent to a perennial stream. • In 2010, a part of the site (50.00± acres) was amended (PA-10-07) to change the Future Land Use Category (FLUC) from RES-3 (Residential, three dwelling units per acre) to RES-6 (Residential, six dwelling units per acre). The entire site is now in the RES-6 FLUC. Suburban or urban residential uses, neighborhood retail uses, and short-term agricultural uses are listed in the range of potential uses for the RES-6 FLUC. Special Approval is required for a mixed use project in RES-6 FLUC. • The applicant, Trees Direct, LLC, requests approval of a rezone to PDMU and a General Development Plan to include commercial, office, and residential uses. The site meets commercial locational criteria and is eligible for consideration for commercial development. • The vacant site is currently zoned A-1. The maximum density is one dwelling unit per acre. • The applicant proposes two different options for developing this site; 1) "traditional development" and 2) "mixed-use development". • <u>Option One</u> is the traditional form of development which places the commercial/office area within the commercial node (intersection of 60th Ave East and Mendoza Road) with the residential development clustered behind, or north of the commercial area. 399 multi-family units on 66.54± acres, a residential care facility with 120 beds (equals 20 units) on 4± acres (total 70.54± residential acreage), and a maximum 150,000 square foot commercial/office component on 15± acres are planned for this option. This type of development places the biggest traffic generating land uses at the intersection of major roadways. • <u>Option two</u> is a mixed use development with up to 500 multi-family units, which may include a residential facility having up to 120 beds and a commercial/office component with a maximum of 150,000 square feet. The mixed-use form of development allows residential, commercial, and office uses to be placed together throughout the site, including the vertical integration of uses. • Both development options cap density at a maximum of six dwelling units per gross acre; 5.94 and 5.99 dwelling units per acre, respectively. The proposed densities are consistent with the RES-6 FLUC as six dwelling units per acre is the maximum potential density allowed. Comprehensive Plan Policy 2.2.1.12.4 requires Special Approval for projects exceeding a gross residential density of 4.5 dwelling units per acre and a net residential density of six dwelling units per acre in RES-6 FLUC. • The RES-6 FLUC allows a maximum FAR of 0.23 and 0.35 for mini-warehouse uses without Special Approval. The General Development Plan indicates 150,000 square feet for the commercial component (neighborhood retail) which is the maximum square footage allowed for neighborhood retail uses in RES-6. Special Approval is required for a non-residential project exceeding 30,000 square feet and a project adjacent to a perennial stream. • Additionally, while multi-family residential with the possibility of an assisted living facility are planned, the General Development Plan shows that single-family development may be developed in lieu of some or all of the multi-family units. This type of flexibility is authorized as an administrative change by the Land Development Code. Should this alternative become viable, lot sizes, and setbacks will be consistent and comparable with lot sizes in the adjacent Covered Bridge Subdivision which has typical lot sizes of 50'x120' and 70'x120'.

- The LDC requires two means of access for a project with more than 100 units. The General Development Plan shows two access points which are planned for either the traditional development or mixed-use development; a right-in/right-out access connecting Mendoza Road and "a boulevard entrance loop road" connecting the future northern segment of 60th Avenue East.
- As identified in Manatee County's currently adopted Future Thoroughfare map within the Comprehensive Plan, the future extension of 60th Avenue East is designated as a collector facility and will link the existing section of this roadway near Mendoza Road northward to 69th Street East. In addition, as per the County's currently adopted Long-Range Transportation Plan, the 60th Avenue East extension will require four lanes of travel (two each direction) upon its opening.
- A traffic analysis will be required with future submittals (Preliminary/Final Site Plans) to ensure that the traffic generated by this project can be accommodated by the existing and planned infrastructure.
- Two stipulations are included in the staff report. One requires the developer to construct a boulevard roadway and the other requires the construction of an emergency access from the subject property to either Broad River Run or New Paris Way. The applicant is in agreement with staff's recommendation.
- Off-street parking and loading will be provided in accordance with the requirements of the Land Development Code. Staff recommends an overall layout of the entire project be submitted with the future Preliminary and Final Site Plan submittals for administrative review.
- Staff has a concern with the project's residential component because the site fronts I-75. Future residents adjacent to the interstate may be subject to noise from vehicles traveling along I-75.
- To address any potential noise impacts from I-75, staff recommends a 100-foot wide landscaped roadway buffer be shown on the Preliminary and Final site plans and provided along I-75. Additionally, staff recommends the installation of an eight-foot high solid decorative wall with noise mitigating features, on top of a five foot high berm, and enhanced landscaping along I-75, adjacent to residential lots or structures.
- Additionally, a 20-foot wide landscaped roadway buffer will be provided along Mendoza Road and the future 60th Avenue East and a 15-foot wide landscaped perimeter buffer will be installed along the north boundary of the site.
- Staff recommends the residential and commercial components (traditional design option) be separated by a 40-foot wide landscaped buffer. The buffer shall contain an eight-foot high decorative wall, or a five-foot high berm with a minimum three-foot high decorative wall on top of the berm. The wall, or berm and wall, is to be constructed generally in the center of the buffer, with landscaping planted on the interior and exterior sides of the wall, or berm and wall, in accordance with planting standards in the LDC.
- The concerns mentioned above were also concerns raised at the neighborhood meeting held on October 18, 2012. In addition to noise and traffic concerns, there were also questions relative to drainage in Covered Bridge Subdivision and stormwater run-off from the project site.
- Staff recommends approval subject to the recommended stipulations.

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)
	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) 745010059, 745010509

Project Name: Trees Direct
 Project #: PDMU-11-08 (Z)(G)
 DTS#: 20110165
 Proposed Use: Residential

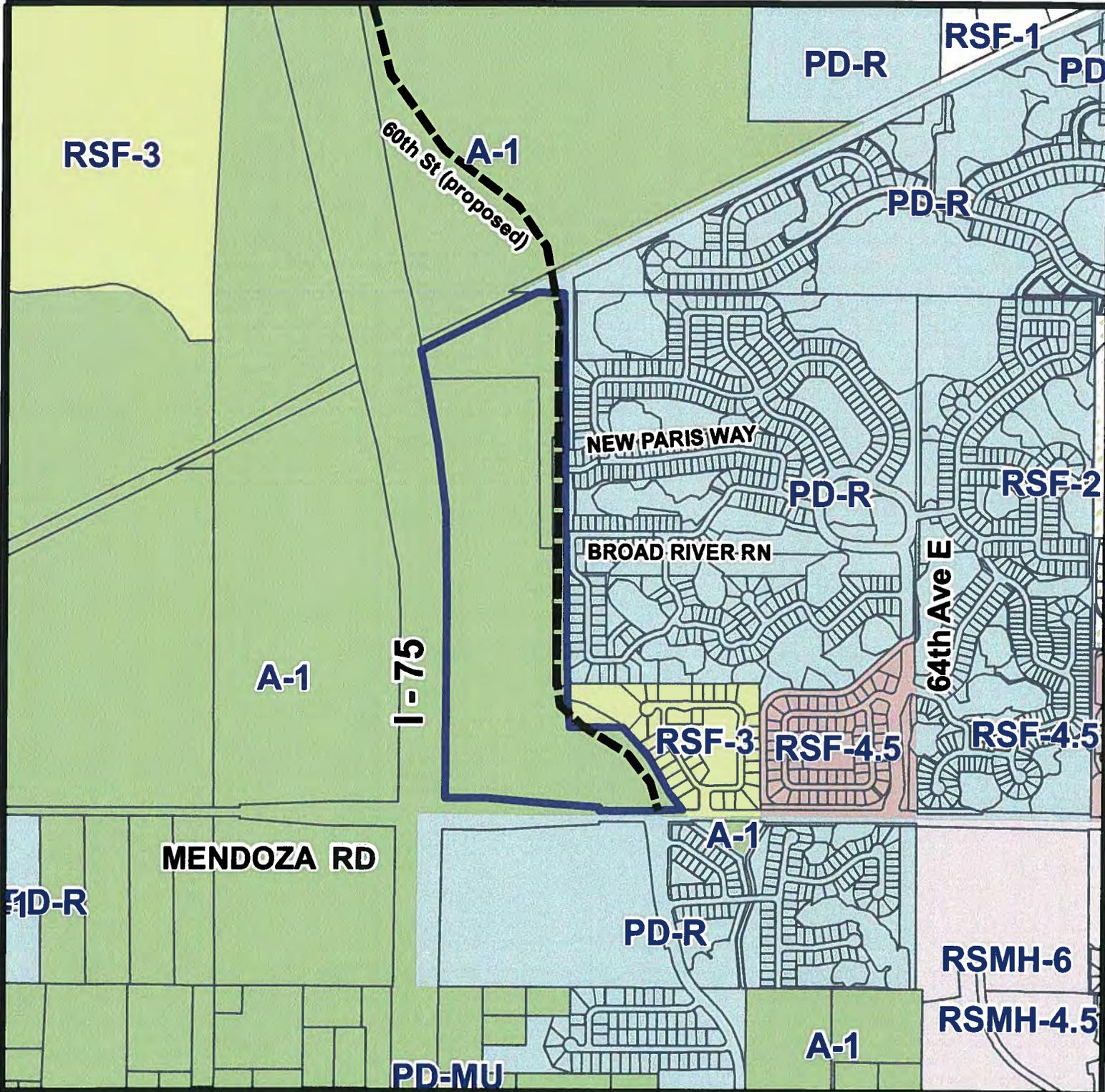
S/T/R: Sec 4,33 Twn 34,33 Rng 18
 Acreage: ± 85.5
 Existing Zoning: A-1
 Existing FLU: RES-6
 Overlays: NONE
 Special Areas: Greenway

CHH: NONE
 Watershed: NONE
 Drainage Basin: MANATEE RIVER BL DAM
 Commissioner: Larry Bustle

Manatee County
 Staff Report Map
 Map Prepared 7/6/2011
 1 inch = 1,042 feet

— — — Proposed Road

ZONING



Parcel ID #(s) 745010059, 745010509

Project Name: Trees Direct
 Project #: PDMU-11-08 (Z)(G)
 DTS#: 20110165
 Proposed Use: Residential

