

FILED FOR RECORD
R. B. SHORE

ORDINANCE-01-60
SCHROEDER-MANATEE RANCH, INC. 2002 JAN -3 AM 8: 58
(SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)
DEVELOPMENT ORDER
GRANTING AMENDMENTS TO AND REPLACING ORDINANCE 92-32, AS AMENDED BY ORDINANCE-93-25, ORDINANCE-95-44,
ORDINANCE 97-61, ORDINANCE 97-81 AND ORDINANCE 00-45.

CLERK OF THE CIRCUIT COURT
JAN 03 2002
FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE UNIVERSITY LAKES DEVELOPMENT OF REGIONAL IMPACT (MANATEE COUNTY DRI #22, A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #216); PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONCLUSIONS OF LAW; PROVIDING FOR DEFINITIONS; PROVIDING FOR AMENDED LIMITATIONS ON AND CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 31, 1991, SMR Communities Joint Venture, a Florida general partnership filed an Application for Development Approval* (ADA*) of a Development of Regional Impact (DRI) with the Manatee County Board of County Commissioners (County*) pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said ADA* proposed construction of a multi-use project on approximately two-thousand three-hundred fifty-three (2,353) acres, located in southern Manatee County, hereinafter referred to as University Lakes DRI, or the Project*; and

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

WHEREAS, a second development is planned, commonly known as Lakewood Ranch Corporate Park adjacent to the Manatee County line in Sarasota County; and

WHEREAS, the University Lakes and Lakewood Ranch Corporate Park DRI's have been reviewed pursuant to the terms of the 380 Review Agreement* defined in Section 3. below; and

WHEREAS, the Board of County Commissioners, on June 1, 1992, approved Ordinance 92-32, which granted local approval to University Lakes, DRI No. 22;; and

WHEREAS, the Department of Community Affairs and the Tampa Bay Regional Planning Council appealed Ordinance 92-32 within the statutory time frame allowed; and

WHEREAS, the Developer* entered into a settlement agreement with the Department of Community Affairs and the Tampa Bay Regional Planning Council to resolve their concerns; and

WHEREAS, on October 24, 1993, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-25) for the University Lakes DRI adopting language to settle administrative action between the Department of Community Affairs, Tampa Bay Regional Planning Council, and Schroeder-Manatee Ranch, Inc., et. al.; and

WHEREAS, on January 25, 1996, The Board of County Commissioners adopted Ordinance 95-44, approving amendments to modify development totals, add 69.8 acres, and modify various definitions and conditions of the Development Order for the University Lakes DRI, which amendments were not found to be a Substantial Deviation to the originally approved Development Order; and

WHEREAS, on October 28, 1997, The Board of County Commissioners adopted Ordinance 97-61, approving amendments to extend the buildout and expiration dates; amend Map H to modify acreage totals per land use, change one subphase from business to residential, modify the internal roadway network between I-75 and Lakewood Ranch Boulevard; amend transportation, wetland, and other conditions; employ the land use trade-off mechanism in the D.O. to modify development totals in Phases I, II and III; modify the Certificate of Level of Service for Phase I to address land use exchange; approve Development Order modifications to more accurately reflect the status of compliance with certain conditions of approval; and

WHEREAS, on December 16, 1997, the Board of County Commissioners adopted Ordinance 97-81, to allow a hospital use in Phase II of the development; and

WHEREAS, on February 22, 2000, the Board of County Commissioners adopted Ordinance 00-45, to initiate Phase II construction; Relocate the Town Center to the east side of Lakewood Ranch Blvd.; Relocate an access point onto University Parkway; Shift square footage amounts between different Regional Commercial and Business parcels; Make changes to tables 1, 5 and 6 of the Development Order; and Amend Transportation and Affordable Housing Conditions; AND

WHEREAS, the Developer* of University Lakes submitted and supplied information pursuant to the Notice of Proposed Change Provisions of Section 380.06, Florida Statutes, concerning the regional impacts of Traffic, Air Quality, and Affordable Housing to Manatee County concerning the proposed development in Phase II, pursuant to the which information was reviewed by the Tampa Bay Regional Planning Council, Department of Community Affairs, and other applicable state agencies, each of which had opportunity to request additional information and make comments and suggestions, and each of which in fact did so. The Developer* further responded to questions and comments raised by said parties in the form of sufficiency responses; AND

WHEREAS, the developers of University Lakes have proposed the following changes to the Development:

- (1) Decrease Retail uses by 74,742 sq. ft.;
- (2) Increase Hotel uses by 300 rooms;
- (3) Increase Office uses by 93,000 sq. ft.;
- (4) Relocate 75,258 sq.ft. of Retail from the NW quadrant of Lorraine Rd and University Parkway to the Town Center;
- (5) Change the designation in the NW quadrant of Lorraine Rd and University Parkway from Community Commercial to Residential;
- (6) Decrease Single -Family Attached units by 153;

- (7) Increase Multi-family units by 125; and**
- (8) Amend Tables C and D to reflect these changes; AND**

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

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

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

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

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

WHEREAS, the County* on December 18, 2001, held a duly noticed public hearing on the NOPC and the language proposed by the Developer* to amend and replace Ordinance 01-60, as amended, and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County and City agencies, the applicant, as well as the review and report of the Manatee County Planning Department.

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

SECTION 1. FINDINGS OF FACT

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

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 92-32, (as amended by Ordinances 93-25, 95-44, 97-61, 97-81, and 00-45).
- C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised General Development Plan for the entire 2,421.7 acre project, to decrease Retail uses by 74,742 sq. ft.; increase Hotel uses by 300 rooms;

increase Office uses by 93,000 sq. ft.; relocate 75,258 sq.ft. of Retail from the NW quadrant of Lorraine Rd and University Parkway to the Town Center; change the designation in the NW quadrant of Lorraine Rd and University Parkway from Community Commercial to Residential; decrease Single-Family Attached units by 153; increase Multi-family units by 125; and amend Tables C and D to reflect these changes.

- D. The Board of County Commissioners of said County has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC and the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance of an NOPC pursuant to Section 380.06, Florida Statutes. The report was rendered on December 6, 2001, following public hearing.
- E. The Board of County Commissioners held a public hearing December 18, 2001 regarding the NOPC and the proposed Official Zoning Atlas Ordinance Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (the Manatee County Land Development Code) and Ordinance No. 89-01, as amended, (Manatee County Comprehensive Plan), and has further considered the testimony, comments, and information received at the Public Hearing.
- F. The proposed changes to the DRI regarding the property described in Section 7. herein, are found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified in Section 5. and the Developer* Commitments specified in Section 6. of this Development Order.
- G. The Developer* of the Project* submitted to Manatee County, Florida, an ADA* for the original project and the above described Notices of Proposed Change including this one, which are incorporated herein by reference.
- H. The Developer* submitted an Affordable Housing Analysis (dated September 7, 2001) to Manatee County which describes the housing demand for low and very low income households and the existing housing supply (see Attachment #1).
- I. The real property which is the subject of this Development Order is legally described as set forth in Section 7.
- 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 for the Project* is Rex Jensen, and his address is SMR Communities Joint Venture, a Florida general partnership, 7550 Lorraine Road, Bradenton, Florida 34202.
- L. The owner of the property, which, SMR Communities Joint Venture, a Florida general partnership intends to develop, is Schroeder-Manatee Ranch, Inc., a Delaware corporation.
- M. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County

Commissioners, TBRPC, Sarasota County, SWFRPC, and the Department of Community Affairs (DCA).

SECTION 2. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following conditions of the 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 Strategic Regional Policy Plan (SRPP), and Ordinance 89-01, as amended (The Manatee County Comprehensive Plan).
 3. The Project* is consistent with the report and recommendations of TBRPC approved on February 10, 1992 and on January 8, 1996, regarding the first NOPC submitted on July 10, 1995, in May 1997, regarding the second NOPC; on October 13, 1997 regarding the third NOPC; on December 16, 1997 regarding the fourth NOPC; on January 24, 2000 regarding the fifth NOPC; and on September 21, 2001 regarding the sixth NOPC.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- C. That the review by the County*, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, the NOPC, and the Affordable Housing Analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
- D. This Ordinance replaces Ordinance 00-45, which granted amendments to Ordinance, 92-32, 93-25, 95-44, 97-61, and 97-81 in their entirety and adequately addresses the impacts of the development, pursuant to the requirements of Chapter 380, Florida Statutes.
- E. Pursuant to Subsection 380.06(19)(c), Paragraphs 380.06(19)(e)3, and 380.06(19)(e)5.c, Florida Statutes, the changes proposed pursuant to the NOPC submitted on August 24, 2001 and approved pursuant to Ordinance 01-60, do not constitute a Substantial Deviation requiring further Development of Regional Impact review.

SECTION 3. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined. The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order, in addition to those listed herein.

- A. "380 Review Agreement*" shall mean the Agreement executed between DCA, TBRPC, the Southwest Florida Regional Planning Council ("SWFRPC"), and SMR Communities Joint Venture, a Florida general partnership, dated September 6, 1991 which governs the review of the University Lakes and Lakewood Ranch Corporate Park DRI's. A copy of the 380 Review Agreement* is on file with the Clerk's Office and previously supplied to DCA as Attachment #2 to Ordinance 93-25.
- B. "Application for Development Approval*" (or ADA*) shall mean University Lakes, Inc. Development of Regional Impact Application for Development Approval (May 31, 1991), the Sufficiency Response submitted by the Developer* on October 25, 1991, Appendix E Cumulative Affordable Housing Analysis, in May 1997, regarding the second NOPC; on October 13, 1997 regarding the third NOPC; on December 16, 1997 regarding the fourth NOPC; on January 24, 2000 regarding the fifth NOPC; and on September 21, 2001 regarding the sixth NOPC.
- C. "Best Management Practices*" (BMP) shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).
- D. "Combined Projects*" shall refer to both University Lakes and the neighboring project, University Place.
- E. "County*" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- F. "Developer*" shall mean SMR Communities Joint Venture, a Florida general partnership, their heirs, assigns, designees, and successors in interest as to the Project* and all its conditions of approval.
- G. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- H. "Development Plans*" shall mean any Preliminary Site Plan issued by Manatee County or a site and development plan issued by Sarasota County
- I. "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and

maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services, or related Development Order commitments and conditions and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is the declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.

- J. "SRPP" shall mean the TBPRC's Future of the Region, a Strategic Regional Policy Plan for the Tampa Bay Region, adopted June 23, 1987 and amended in 1989.
- K. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order or any combination of the following: 1) binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County* for construction to be completed when the improvement is required as referenced in Tables 5 and 6 of this Development Order; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated in this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380 of the Florida Statutes. Said Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables 5 and 6.
- L. "Post-Development Wetlands*" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development for this Project*.
- M. "Project*" shall mean the land uses, phasing, and improvements described in the ADA* which are attributable to development on that property described in Section 7. herein and set forth on Revised Map H, dated 8/16/01 and attached hereto.
- N. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the Combined Projects* will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBPRC, or the County*, provided the more restrictive percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on revised Map J, dated 2/22/00 (attached hereto as Attachment #4) which was based on data submitted with the ADA*. In determining the

Transportation Impact Area* for this Project* all traffic generated by University Place shall be deemed project traffic for University Lakes.

