

FILED FOR RECORD  
R. B. SHORE

**ORDINANCE 08-13  
LAKEWOOD CENTRE, DRI #27**

2009 JAN 22 PM 1:42

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL\* (ADA\*), FILED BY SMR NORTH 70, LLC; ALSO KNOWN AS TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #265; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

2009 JAN 22 PM 1:42  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**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  $\pm 36.8$  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**, the Project\* is proposed in three phases: Phase 1 with a buildout date of 2011; Phase 2 with a buildout date of 2014; and Phase 3 with a buildout date of 2019;

**WHEREAS**, Specific approval is requested for Phase 1 for 900 residential units, 460,000 square feet of retail, 458,000 square feet of office, a 300 room hotel, and  $\pm 36.8$  acres of parks; and,

**WHEREAS**, Conceptual approval is requested 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,

**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, Florida Statutes, has the statutory authority to consider and approve Development Order for a DRI; and

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

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**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 Staff; and

**WHEREAS**, the Board of County Commissioners held a duly noticed public hearing on March 6, April 3, 2008, and 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.

**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, ADA\* (with sufficiency responses), the recommendation and findings of the Planning Commission, 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\* to rezone the parcel from A/WP-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, and to approve a General Development Plan for the entire ±697.4 acre Project\* by consideration of proposed Ordinance No. PDMU-06-30(Z)(G).
- 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.
- E. The Board of County Commissioners held public hearings on March 6, April 3, 2008, and August 5, 2008 regarding Ordinance No. 08-13, 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.
- F. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.
- G. 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.
- H. This Development Order is issued based on information provided by the Developer\* in the ADA\* (with sufficiency responses); public hearing testimony; data, information, and recommendations provided by the Planning Commission and Planning Department, and ensures continued compliance with the Manatee County Comprehensive Plan.
- I. The real property which is the subject of this ADA\* and Development Order is legally described in Section 7 of this Ordinance.
- J. The Project\* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- K. The authorized agent and address for the Project\* is Todd J. Pokrywa of SMR North 70, LLC, 14400 Covenant Way, Bradenton, Florida 34202.
- L. 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 2. 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\*.
  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. 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 3. DEVELOPMENT COMPONENTS:**

- A. This Development Order approval shall constitute approval of the ADA\* 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). Potable water and sewer concurrency will be reviewed at time of each Final Site Plan submittal.

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-2.048, 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.
- F. The expiration date for this Development Order is 2020.

**TABLE 1: DEVELOPMENT TOTALS**

<b>Land Use</b>	<b>Phase 1 2008 – 2011*</b>	<b>Phase 1 Minimum/ Maximum Entitlements<sup>&amp;</sup></b>	<b>Phase 2 2009 – 2014*</b>	<b>Phase 3 2012- 2019*</b>	<b>Total</b>
<b>Residential (dwelling units)</b>					
Multi-family	900	540/1,260	1,800	539	3,239
Single Family (includes semi-detached & attached)	-0-	0/700	200	236	436
<b>Total</b>	<b>900</b>		<b>2,000</b>	<b>775</b>	<b>3,675</b>
<b>Commercial/Office (sq. ft.)</b>					
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
<b>Total</b>	<b>918,000</b>		<b>1,000,000</b>	<b>1,419,000</b>	<b>3,337,000</b>
<b>Hotel (rooms)</b>	<b>300</b>		<b>-0-</b>	<b>-0-</b>	<b>300</b>

Source: WilsonMiller, September 2005

\* The phasing buildout dates shall be December 31<sup>st</sup> of the years indicated.

&amp; 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. 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. 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:

F. Land Use Equivalency Matrix:

**TABLE 2: LAND USE EQUIVALENCY MATRIX**

<b>CHANGE FROM:</b>	<b>CHANGE TO:</b>				
	Residential/ SF* (Units)	Residential/ Apartment (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/Apartment (Units)	1.15		132.00	165.00	0.75
Commercial (1,000 Sq. Ft.)	7.21	3.88		1271.00	4.69
	2.87	0.68	176.00		1.86

Office (1,000 Sq. Ft.)					
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 4. 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,

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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. "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.
- 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.