S/T/R: Sec 4,33 Twn 34,33 Rng 18
 Acreage: ± 85.5
 Existing Zoning: A-1
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 Overlays: NONE
 Special Areas: Greenway

CHH: NONE
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 Commissioner: Larry Bustle

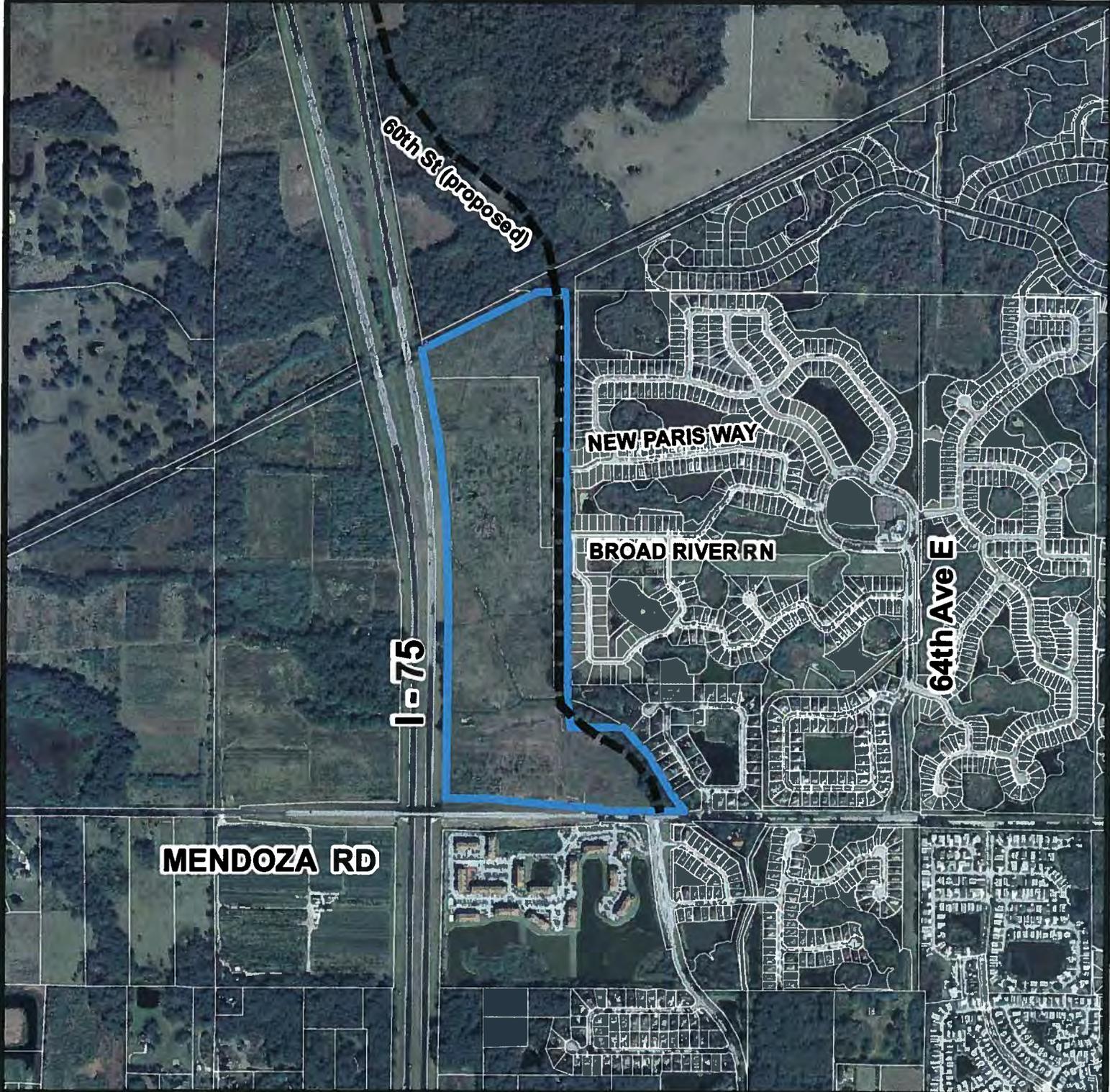


Manatee County
 Staff Report Map

Map Prepared 7/6/2011
 1 inch = 1,042 feet

Proposed Road

AERIAL



Parcel ID #(s) 745010059, 745010509

Project Name: Trees Direct
 Project #: PDMU-11-08 (Z)(G)
 DTS#: 20110165
 Proposed Use: Residential

S/T/R: Sec 4,33 Twn 34,33 Rng 18
 Acreage: ± 85.5
 Existing Zoning: A-1
 Existing FLU: RES-6
 Overlays: NONE
 Special Areas: Greenway

CHH: NONE
 Watershed: NONE
 Drainage Basin: MANATEE RIVER BL DAM
 Commissioner: Larry Bustle



Manatee County
 Staff Report Map

Map Prepared 7/6/2011
 1 inch = 1,042 feet

 Proposed Road

P.C. 11/08/2012

PDMU-11-08(Z)(G) – TREES DIRECT, LLC

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 85.54 acres on the north side of Mendoza Road and east side of I-75 at 5500 37th Street East, Ellenton, from the A-1 (Suburban Agriculture, one dwelling unit per acre) to PDMU (Planned Development Mixed Use) zoning district; approving a General Development Plan for two development scenarios (traditional and mixed use development) with a trade-off matrix that includes a maximum of:

- 500 multi-family units which, may include a 120-bed residential care facility (equals 20 units), and
- Commercial/office use(s) of up to 150,000 square feet;

subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

P.C.: 11/08/2012

B.O.C.C.: 12/06/2012

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 the Manatee County Zoning Ordinance No. PDMU-11-08(Z)(G); APPROVAL of the General Development Plan with Stipulations A.1–A.9, B.1–B.10, C.1-C.2 and D.1; GRANTING Special Approval for: 1) a project exceeding a gross density of 4.5 dwelling units per acre in the RES-6 Future Land Use Category (FLUC); 2) a project exceeding a net residential density of six (6) dwelling units per acre in RES-6 FLUC; 3) a mixed use project in the RES-6 FLUC; 4) a non residential project exceeding 30,000 square feet of gross building area in the RES-6 FLUC; 5) a project in an Entranceway; and 6) a project adjacent to a perennial stream; as recommended by staff.

PROJECT SUMMARY	
CASE#	PDMU-11-08(Z)(G) DTS# 20110165
PROJECT NAME	Trees Direct
APPLICANT(S):	Trees Direct, LLC
PROPOSED ZONING:	PDMU(Planned Development Mixed Use)
EXISTING ZONING:	A-1(Suburban Agriculture-one dwelling unit per acre)
PROPOSED USE(S):	Mixed Use - Commercial, office, and Residential
CASE MANAGER:	Stephanie Moreland
STAFF RECOMMENDATION:	Approval
DETAILED DISCUSSION	
<p>The 85.54± acre site is adjacent to a perennial stream and in a designated Entranceway of the County. The site has frontage on the north side of Mendoza Road, east side of I-75, and west side of the future alignment of 60th Avenue East. The site has a 170-foot wide Florida Power and Light easement crossing the property from east to west.</p> <p>In 2010, a part of the site (50.00± acres) was amended (PA-10-07) to change the Future Land Use Category from RES-3 (Residential, three dwelling units per acre) to RES-6 (Residential, six dwelling units per acre). The entire site is now in the RES-6 FLUC. Suburban or urban residential uses, neighborhood retail uses, and short-term agricultural uses are listed in the range of potential uses for the RES-6 FLUC.</p> <p>The applicant requests approval of a rezone to PDMU and a General Development Plan to include commercial, office, and residential uses.</p> <p>Land Use Operative Provision, E, of the Manatee Comprehensive Plan requires that proposed commercial projects be within a node eligible for consideration of commercial development. This provision further requires any site within the RES-6 FLUC to be a maximum of 1,500 feet from an intersection of two functional-classified roadways. Mendoza Road and 60th Avenue East are classified as Collector roadways. The site meets commercial</p>	

locational criteria and is eligible for consideration for commercial development.

The vacant site is currently zoned A-1. The A-1 zoning district provides for limited transition areas and allows agricultural and related uses on short term agricultural lands. The maximum density is one dwelling unit per acre.

The proposed change to PDMU zoning provides greater flexibility for a project having a mix of uses (commercial, office, and residential) when establishing appropriate buffers and setbacks to help mitigate any potential adverse impacts relative to noise from I-75. Special Approval is required for a mixed use project in RES-6 FLUC.

The applicant proposes two different options for developing this site; 1) "*traditional development*" and 2) "*mixed-use development*".

Option One is the traditional form of development which places the commercial/office area within the commercial node (intersection of 60th Ave East and Mendoza Road) with the residential development clustered behind, or north of the commercial area.

399 multi-family units on 66.54± acres, a residential care facility with 120 beds (equals 20 units) on 4± acres (total 70.54± residential acreage), and a maximum 150,000 square foot commercial/office component on 15± acres are planned for this option. This type of development places the biggest traffic generating land uses at the intersection of major roadways.

Option two is a mixed use development with up to 500 multi-family units, which may include a residential facility having up to 120 beds and a commercial/office component with a maximum of 150,000 square feet.

The mixed-use form of development allows residential, commercial, and office uses to be placed together throughout the site, including the vertical integration of uses. This form of development allows for a more efficient form of traffic distribution spread throughout the project, and encourages a scale of development that is walkable by using neo-traditional block patterns. Neo-traditional development creates a more cohesive community allowing people to live and work within their neighborhoods.

Both development options cap density at a maximum of six dwelling units per gross acre; 5.94 and 5.99 dwelling units per acre, respectively. The proposed densities are consistent with the RES-6 FLUC as six dwelling units per acre is the maximum potential density allowed. Comprehensive Plan Policy 2.2.1.12.4 requires Special Approval for projects exceeding a gross residential density of 4.5 dwelling units per acre and a net residential density of six dwelling units per acre in RES-6 FLUC.

The RES-6 FLUC allows a maximum FAR of 0.23 and 0.35 for mini-warehouse uses without Special Approval. The General Development Plan indicates 150,000 square feet for the commercial component (neighborhood retail) which is the maximum square footage allowed for neighborhood retail uses in RES-6. Special Approval is required for a non-residential

project exceeding 30,000 square feet and a project adjacent to a perennial stream.