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

SECTION 4. 380 REVIEW AGREEMENT*, APPROVALS, AND DEVELOPMENT COMPONENTS

- A. Some of the impacts of the University Lakes DRI have been reviewed in conjunction with the impacts of the proposed University Place DRI under the terms of the 380 Review Agreement*. The 380 Review Agreement* provides for a cumulative assessment of the impacts of both projects on the issues of transportation, air quality, affordable housing, and listed species.

Tables 1 through 4 list the appropriate land uses for University Lakes (Tables 1 and 2) and University Place (Tables 3 and 4) under the designations used by the respective Counties and the designations used in Section 380.0651, Florida Statutes, in parentheses ().

- B. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the land uses, square footage, dwelling units, and approximate area described in Columns A through D of Table 1 and the land uses, square footage, dwelling units, and approximate area by phase as described in Table 2. Phase I and II of the Project* are approved subject to the conditions found within this Development Order. Upon its review and approval by staff, a Certificate of Level of Service will be issued as part of this approval, and is authorized until the dates for each Phase set forth in Table 2. Phases III; and IV are conceptually approved. Approval of Phases III, and IV is contingent upon further Section 380.06(6) review on the following issues: transportation, air quality, and affordable housing. The review of transportation, air quality, and affordable housing for Phases III; and IV shall be based on a cumulative assessment of the impacts created by the Combined Projects*.

The conditions of approval of Phases I and II of University Lakes and Phase I of University Place, (Combined Projects) with respect to the impacts that were cumulatively assessed, shall not necessarily apply to subsequent phases. In addition to obtaining a Development Order amendment, Certificates of Level of Service must be obtained for Phases III; and IV, but shall be limited to roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code.

TABLE 1 UNIVERSITY LAKES DEVELOPMENT COMPONENTS				
Column A Map H Land Use (Section 380.0651 F.S. Designation)	Column B Number Acres *****	Column C Square Feet	Column D Dwelling Units	Column E Land Use Exchange Maximum Increase
Residential (Residential)	723.2	n/a	3,108	An increase in dwelling units by 5% or 50 units, whichever is greater
General Commercial* (Retail)	88.6	1,000,000	n/a	Land Area increased by 6 acres or increase by 50,000 s.f. of gross floor area, or the greater of a 5% increase in parking spaces or an increase of customer parking by 300 spaces
(Hospital)	(56.6)	(820,000)	n/a	
Neighborhood Commercial** (Retail)	(32.0)	(180,000/ 150 beds)	n/a	
General Commercial*** (Retail)	17.5	306,258	n/a	
(Hotel and Motel)	(7.0)	(250,000/ 600 rooms)	n/a n/a	
Business (Office)	110.1 (55.1)	1,995,288 (1,187,200)	n/a	Land area increased by the greater of 5% or 6 acres, whichever is greater, or gross floor area increased by greater of 5% or 60,000 s.f. whichever is greater
(Industrial)	(55.0)	(808,088)	n/a	
Right of Way	178.4			
Recreation	330.4			
Wetlands/Mitigation	376.9			
Lakes****	358.6			
Open Space	210.0			
TOTAL	2,421.7	3,701,546	3,108	

- * Acreage and square footage are referred to as Regional Commercial in the ADA*.
- ** Acreage and square footage are referred to as Community Commercial in the ADA*.
- *** Acreage and square footage are referred to as Highway Commercial in the ADA*.
- **** Additional lakes will be constructed within the Project* as required by the stormwater management system.

***** Acreages subject to verification and adjustment based upon future survey activities, consistent with the graphic depictions on Revised Map H.

TABLE 2
UNIVERSITY LAKES PHASING SCHEDULE

Map H. Land Use Designation (§380.0651, F.S., Designation)	Phase I 1992-2004♦	Phase II 2000- 2009♦	Phase III 2010-2014♦	Phase IV 2015-2019♦	Total
Residential Dwelling Units					
Single Family	970	361	243	151	1,725
Single Family Attached	88	0	123	105	316
Multi-Family	449	412	206	0	1,067
Total (Residential)	1,507	773	572	256	3,108
General Commercial*s.f.	275,557	720,143	4,300	0	1,000,000
(Retail)	(275,557)	540,143	(4,300)		(820,000)
(Hospital)		(150 beds/ 180,000)			(150 beds/ 180,000)
Neighborhood Commercial**s.f. (Retail)	87,000	61,143	0	158,115	306,258
Business s.f.	323,318	608,608	519,180	544,182	1,995,288
(Office)	(323,318)	608,608	(161,672)	(93,602)	(1,187,200)
(Industrial)	0	(0)	(357,508)	(450,580)	(808,088)
General Commercial***s.f.	250,000	150,000	0	0	400,000
(Retail)	(0)	(150,000)	0	0	(150,000)
(Hotel and Motel)	(250,000/ 300 rooms)	(300 rooms)	0	0	(250,000/ 600 Rooms)
Recreational Facilities****	Tennis & Boat Club+, Park Golf Course & Park				

* Acreage and square footage are referred to as Regional Commercial in the ADA*.

** Acreage and square footage are referred to as Community Commercial in the ADA*.

*** Acreage and square footage are referred to as Highway Commercial in the ADA*.

**** Phasing of recreational facilities may be accelerated in accordance with the provisions of Sections 4.B., C. and E.

+ The Boat Club shall be located on the 160± acre manmade lake and shall contain facilities for launching and dockage for wet storage of not more than 20 watercraft and dry storage for not more than 30 watercraft. Small craft not commonly moored, such as sailboards, canoes, paddle boats, and similar non-motorized craft, and assorted storage facilities for such small craft shall not count against this limitation, and such craft may be used on the manmade lake.

♦ Buildout date is September 13th of each year indicated.

TABLE 3

UNIVERSITY PLACE DEVELOPMENT COMPONENTS

Sarasota County Land Use Designation (Section 380.06.0651, F.S. Designation)	Number of Acres	Square Feet
Interstate Regional Office Park (Office)	250.0	1,532,000
Major Employment Center (Office)	727.6	(2,623,257)
(Industrial)		(3,934,883)
(Retail)		(109,860)
Open Use	395	n/a
Conservation		
Totals	1,372.6	8,200,000

TABLE 4

UNIVERSITY PLACE PHASING SCHEDULE

Sarasota County Land Use Designation (Section 380.0651, F.S., Designation)	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>	<u>Phase IV</u>	<u>Total</u>
Interstate Regional Office Park s.f. (Office)	436,000	365,334	365,333	365,333	1,532,000
Major Employment Center s.f. (Office)	957,600	555,219	555,219	559,219	2,623,257
(Industrial)	1,435,600	832,828	832,828	832,827	3,934,083
(Retail)	<u>40,000</u>	<u>23,287</u>	<u>23,287</u>	<u>23,286</u>	<u>109,860</u>
Total	2,869,200	1,776,668	1,776,667	1,780,665	8,200,000

The amounts of residential, retail, hotel and motel, office, and industrial uses shown in Table 1 above within the Project* can be exchanged, with Board of County Commissioners approval of a revised General Development Plan, to allow flexibility in the exact land use mix shown in Columns B, C, and D of Table 1, above, and within each individual Phase shown in Table 2, provided that the following conditions are satisfied:

1. No land use category in the final Project* shall contain more development than that reflected in Table 1 Columns B, C, and D, plus that amount reflected in Column E.
2. The following uses designated in Table 1, shall not be reduced by the Developer* below the amounts set forth in Table 1, except as described elsewhere herein in specific provisions pertaining to those uses: lakes, recreation, wetlands/mitigation, open space.

3. The mix of approved uses within an individual Phase shall not be increased nor decreased by more than 500 dwelling units.
 4. The mix of approved uses within an individual Phase shall not be increased nor decreased by more than 400,000 square feet of General Commercial.
 5. The mix of approved uses within an individual Phase shall not be increased by more than 170,000 square feet nor decreased by more than 100,000 square feet of Business.
 6. The mix of approved uses within an individual Phase shall not be increased nor decreased by more than 75 hotel rooms.
 7. All other uses not specifically mentioned in Paragraphs 3, 4, 5, and 6 above shall not be subject to an exchange pursuant to this section.
- C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the proposed land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation which are authorized in this Development Order and in any Certificate of Level of Service Compliance (CLOS) issued for that Phase. Additionally, the Developer* shall demonstrate that the proposed land use mix will not generate additional demand for affordable housing beyond the amount for which the supply of affordable housing has been demonstrated to be available and is described in Sections P.(1) and P.(2) of this Development Order. If the impacts of a specific land use exchange exceeds the impacts authorized and approved for that phase in the Development Order, then the land use exchange shall be denied.

As to the CLOS, the Developer* must apply for a modification to the CLOS and if the proposed land use exchange results in impacts in excess of those previously approved, the Developer* may be granted approval for that excess only if and when capacity is available and in conformance with other provisions of this Section 4. However, reapplication shall not cause the Developer* to lose capacity already approved in the Certificate of Level of Service for that Project*. If the request for a land use exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved pursuant to the CLOS.

An application for a land use exchange must include a revised General Development Site Plan which will include a revised Table 2 showing the reallocation of square footage or units. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan. Upon submission of a request to the County* to implement this section of the Development Order, all application materials and information necessary to support approval of such a request shall be provided to the Department of Community Affairs, TBRPC, SWFRPC, and Sarasota County by the Developer*. The Developer* shall provide written notification to

the Department, TBRPC, SWFRPC, and Sarasota County of the approval or denial of any land use exchange requested by the Developer*.

With the submittal of any Notice of Proposed Change requiring changes to this Development Order, the Revised Master Development Plan and Phasing Schedule shall be amended to reflect any Land Use Exchange(s) that have been approved since the issuance of the Development Order or last amendment to the Development Order. Such change considered by itself shall not constitute a substantial deviation. Changes to the Phasing Schedule under this paragraph do not include extensions to the buildout date.

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

The traffic impacts of the revised land use mix shall be deemed by the County* not to exceed the approved traffic impacts of the land use mix being replaced so long as the change does not increase the peak hour total traffic and the relative proportions of trips produced by attractors and the trips produced by generators remains substantially the same for the phase or subphase. In the event that the attractor or generator proportions are not substantially the same, as determined by the County*, additional information may be required to assess intersection performance, trip distribution, or particular roadway segments designated by the County*.

Attached hereto as Attachment #5 is a table of conversion factors for equating only traffic impacts of land use exchanges. The incorporation of this land use exchange mechanism shall not operate to permit the Developer* to develop any land use which will generate peak hour trips in excess of the total number of peak hour trips for which it has obtained specific Development Order approval.