- 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 7 herein.
- 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-2.048, 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.
- 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 5. 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**

<b>Roadway/ Intersection</b>	<b>@</b>	<b>Improvement</b>	<b>External Trip Threshold</b>	<b>ERU Threshold</b>
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 <sup>th</sup> 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 <sup>rd</sup> 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. 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.

#### **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.

- 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 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	2.4	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	2.4	24.0
Total	11.8	25.2	3.4	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. 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 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 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.

### **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 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, the applicant must provide a 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.(12) All habitable structures shall be constructed in accordance with Manatee County's flood protection requirements.
- E.(13) Compensation for the loss of 100-year flood storage capacity shall be provided.
- E.(14) 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.(10) Florida-friendly landscaping principles shall be used throughout the development.
- G.(11) 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.(12) Conservation education shall be provided for the residents and other users of the development.
- G.(13) 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.
- 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.
- 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.(2) The Developer shall provide within the project, or within an adjacent SMR-owned project, a number of residential units equal to 10% of the total number of residential units approved 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.(3) 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 price and income limits in effect at the time a contract for purchase of a WHU 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) The Developer shall include in its Biennial Report data showing the number and sale prices of WHUs sold within the development during the reporting period. The Biennial Report shall also include the current Manatee County Maximum Income Limits Table. Only those units that have a sale price equal to or less than the maximum allowable home sales price, as provided in M.(3), shall be counted toward the required mitigation.
- M.(7) With each Biennial Report, the overall ratio of WHU 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.(8) 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 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. For the



purpose of the Development Order, this term means construction of infrastructure, roadways, or other vertical development\*.

- 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 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) 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 6 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) 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 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 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 DCA, 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;
- 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 6. 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 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 Ice 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 f 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.(8) 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: 4.2 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)
3. The developer is working with TECO/Peoples Gas to ensure that natural gas is available within the project. (SR1/Page 29.1)
4. 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 7. 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°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 said curve, through a central angle of 46°27'42", an arc length of 28.38 feet to the point of reverse curvature of a curve

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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 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 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 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.

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<u>Total Described Area</u>	<u>= 771.1310 Acres +/-</u>
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 8. 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 9. 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 10. ORDER BINDING UPON DEVELOPER\*:**

This Order shall be binding upon the Developer\*.

#### **SECTION 11. RENDITION:**

The Planning Department is hereby directed to send certified copies of this Order within thirty days of the date of signature by the Chairman of the Board of County Commissioners to the Developer\*, the Florida Department of Community Affairs, and TBRPC.

#### **SECTION 12. NOTICE OF RECORDING:**

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

#### **SECTION 13. 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 14. EFFECTIVE DATE:**

This Ordinance, Ordinance 08-13, 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.

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ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS  
5<sup>th</sup> DAY OF August, 2008 and as amended on 8<sup>th</sup> day of January,  
2009.