Additionally, while multi-family residential with the possibility of an assisted living facility are planned, the General Development Plan shows that single-family development may be developed in lieu of some or all of the multi-family units. This type of flexibility is authorized as an administrative change by the Land Development Code. Should this alternative become viable, lot sizes, and setbacks will be consistent and comparable with lot sizes in the adjacent Covered Bridge Subdivision which has typical lot sizes of 50'x120' and 70'x120'.

The LDC requires two means of access for a project with more than 100 units. The General Development Plan shows two access points which are planned for either the traditional development or mixed-use development; a right-in/right-out access connecting Mendoza Road and "a boulevard entrance loop road" connecting the future northern segment of 60th Avenue East.

As identified in Manatee County's currently adopted Future Thoroughfare map within the Comprehensive Plan, the future extension of 60th Avenue East is designated as a collector facility and will link the existing section of this roadway near Mendoza Road northward to 69th Street East. In addition, as per the County's currently adopted Long-Range Transportation Plan, the 60th Avenue East extension will require four lanes of travel (two each direction) upon its opening.

A traffic analysis will be required with future submittals (Preliminary/Final Site Plans) to ensure that the traffic generated by this project can be accommodated by the existing and planned infrastructure.

Two stipulations are included in the staff report. One requires the developer to construct a boulevard roadway and the other requires the construction of an emergency access from the subject property to either Broad River Run or New Paris Way. The applicant is in agreement with staff's recommendation.

Off-street parking and loading will be provided in accordance with the requirements of the Land Development Code. Staff recommends an overall layout of the entire project be submitted with the future Preliminary and Final Site Plan submittals for administrative review.

Staff has a concern with the project's residential component because the site fronts I-75. Future residents adjacent to the interstate may be subject to noise from vehicles traveling along I-75.

To address any potential noise impacts from I-75, staff recommends a 100-foot wide landscaped roadway buffer be shown on the Preliminary and Final site plans and provided along I-75. Additionally, staff recommends the installation of an eight-foot high solid decorative wall with noise mitigating features, on top of a five foot high berm, and enhanced landscaping along I-75, adjacent to residential lots or structures.

Additionally, a 20-foot wide landscaped roadway buffer will be provided along Mendoza Road and the future 60th Avenue East and a 15-foot wide landscaped perimeter buffer will be installed along the north boundary of the site.

Staff recommends the residential and commercial components (traditional design option) be separated by a 40-foot wide landscaped buffer. The buffer shall contain an eight-foot high decorative wall, or a five-foot high berm with a minimum three-foot high decorative wall on top of the berm. The wall, or berm and wall, is to be constructed generally in the center of the buffer, with landscaping planted on the interior and exterior sides of the wall, or berm and wall, in accordance with planting standards in the LDC.

The concerns mentioned above were also concerns raised at the neighborhood meeting held on October 18, 2012. In addition to noise and traffic concerns, there were also questions relative to drainage in Covered Bridge Subdivision and stormwater run-off from the project site.

Staff recommends approval subject to the recommended stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA

GENERAL LOCATION:	North side of Mendoza Road, east side of I-75 and west side of future 60th Avenue East.
ACREAGE:	85.54± acres
EXISTING USE(S):	Vacant
FUTURE LAND USE CATEGORY(S):	RES-6 (Residential, six dwelling units per acre)
INTENSITY (Floor Area Ratio):	0.23
DENSITY:	Six dwelling units per acre
SPECIAL APPROVAL(S):	<ol style="list-style-type: none"> 1. Exceeding gross density of 4.5 d.u.s/acre in RES-6. 2. Exceeding a net density of six d.u.s/acre in RES-6. 3. Non-residential project exceeding 30,000 square feet in RES-6. 4. Mixed use project 5. Project in an Entranceway 6. Project adjacent to perennial stream
OVERLAY DISTRICT(S):	N/A

SPECIFIC APPROVAL(S):	N/A
SURROUNDING USES & ZONING	
NORTH	Vacant land zoned A-1 (Suburban Agriculture, one dwelling unit per acre)
SOUTH	Across Mendoza Road, multi-family units (Tuscany Lakes), single-family residential Subdivision (Oakley) zoned PDR (Planned Development Residential) and single-family residence zoned A-1.
EAST	Across 60th Avenue East, are three residential subdivisions; Oak Creek zoned RSF-3 (Residential Single-Family, three dwelling units per acre), Covered Bridge zoned PDR and Oakleaf Hammock Subdivision zoned RSF-4.5 (Residential Single-Family-4.5 dwelling units per acre).
WEST	Interstate I-75.
SITE DESIGN DETAILS	
OPEN SPACE:	25% or 6.25± acres (commercial), 30% or 20.19± acres (residential)
RECREATIONAL AMENITIES:	Amenities may include any of the following: Clubhouse, pool, trails, parks, gazebos, or BBQ grills.
RECREATIONAL ACREAGE:	3.00 ± acres
ACCESS:	Mendoza Road and 60th Avenue East.
FLOOD ZONE(S)	C (Panel 120153 0192 B, revised 3/15/984).
HURRICANE EVACUATION ZONE	Not in an Evacuation Zone
AREA OF KNOWN FLOODING	No
UTILITY CONNECTIONS	County Water and Sewer

ENVIRONMENTAL INFORMATION				
Overall Wetland Acreage:		8.0± acres		
Proposed Impact Acreage:		None		
NEARBY DEVELOPMENT				
Project	Lots/units	Density	Minimum Lot/Unit size	Approved
Oak Creek Subdivision	40	1.76	10,018sq. ft.	1997
Covered Bridge	735	2.44	7,700sq. ft.	1998
Oakleaf Hammock Phase I	42	1.08	8,400sq. ft.	2005
Oakleaf Hammock Phase II	56	0.79	15,000sq. ft.	2006
Oakleaf Hammock Phase III	78	0.6	15,000sq. ft.	2007
Oakleaf Hammock Phase IV	168	1.4	6,600sq.ft.	2006
Tuscany Lakes/Oakley Place II & III	350 multi-family 129 single-family	4.7	5,250sq. ft./650sq. ft.	1999
POSITIVE ASPECTS				
<ul style="list-style-type: none"> • The site has frontage along I-75. Commercial and office uses will provide convenience for nearby residents, motorists, and visitors in the area. • The nearby area is transitioning from agricultural uses to single-family residential development and commercial uses developing at commercial nodes. • This rezone may be considered a logical expansion of PDR zoning to the east and south. 				
NEGATIVE ASPECTS				
<ul style="list-style-type: none"> • Future residential development may be negatively impacted by noise from I-75. • The proposed gross residential density is the maximum potential density allowed in the RES-6 FLUC. • Level of detail presented is minimal with a General Development Plan and difficult to review to ensure mixed-use, neo traditional is designed appropriately. In addition, Staff cannot identify if residential uses will be in the L1070 dBA noise level contour at this stage. 				

MITIGATING MEASURES

- Staff recommends a stipulation requiring a noise study to be done based on the potential 10-lane configuration of I-75, prior to Preliminary/Final Site Plan approval.
- Staff recommends a noise mitigating feature, such as a wall or berm, or combination of both with the use of existing vegetation, and the installation of a hedge on the exterior side of the wall along I-75, adjacent to residential structures or lots.
- Staff recommends a stipulation requiring an overall layout of the project with the Preliminary/Final Site Plans if mixed use/neo-traditional option is utilized.

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS

1. An overall layout of the entire project (regardless of option) shall be submitted with the future Preliminary and Final Site Plan submittals for administrative review and approval.
2. All roof mounted H.V.A.C. mechanical equipment shall be screened with a solid parapet wall or other noise deflecting materials, which shall be consistent with the construction materials of the main building, so as not to be visible from adjacent roads or residences. Roof mounted equipment shall be placed in the front half of the building, away from the residential development. This shall be approved with the Final Site Plan.
3. All dumpsters shall be screened with building materials matching the principal buildings on site.
4. Tractor trailer or semi-trucks involved in deliveries to the rear of the buildings (or side if it faces residential development shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. During the period of time between 10:00 p.m. and 7:00 a.m., there shall be no delivery, loading or unloading of tractor trailers or semi-trucks; use of forklifts or other loading or unloading devices; and running of truck or trailer motors, or other refrigeration devices installed thereon.
5. If the multi-family use converts to single-family detached residences administratively, then minimum lot sizes shall be 50'x120' and 70'x120'. Setbacks shall be as follows:

Front: 25'*/20'

Side: 6' (50' wide lots) & 7.5' (70' wide lots)

Rear: 15'

*Corner lots shall provide a 25-foot setback from the garage to the property line adjacent to a street and a 20-foot setback from the structure (non-garage) to the property line adjacent to the other street.

6. A 100-foot wide landscaped roadway buffer shall be shown on the Preliminary and Final Site Plans and provided along I-75 adjacent to residential units.

The 100-foot wide buffer shall contain a noise mitigating feature such as a decorative wall, fence, or berm, or combination of both. The type of structure is to be determined based on the results and recommendations of the noise study at Final Site Plan stage. The feature shall be constructed generally in the center of the buffer. Enhanced landscaping shall be planted on the exterior side of the wall along I-75, adjacent to residential structures.

7. A 40-foot wide buffer shall be shown on the Preliminary and Final Site Plans and installed between the residential and commercial components. The buffer shall contain an eight-foot high decorative wall/fence, or a five-foot high berm with a minimum three-foot high decorative wall/fence on top of the berm. The wall/fence, or berm and wall/fence, shall be constructed generally in the center of the buffers. Landscaping shall be planted on the interior and exterior sides of the wall/fence, or berm and wall/fence in accordance with planting standards in LDC Section 715 (2 canopy trees and 33 shrubs per 100 linear feet).
8. For either traditional or mixed-use option, a 15-foot wide landscape buffer, containing one row of canopy trees (2-1/2" caliper, 10 ft. tall, 4 ft. spread and placed 35 ft. on center), shall be installed along the north property line. Lots shall not be platted through this buffer.
9. Prior to Preliminary/Final Site Plan approval a noise analysis shall be done based on the potential ten-lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

MANATEE COUNTY NOISE STIPULATION*

No residential dwelling units shall be allowed in areas where the exterior noise level is;

Ldn > 65 dBA.:
Leq design hour > 65 dBA: or
L10 design Hour > 68 dBA

Unless protected by some performance equivalent measure to achieve;

Ldn # 65 dBA,
Leq design hour # 65 dBA, or

L10 design Hour # 68 dBA

NOISE REDUCTION REQUIRED*

Sound attenuating barriers shall be provided between the residential units and the noise source.

Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.

Buildings shall be positioned to maximize the distance between the residential units and the noise source.

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

B. ENVIRONMENTAL PLANNING

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division for review prior to commencement of development.
2. 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 or issuance of the first Certificate of Occupancy.
3. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
4. The project shall be designed so that no temporary wetland buffer impacts, other than those allowed by Section 719.11.1.2 of the LDC, are required in areas that contain native desirable vegetation. This shall be reviewed and approved by the Environmental Planning Division with Preliminary or Final Site Plan.
5. All proposed mulch nature trails, board walks and shade structures located in wetland buffers and areas where native vegetation is to remain shall be designed in a manner that minimizes impacts to trees or areas of significant vegetation and in accordance with Section 719 of the LDC, if applicable.
6. The Preliminary/Final Site Plan shall identify wildlife connections between preservation areas severed by roadway construction. Oversized culverts, rumble strips or wildlife crossing signage may be required for wildlife connections and shall be approved with the Preliminary/Final Site Plan.

7. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
8. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Division of the Building and Development Services Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Environmental Division of the Building and Development Services Department.
9. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 519 of the LDC.
10. 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.

C. TRANSPORTATION

1. A boulevard roadway which will meet current county roadway design standards shall be provided from 60th Avenue East, through the project, to the portion of the project that will contain the 101st residential unit. The intent is for the boulevard roadway to provide two (2) means of access for a project containing more than 100 residential units. This boulevard roadway shall be approved by the Public Works Department, Traffic Management Service Center, with the Preliminary/Final Site Plan.
2. Prior to Final Plat or Preliminary/Final Site Plan approval (where no plat is required) for the 101st residential lot/unit, an emergency access shall be constructed from the subject project, across 60th Avenue East towards the east, and connect with either Broad River Run or New Paris Way. This access may be gated on the subject parcel. The emergency access shall be approved by the Building & Development Services Department with the Preliminary/Final Site Plan.

D. STORMWATER

1. The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the 60th Avenue East Extension to build-out condition located within the project boundaries. The developer shall design and construct the stormwater capacity for that portion of the future four-lane divided roadway within the project area and such design and construction shall be included in the SWFWMD permit documentation. Impact fee credits shall be available to the property owner for any such construction of additional stormwater capacity attributable to the future four-lane divided highway, with the final amount to be determined in accordance with the requirements of Chapter 8 of the LDC.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

None.

COMPLIANCE WITH LDC

Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
BUFFERS				
20' wide roadway buffer	20' along I-75, Mendoza Road & 60 th Ave E.	Y		Stipulation included for 100' wide buffer along I-75, adjacent to residential uses/structures.
15' wide perimeter buffer		Y		North boundary
40' wide perimeter buffers		Y		Between residential and commercial.

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Factors for Reviewing Proposed Site Plans (Section 508.6)
Planned Districts - Rezone Review Criteria (Section 603.4)**

LDC Section 508.6 Factors for Reviewing Proposed Site Plans.

Physical Characteristics:

The 85.54± acre site is in a designated Entranceway of the County. The site has frontage on the north side of Mendoza Road, east side of I-75, and west side of the future alignment of 60th Avenue East. A 170-foot wide Florida Power and Light easement extends across the property from east to west. Except for a pole barn, the site is relatively flat, vacant, and used

for agriculture. There are 8.0± acres of wetlands.

The site is in Flood Zone Category C, an area of minimal flooding. The site is adjacent to a perennial stream. Special Approval is required for a project adjacent to a perennial stream. There are existing drainage easements on the site

Relation to Public Utilities, Facilities and Services:

The site will be served by County water and sewer. There is a 20" potable water main along Mendoza. There is a sanitary gravity sewer and a 4" sanitary force main running between the New Paris Way and Broad River Run. There is a 12" potable water main along New Paris Way that ends at 60th Avenue East. There is a 6" potable water main that runs along Little Branch Loop parallel to 60th Avenue East.

Relation to Major Transportation Facilities:

The site is adjacent to Interstate I-75, Mendoza Road, and the future extension of 60th Avenue East. As identified in Manatee County's current Future Thoroughfare Map within the Comprehensive Plan, the future extension of 60th Avenue East is designated as a collector facility and will link the existing section of this roadway near Mendoza Road northward to 69th Street East. In addition, as per the County's currently adopted Long-Range Transportation Plan, the 60th Avenue East extension will require four lanes of travel (two each direction) upon its opening.

The applicant proposes two means of access; a full boulevard roadway (labeled on the General Development Plan) extending from 60th Avenue East through the project, to the portion of the project that will contain the 101st residential unit, as well as, that part of 60th Avenue East up to the boulevard entrance connection and an entrance connecting Mendoza Road.

Additionally, staff has included two stipulations in the staff report. One requires the developer to construct the boulevard roadway and the other requires the construction of an emergency access from the subject property to either Broad River Run or New Paris Way. The applicant is in agreement with staff's recommendation.

Compatibility:

The site is in an area which has a mix of agriculture, residential, and commercial zoned properties. This area of the county has grown considerably in the last two decades. North of the site is vacant land zoned A-1. Single-family residences are to the south and east of the site. There is a multi-family apartment complex (Tuscany Lakes) across Mendoza Road. The site's western boundary is adjacent to I-75. Given the site's close proximity to the Ellenton Premium Outlet mall and other retail commercial establishments to the south, Interstate I-75, and the surrounding residences, the site may be considered compatible for commercial, office, and residential developments.

Transitions:

The site is in an area which is transitioning from suburban agricultural uses to commercial and residential uses. The site meets commercial locational criteria and is eligible to be considered for a commercial component. The timing of the request is appropriate and consistent with development trends in the area. Planned Development Mixed Use projects can be designed to provide a transition between I-75 and residential and permit development consistent with the growing residential trends in the area.

Design Quality:

The project may consist of up to 500 multi-family units including a maximum 120-bed residential care facility, a commercial and office component.

The project requires thirty percent (30%) minimum open space which includes an additional five percent (5%) for a project in the entranceway. 30% open space is proposed for residential and 25% for commercial component.

The following chart indicates minimum proposed setbacks for the project:

TRADITIONAL DEVELOPMENT	MIXED USE DEVELOPMENT
Multi-Family/Residential Care Facility	
100' from I-75 50' from Mendoza Road 50' from 60 th Ave. E. 20' from north property line	100' from I-75 20' from Mendoza Road 20' from 60 th Ave. E. 20' from north property line
Office/Commercial	
50' from I-75 30' from Mendoza Road 30' from 60 th Ave. E. 20' from the north property line	50' from I-75 20' from Mendoza Road 20' from 60 th Ave. E. 20' from north property line

The following applies to Traditional and Mixed Use Development:
 30' from Waterfront
 15' from wetland buffer
 15'/25'* between buildings
 *15' required between one & two-story buildings/25' between any 3-story building and other building.

If the multi-family use converts to single-family detached residences administratively, then setbacks shall be as follows:

- Front: 25*/20'
- Side: 6' for 50' wide lots/7.5' for 70' wide lots
- Rear: 15'

* Corner lots shall provide a 25-foot setback from the garage to the property line adjacent to

a street and a 20-foot setback from the structure (non-garage) to the property line adjacent to the other street.

Relationship to Adjacent Property:

The site is adjacent to I-75. This area of the County is gradually developing with residential and commercial developments. Retail establishments including Ellenton Premium Outlets and North River Shopping Center are farther south. Tuscany Lakes Apartments is to the south across Mendoza Road and single-family residential developments are to the east and south.

Access, Streets, Drives, Parking and Service Areas:

The site will have access via 60th Avenue East. 60th Avenue East is planned to connect to Mendoza Road. The General Development Plan states that two means of access for a project with more than 100 units will be provided in accordance with LDC standards.

The required number of parking spaces for the commercial component will be calculated at one space per 200 square feet of gross floor area. Parking details are required to be shown with the Preliminary and Final Site Plans.

Pedestrian Systems:

Five-foot wide sidewalks exist along Mendoza and 60th Avenue East. Internal sidewalks will be reviewed and addressed with future Preliminary and Final Site Plans.

Natural and Historic Features, Conservation and Preservation Areas:

There are 8.00± acres of wetlands. No wetland impacts proposed.

Density:

A requested density of six dwelling units per acre for the residential component is the maximum density allowed in RES-6 FLUC. Special approval is required for a gross density exceeding 4.5 dwelling units per acre and a net density exceeding six dwelling units per acre in the RES-6 FLUC.

Intensity:

The Floor Area Ratio (FAR) is 0.23. RES-6 FLUC allows a maximum FAR of 0.23 and 0.35 for mini-warehouse uses without Special Approval. The RES-6 FLUC allows up to 150,000 square feet for neighborhood retail uses. The project proposes a commercial component of 150,000 square feet. Special Approval is required for a non-residential project exceeding 30,000 square feet.

Height:

The maximum 35-foot height should not create any external impacts that would adversely affect the surrounding development. Any increase in height above 35 feet must be in accordance with the current LDC Section 603.7.4.9 or those LDC regulations pertaining to height restrictions in effect at time of development.

Fences and Screening:

Staff recommends an eight-foot high decorative wall, or a five-foot high berm with a minimum three-foot high decorative wall on top of the berm. The wall, or berm and wall, are to be constructed generally in the center of the buffer, with landscaping planted on the interior and exterior sides of the wall, or berm and wall, in accordance with planting standards in LDC Section 715. The wall, or berm and wall are to be shown on the Preliminary and Final Site Plans.

Trash and Utility Plant Screens:

Screening will be provided with all common trash containers and will be reviewed with the Preliminary and Final Site Plans. Solid waste disposal and recycle curb service will be provided by Manatee County.