Any amendments to the land use mix or proposed phasing schedule (Tables 1 and 2 respectively), other than those described herein, shall be submitted to the County* for review and approval, pursuant to notice of change as required by Subsection 380.06(19), F.S., which approval shall not be withheld for mere acceleration of phases if otherwise there is compliance with the terms of this Development Order. Any departure in Project* buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a Substantial Deviation pursuant to Subsection 380.06(19), F.S.

Any specific land use exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan. The land use exchange may not be exercised more than once in any calendar year.

- D. The list of required transportation improvements described in Tables 5 and 6 are triggered by the construction of Phase I of the Combined Projects* and Phase II of University Lakes. In the event that at any time the amount of development authorized in the University Place

Development Order is less than that shown as Phase I Table 4 of this Development Order, the Developer* may submit a Notice of Proposed Change requesting a Development Order amendment to increase the amount of development in Phase I or II of University Lakes by an amount equal in impacts to the University Place reduction. In reviewing such a Notice of Proposed Change, transportation issues shall not form the basis of a recommendation of Substantial Deviation if the impacts (trip generation or distribution) on transportation facilities remain essentially the same. Nothing herein shall operate as a waiver of the Developer's* obligation to obtain a CLOS for any and all development which the Developer* proposes to transfer from University Place to University Lakes. In making a request under this Section 4.D., the Developer* must meet all of the following conditions:

1. The impacts of the proposed change do not exceed the impacts which were approved in the Development Order, or any amendments thereto, for potable water, wastewater treatment, solid waste disposal, mass transit, drainage, affordable housing, and parks and recreation.
2. The Developer* must further demonstrate that the request is consistent with applicable provisions of the Comprehensive Plan and the Land Development Code.
3. The amount of any increase in any Land Use Category may not exceed the limitations set forth in Table 1 Column E, above.
4. The County* shall not be required to approve any increase to Phase I or II of University Lakes unless adequate capacity exists to serve such increase and assurance of corresponding decrease is demonstrated to the County's* satisfaction, in Phase I of University Place.
5. In the event that the amount of development is increased for Phase I of University Place after approval of an increase of the permitted uses, density, or intensity for Phase I or II of University Lakes under this Section 4.D., then this entire Development Order shall be subject to an additional Substantial Deviation review to address the impacts of development which was previously added to University Lakes.

The intent of this provision is not to alter the size or land use mix of the Combined Projects* at buildout. There is no intent to change the land uses actually approved for University Lakes. It is intended to provide flexibility in the timing of development between phases of the respective projects in response to economic development opportunities or development constraints. The applicability of this provision "D" is limited to Phase I of the Combined Projects* and Phase II of University Lakes, pending further review of additional phases.

- E. To foster intergovernmental coordination in the administration of University Lakes and University Place, the Developer* will furnish to the Sarasota County Planning Department, the SWFRPC, and the City of Bradenton for review and comment, copies of all Annual Reports (together with any documents required to accompany said Annual Reports), any applications or submissions by the Developer* under this Section 4, and any revisions to

University Lakes resulting from determinations by the County* under this Section 4. Further, the Developer* shall furnish to the County* copies of all Annual Reports (together with any documents required to accompany said Annual Reports) regarding University Place.

- F. No provision of this Development Order shall serve to approve uses which were not previously reviewed and approved for University Lakes or which are inconsistent with the Manatee County Comprehensive Plan, including the WO-E Overlay District.

SECTION 5. DEVELOPMENT CONDITIONS

Transportation

- A.(1) The cumulative transportation analysis for Phases I and II for University Lakes and Phase I for University Place, conducted under the 380 Review Agreement* determined the need for the roadway segment and intersection improvements described in Tables 5 and 6 below:

**Table 5
Phases 1&2 Required Link Improvements**

Roadway Segment Improvement Number	Road Segment Name (From and to)	Total Traffic Peak Hour LOS Prior to Improvement	Applicable Peak Hour Level of Service	Development Traffic as A % of LOS Peak Hour Capacity	Required Improvement to Restore LOS	Total PM Peak Hour External Trips for Combined Projects before Need*
1	University Parkway I-75 to Town Center Pkwy	F (in EB) F (in WB)	D D	119.5 198.5	Widen to 6 lanes	4529
2	University Pkwy Town Center Pkwy to Lakewood Ranch Blvd	E (in EB) F (in WB)	D D	81.9 134.3	Widen to 6 lanes	4667
3	I-75 SR 70 to University Parkway	D (in NB) C (in SB)	C C	27.4 18.7	Widen to 8 lanes	7550

This column represents the cumulative number of peak hour external trips for the Combined Projects before the need of the identified improvements for Phases I and II Land Uses as depicted in Tables 2 and 4 for University Lakes and Phase I of University Place (or the equivalent thereof in trip generation) which may be constructed prior to requiring that the listed improvements be constructed or subject to a funding commitment.

Table 6
Required Intersection Improvements

Required Improvement Number	Improvement Name and Location	Total Traffic Peak Hour LOS Prior to Improvement	Applicable Peak Hour Level of Service	Development Traffic as a % of LOS Peak Hour Capacity	Required Improvement To Restore LOS	Total PM Peak Hour External Trips for Combined Projects Before Need*
1	SR 70 at Lakewood Ranch Blvd.	D	C	28.6	Construct left-turn lane NB to a distance of 625' and right- turn lane SB to a distance of 300'	6668
2	University Parkway at I-75 West	F	D	71.4	Construct 3 rd and 4 th thru lanes EB. 4 th thru lane EB should be constructed to a distance of approximately 600' west of the stop bar at this intersection. Construct 2 nd left-turn lane and 3 rd thru lane WB. Both left-turn lanes should be extended to a distance of 800' each. 3 rd thru lanes EB & WB are part of the required 6 laning of University Parkway. Construct 2 nd left-turn lane SB and extend both left-turn lanes to a distance of 725' each. Final Design to be approved by FDOT.	3633
3	University Parkway at I-75 East	F	D	61.0	Construct 2 nd left-turn lane and 3 rd thru lane EB. Both left-turn lanes should be extended to a distance of 600' each. Construct 3 rd & 4 th thru lanes WB. 4 th thru lane should be constructed to a distance of approximately 600' east of the stop bar at this intersection. 3 rd thru lanes EB & WB are part of the required 6 laning of University Parkway. Extend dual left-turn lanes NB to a distance of 950' each. Final design to be approved by FDOT.	2585

Table 6 Required Intersection Improvements						
4	University Parkway at Lake Osprey Drive/ Market Street	F	D	105.0	Construct 3 rd thru lane EB & WB (part of the required 6-laning of University Parkway). Construct one right-turn lane WB to a distance of 235'. Extend left-turn lanes EB to 585' each and right-turn lane EB to 285'. Construct 2 nd left-turn lane and one right-turn lane NB. Construct one right-turn lane SB and provide a for a five-section head for right-turn movement SB.	4,529
5	University Parkway at Town Center Parkway	F	D	97.9	Construct 3 rd thru lane EB & WB. (Part of the required 6-laning of University Parkway). Extend left-turn lanes EB to 685' each and right-turn lane WB to 335'. Provide a five-section head for right-turn movement SB.	5,495
6	University Parkway at Lakewood Ranch Blvd.	F	D	91.7	Construct 3 rd thru lane EB & WB. (Part of the required 6-laning of University Parkway—6 lane section should continue approx. 600' east of the stop bar at this intersection). Extend both left-turn lanes EB to a distance of 785' each. Construct one right-turn lane WB to a distance of 410'. Extend right-turn lane EB to 910' and left-turn lane WB to 385'. Extend left turn lane SB to 225'. Construct 2 nd right-turn lanes to a distance of 650' each. Provide for a five-section head for right-turn movement SB.	4,667

This column represents the cumulative number of peak hour external trips for the Combined Projects before the need of the identified improvements for Phases I and II. Land uses as depicted in Tables 2 and 4 for University Lakes and Phase I of University Place (or the equivalent thereof in trip generation) which may be constructed prior to requiring that the listed improvements be constructed or subject to a funding commitment.

- A.(2) The improvements listed in Tables 5 & 6 include critical link and intersection improvements for the development of Phase I and Phase II of University Lakes.

In the event that Funding Commitments* for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development, the capacity and loading of transportation facilities in the Transportation Impact Area*, shall be limiting factors in any subsequent approvals. A subphase analysis has been performed, and cumulative subphases for the Combined Projects* have been identified in Tables 5 and 6 together with subphase time frames that were used in the subphase study. An initial subphase of 2,585 external p.m. peak hour trips for the Combined Projects* has been identified as requiring no additional transportation improvements. The Developer* shall, at the time of each application for Final Site Plan approval, furnish to the County* an accurate, up to date report of the amount of development, defined in terms of external p.m. peak hour trips, which has previously been permitted in the Combined Projects*. The Developer* shall not be entitled to a Final Site Plan approval which would result in the cumulative number of external p.m. peak hour trips for the Combined Projects* to exceed the applicable subphase threshold unless Funding Commitments* have been obtained for improvements required for such subphase.

In the event that the total external p.m. peak hour trips projected to be generated by the Combined Projects* has exceeded the levels described in Tables 5 and 6 by the expiration of the Annual Report Years listed in Tables 5 and 6 for the appropriate uncommitted improvement, no further Final Site Plan approvals shall be granted unless the Developer* using the notice of change procedure has prepared an analysis which identifies the revised dates by which said improvement would be required under the new subphase analysis. The Development Order shall be amended to reflect these revised trip levels and dates.

The Developer* shall be bound by the subphase external trip thresholds and schedules set forth in Tables 5 and 6, unless the Developer* files a Notice of Proposed Change and provides the County*, pursuant to the notice of change procedures, an updated subphase traffic analysis for the Transportation Impact Area* that will result from the completion of construction of all of the previously permitted development in the Combined Projects* plus that to be generated by the next subphase for which the Developer* is seeking approval, and such proposed change is approved. Copies of such Notice Of Proposed Change for revised subphase transportation analysis shall be submitted to Manatee County, Sarasota County, TBRPC, and SWFRPC for review and comment. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Tables 5 and 6) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Table 5 and 6 at the appropriate Level of Service. In the event that the new analysis demonstrates the need for alternate improvements or different subphase thresholds, the Development Order may be amended to reflect the revised subphases or improvements. With each Preliminary Site Plan application, the Developer* shall submit to the County* a limited traffic study which shows the following:

1. External P.M. peak hour trips for the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvements in Table 5 & 6 will be required; and,
2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the project covered by the Preliminary Site Plan application.

Any revised transportation analysis for the Combined Projects* shall utilize the adopted Sarasota County Level of Service, or that of any agency with jurisdiction, whichever Level of Service is higher, for determining deficiencies on all roads in Sarasota County. If deficiencies exist on said roadways, then Funding Commitments* to correct such deficiencies shall be required in accordance with this Paragraph A.(2).