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

BY: Madalyn G. Brown  
Chairman

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

BY: [Signature]  
Deputy Clerk



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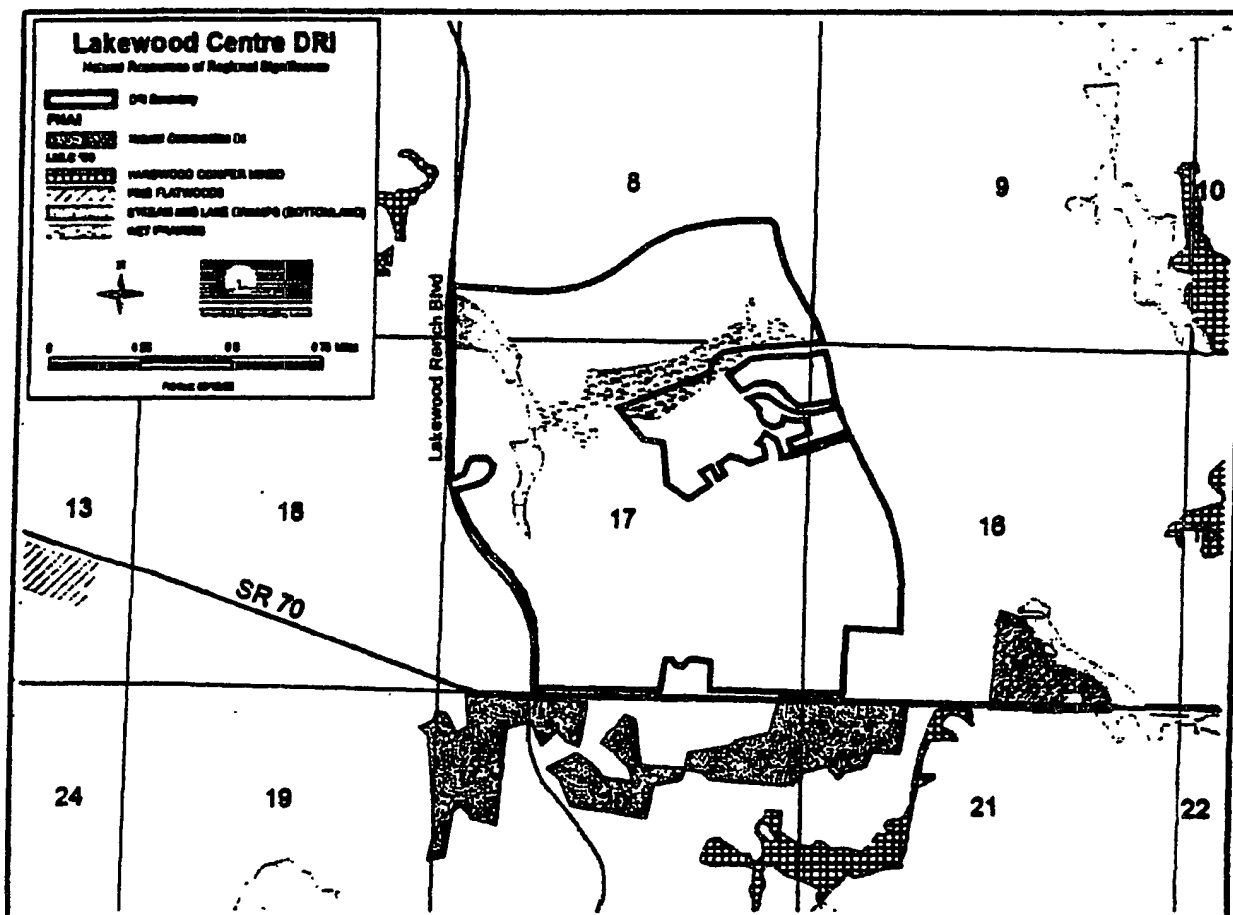
**Attachments to Ordinance 08-13**

Exhibit A – Map H

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

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**MAP #3**  
**LAKEWOOD 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

Exhibit "B"