Signs:

All signs will be reviewed with the Final Site Plan and Building Permits. A separate sign permit is required before construction or placement of proposed signs.

Landscaping:

The General Development Plan indicates 20-foot wide roadway buffers adjacent to Mendoza Road and 60th Avenue East and a 15-foot wide buffer along the northern perimeter of the site. Staff recommends a 100-foot wide roadway buffer adjacent to I-75. Staff recommends a stipulation to require enhanced landscaping within the buffers adjacent to I-75 and residential uses and a 40-foot wide buffer separating the residential from commercial uses. Tree removal and replacement will be addressed with future Preliminary and Final Site Plans.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The site is in the RES-6 Future Land Use Category. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.7 Appropriate Timing. The site is in an area which is primarily single-family residences. There is a multi-family development (Tuscany Lakes Apartments) south of the site, across Mendoza Road. There are some retail commercial establishments farther south.

The timing is appropriate given development trends in the area.

Policy 2.2.1.12.1 Intent. The uses are consistent with the intent of the RES-6 FLUC which provides for commercial and residential land uses.

Policy 2.2.1.12.2 Range of Potential Uses includes 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.

Policy 2.6.1.1 Compatibility. The General Development Plan shows minimal detail at this stage. Planned development allows the project to be designed with future preliminary and final site plans to be compatible with surrounding development. Appropriate buffers are provided for compatibility and transition between existing developments.

Policy 2.6.2.7 Require Clustering to Limit Impacts and Policy 2.6.5.5 Preserve/Protect Open Space. ±6.25 acres or 25% is required to be provided for the commercial component and 30% or ±20.19 acres for the residential.

CONCURRENCY

CLOS APPLIED FOR: No*

TRAFFIC STUDY REQUIRED: No*

*Concurrency must be deferred with a General Development Plan and will be addressed at Preliminary or Final Site Plan stage. However, a Traffic Impact Statement was reviewed and approved with the General Development Plan.

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
Mendoza Road	Ellenton Gillette Road to Victory Road (links 2720 and 2730)	D	C
60 th Ave. East	Factory Shops Blvd. to Mendoza Road (link 6061)	D	C

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Zoning Disclosure Affidavit**
- 3. 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: 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include:
- consideration of existing development patterns,
 - types of land uses,
 - transition between land uses,
 - density and intensity of land uses,
 - natural features,
 - approved development in the area,
 - availability of adequate roadways,
 - adequate centralized water and sewer facilities, other necessary infrastructure and services.
 - limiting urban sprawl
 - applicable specific area plans
 - (See also policies under Objs. 2.6.1 - 2.6.3)
- Policy: 2.2.1.12 **RES-6:** Establish the Residential-6 Dwelling Units/Gross Acre future land use category as follows:

Policy: 2.2.1.12.1

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

Policy: 2.2.1.12.2

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

Policy: 2.2.1.12.3

Range of Potential Density/Intensity:

Maximum Gross Residential Density:

6 dwelling units per acre

Maximum Net Residential Density:

12 dwelling units per acre

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

Maximum Floor Area Ratio:

0.23 (0.35 for mini-warehouse uses only)

Maximum Square Footage for Neighborhood

Retail Uses: Medium (150,000sf)

Policy: 2.2.1.12.4

Other Information:

- a) All mixed and multiple-use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- b) All projects for which gross residential density exceeds 4.5 dwelling units per acre, or in which any net residential density exceeds 6 dwelling units per acre shall require special approval.

- c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.
- d) Professional office uses not exceeding 3,000 square feet in gross floor area within this category may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, and detailed in the Land Use Operative Provisions Section E (1) provided such office is located on a roadway classified as a minor or principal arterial, however, not including interstates and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).

Policy: 2.6.1.1

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

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

Policy: 2.6.2.8

Utilize the techniques of policy 2.6.1.1, as appropriate, to mitigate noise and/or other traffic impacts for residential development adjacent to roadways classified as arterials and limited access facilities.

Policy: 2.9.1.2	Promote the connection and integration of community pedestrian, bicycle, and vehicular systems to the larger county systems. (See also Obj. 3.3.3)
Policy: 2.9.1.3	Provide vehicular access between neighborhoods, particularly (but not exclusively) when part of a planned unit development containing more than one neighborhood.
Policy: 2.9.1.4	Encourage the development of a variety of housing options and architectural styles within a community. (See also Obj. 6.1.1)
Policy: 2.9.1.5	Promote the development of pedestrian friendly designs.
Policy: 2.9.1.6	Promote the use of unifying design elements and features.
Policy: 2.9.1.7	Encourage the development of community spaces, including usable open space and public access to water features.
Policy: 2.9.1.8	Encourage the design of residential projects providing continuous green space connecting neighborhoods.
Policies: 2.9.1.9	Require where feasible, pedestrian and bicycle access to community spaces, schools, recreational facilities, adjacent neighborhoods, employment opportunities, professional and commercial uses. (See also Obj. 3.3.3)
Policy: 2.10.1.2	Promote the development of commercial uses in planned commercial centers, and discourage scattered, incremental commercial development.
Policy: 2.10.1.3	Allow for neotraditional development projects that functionally mix residential and commercial (retail/office) uses.
Policy: 2.10.3.1	Require that access to commercial uses be established on at least one roadway, operating at, or better than, the adopted level of service. Access which is limited only to roadways that carry traffic within residential neighborhoods shall be considered unacceptable for commercial uses. An exception shall be made for neotraditional projects that have commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher. An exception shall be made for DRIs and Large Project developments that have mixed uses with a residential component and meet minimum

development characteristics to have commercial uses located internally to neighborhoods if the main neighborhood access is located on a road designated as a collector or higher.

Policy: 2.10.3.2

Require that all proposed small and medium commercial uses can be directly accessed from at least one roadway shown on the Roadway Functional Classification Map as collector or higher, at time of issuance of a development order. An exception shall be made for neotraditional projects that have commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher. An exception shall be made for DRI's and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics to have commercial uses located internally to neighborhoods if the main neighborhood access is located on a road designated as a collector or higher.

Policy: 2.10.4.1

Limit the location of all new commercial development to well-defined nodes, or compact groupings, to:

- Provide a reasonable compromise of predictable, yet flexible, commercial locations for all residents and business interests in Manatee County.
- Increase safety and maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development and the multiple access points which are likely to accompany such linear commercial development.
- Facilitate compliance with the commercial project access criteria contained in Objective 2.10.3.
- Maximize the accessibility and viability of commercial development by using location and grouping to maximize the number of trips to the commercial site.
- Establish conveniently located commercial uses for residents of Manatee County.

Policy: 2.10.4.2

Prohibit the consideration of any development order establishing the potential for commercial development, where the proposed project site is inconsistent with

commercial locational criteria. Consistency shall be determined through the application of the commercial location review process described in the operative provisions contained in this Element. Permitted exceptions to these requirements are limited to:

- Existing commercial uses that are legally permitted, and that are in place at time of comprehensive plan adoption. However, where such uses are nonconforming to other development regulations, nothing in this policy shall render those uses conforming to the subject regulations.
- Redevelopment of an existing commercial use which does not meet the commercial locational criteria, subject to the finding by the Board of County Commissioners that the proposed project is consistent with the general welfare of Manatee County residents.
- Locations designated as Retail/Office/ Residential or Low Intensity Office (OL), Medium Intensity Office (OM) or Mixed Use (MU) or within the MU-C Mixed Use Community and its Sub Areas which are inconsistent with commercial locational criteria [see 2.2.1.16.4(b) and 2.2.1.17.4(e)].
- Recreational vehicle parks. However, compliance with Policy 2.10.5.2 shall be required.
- Establishments providing nursing services as described in Chapter 464, F.S.
- Sale of agricultural produce at roadside stands.
- Small commercial uses associated with a permanent roadside agricultural stand. Maximum commercial square footage shall be 3,500 square feet of the project. Development must be located on functionally classified rural arterial or rural collector roadway. Planned development approval required.
- Agricultural service establishments (e.g. farm equipment sales and service).

- Low intensity commercial recreational facilities (e.g., driving range).
- Rural recreational facilities located in the Ag/R future land use category meeting adverse impact standards as established within the Manatee County Land Development Code. All such uses must receive Special Approval.
- Appropriate water-dependent, water -related, and water-enhanced commercial uses, as described under Objective 4.2.1.
- Commercial uses located within Port Manatee.
- Professional office uses not exceeding 3,000 square feet in gross floor area within the Res-6, Res-9, RES-12, and Res-16 future land use categories may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions provided such office is located on a roadway classified as a minor or principal arterial on the roadway functional classification map, however, not including interstates, and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.2.1.12.4, 2.2.1.13.4, 2.2.1.15.4).
- Commercial uses located within the rural community of Myakka City which is designated as those lands on Sheet 29 f the Future Land Use Map shown as Res-3 or Res-1 on May 11, 1989, provided that they are located along State Road 70 within 1,500 feet from its intersection with Wauchula Road, and located within 1,000 feet along Wauchula Road from its intersection with State Road 70. Further, properties developed commercially, or having commercial zoning in place at the time of adoption of this Comprehensive Plan if they have frontage on State Road 70 and are within three-quarters mile of the State Road 70 and Wauchula Road intersection are also exceptions. Furthermore, all commercial uses allowable under this provision will be exempt from the one-half mile spacing requirement denoted in Policy 2.10.4.3(4).

- Small commercial (professional) office uses which operate as an accessory use to a residential religious development. Such accessory office uses which do not serve the general public but which serve the residential religious development may locate in residential future land use categories (RES-1, RES-3, UF-3, RES-6, RES-9, RES-12 and RES-16)
- and may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions (see also 2.2.1.9, 2.2.1.10, 2.2.1.11, 2.2.1.12.4, 2.2.1.13.4, 2.2.1.14.4 and 2.2.1.15.2).
- Neotraditional developments that have commercial and office developments located internal to the project and whose main project access is located on a road designated as a collector or higher.
- DRI's and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics (see Neo-Traditional Development definition for development characteristics), have commercial uses located internal to neighborhoods and whose main neighborhood access is located on a road designated as a collector or higher.
- Commercial uses located within the Parrish area for properties fronting US 301, from Moccasin Wallow Road to the realigned Ft. Hamer Road. These commercial uses are limited to a building footprint of 5,000 square feet except at nodes.