Developer* agrees to construct the improvements identified in Number 3 of Table 6 on or before October 1, 2001, which satisfies any requirement that required improvements be constructed concurrently with the impacts of Phase II development as to such improvements, unless such improvement(s) are programmed for construction in the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation, in which event the responsible party for such improvement(s) shall be the FDOT. This commitment by the Developer shall satisfy the requirement that the construction of such improvements be pursuant to a Funding Commitment. Developer* shall receive impact fee credits pursuant to Manatee County

Land Development Code regulations for such construction, if such construction is paid for by the Developer*.

- A.(3) Until such time as agreement is reached regarding impacts of the Combined Projects* to I-75, and associated interchange intersections, and the Development Order is amended if and as needed pursuant to NOPC procedures, the Developer* shall conduct an I-75 Monitoring Program described below.

The FDOT shall by June 30, 2000 obtain Year 2000 peak season daily, a.m., and p.m. peak hour traffic data for the I-75 mainline and interchange ramps from SR 70 to Bee Ridge Road including turning movement counts at the interchange ramp intersections with the respective cross streets. The data shall be analyzed and provided to the Developer*, Manatee County and Sarasota County. **(Completed)**

At such time as the total external a.m. or p.m. peak hour trips from the Combined Projects* of University Lakes and University Place exceeds 3200 trips, projected to occur based upon Development Plans*, the Developer shall institute an annual monitoring program (the "I-75 Monitoring Program") to determine the actual level of service conditions for the I-75 mainline from SR 70 to Bee Ridge Road and the ramp interchanges at the respective cross streets. The results of this I-75 Monitoring Program will be submitted no later than the date of the Annual Report for University Lakes and shall each year be submitted to FDOT and Manatee County for review and approval and to Sarasota County for review and comment.

The detailed methodology for the monitoring, data collection, and analysis must be submitted to, and approved in writing by, FDOT and Manatee County and submitted to Sarasota County for review and comment. No Development Plans* beyond the 3200 peak hour trip threshold of the preceding paragraph shall be issued until the I-75 Monitoring Program and methodology has been approved.

For any location that is operating below the adopted level of service standard, the procedure as defined in the approved I-75 Monitoring Program methodology will be followed to determine if the Combined Projects* have an impact of five percent or greater of the adopted level of service standard at such location. If such impact is identified, and the identified location is operating below the adopted level of service standard, no further Development Plans* will be issued until the deficiency has been mitigated and the Development Order is amended as appropriate, if such an amendment is necessary. Mitigation can be accomplished by one of the following: (i) actual construction; (ii) a binding commitment by the Developer* for the actual construction with the posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County for the construction to be completed when the improvement is required; (iii) the improvement is programmed for construction in the current year plus two years of the FDOT District One Adopted Work Program; (iv) the improvement is in the current year plus two years of the Capital Improvement Element for Manatee or Sarasota County, whichever is appropriate; or (v) other means set forth in Florida Statutes or the Florida Administrative Code as either may be amended from time to time.

Prior to the issuance of Development Plans* for the Combined Projects* which would create peak hour trips in excess of the thresholds identified in Table 6-Required Intersection Improvements, the improvements for the ramp intersections as identified in Table 6, must be mitigated as set forth in the preceding paragraph.

- A.(4) The Developer* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project*. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway. That is, the lanes must be included in design but may be constructed separately or in separation from the roadway itself.
- A.(5) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* as required by the Manatee County Land Development Code.
- A.(6) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of University Lakes.
- A.(7) Within three years of the effective date of Ordinance 00-45 or at the request of the County, an annual monitoring program consisting of peak hour traffic counts at the Project* entrances shall be instituted to verify that the projected number of external trips for the Project* are not exceeded. Counts will continue on an annual basis through Project* buildout, and the information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts for the Project* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.
- A.(8) The transportation analysis in the ADA* was performed without consideration of the potential effects of a Transportation Systems Management ("TSM") program. Accordingly, the development thresholds described in Tables 5 and 6 may reflect a "worst case" scenario, dependent upon future TSM measures.

The Developer* or its assigns shall prepare and implement a TSM program which will endeavor to divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and be reviewed by the County*, the MPO, and the FDOT.

The TSM program shall be submitted with the first annual report subsequent to the monitoring program in Section A.(6) showing external trips exceeding 25% of the total external trips for Phase I of both University Lakes and University Place.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments which increase the applicable development thresholds or which will allow reduced impacts per square foot or dwelling unit of development in future phases. The TSM Program shall seek to further the TSM objectives and Policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

- (a) promote ride sharing by public and private sector employees;

- (b) increase urban area peak hour automobile occupancy rates through expanded ride sharing efforts;
 - (c) increase peak hour occupancy rates for transit and other high occupancy vehicles; and
 - (d) other appropriate trip diversion measures.
- A.(9) To allow for the finalization of interchange design relative to Improvements #3 and #4 in Table 6, Developer* agrees to reserve, until January 28, 1998, the property which it owns and which lies within the following description:

Commence at the easterly corner of the existing FDOT right of way north of University Parkway where the limited access terminates, thence westerly along the FDOT right of way, a distance of 650 feet to the Point of Beginning. From the Point of Beginning, proceed northwest a distance of 1,500 feet to the existing FDOT right of way, thence southeasterly and easterly to the Point of Beginning.

This restriction shall expire on January 28, 1998. If the right of way is dedicated by the Developer* or otherwise acquired by the appropriate governmental agency, then the Developer* may transfer the impacted land uses to other appropriate areas within the Project* with approval of a revised General Development Plan. **(This item has been completed.)**
- A.(10) The Developer* shall submit a Preliminary Site Plan for Phase I, or any subphase thereof, within twenty-four (24) months of the effective date of this Development Order. **(Completed).**
- A.(11) The schedules of listed improvements may be adjusted at the Developer's* request with submission of adequate data to support any such adjustments, and the Development Order amended as needed in the event that the appropriate agencies determine that:
 - (a) The Project* is determined by the County* and TBRPC to be in a regional activity center or otherwise designated for alternative levels of service or alternative percentage thresholds in accordance with applicable rules and regulations; or
 - (b) The appropriate level of service standard for the particular roadway link or intersection is adjusted by the agency(ies) having jurisdiction over such link or intersection. In no event shall any level of service be adjusted if the result of said adjustment is to permit a lower level of service than established by that agency or agencies having jurisdiction at the time of the request for adjustment.
- A.(12) The roadway shown on Revised Map H, which generally is oriented in a north/south alignment and connects to the proposed extension of Upper Manatee River Road, shall be required to be designated on the Future Traffic Circulation Map as a collector facility prior to providing any credits for right of way and/or construction. **(The requirements of Condition A.(12) have been completed)**

- A.(13) Access to and from the site will be in accordance with state and local access regulations unless limited by the General Development Plan or any conditions placed thereon, whichever is most restrictive.

Wetlands

- B.(1) The portions of the University Lakes site that meet the definition of Conservation or Preservation Areas as set forth in policies 10.1.2 and 10.3.1 of the Council's adopted (SRPP*) have been designated on Revised Map H.
- (a) All wetlands and uplands on-site defined by Council policies as Preservation Areas, as shown on Revised Map H, shall be preserved. No dredging, filling, or development activities shall be allowed within Preservation Areas.
 - (b) All wetlands and uplands on-site defined by Council policies as Conservation Areas shall be protected from development as shown on Revised Map H.
- B.(2) Except for wetland restoration or enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas as depicted on Revised Map H. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required semi-annually in selected preserved wetlands and initiated prior to on-site construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland monitored. If the hydroperiod monitoring results demonstrate that Project* activities are inappropriately altering the hydroperiod in Preservation Areas, such activities shall cease until remedial measures are implemented.
- B.(3) Any impacted wetlands, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas on Revised Map H, shall be mitigated in accordance with the Manatee County Comprehensive Plan and Land Development Code and the SRPP* Policies.
- B.(4) In addition to meeting the requirements of the Manatee County Land Development Code, the Developer* shall submit a wetland management and mitigation plan for the area to be developed to the County* for approval, and to TBRPC, and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands on-site, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, and methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands. **(Completed)**.

The Developer* shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County*:

- (a) Identification of existing dry and wet season site conditions;
- (b) Narrative descriptions and evaluations of all wetlands to be disturbed by wetland type;

- (c) Photographs and 24"x36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);
 - (d) Narrative descriptions of any proposed wetland restoration activities and related issues;
 - (e) Estimated costs of wetland mitigation/restoration schemes including maintenance and monitoring for appropriate time periods; and
 - (f) Mitigation plans shall also include:
 - (1) Area and location of plantings;
 - (2) Species to be planted and spacing;
 - (3) Elevations for plantings;
 - (4) Source of plants or mulch;
 - (5) Source of wetland soil and depth proposed; and
 - (6) Monitoring and maintenance plans.
- B.(5) If allowable wetland losses require type-for-type (herbaceous or forested) wetland replacement in accordance with stipulation B.(3), mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Created wetlands and littoral shelves shall require monitoring and maintenance activities. Percent survival of plant species in the created wetland or littoral shelf shall meet or exceed Manatee County Comprehensive Plan and Land Development Code success criteria and the SRPP* Policies. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.
- B.(6) The Developer* shall provide buffering around all Post-Development Wetlands* to provide an upland transition into the wetland areas and to protect natural systems from development impact. All such buffers shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

- C.(1) A cumulative assessment of the impacts of the Combined Projects* on listed plant and animal species has been performed as required by the 380 Review Agreement*. The Developer* has provided open space for wildlife in the form of preserved wetlands and the wildlife corridor along Cooper Creek as depicted on Revised Map H. In addition, Developer* shall retain large pines (>4" dbh) where possible in golf course rough for kestrel habitat and include and maintain open grassy areas in golf course rough for burrowing owl habitat. The specific locations of retained pines and open grassy areas shall be shown on the final development plan containing the golf course and shall be submitted to Manatee County for review and approval and to the Florida Fish & Wildlife Conservation Commission (FFWCC) for comment. However, as the Developer* is

planning a large wildlife management area on University Place, the Developer* has prepared (pursuant to the 380 Review Agreement*) a wildlife management plan, as revised June 16, 1992, for the 395 acre Open Use Conservation District within University Place which provides additional protection of any listed species found on University Lakes and University Place. The plan includes information on site maintenance, fire frequency, wetland management, and boundary protection.