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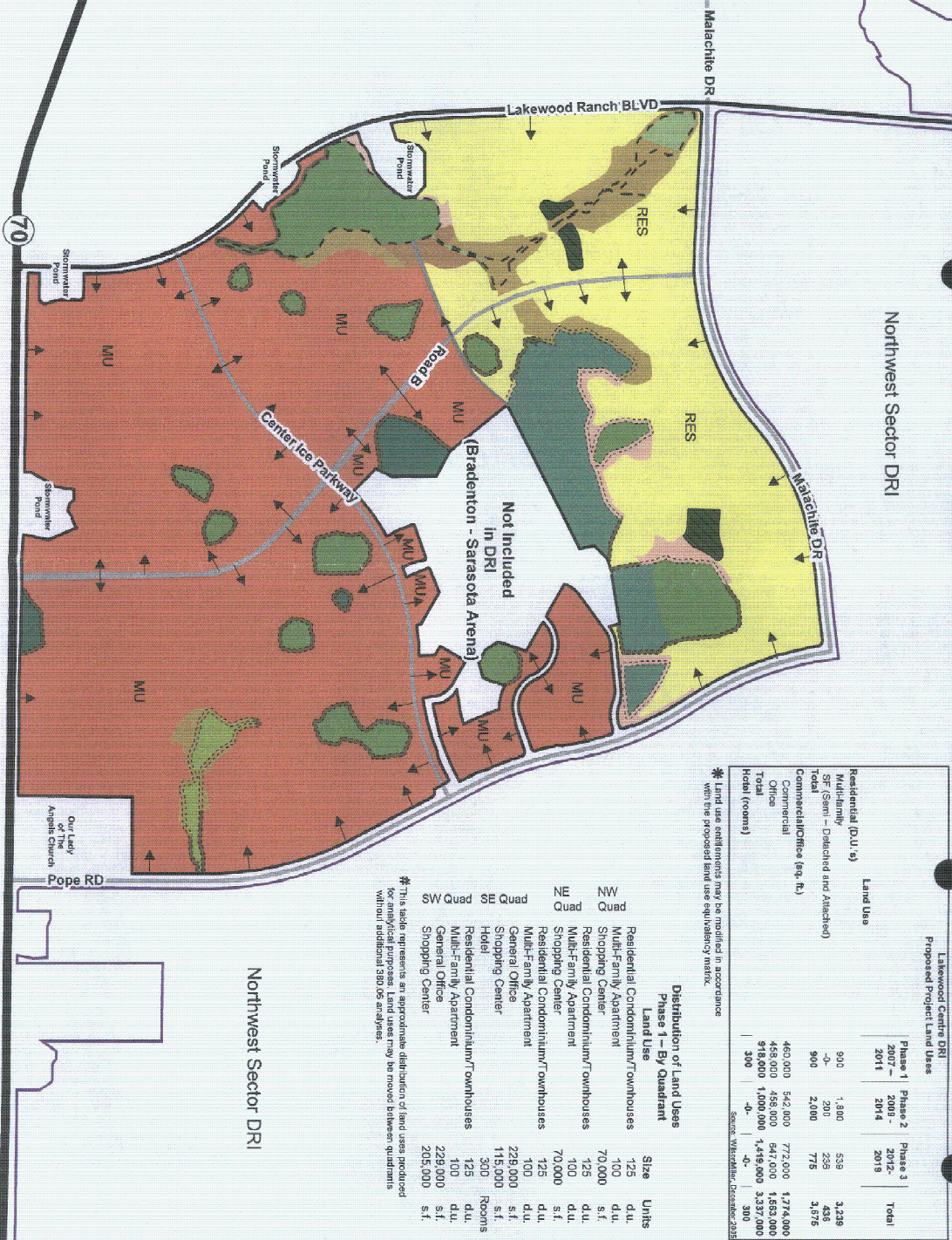
Distribution of Land Use Phase 1 - By Quadrant Land Use			Size	Units
NW	Residential Condominium/Townhouses	125	d.u.	125
	Multi-Family Apartment	100	d.u.	100
SW	Shopping Center	70,000	s.f.	70,000
	Residential Condominium/Townhouses	125	d.u.	125
NE	Multi-Family Apartment	100	d.u.	100
	Shopping Center	70,000	s.f.	70,000
SE	Residential Condominium/Townhouses	125	d.u.	125
	Multi-Family Apartment	100	d.u.	100
SW	General Office	225,000	s.f.	225,000
	Shopping Center	115,000	s.f.	115,000
NW	Hotel	300	Rooms	300
	Residential Condominium/Townhouses	125	d.u.	125
SW	General Office	100	d.u.	100
	Multi-Family Apartment	225,000	s.f.	225,000
SE	General Office	225,000	s.f.	225,000
	Shopping Center	203,000	s.f.	203,000

Figure 1 is a schematic diagram of a 1000 ft long, 10 ft wide rectangular structure, likely a tunnel or culvert. The structure is divided into three sections: a 100 ft section on the left, a 500 ft section in the middle, and a 400 ft section on the right. A vertical line labeled "1 inch square bar" is shown running through the center of the structure. A circular inset at the top left shows a cross-section of the structure, labeled "2".