No exception to commercial locational criteria provided for under this policy shall be used as a precedent for establishing other commercial development inconsistent with this Comprehensive Plan.

Nothing in this policy shall require the issuance of a development order solely on the basis of compliance with commercial locational criteria. Compliance with other commercial development standards contained in Policy 2.10.4.3 below, and with all other goals, objectives, and

policies of this Comprehensive Plan is also required for issuance of a development order approving commercial uses. In particular, compliance with the policies of Objectives 2.6.1 and 2.6.2 is mandatory for approval of any commercial use within a residential designation.

Policy: 2.10.4.3

Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:

- 1) Any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses.
- 2) Any proposed commercial site must be configured and sized to allow for orientation of structures, site access points, parking areas, and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential use.
- 3) No proposed commercial site shall represent an intrusion into any residential area. As used in this standard, "intrusion" means located between two residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed commercial use meets the definition of "infill commercial development," demonstrated through evaluation of existing land use patterns in this vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the operative provisions of this Element. Permitted exceptions listed in Policy 2.10.4.2 shall not be required to meet this development standard. No such intrusion shall be found in neotraditional developments approved as such by the County, as a mixture of uses are encouraged within those projects. No such intrusion shall be found in DRI and Large Project developments where commercial uses are internal to neighborhoods, approved as such by the County, as a mixture of uses are encouraged within those neighborhoods.
- 4) Commercial nodes meeting the requirements specified in the operative provisions of this Element

shall, additionally, be spaced at least one-half mile apart, as measured between the center of two nodes. However, where two commercial nodes have been established by the development of commercial uses prior to plan adoption, and are spaced less than the minimum required one-half mile, then a waiver of this commercial development standard may be considered. Preferentially, in instances where previous development has not established a pattern of land uses inconsistent with commercial locational criteria or development standards, nodes shall be spaced no less than one mile apart. Neotraditional projects shall be exempt from this requirement. DRI and Large Project developments that have mixed uses with a residential component that receive approval to locate commercial uses internal to neighborhoods shall be exempt from this requirement.

MANATEE COUNTY GOVERNMENT
PLANNING DEPARTMENT
ZONING DISCLOSURE AFFIDAVIT

Project name: Tree's Direct

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 (X) or contract purchaser ()	
<u>Tree's Direct, LLC - Trey Desenberg manager</u>	<u>100%</u>
<u>P.O. Box 1125, Tallevast, FL 34270</u>	

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

Signature: Trey Desenberg
(Applicant): Trey Desenberg, manager

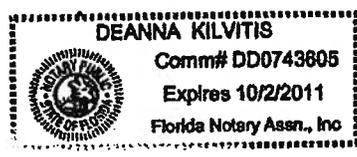
STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 19th day of May 2011 by Trey Desenberg, who is personally known to me or who has produced _____ as identification.
(type of identification)

My Commission Expires: 10/2/2011
Commission No: DD0743605

Deanna Kilvitis
Notary Signature
Deanna Kilvitis
Print or type name of Notary
N/A
Title or Rank

Revised 2/8/10
B-4



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, November 8, 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 12-28 - DTS#20120215 - LAKEWOOD CENTRE, DRI #27

An Ordinance of the Board of County Commissioners of Manatee County, Florida, rendering an amended and restated Development Order pursuant to Chapter 380, Florida Statutes, for the Lakewood Centre Development of Regional Impact (Ordinance 08-13) to approve the following changes to Map H and the ordinance: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify affordable housing conditions consistent with current practices, (4) other amendments for internal consistency providing for development rights, conditions, and obligations; providing for severability; and providing an effective date.

The Lakewood Centre DRI is generally north of SR 70 between Lakewood Ranch Boulevard (to the west) and Pope Road (to the east), and south of Malachite Drive, approximately 2 miles south of SR 64. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4± acres).

PDMU-06-30(G)(R) - DTS#20120212 - LAKEWOOD CENTRE

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development amending Ordinance PDMU-06-30(Z)(G) to approve changes to the General Development Plan and Ordinance as follows: (1) update the phasing and buildout dates to reflect legislatively approved extensions, (2) update conditions to reflect compliance with requirements contained therein, (3) modify

affordable housing conditions consistent with current practices; (4) modify design conditions; (5) clarification of allowable uses; (6) allow for transfer of residential units to parcel k; (7) other amendments for internal consistency; providing for severability; and providing for an effective date. The Lakewood Centre DRI is generally located east of Lakewood Ranch Blvd, south of Malachite Drive, west of Pope Road, and north of S.R. 70 (697.4 ± acres).

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ORDINANCE 12-34 - DTS#20120255 - SCHROEDER-MANATEE RANCH, INC.(SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating a Development Order pursuant to Chapter 380 Florida Statutes for the University Lakes Development of Regional Impact (Manatee County DRI #22, a/k/a Tampa Bay Regional Planning Council (TBRPC) DRI #216); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for recognition of the revocation of the development review agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes; to modify transportation conditions based upon such revocation; modification of affordable housing conditions consistent with current practices; to update Table 1 and Table 2 for consistency with previously approved land use exchanges; updating conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; updating the phasing and buildout dates to reflect legislatively approved extensions; eliminate maximum increase in land use exchanges (Table 1 - Column E), modify Map H to reflect previously approved land use exchanges, other

minor amendments and amendments for internal consistency; codifying and restating the existing Development Order for DRI #22; providing for severability; and providing for an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and approximately six miles east of I-75 with a portion of the project located south of University Parkway. The present zoning is Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay Districts (4,101.2± acres).

PDMU-92-01(G)(R14) - DTS#20120254 - SCHROEDER-MANATEE RANCH, INC. - (AKA SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)(UNIVERSITY LAKES)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, approving a revised Zoning Ordinance to eliminate maximum increase in land use exchanges (Table C - Column E), to recognize the revocation of the Development Review Agreement that required the combined review of University Lakes and Lakewood Ranch Corporate Park for certain purposes and to modify transportation conditions based upon such revocation; modify affordable housing conditions consistent with current practices; update conditions to reflect compliance with requirements contained therein; provide for flexibility in unit allocation among parcels; update the phasing and buildout dates to reflect legislatively approved extensions; other minor amendments and amendments for internal consistency; amending the General Development Plan and Zoning Ordinance to show these changes; providing for severability; and providing an effective date.

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PDMU-11-08(Z)(G) - DTS#20110165 - TREES DIRECT LLC

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 85.54 acres on the north side of Mendoza Road and east side of I-75 at 5500 37th Street East, Ellenton, from the A-1 (Suburban Agriculture, one dwelling unit per acre) to PDMU (Planned Development Mixed Use) zoning district; approving a General Development Plan for two development scenarios (traditional and mixed use development) with a trade-off matrix that includes a maximum of:

- 500 multi-family units which may include a 120-bed residential care facility (equals 20 units), and
- Commercial/office use(s) of up to 150,000 square feet; and

subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, 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 (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

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

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Americans With Disabilities: Board of County Commissioners of Manatee County does not discriminate on the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's actions including one's access to and participation in public hearings. Anyone requesting reasonable accommodations for this meeting as provided for in the ADA, should contact the Board of County Commissioners at 742-5800; TDD 742-5802 and wait 60 minutes, or FAX 745-3790.

HEARING MAY BE CONDUCTED FROM TIME TO TIME DURING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION Manatee County Building and Development Services Department Manatee County, Florida 8/2012

Copy of Newspaper Advertising

Sarasota Herald Tribune

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PDMU-06-30(G)(R) - DTS#20120212 - LAKEWOOD CENTRE

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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: October 24, 2012

Resolution 10-01-2012

A Resolution by the Board of Directors
of Covered Bridge Estates, CAI
pertaining to the development of the 80
+/- acres fronting on Mendoza Road
west of Covered Bridge Estates

WHEREAS, a neighborhood meeting was held in the Covered Bridge Estates Clubhouse on October 18th, 2012 to share information on a new development planned west of Covered Bridge Estates east of I-75 and north of Mendoza Road, and

WHEREAS, over 20 property owners from within the area abutting the subject property were in attendance at the meeting, and

WHEREAS, Misty Servia presented the potential development options for the subject property, and

WHEREAS, it is the understanding of the Board of Directors of Covered Bridge Estates, CAI the Manatee County Planning Commission will be considering alternatives for the development of the subject property on November 8th, 2012 and thereafter on December 6, 2012 the Board of county Commissioners are to consider the same, and

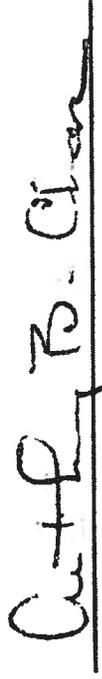
WHEREAS, the Board of Directors of Covered Bridge Estates, CAI wishes to go on record with its concerns on behalf of the property owners in Covered Bridge Estates.

WHEREAS, the Board of Directors further intends to have the President, Anthony B. Char, in attendance at the meetings scheduled for November 8, 2012 and December 6, 2012 to represent and address the concerns of the property owners in Covered Bridge Estates. NOW THEREFORE BE IT RESOLVED THAT on a motion by Wanda Kilgore-Schneider, seconded by Gordon Henderson, and adopted this day that the President, Anthony B. Char, has authority to address the concerns Covered Bridge Estates has for the development of the subject neighboring property, including but not limited to the following:

1. Direct access to the site into and/or through Covered Bridge Estates not be permitted.
2. Noise attenuators be constructed along I-75 of sufficient height and design to reduce the noise of high speed traffic on the interstate highway and those such noise attenuators be constructed in conjunction with the initial development of the subject property
3. Alignment and construction of the extension of 60th Avenue be undertaken in such a manner as to minimize the impact on Covered Bridge Estates.
4. The location and design of 60th Avenue should not result in the removal of the trees along the western border of Covered Bridge Estates.
5. Adequate buffering be provided east of the right-of-way of 60th Avenue to minimize the noise impact of the proposed road.
6. Traffic studies done in conjunction with the planning process for this project take into consideration the impact of the potential of the traffic generated by the on site development on Mendoza Road east and west of the subject property between 72nd Street and Ellenton-Gillette Road and 60th Avenue between Mendoza Road and US 301.