In the event that University Place is not approved by Sarasota County with the 395 acre Open Use Conservation District within one (1) year of the effective date of this Development Order or if such Open Use Conservation District is reduced in size by more than ten (10) acres, then within one (1) year of either such date or action the Developer* shall prepare a wildlife management plan to address the impacts of the Project* on any listed species found on University Lakes, except for the gopher tortoise. The FFWCC found that a regionally significant population of gopher tortoise does not exist on University Lakes. However, any taking must comply with FFWCC rules and the Developer* must obtain a gopher tortoise incidental take permit from the FFWCC. If a management plan is prepared, pursuant to this paragraph, the plan shall be submitted to the and the Department of Community Affairs for review and to the County* for review and approval. **(Completed).**

- C.(2) The Developer* shall provide small wildlife crossings (18" culverts) under roadways at the two locations where the north/south collector roadways intersect with Cooper Creek. **(Completed).**
- C.(3) In accordance with applicable law, the Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the County* for proper relocation of any listed species found on-site in addition to the requirements of C.(1) above.
- C.(4) Representative tracts of all major natural upland vegetative communities (Live Oak, Pine-Mesic Oak, Pine Flatwoods, Temperate Hardwoods), as depicted on Revised Map H, shall be set aside in their natural state to serve as conservation areas.
- C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the County* consistent with the provisions of the Manatee County Comprehensive Plan.
- C.(6) Areas designated as Preservation Areas on Revised Map H shall be protected in perpetuity by conservation easement or other legal instrument approved by County*.

Land

- D.(1) The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:
 - (a) Sod, seed, or plant embankment areas of stormwater detention or retention ponds;

- (b) Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;
- (c) Limit clearing and site work, construction, and clearing to areas needed for immediate development;
- (d) Develop asphalt roads as soon as possible;
- (e) Initiate landscaping before development work is completed on a site;
- (f) Construct sediment basins at the start of each drainage system phase;
- (g) Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points;
- (h) Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis; and
- (i) Preserve the existing natural vegetation along Foley Creek and Cooper Creek, as depicted on Revised Map H.

Air Quality

- E.(1) The Developer* shall, subject to applicable water quality standards, institute the following procedures to ensure dust control during development of the Project*:
- (a) Implement a watering program during excavation and dredge and fill operations;
 - (b) Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
 - (c) Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
 - (d) Keep soil stockpiles moist, or treat with soil binders or cover;
 - (e) Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
 - (f) Remove dust producing materials as soon as possible;
 - (g) Maintain 15 mph or less vehicle and equipment speeds on temporary roads;
 - (h) Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;
 - (i) Limit site work and construction to areas needed for immediate development;
-

- (j) Develop asphalt roads as soon as possible;
 - (k) Initiate landscaping before development work is completed on-site; and
 - (l) Utilize water spray trucks to control dust generation in heavy construction areas.
- E.(2) Further Section 380.06(6), Florida Statutes, review will be required for air quality impacts, of Phases III, and IV. This Development Order* must be amended prior to granting specific approval to Phases III, and IV to address any air quality impacts and to specify any necessary mitigation prior to the commencement of said Phases. This review shall be a cumulative assessment of the Combined Projects*.

Water Quality and Drainage

- F.(1) Prior to any site alteration associated with the Project*, the Master Drainage Plan for the Project* shall be submitted to DEP, SWFWMD, and EMD for review and to the County* for approval. **(The requirements of Condition F.(1) have been completed)**

The stormwater management system shall be designed, constructed, and maintained to meet or exceed the applicable requirements of Chapter 62-25, 40D-4, and 62-40, F.A.C. The stormwater management system shall be designed to comply with the provisions relating to the Evers Reservoir Watershed Protection Overlay District by providing treatment, at a minimum, of 150% of the criteria found in Chapter 62-25 and 40D-4, F.A.C. Nothing in this Section F.(1) shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved (as depicted in an approved Preliminary Site Plan for that Phase or subphase) or constructed stormwater facilities. With the exception of any such vested rights, if any, the Project* shall also comply with any special local watershed protection provisions adopted after the approval of this Development Order. An acceptable method for meeting such standards for the treatment of stormwater runoff for the majority of the site will be wet detention with effluent filtration utilizing the double underdrain system described in Exhibit 19-2 of the ADA.

- F.(2) Best Management Practices* (BMP) for reducing water quality impacts, as recommended by the County* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented and may include a street cleaning program for parking and roadway areas within the Project*.
- F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The Developers* maintenance and inspection schedule for ensuring proper water quality treatment shall be submitted to the County* for approval, prior to site alteration activities associated with the Project*.
- F.(4) Stormwater discharge shall not cause the receiving water body to violate the limits defined in the Class appropriate to that water body. Where background conditions in the water body in question do not meet the applicable standards due to natural causes outside the control of the Developer*, site specific, alternative criteria may be established in conjunction with the County*.

F.(5) Prior to any site alteration activities associated with the Project*, the Developer* shall implement a surface water quality and quantity monitoring program approved by the County* (Completed). This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include provisions for the characterization of pre-construction baseline water quality and quantity conditions of surface water entering and leaving the site. The surface water monitoring program shall also provide the monitoring of surface water quality during periods of construction. In addition, the surface water monitoring program shall include an ongoing plan for monitoring of post-construction surface water quality. The surface water quality monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements. All water quality sample collections and laboratory analyses shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the FDHRS and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

F.(6) Prior to any site alteration activities associated with the Project*, the Developer* shall implement a groundwater monitoring program approved by the County* and EMD. This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include appropriate provisions for the characterization of the pre-development baseline water quality and water level conditions of the site's groundwater. The groundwater monitoring program required pursuant to this condition shall include an identification of well locations, sampling frequency, and sampling duration, as well as parameters to be monitored and applicable collection and analytical methods. (Completed)

Upon completion of the pre-development groundwater program, a report of results will be submitted to the County* for review and approval. In addition to the official laboratory results, the report shall include recommendations regarding monitoring during construction and post-construction. Any proposed construction and post-construction monitoring plans developed pursuant to this condition shall be submitted to the County* for review and approval. (Completed).

F.(7) In the event that an overall watershed monitoring and reporting program is implemented and satisfies the intent of conditions F.(5) and F.(6), these programs may be discontinued upon the recommendation and approval of such by the County*. The City of Bradenton shall be notified prior to the approval of the discontinuance of this program.

F.(8) To the extent required by applicable law, any shoreline banks created along on-site stormwater detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, diverse native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting, if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) in accordance with applicable regulations.

F.(9) The Developer* shall conduct annual inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their

design and are capable of accomplishing the level of stormwater storage/treatment for which they were designed and intended. Verification of such inspection shall be supplied in each Annual Report.

- F.(10) Prior to any site alteration, the Developer* shall develop and submit for approval by the County* an Integrated Pesticide/Herbicide Management Plan (IPMP) and a Hazardous Materials Management Plan (HMMP). **(Completed)**

Historical and Archaeological Sites

- G.(1) The discovery of any historical or archaeological resources during development activities of the University Lakes Project* shall be immediately reported to the Florida Division of Historical Resources (FDHR). If the significance of an archaeological or historical site, discovered during development, is unknown and the site is to be impacted by Project* activities, additional testing shall be required at the site to determine significance. Disposition of such resources shall be determined in cooperation with the FDHR, TBRPC, and Manatee County. Treatment of the resources shall be completed before resource-disturbing activities are allowed to continue.

Water

- H.(1) The Developer* shall participate, as required by Manatee County ordinances and consistent with any Developer Agreements, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.
- H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations. Any existing on-site wells not intended for potable or non-potable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
- H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, if mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.
- H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.
- H.(5) The Developer* shall, to the extent non-potable water is available, use only non-potable water to meet non-potable water demands. For purposes of this Approval, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to the County* and the TBRPC for the use of non-potable water on-site. The plan shall be completed prior to Final Site Plan approval for any phase or subphase and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes, to the extent permitted by law. **(Completed)**

- H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.
- H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area (WUCA) to the extent then in effect.
- H.(8) The Developer* shall use the lowest quality water supply which meets the needs of the intended use, provided that such sources are economically feasible, practically available, and legally permissible.

A plan which investigates the use and feasibility of these alternatives shall be prepared by the Developer* and submitted with the first Annual Report to TBRPC, SWFWMD, the County* for review and further action if warranted. **(Completed)**

- H.(9) For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles are required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall only be irrigated to the minimum extent required to ensure healthy vegetation.

Wastewater

- I.(1) The Developer* shall participate, as required by Manatee County ordinances or Developer Agreements, in any necessary expansion of wastewater service to and consistent with any Developer Agreements for each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*.
- I.(2) No additional permanent septic system shall be permitted within the Project*.
- I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations.
- I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs must be included in the Annual Report.
- I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28).
- I.(6) The Developer* shall implement a wastewater reuse system when feasible, as discussed in development condition H.(8) herein.

Solid Waste

- J.(1) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals* for any non-residential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed by DEP, TBRPC, approved by the County*, and then distributed by the Developer* to non-residential land users within the Project*.

At a minimum, the plan shall:

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

(Said Plan has been approved)

- J.(2) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.
- J.(3) The Developer* shall participate, as required by Manatee County ordinances or Developer Agreements in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.
- J.(4) Surface impoundments of hazardous materials and hazardous wastes, land treatment of hazardous materials and hazardous wastes and landfills for hazardous materials and hazardous wastes are prohibited.

- J.(5) Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants. Individual Tenants shall be encouraged to develop permissible temporary on-site hazardous waste treatment and storage capabilities prior to transport and shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that is accredited by all appropriate agencies in the transportation and handling of such materials.
- J.(6) All aboveground and underground pollutant storage tanks systems will be installed, monitored, and managed according to applicable Federal, State, and Local regulations.

Recreation and Open Space

- K.(1) The Project* shall contain, at a minimum, 403.4 acres of open space (approximately 350.4 acres of wetlands and an estimated minimum of 26.5 acres of mitigation) in addition to approximately 490.8 acres committed to recreation (a 22.6 acre park, a 16.1 acre tennis/boat club, 291.7 acres of golf course, and a lake of some 160.4 acres).
- Notwithstanding the above, if the County* should decide the 22.6 acres of park is not needed, then the Developer* shall be able to use the applicable parcel for residential development or as a school site, provided the number of dwelling units is not increased.
- K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be maintained as common open space through deed restrictions or owned by a property owners' association for the Project* or neighborhood within the Project*, as may be appropriate in accordance with the Land Development Code.
- K.(3) Except as described in K.(1) above, all recreation, park, and wetland sites, as shown on Revised Map H of the ADA*, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.
- K.(4) The Project's* public parks and public recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged and may be subject to a reasonable agreement between the County* and the Developer* limiting the use as a park facility and times of operation.

Education

- L.(1) The Development shall dedicate an elementary school site either adjacent to, or having direct access on, a constructed County-maintained right-of-way and meeting all State and Manatee County new school site requirements upon request by the School Board. The school site shall be deemed to be a part of the Phase I approvals for the Project* and shall be shown on an amendment to the General Development Plan unless dedicated off-site as may be allowed elsewhere in this condition. The dedicated school site shall be a minimum of 18 acres, depending upon the characteristics of the site selected and said site shall be selected from property shown as residential, commercial, or business on Revised Map H, and shall be reflected on a revised General Development Plan unless dedicated off-site as may be allowed elsewhere in this condition. If the Developer* and the County School Board agree, the dedicated school site may be located off-site on property owned by the Applicant*. If adjacent property is provided as

a public park or for emergency services, this acreage may be reduced to a total of fifteen acres.