JUNE 2008	MASTER PLAN	MAP H	<h1 style="text-align: center;"><u>LAKEWOOD CENTRE</u></h1> <h2 style="text-align: center;">Manatee County, Florida</h2> <p style="text-align: center;"><i>A Development of Regional Impact by SMR North 70, LLC</i></p>	<h3 style="text-align: center;">CONSULTANT TEAM</h3> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <p><b>WilsonBiller, Inc.</b> Planning Engineering and Master Planning</p> <p><b>Grout &amp; Crawford, Inc.</b> Transportation</p> <p><b>Environmental Affairs</b> Consultants, Inc. Environmental</p> </td> <td style="vertical-align: top;"> <p><b>James Research</b> Archaeological</p> <p><b>Plabinski &amp; Associates</b> Economic</p> <p><b>Grimes Goebel</b> Grimes Legal</p> </td> </tr> </table>		<p><b>WilsonBiller, Inc.</b> Planning Engineering and Master Planning</p> <p><b>Grout &amp; Crawford, Inc.</b> Transportation</p> <p><b>Environmental Affairs</b> Consultants, Inc. Environmental</p>	<p><b>James Research</b> Archaeological</p> <p><b>Plabinski &amp; Associates</b> Economic</p> <p><b>Grimes Goebel</b> Grimes Legal</p>
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- Lakewood Centre Boundary
  - MA Sector DRI
  - Mixed Use, MU - 383.4 Acres
  - Residential, RES - 153.3 Acres
  - 186, Other Urban Land - 13.4 Acres
  - 321, Palmetto Patches - 0.2 Acres
  - 411, Pine Flankwoods - 5.9 Acres
  - 414, Pine - Mesic Oak - 14.7 Acres
  - 427, Live Oak - 2.2 Acres
  - 810, Wetland Hardwood Forests - 5.2 Acres
  - 815, Stream and Lake Swamps (Bottomland) - 3.9 Acres
  - 841, Vegetated Non-Forested Wetlands - 45.2 Acres
  - 842, Wet Patches - 7.0 Acres
  - 843, Wet Patches - 31.0 Acres
  - 844, Wet Patches - 4.3 Acres
  - 30 Feet Wetland Buffer
  - Acacia Patches
- \* Additional park acreage will be included within areas designated as RES or MU and will be shown on Preliminary Site Plans. The amount of park acreage included in the identified 45.2 acres will equal 25.6 acres.



Lakewood Centre DRI				
Proposed Project Land Uses				
Land Use	Phase 1	Phase 2	Phase 3	Total
	2017	2018 - 2019	2020 - 2021	
Residential (D.U.'s)	900	1,500	539	3,239
Multi-Family S/F (Semi - Detached and Attached)	900	200	226	426
Total	900	2,000	775	3,775
Commercial/Office (sq. ft.)	460,000	542,000	772,000	1,774,000
Commercial Office	458,000	458,000	647,000	1,653,000
Total	918,000	1,000,000	1,419,000	3,337,000
Hotel (rooms)	300	-0-	-0-	300

Source: WSP/WHI, December 2005

\* Land use entitlements may be modified in accordance with the proposed land use equivalency matrix.

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

Land Use	Size	Units
Residential Condominium/Townhouses	125	d.u.
Multi-Family Apartment	100	d.u.
Shopping Center	70,000	s.f.
Residential Condominium/Townhouses	125	d.u.
Multi-Family Apartment	100	d.u.
Shopping Center	70,000	s.f.
Residential Condominium/Townhouses	125	d.u.
Multi-Family Apartment	100	d.u.
General Office	228,000	s.f.
Shopping Center	115,000	s.f.
Hotel	300	Rooms
Multi-Family Apartment	125	d.u.
General Office	100	d.u.
Shopping Center	228,000	s.f.
Hotel	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 \$50.00 analyses.

# LAKEWOOD CENTRE Manatee County, Florida

A Development of Regional Impact by SMR North 70, LLC.

**CONSULTANT TEAM**

WilsonMiller, Inc. Planning Engineering and Master Planning	Janus Research Archaeological
Grimaldi Crawford, Inc. Transportation	Fishkind & Associates Economic
Environmental Affairs Consultants, Inc. Environmental	Grimes Goebel Grimes Legal

MAP H  
MASTER  
PLAN  
JUNE 2008

Map # 506 8/5/08 Board