7. As a part of the roadway improvement process the developer be required to install traffic signals at the intersection of Mendoza Road and 60th Avenue and Mendoza Road and Ellenton-Gillette Road.
8. The physical design of the subject property will insure that water run-off will not adversely impact the development within Covered Bridge Estates.
9. Provision of guarantees in the form of performance bonds the subject property's appearance will not be a blighting influence within the site and upon abutting properties as evidenced by the appearance of property within Covered Bridge Estates along Little Gap Loop which has become a blighting influence on properties in Covered Bridge Estates.
10. Connection of water and sewer from the proposed development into the existing utility system within Covered Bridge estates will not adversely affect the ability of the existing utility system to perform as originally designed and constructed.
11. The Board of Directors of Covered Bridge Estates be kept advised of the planning, design and approval process by the Manatee County Planning Commission and the Board of Manatee County Commissioners and that ample opportunity be provided to the Board of Directors and property owners for review and comment prior to action by the Planning Commission and County Commission.
12. Administrative approvals be limited to minor variations with respect to building locations and not changes in use or density (i.e. from multiple-family to single-family) notwithstanding the provisions of 6003.6.4.2 of the LDC.
13. In the event the developer seeks Planning Commission and County Commission to modify the development plan to provide for single-family development it shall be considered separate and apart from Covered Bridge Estates and that development shall be required to provide their own on-site community facilities unless an agreement is entered into with the developer to provide the funding for the expansion of the community facilities within Covered Bridge Estates.

Adopted this 31st day of October 2012.



Anthony B. Char, President



Wanda Kilgore-Schneider, Secretary

TREES DIRECT, LLC

REZONE/GENERAL DEVELOPMENT PLAN

SECTION 4, TOWNSHIP 34 S, RANGE 18 E
MANATEE COUNTY, FLORIDA

PDMU-11-08(Z)(G)
20110165(4)
 Trees Direct

LEGAL DESCRIPTION

LEGAL DESCRIPTION: (BY KING ENGINEERING)

A TRACT OF LAND LYING IN SECTION 4, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE NORTH 89°44'48" WEST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 4, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°25'36" EAST, A DISTANCE OF 1,089.04 FEET; THENCE NORTH 89°41'12" WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 00°25'36" EAST, A DISTANCE OF 1,896.38 FEET; THENCE SOUTH 89°50'44" EAST, A DISTANCE OF 120.00 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 4; THENCE ALONG SAID WEST LINE, SOUTH 00°23'12" EAST, A DISTANCE OF 329.79 FEET; THENCE SOUTH 89°52'39" EAST, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF RESERVED TRACT "C", AS SHOWN ON THE PLAT OF OAK CREEK SUBDIVISION, AS RECORDED IN PLAT BOOK 31, PAGES 144-148 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID OAK CREEK SUBDIVISION THE FOLLOWING FOUR(4) COURSES: (1)SOUTH 89°52'39" EAST, A DISTANCE OF 403.00 FEET; (2)SOUTH 41°16'43" EAST, A DISTANCE OF 306.85 FEET; (3)SOUTH 29°02'10" EAST, A DISTANCE OF 305.04 FEET; (4)SOUTH 38°11'37" EAST, A DISTANCE OF 183.62 FEET TO THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF MENDOZA ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1779, PAGE 1829 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE NORTH 89°38'20" WEST, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 645.95 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 93(I-75), AS SHOWN ON THE RIGHT OF WAY MAP OF STATE ROAD 93(I-75) SECTION 1307-2405; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE(3) COURSES: (1)NORTH 00°22'13" WEST, A DISTANCE OF 24.74 FEET; (2)NORTH 85°00'15" WEST, A DISTANCE OF 853.13 FEET; (3)NORTH 89°38'16" WEST, A DISTANCE OF 125.43 FEET TO THE LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD 93(I-75) AS SHOWN ON SAID RIGHT OF WAY MAPS; THENCE ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE THE FOLLOWING FOUR(4) COURSES: (1)NORTH 89°38'16" WEST, A DISTANCE OF 200.00; (2)NORTH 00°40'08" EAST, A DISTANCE OF 1,976.81 FEET TO THE POINT ON A NON-TANGENT CURVE TO THE LEFT; (3)NORTHERLY 1,002.52 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 7,784.44 FEET, A CENTRAL ANGLE OF 07°22'44", AND A CHORD BEARING AND DISTANCE OF NORTH 06°35'47" WEST 1,001.82 FEET; (4)NORTH 10°10'31" WEST, A DISTANCE OF 466.28 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF FLORIDA POWER AND LIGHT COMPANY RAILROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1250, PAGE 737 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE NORTH 63°25'59" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 944.57 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE SOUTH 89°44'48" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 184.48 FEET TO THE POINT OF BEGINNING.

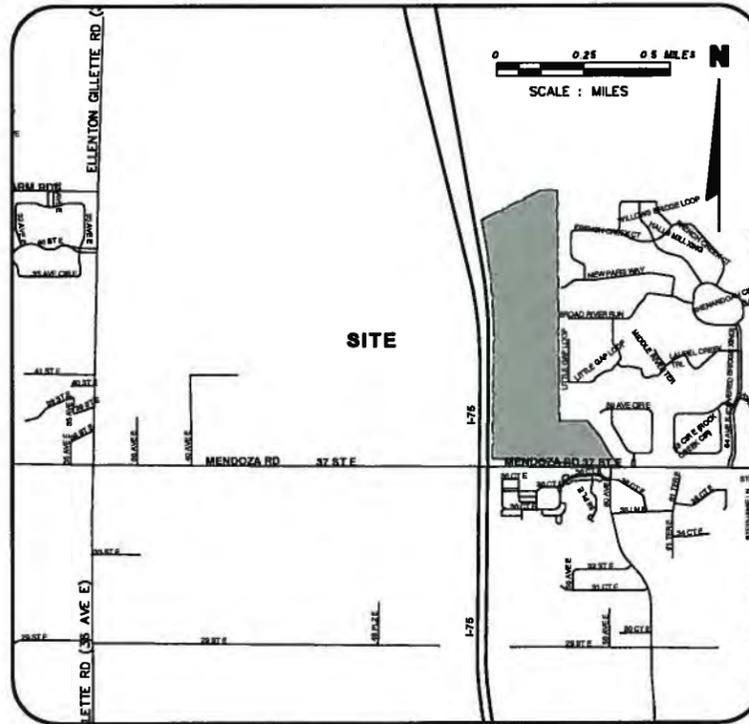
CONTAINING 84.373 ACRES

TOGETHER WITH: (O.R. BOOK 1907, PAGE 4751)

RESERVED TRACT "C" OF OAK CREEK SUBDIVISION, AS RECORDED IN PLAT BOOK 31, PAGES 144-148 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

CONTAINING 1.163 ACRES.

TOTAL OVERALL ACREAGE 85.536 ACRES



VICINITY MAP

FOR:

TREES DIRECT LLC

P.O. BOX 1125
TALLEVAST, FLORIDA 34270

BY:



2930 University Parkway
Sarasota, Florida 34243
Phone 941 358-6500
Fax 941 358-6540
www.kingengineering.com
Engineering License #2610

DRAWINGS INDEX	
Sheet Number	Sheet Title
C1.01	COVER SHEET
C2.01	GENERAL DEVELOPMENT PLAN

SITE DATA

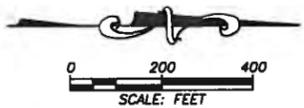
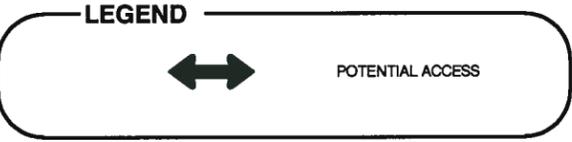
TOTAL PROJECT ACRES	85.54± ACRES
TOTAL WETLAND ACRES	8.0± ACRES
EXISTING ZONING	A-1
PROPOSED ZONING	PDMU
EXISTING FUTURE LAND USE	RES-6

NOTES

- THE SITE IS CURRENTLY ZONED A-1 AND IS USED FOR AGRICULTURE.
- THE SITE IS DESIGNATED AS FLOOD ZONE C ON F.I.R.M. PANEL #120153-0102B, REVISED 3/15/1984.
- THERE ARE NO KNOWN FOUNDATIONS, MOUNDS OR MIDDEN AREAS OF HISTORIC ORIGIN OR PLATTED STREETS LOCATED ON THIS SITE.
- THERE ARE WETLANDS UNDER THE JURISDICTION OF SWFWMD AND/OR FDEP WITHIN THE BOUNDARIES OF THIS PLAN. ACREAGE AND LOCATIONS OF ENVIRONMENTAL AREAS AND MITIGATION AREAS ARE APPROXIMATE AND ARE SUBJECT TO FINAL DETERMINATION BY APPROPRIATE AGENCIES. NO WETLAND IMPACTS PLANNED.
- THERE ARE NO KNOWN WELLS IDENTIFIED WITHIN THE BOUNDARIES OF THIS PLAN.
- THE ALIGNMENT OF ALL INTERNAL ROADWAYS AND THE LOCATIONS OF ALL PROJECT ACCESS POINTS ARE APPROXIMATE. EXACT ALIGNMENTS ARE SUBJECT TO CHANGE PURSUANT TO REVIEW BY MANATEE COUNTY DURING THE SITE PLAN / PLAT PROCESS.
- FLOODPLAIN MANAGEMENT: ANY ENCROACHMENT INTO THE 100 YEAR FLOODPLAIN WILL MEET REQUIREMENTS OF THE MANATEE COUNTY LDC, SECTION 718 AS WELL AS ALL FEDERAL AND STATE STANDARDS.
- THIS PROJECT IS NOT LOCATED WITHIN A FLOODWAY.
- SITE IS LOCATED ADJACENT TO A PERENNIAL STREAM.
- PER SECTION 803.3.4 OF THE LDC, THE OWNER PLANS TO CONTINUE THE AGRICULTURAL USE ON THIS LAND UNTIL CONSTRUCTION BEGINS.
- DETAILED PHASING TO BE APPROVED WITH THE FINAL SITE PLAN.
- TWO MEANS OF ACCESS FOR A PROJECT WITH MORE THAN 100 UNITS WILL BE PROVIDED IN ACCORDANCE WITH THE LDC STANDARDS.
- A MINIMUM OF 3 ACRES OF RECREATIONAL AREA WILL BE PROVIDED FOR THE RESIDENTIAL AREA WHICH MAY CONTAIN ANY OF THE FOLLOWING AMENITIES:
 CLUBHOUSE
 POOL
 TRAILS
 PARKS
 GAZEBO'S
 BBQ GRILLS
- RESIDENTIAL CARE FACILITIES ARE SUBJECT TO SECTION 704.02 OF THE LDC, AS AMENDED.
- PER JIM HENSLICK OF CREATIVE WETLANDS, ENVIRONMENTAL CONSULTANT, THERE ARE NO NATIVE UPLAND HABITATS ON SITE.