- L.(2) If the County School Board should decide the school is not required, or the selected location is inappropriate, the Developer* shall be permitted to exchange sites, to the School Board's satisfaction, and shall be permitted to use the originally selected parcel for residential development, provided the number of dwelling units approved for the Project* is not increased. Any such exchanges in school sites shall require an amendment to the General Development Plan. If additional recreational opportunities are required, the County* may require dedication of up to five acres of the designated school site parcel for active recreation.

Health Care, Police, and Fire

- M.(1) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to December 31, 1997. Any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **(Completed)**.
- M.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase I or any subphase thereof. Any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **(Completed)**
- M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the applicable Fire Code.
- M.(4) The height of buildings allowed in the Project* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- M.(5) Prior to approval of each Final Site Plan, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the Braden River Fire Department that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.

- M.(6) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Project*. The Developer* shall participate, in accordance with applicable County* ordinances or Developer Agreements, in any expansion of such services necessary to serve the Project* or any phase or subphase thereof.

Economics

- N.(1) Excess infrastructure capacity constructed by the Developer* shall be at the Developer's* risk and shall not vest latter development rights not addressed in this approval.
- N.(2) The Project* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Policies 21.2, SCP and 21.5.3, FCRPP, respectively.
- N.(3) The development and promotion of a day care system should be encouraged on site and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

- O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical or gas utilities to meet the energy requirements of the development.
- O.(2) All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:
- (a) Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and cogeneration, where economically feasible;
 - (b) Obtain energy audits provided by energy companies or other qualified agencies;
 - (c) Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - (d) Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;
 - (e) Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
 - (f) Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - (g) Institute and utilize recycling programs;
 - (h) Utilize energy efficient packaging or recyclable materials;
 - (i) Install total energy systems on large facilities when cost effective; and

- (j) Elimination of advertising requiring lighting after business hours where feasible.
- O.(3) Incorporation of the energy conservation measures referenced on pages 265 and 266 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each Annual Report.

Affordable Housing

- P.(1) A cumulative assessment of the affordable housing needs of Phases I and II of the University Lakes DRI and Phase I of University Place (Combined Projects*) has been performed as required by the 380 Review Agreement*. This assessment was accepted by all reviewing agencies and determined no potential unmet need for affordable housing and a potential surplus of 75 affordable units. This analysis utilized the East Central Florida Regional Planning council's (ECFRPC) "Housing Demand, Supply and Need Methodology for Assessing the Affordable Housing Impact of Developments of Regional Impact", April 1996.
- P.(2) This assessment utilized the 1990 US Census as its source for rental vacancy data. In order to ensure that employees of the Combined Projects* will find adequate housing opportunities reasonably accessible to their places of employment and validate the results of the assessment, it is necessary to compare the 1990 US Census data to the 2000 US Census data.

Should the rental vacancy data from the 2000 US Census be the same as or higher than the rate utilized in the assessment (11%), then no reassessment shall be required. However, if the 2000 US Census rental vacancy rate is at least 2% lower than the vacancy rate utilized in the assessment, the applicant shall be required to conduct a revised assessment. The revised assessment would be submitted for review and approval to the Department of Community Affairs, and Manatee County, and to Sarasota County, Southwest Florida Regional Planning Council and Tampa Bay Regional Planning Council for review and comment, no later than December 31, 2002. If the re-assessment identifies an unmet need for affordable housing at any time during Phase II of University Lakes, and the impact is deemed significant, then the Developer* shall develop a mitigation program in coordination with the DCA, Manatee County, Sarasota County, SWFRPC, and TBRPC.

Should the re-assessment be required and it should show a significant unmet demand for affordable housing, the results of the re-assessment shall be incorporated into this Development Order through a Notice of Proposed Change that would be submitted, by the Developer*, to Manatee County no later than March 30, 2003. If such a NOPC is required and an acceptable NOPC is not submitted to Manatee County by March 30, 2003, a Stop Work order will be in effect for any additional non-residential development. Any necessary mitigation measures shall be adopted by a Development Order amendment prior to issuance of preliminary/final site plans for any remaining Phase II development. **(Completed)**.

- P.(3) Specific approval of Phases III and IV of University Lakes is conditioned on further Section 380.06(6), Florida Statutes, (submittal of a substantial deviation application for development approval) review on affordable housing, as well as the other specific issues

listed elsewhere in this Development Order. The Developer* shall conduct an affordable housing study based on a methodology agreed to pursuant to said review. If the study indicates that the additional development for which the Developer* is requesting approval will create the need for affordable housing that is not being provided within the Project* or within an area proximate (as determined by the approved methodology) to the Combined Projects*, the Development Order shall be amended to include appropriate mitigation. The affordable housing needs of the Combined Projects* shall be mitigated using those measures that are in effect at the time specific approval of a later phase is requested.

- P.(4) Payments made by the Applicant under the provisions of law may be credited against any contributions which may be required under the provisions of the HAIP or subsequent housing analyses, if requested by the Developer* and approved by the County*.
- P.(5) Pursuant to Rule 9J-2.048(8)(c)1, FAC, when a residential unit is constructed on-site and is within the affordable cost range as determined by that current year's annual median income as provided by the Department of Housing and Urban Development and calculated pursuant to the ECFRPC's April 1996 methodology, the Developer* shall receive credit for one and one-half (1.5) affordable housing units toward the affordable housing study.

General Conditions

- Q.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes, shall require a hearing to determine if the change constitutes a Substantial Deviation.
- Q.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 6 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.
- Q.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual Report, subject to approval by the County*.
- Q.(4) All Development Approvals* shall be obtained prior to September 13, 2019. This Development Order shall expire 5 years after the buildout date to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- Q.(5) A Preliminary Site Plan for each phase shall be required.
- Q.(6) The Developer* shall make appropriate efforts to coordinate with, and inform the appropriate public authorities of, the feasibility of the proposed school site for hurricane shelter, building closings, security and safety precautions, and evacuation plans.
- Q.(7) Except for any existing use or for construction offices and similar temporary uses, or any use on the school site or park site, or other use by a public agency, any proposal to

utilize mobile homes on the site shall require a Substantial Deviation Determination, pursuant to the procedures in 380.06(19)(a), Florida Statutes.

Q.(8) The Developer*, its successors, assigns or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on June 1, 1993 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

- (a) Any changes in the plan of development, or in the representations contained in the ADA*, or in the phasing or land uses for the reporting year and for the next year;
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;
- (d) Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
- (e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, TBRPC, or 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 Project* since the Development Order was issued;
- (h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- (i) A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(15)(f), Florida Statutes;

- (j) A statement that all persons have been sent copies of the Annual Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
 - (k) Information on the actual prices and rents of housing units constructed relative to the then-current Department of Housing and Urban Development (HUD) affordable housing guidelines;
 - (l) Reports or information pursuant to conditions A.(7), A.(8), J.(2), and O.(3).
- Q.(9) All proposed modifications to University Lakes will be reviewed based on the Combined Projects* to determine whether the proposed modification will exceed any of the criteria set forth in Subsection 380.06(19), Florida Statutes.

In the event the University Place Development Order is amended by Sarasota County to allow development inconsistent with Table 3 or Table 4 of the University Lakes Development Order, then upon expiration of the 45-day appeal period of the amendment or, if the amendment is appealed, upon settlement of the appeal, the Developer* shall apply for an amendment to the University Lakes Development Order, and Manatee County subsequently shall consider an amendment to the University Lakes Development Order to make it consistent with the University Place Development Order. A Notice of Proposed Change, pursuant to Subsection 380.06(19), Florida Statutes, shall not be required for the amendment to the University Lakes Development Order, as described above, to make it consistent with the University Place Development Order, but shall require the requisite public hearings under Chapter 125, Florida Statutes, and the Land Development Code. However, such Development Order amendment adopted by Manatee County must be rendered to the Department, pursuant to Subsection 380.06(19), Florida Statutes. If the amendment to the University Lakes Development Order is consistent with the amendment to the University Place Development Order or any settlement of an appeal of the University Place Development Order amendment, then DCA shall not appeal the amendment.

The substantial deviation criteria set forth herein are not applicable to land use exchanges which are authorized pursuant to Sections 4.B. and 4.C. of this Development Order. Additions to the amount of development in a particular land use category resulting from the use of the exchange mechanism are permitted only in conjunction with the simultaneous reduction from another specifically approved use and do not authorize additional development beyond that which has received specific Development Order Approval.

- Q.(10) Unless otherwise expressly stated in this Ordinance, the Project* shall comply with all future amendments to the Land Development Code and the Comprehensive Plan.
- Q.(11) Wherever in this Development Order the Developer* is required to file a Notice of Proposed Change, the Developer* shall send a copy of said NOPC to Sarasota County and SWFRPC.
- Q.(12) In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of Community Affairs, the Developer* shall pay all reasonable costs and fees of County* staff and attorneys relating to said appeal or legal challenge at the rate for processing this Development Order under the current Planning fee schedule. Payment of all billings by the Developer* related to such fees and costs shall be paid within forty five (45) days of submittal of an invoice.

Section 6. DEVELOPER* COMMITMENTS

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

A. GENERAL PROJECT* DESCRIPTION

- A.(1) The three designated community commercial areas will be developed in compliance with the adopted Comprehensive Plan in terms of permitted uses, maximum square footage, floor area ratio, and location on the road network. (SR, 17 & 18)
- A.(2) All requirements of the Evers Reservoir Watershed Overlay District will be met within this Project*. (ADA*, 16)
- A.(3) Neighborhood oriented retail areas will be located within the community commercial parcels which lie within the RES-1 Future Land Use Classification. (SR, 13)
- A.(4) The Project* will construct, or cause to be constructed, two major thoroughfares, University Parkway and the extension of Upper Manatee River Road. (SR, 93)

B. WETLANDS

- B.(1) The existing wetlands and proposed mitigation areas will have 50-foot wetland buffers around DEP wetlands and 30-foot buffers around wetlands within the jurisdiction of ACOE and SWFWMD, as shown on Revised Map H. (ADA*, 16)
- B.(2) A total of approximately 312.2 Acres of native wetland habitats on-site will be preserved. (ADA*, 65)
- B.(3) Numerous precautions, described on page 33 of the Sufficiency Response, will be taken to prevent contamination of surrounding soils and waters. (ADA*, 21)

C. WATER

- C.(1) The pesticides, herbicides, and fertilizers used on grassed areas of the University Lakes site will be applied in strict accordance with the manufacturer's application guidelines to avoid negative impacts on surface water quality. (SR, 175)
- C.(2) Erosion controls will be of primary importance in preventing fertilizer runoff. Soil tests will be conducted to avoid application of unnecessary types, rates, and amounts of fertilizers. Applications will be made when adequate soil moisture exists and likelihood of major storm event is minimal. (SR, 32)
- C.(3) Numerous precautions, described on page 33 of the Sufficiency Response, will be taken to prevent contamination of surrounding soils and waters. (SR, 33)

D. SOILS

- D.(1) All of the methods described on pages 140 and 143 of the ADA* will be utilized to overcome the soil limitations on-site. (ADA*, 140 & 143)
- D.(2) The wind and soil erosion abatement methods listed in the ADA* will be followed. (ADA*, 143)

E. FLOODPLAINS

- E.(1) Any loss of 100-year floodplain storage volume will be compensated by the excavation and creation of equal storage volume within the 100-year floodplain. (ADA*, 147)

F. WATER SUPPLY

- F.(1) The internal potable water supply system will be constructed to Manatee County standards and dedicated to Manatee County where the potable system exists in proposed public rights-of-way. (ADA*, 155)
- F.(2) Non-potable water conservation will be accomplished through the use of xeriscaping and preservation of existing native vegetation communities in accordance with applicable provisions in the Manatee County Land Development Code. (ADA*, 157)

G. STORMWATER MANAGEMENT

- G.(1) All off-site runoff is to be routed through or around the property. There are five areas where off-site flow will be accepted into the stormwater management system, totaling 50.2 acres along the southern boundary and 12.6 acres along the northern boundary. (ADA*, 167)
- G.(2) The stormwater management system will accept all existing off-site flows from Sarasota County. (SR, 190)
- G.(3) The primary method for treatment of stormwater runoff for virtually the entire site will be wet detention with effluent filtration utilizing the double underdrain system described in Exhibit 19-2. (ADA*, 172)
- G.(4) The wet detention system will incorporate vegetated littoral zones which will equal approximately 15 to 20 percent of the surface area of the stormwater detention ponds. Sediment sumps will be provided at all inflow locations. (ADA*, 174)
- G.(5) The hydroperiods of all on-site wetlands will be maintained except as depicted on Revised Map H. (ADA*, 176)
- G.(6) Water levels in the detention ponds will be designed to be compatible with wetland seasonal high water tables and existing upland water tables. (ADA*, 183)
- G.(7) Litter and debris which is captured within the stormwater treatment ponds will be periodically removed during routine clean-up of the Project's* open space areas and pond system. (SR, 104)

H. SOLID WASTE/HAZARDOUS WASTE/MEDICAL WASTE

- H.(1) The Applicant will investigate the possibility of mulching trees and brush that will be removed as land clearing operations commence, for the purpose of retaining mulch to meet the on-site needs. (SR, 109)

I. TRANSPORTATION RESOURCES

- I.(1) The Project* will construct or cause to be constructed University Parkway and the extension of Upper Manatee River Road. (ADA*, 23)
- I.(2) The segment of University Parkway through the site will be dedicated to Manatee County and will include 200 feet of right-of-way. (SR, 72)
- I.(3) The Applicant is proposing dedication of all necessary right-of-way with regard to roadways located in the Project* as shown on Revised Map H. (SR, 132)

J. AIR

- J.(1) The Project* will utilize current state-of-the-art methodologies for prevention of fugitive dust particulates during construction. (ADA*, 21)
- J.(2) Clearing and grubbing operations will be performed only on individual parcels of land where construction is scheduled to proceed. Measures to be employed to minimize fugitive dust will include sodding, seeding, mulching, or landscape planting in cleared or disturbed areas. (ADA*, 226)

K. POLICE AND FIRE PROTECTION

- K.(1) The Applicant/Developer* will provide a pro-rata share for any equipment or personnel needs that may be created by this Project* for police and fire protection and emergency medical services in accordance with applicable regulations. (ADA*, 25)
- K.(2) The Developer* will provide a pro-rata share of the cost of building and equipping the facilities needed to provide emergency medical services to the Project*. (ADA*, 259)

L. RECREATION AND OPEN SPACE

- L.(1) All proposed bike and pedestrian paths will be confined to appropriate areas outside of preservation areas in accordance with applicable laws and regulations. (SR, 83)
- L.(2) The Project* will feature pedestrian ways and bikeways throughout the development, connecting the housing area to the recreational areas and the commercial areas. (ADA*, 9; SR, 207)
- L.(3) University Lakes will have major active recreational land uses comprising over 18 percent of the total Project* acreage. The project will contain a tennis and swim club and boat clubhouse which will be located on the 160.4 acre lake. It will also contain a park, golf course, clubhouses, and driving ranges. (ADA*, 9)

- L.(4) The recreational lakes, tennis and boat club, and golf course may be maintained and operated by a private owner and may require private membership or use permits. Open space and environmentally sensitive land will be protected by covenants or conservation easements to protect the natural qualities and will be conveyed to the appropriate homeowners' or master homeowners' association for maintenance. (ADA*, 252-253)

M. EDUCATION

- M.(1) The Project* will provide a financial contribution or donation of land to the educational system for the purpose of building schools to service the residential component of the Project*, facilitating educational opportunities within close proximity for the school age children of the Project*. (ADA*, 24)

N. ENERGY

- N.(1) The Project* will utilize both electric power and natural gas as sources of energy. Energy conservation techniques, including the use of landscaping, building orientation, and natural vegetation will be used to promote energy conservation. (ADA*, 27)
- N.(2) If the need for an electric substation arises, a suitable location will be determined and provided to Florida Power and Light Company. (SR, 86)
- N.(3) The traditional energy conservation methods will be used in the residential and non-residential building construction. Some of these methods are:
- (a) increased insulation;
 - (b) high efficiency-type mechanical appliances;
 - (c) cross ventilation;
 - (d) window orientation;
 - (e) solar heating and cooling systems; and
 - (f) low pressure sodium lamps for exterior lighting. (ADA*, 265-266)
- N.(4) The Developer* will implement, where feasible, the energy conservation measures described in the ADA*. (ADA*, p.263)

O. AIR

- O.(1) The Developer* will implement the steps described in the ADA* to minimize fugitive dust emissions from wind erosion of disturbed soil surfaces, movement of construction equipment, and burning of cleared vegetative material. (ADA*, 226)
- O.(2) The level of service of all roadways in the Transportation Impact Area* will be maintained at LOS D or better, thereby maintaining air quality. (ADA*, 228)

P. WATER SUPPLY

- P.(1) The Developer* will consider the use of surface water from detention ponds as a supplement to groundwater resources. (ADA*, 154)
- P.(2) Non-potable water conservation measures will include xeriscaping and preservation of native vegetative communities. If permitted, the Developer* would also consider the use of treated effluent from the County's* regional wastewater treatment facilities. (ADA*, 157)

Q. WATER QUALITY AND DRAINAGE

- Q.(1) The primary method of treatment will be wet detention with effluent filtration utilizing a double underdrain system. The required level of treatment will be exceeded further by the use of biological filtration utilizing vegetated shallow shelves within the stormwater detention ponds. The on-site 160 acre lake will also be incorporated into the stormwater management system providing an opportunity to utilize extended residence time as an additional mitigative measure. (ADA*, 128)
- Q.(2) Existing on-site wetlands will form an integral part of the stormwater management system, providing a mechanism for hydroperiod maintenance, storage, and improved surface water quality. (ADA*, 168)
- Q.(3) All major drainageways and lake outfalls will be designed based upon a 25-year/24-hour storm event as provided in the ADA*. All interior and minor drainage systems are to be designed to a 10 year critical duration storm event. While runoff volume will increase with total development, the post-development 25-year/24-hour peak discharge rate will be maintained at or below to pre-development 25-year/24-hour peak discharge rate throughout the construction phases. (ADA*, 171)
- Q.(4) The stormwater treatment system will meet FDEP Stormwater System Design Standards for discharge into Outstanding Florida Waters, as provided by Chapter 403, Florida Statutes, and Chapters 62-302, 62-4, and 62-25, F.A.C. (ADA*, 172)
- Q.(5) Wetland hydroperiods will be maintained through the introduction of pre-treated stormwater ponds upstream of those wetlands. (ADA*, 176)

SECTION 7. LEGAL DESCRIPTION

Development of University Lakes shall be restricted to the 2,421.7 acres owned by the Developer* and described by the legal description included as Attachment #6 attached to, and made a part of, this Development Order.

SECTION 8. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION

Physical development of the Project* has commenced within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 4. above, or if any five year period shall expire without significant development activity on the site, the Board of County Commissioners

may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

Prior to October 13, 2019, the County* may not down-zone or reduce the intensity or unit density permitted by this Order, unless the County* can demonstrate that:

- (a) substantial changes in the conditions underlying the approval of the Order have occurred; or
- (b) the Order was based upon substantially inaccurate information provided by the Developer*; or
- (c) the change is clearly established by the County* to be essential for the public health, safety, or welfare.

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

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County* to down-zone or alter the density or intensity of the Project*, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. COMPLIANCE WITH CODES AND ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, except as specifically provided herein.

SECTION 11. BINDING ORDER UPON DEVELOPER*

This Development Order shall be binding upon the Developer*.

SECTION 12. RENDITION

The Planning Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer*, the Florida Department of Community Affairs, and TBRPC.

SECTION 13. NOTICE OF RECORDING

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

SECTION 14. SEVERABILITY

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

SECTION 15. EFFECTIVE DATE

This Ordinance, 01-60, shall take effect upon being signed by the Chairman of the Board of County Commissioners, and filing of a certified copy of the Ordinance with the Department of State provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Fla. Statutes shall suspend development authorization for the changes granted by the Development Order until resolution of said appeal.

SECTION 16. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 22.

The previous Development Order for University Lakes which was adopted on June 1, 1992 and all subsequent amendments are hereby replaced in their entirety.

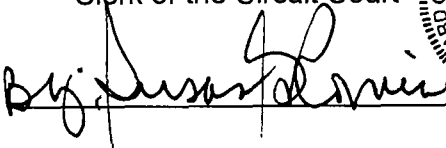
ADOPTED AND APPROVED with a quorum present and voting the 18th day of December, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

Chairman

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





ATTACHMENTS

1. Impact Analysis
2. 380 Review Agreement
3. Revised Map H (as attached herein)
4. Legal Description (as attached herein)

*** ATTACHMENT #2, IS NOT ATTACHED BUT IS ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED ORDINANCE-93-25**

ATTACHMENT 2

University Lakes - Phases I and II Notice of Proposed Change

Proposed Impacts Analysis

This NOPC proposes to change the land uses identified in Tables 1 and 2 of the University Lakes Development Order (DO). The exchange includes a trade-off of Neighborhood/Community Commercial (-74,742 s.f.) to Hotel (+300 rooms), and Single Family Attached (-153 units) to Multi-Family (+125 units).

This NOPC also updates the DO to include the Land Use Exchange application submitted to Manatee County on June 21, 2001 that is currently under review. The Land Use Exchange includes a trade-off of Regional Commercial (-240,000 s.f.) and Business/Industrial (-372,712 s.f.) to Business/Office (+400,000 s.f.). The exchange also incorporates the administrative approval to exchange two Single Family Attached units for one Single Family Detached unit.