NO.	DATE	DESCRIPTION	APPROVED BY
3	11/20/2011	REV. SITE DATA, LEGAL DESC. AND NOTES.	
2	09/08/2011	REV. SITE DATA AND NOTES PER COMMENTS.	
1	08/08/2011	REV. SITE DATA AND NOTES PER COMMENTS.	

JOB NO.
4245-006-001
DATE
04/28/2011

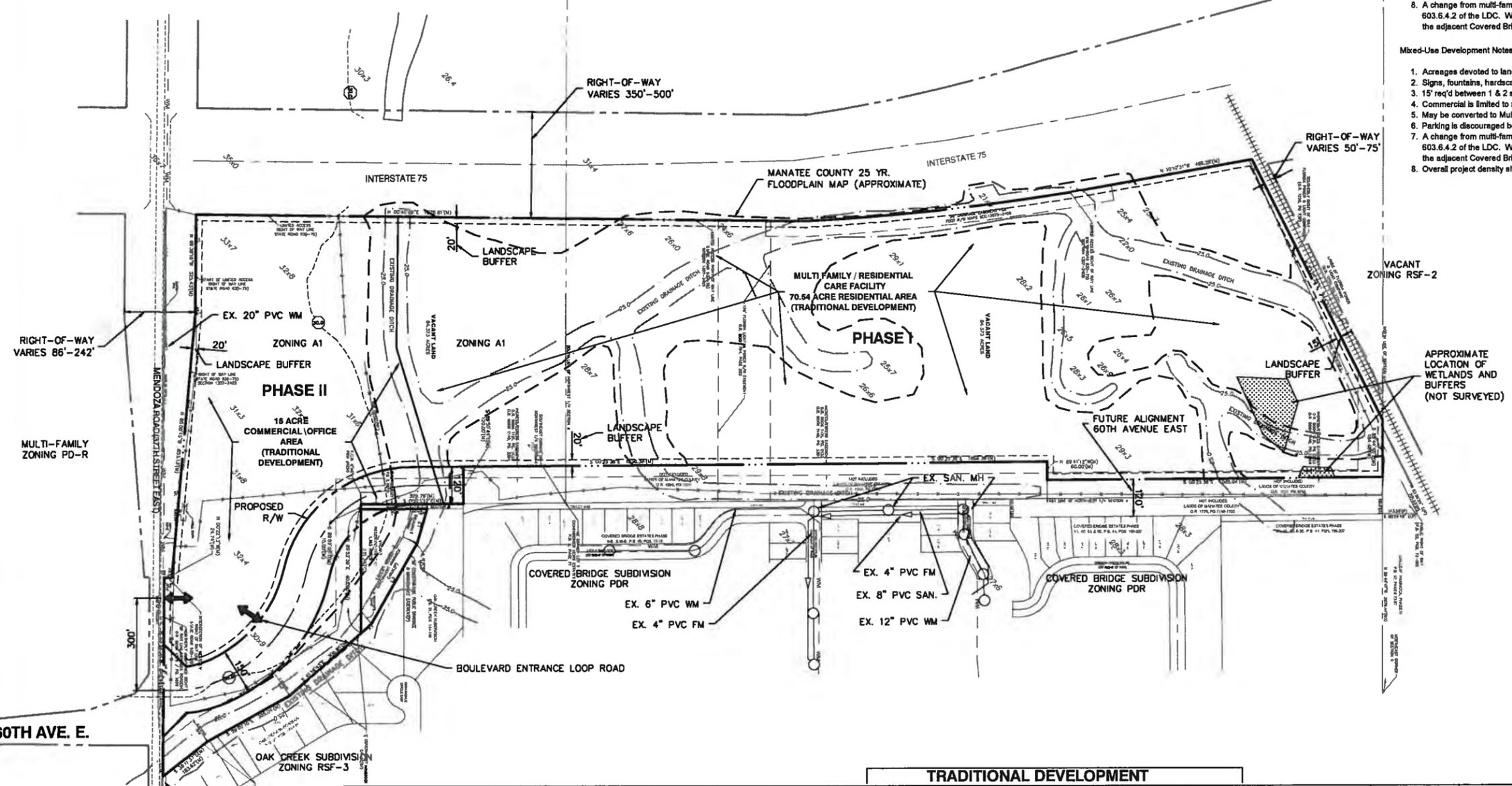


Traditional Development Notes:

1. Acreages are approximate and may vary.
2. Signs, fountains, hardscape features, etc. are excluded and setbacks will be provided per the LDC.
3. 15' req'd between 1 & 2 story bldgs/25' between any 3 story bldg and other bldg.
4. Commercial is limited to neighborhood retail uses only
5. May be converted to Multi-Family (6-beds = 1 dwelling unit)
6. May be increased at approved density if residential acreage is increased and non-res decreased.
7. Unless an alternative is agreed to by staff w/PSP.
8. A change from multi-family to single-family shall be allowed administratively in accord with Section 603.6.4.2 of the LDC. With this scenario, lot size, coverage, and setbacks shall be consistent with the adjacent Covered Bridge development.

Mixed-Use Development Notes:

1. Acreages devoted to land uses will be determined with the PSP.
2. Signs, fountains, hardscape features, etc. are excluded and setbacks will be provided per the LDC.
3. 15' req'd between 1 & 2 story bldgs/25' between any 3 story bldg and other bldg.
4. Commercial is limited to neighborhood retail uses only
5. May be converted to Multi-Family (6-beds = 1 dwelling unit)
6. Parking is discouraged between the front face of the building and the street.
7. A change from multi-family to single-family shall be allowed administratively in accord with Section 603.6.4.2 of the LDC. With this scenario, lot size, coverage, and setbacks shall be consistent with the adjacent Covered Bridge development.
8. Overall project density shall not exceed 6 DU/Ac.



TRADITIONAL DEVELOPMENT

USE	BUILDABLE ACREAGE	WETLAND ACREAGE	# OF UNITS	# OF BEDS	MAX SQ FT	MENDOZA SETBACK	60TH AVE SETBACK	N. PROP LINE SETBACK	I-75 SETBACK	MIN. FRONT SETBACK	WATER SETBACK	SETBACK FROM WETLAND BUFFER	MIN. SETBACK BETWEEN BLDGS	MIN. SETBACK BETWEEN RES & COMMERCIAL/OFFICE	MIN. OPEN SPACE	MAX HEIGHT	MAX FAR	MAX GROSS DENSITY	MAX NET DENSITY
Multi-Family	88.54(1)	0-8	399 (6)(8)	N/A	N/A	50'	50'	20'	100'	20'	30'	15'	15/25' (3)	40' (7)	30%	35'	N/A	6 du/ac	12 du/ac
Residential Care Facility	4(1)	0-4	N/A	120 (5)(6)	N/A	50'	50'	20'	100'	20'	30'	15'	15/25' (3)	40' (7)	30%	35'	N/A	6 du/ac	12 du/ac
Office/Commercial	15(1)	0-8	N/A	N/A	150,000(4)	30'	30'	20'	50'	30'	30'	15'	15/25' (3)	40' (7)	25%	35'	0.23	N/A	N/A
Accessory Uses	N/A	0	N/A	N/A	N/A	20'(2)	20'(2)	15' (2)	50' (2)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

MIXED USE DEVELOPMENT

USE	BUILDABLE ACREAGE	WETLAND ACREAGE	# OF UNITS	# OF BEDS	MAX SQ FT	MENDOZA SETBACK	60TH AVE SETBACK	N. PROP LINE SETBACK	I-75 SETBACK	MIN. FRONT SETBACK	WATER SETBACK	SETBACK FROM WETLAND BUFFER	MIN. SETBACK BETWEEN BLDGS	MIN. SETBACK BETWEEN RES & COMMERCIAL/OFFICE	MIN. OPEN SPACE	MAX HEIGHT	MAX FAR	MAX GROSS DENSITY	MAX NET DENSITY
Multi-Family	0-85.54(1)	0-8	0-500(6)(7)(8)	N/A	N/A	20'	20'	20'	100'	5'	30'	15'	15/25' (3)	N/A	30%	35'	N/A	6 du/ac	12 du/ac
Residential Care Facility	0-4 (1)	0-8	N/A	0-120(5)(6)(7) (8)	N/A	20'	20'	20'	100'	5'	30'	15'	15/25' (3)	N/A	30%	35'	N/A	6 du/ac	12 du/ac
Office/Commercial	0-15 (1)	0-8	N/A	N/A	150,000(4)(6)	20'	20'	20'	50'	5'	30'	15'	15/25' (3)	N/A	25%	35'	0.23	N/A	N/A

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NO.	DATE	DESCRIPTION
4	04/11/2012	REV PER DRC #3, ADDED 25 YR FLOOD PLAN
3	03/05/2012	ADDED APPROXIMATE WETLANDS
2	11/28/2011	REV PLAN, ADDED MATRIX
1	09/09/2011	ADDED ACCESS AND NOTES PER COMMENTS.

GENERAL DEVELOPMENT PLAN

THE SIGNATURE OF THE QUALITY CONTROL OFFICER IN THIS SPACE INDICATES THAT ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND THAT CONSTRUCTION IS AUTHORIZED TO COMMENCE.

November 1, 2012 10:35 AM LSP King Engineering Associates Inc.
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