Sections 4. B., C., and D. of the DO describe the circumstances and requirements governing the exchange of land uses within individual phases and for the project in general. In accordance with the DO, the land use exchange request submitted in June 2001 included an analysis of impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, affordable housing, and parks and recreation. In order to analyze the cumulative impacts of the Land Use Exchange currently under review and this NOPC application, this analysis includes the shifts proposed in both applications which are shown in Table 1 below:

TABLE 1
Land Use Exchange/NOPC – Phases I and II

	Land Use	Change from DO
Administrative change, approved 2001	Single Family Detached	+1 Unit
	Single Family Attached	-2 Units
Proposed Land Use Exchange, submitted June 2001	Office	+400,000 Sq. Ft.
	Retail	-240,000 Sq. Ft.
	Industrial	-372,712 Sq. Ft.
NOPC, submitted August 2001	Hotel	+300 rooms
	Retail	-74,742 Sq. Ft.
	Single Family Attached	-153 Units
	Multi-Family	+125 Units

Transportation

An analysis prepared by Grimail Crawford, Inc. concluded that the proposed land use exchange results in a slight reduction of gross and net p.m. peak hour external traffic generated by the project and thus will not result in additional impacts that were not already analyzed in the Phase II DRI analysis. The report on this analysis is incorporated as Attachment 2A.

Potable Water / Wastewater / Solid Waste

Manatee County Growth Management staff provided the generation factors which were utilized to measure impacts of the approved and proposed land use mix. Relevant factors are shown in Table 2.

TABLE 2
Public Facility Generation Factors

Land Use	Unit	Wastewater (GPD)	Potable Water (GPD)	Solid Waste (Cubic Yards per Day)
Single Family Detached	DU	345	195	21.3 per dwelling unit / 940
Single Family Attached	DU	345	195	21.3 per dwelling unit / 940
Multi-Family	DU	230	130	14.2 per dwelling unit/940
Office	Sq. Ft.	0.2	0.24	1 lb. Per 100 Sq. Ft. / 940
Retail	Sq. Ft.	0.1	0.12	4 lbs. Per 100 Sq. Ft. / 940
Industrial	Sq. Ft.	0.2	0.24	1 lb. Per 100 Sq. Ft. / 940
Hotel	Room	120	150	2.5 per room/940

Tables 3, 4 and 5 compare the cumulative impacts of the approved land uses in Phases I and II with the proposed land uses for the same phases identified in the Land Use Exchange currently under review and this NOPC application for the generation of potable water, wastewater and solid waste demand. There will be no impacts on potable water demands. Wastewater treatment impacts will **decrease** an estimated 14,396 GPD. Solid Waste impacts will **decrease** an estimated 13.91 cubic yards per day.

TABLE 3
Estimated Potable Water Impacts for
Proposed Land Use Exchange/NOPC, Phases I and II

	Land Use	Gallons Per Day Exchange
Administrative change, approved 2001	Single Family Detached	+195
	Single Family Attached	-390
Proposed Land Use Exchange, submitted June 2001	Office	+96,000
	Retail	-28,800
	Industrial	-89,451
NOPC, submitted August 2001	Hotel	+45,000
	Retail	-8,969
	Single Family Attached	-29,835
	Multi-Family	+16,250
	TOTALS	- 0 -

TABLE 4
Estimated Wastewater Treatment Impacts for
Proposed Land Use Exchange/NOPC, Phases I and II

	Land Use	Gallons Per Day Exchange
Administrative change, approved 2001	Single Family Detached	+345
	Single Family Attached	-690
Proposed Land Use Exchange, submitted June 2001	Office	+80,000
	Retail	-24,000
	Industrial	-74,542
NOPC, submitted August 2001	Hotel	+36,000
	Retail	-7,474
	Single Family Attached	-52,785
	Multi-Family	+28,750
	TOTALS	-14,396

TABLE 5
Estimated Solid Waste Impacts for
Proposed Land Use Exchange/NOPC, Phases I and II

	Land Use	Cubic Yards Exchange
Administrative change, approved 2001	Single Family Detached	+0.02
	Single Family Attached	-0.05
Proposed Land Use Exchange, submitted June 2001	Office	+4.26
	Retail	-10.21
	Industrial	-3.97
NOPC, submitted August 2001	Hotel	+0.80
	Retail	-3.18
	Single Family Attached	-3.47
	Multi-Family	+1.89
	TOTALS	-13.91

Stormwater

Policy 9.4.1.1 establishes the Level of Service standard for stormwater and requires that the rate of stormwater discharge from new development be equal to or less than the rate of discharge that existed prior to development, based on a 25-year frequency, 24-hour duration storm event. The Level of Service after project buildout will be met as the project must be designed in accordance with the design criteria adopted in the Comprehensive Plan and the Manatee County Land Development Code. Meeting these criteria ensure that new development will not increase either upstream or downstream flooding.

The proposed change in the Phases I and II land use mix will not result in increased stormwater impacts.

Parks and Recreation

Condition K.(1) of the DO requires that the project contain approximately 490.8 acres committed to recreation (a 22.6 acre park, a 16.1 acre tennis/boat club, 291.7 acres of golf course, and a lake of some 160.4 acres). Although the total demand for recreation created by the residential component of University Lakes will not occur until the completion of Phase IV, all of the committed recreation facilities are within Phase I.

The proposed change of office, commercial, and industrial uses within Phases I and II will not increase the demand for recreation facilities.

Affordable Housing

A cumulative assessment of the affordable housing needs of Phases I and II of the University Lakes DRI and Phase I of University Place was performed in conjunction with the NOPC approved in February, 2000, as required by the 380 Review Agreement. This analysis utilized the East Central Florida Regional Planning Council's (ECFRPC) "Housing Demand, Supply and Need Methodology for Assessing the Affordable Housing Impact of Developments of Regional Impact", April 1996. The assessment concluded that 326 affordable units would be built within the project. These units were added to the available off-site affordable housing and compared to the potential demand for affordable housing created by the project's non-residential components. The study found a potential surplus of 75 affordable units at completion of Phases I and II. This assessment was accepted by all reviewing agencies.

For the purposes of determining the potential need for additional affordable housing unit supply created by the proposed land use exchange, the following demand ratios were used to calculate the number of units of available supply utilized by amount and type of development:

TABLE 6
Affordable Housing Unit Demand Ratios

Type of Development	Ratio
Retail	2,411 Sq. Ft. / Unit
Office	1,507 Sq. Ft. / Unit
Manufacturing	3,192 Sq. Ft. / Unit
Warehouse	3,190 Sq. Ft. / Unit
Hotel	6 Rooms / Unit

Based on these ratios, the proposed land use exchange will create the following changes in the affordable housing demand for the entire project:

TABLE 7
Affordable Housing Demand
Proposed Land Use Exchange/NOPC, Phases I and II

	Type of Development	Increase/Decrease	Affordable Housing Units
Proposed Land Use Exchange, submitted June 2001	Retail	-240,000 Sq. Ft.	-100
	Office	400,000 Sq. Ft.	+265
	Manufacturing	-372,712 Sq. Ft.	-117
NOPC, submitted August 2001	Hotel	+300 rooms	+50
	Retail	-74,742 Sq. Ft.	-31
	TOTALS	N/A	+67
		Surplus	+75
		Proposed Surplus	+8

The proposed series of changes to the land use mix may increase the potential demand for affordable housing by 67 units. However, the 75-unit surplus identified by the February 2000 affordable housing assessment is sufficient to accommodate this potential increase.

The availability of on-site affordable housing units was re-assessed for the February 2001 University Lakes Annual Report. At the end of that reporting period, 334 affordable housing units had been constructed on site. This is eight units more than the February 2000 analysis concluded would be available at the completion of Phases I and II.

Condition P. (2) of the DO states that if the rental vacancy data from the 2000 US Census is at least 2% lower than the vacancy rate utilized in the assessment (11.7%), the applicant must conduct a revised assessment no later than December 31, 2002. Rental vacancy rates for Manatee County are not yet available from the 2000 US Census, so a reassessment is not possible at this time.

It is noted that this application includes an increase in multi-family units which could potentially increase the on-site supply of affordable housing and increase the current surplus of affordable housing for the project. The increase in multi-family units will be considered during any reassessments required by development order conditions.

Mass Transit

University Lakes lies within a future transit area. Condition A.(5) of the approved DO requires the Developer to work with the County to coordinate the provision of transit service to the area. County staff has indicated that transit service is not available to the University Lakes area at this time. The proposed Land Use Exchange will not increase the total demand anticipated to be generated at project buildout.

**ATTACHMENT #2A
LAND USE TRADE-OFF ASSESSMENT**

**University Lakes DRI
Notice of Proposed Change
August, 2001**

UNIVERSITY LAKES DRI

LAND USE TRADE-OFF ASSESSMENT PHASE II

Updated August 7, 2001

Prepared For:

Schroeder-Manatee Ranch, Inc.



**5415 Mariner Street, Suite 108
Tampa, FL 33609
(813) 387-0084**

UNIVERSITY LAKES DRI

LAND USE TRADE-OFF ASSESSMENT Phase II **Updated August 7, 2001**

Prepared For:

Schroeder-Manatee Ranch, Inc.

Prepared by:

Grimail Crawford, Inc.
5415 Mariner Street, Suite 108
Tampa, FL 33609
(813) 387-0084

August 7, 2001

Joseph J. Grimail, P.E.
Florida P.E. No. 43298

UNIVERSITY LAKES DRI LAND USE TRADE-OFF ASSESSMENT

TABLE OF CONTENTS

	<u>PAGE</u>
I. INTRODUCTION	1
II. METHODOLOGY	1
III. PROJECT TRAFFIC GENERATION ESTIMATES	1
IV. PROJECT DISTRIBUTION AND ASSIGNMENT	4
V. CONCLUSION	4

LIST OF TABLES

TABLE 1 - LAND USE SUMMARY	2
TABLE 2 - GROSS TRIP GENERATION SUMMARY	3
TABLE 3 - EXTERNAL TRIP GENERATION SUMMARY	3

LIST OF APPENDICES

ATTACHMENT A - TRIP GENERATION WORKSHEETS-Original PHASE II
ATTACHMENT B - TRIP GENERATION WORKSHEETS-PROPOSED

I. INTRODUCTION

The purpose of this report is to document a land use trade-off assessment relative to the transportation impacts of University Lakes DRI Phase II. This assessment also includes the impacts of the adjacent Lakewood Ranch Corporate Park DRI. The impacts of these projects are required to be assessed as one project per a developer's agreement with the Florida Department of Community Affairs.

University Lakes DRI currently has transportation approval (with conditions) through Phase II and includes the land uses summarized in Table 1. Lakewood Ranch Corporate Park has transportation approval (with conditions) through Phase I and is also summarized in Table 1. The land use trade-off included in this assessment is cumulative with the land uses recently proposed in a trade-off assessment dated June 15, 2001. The land use trade-off proposed in this assessment includes increasing the hotel by 300 rooms and multi-family by 125 dwelling units. Correspondingly, decreasing the regional commercial by 74,742 s.f. and the single-family by 153 dwelling units. The cumulative trade-off land uses from the June 15 assessment include increasing the office use by 400,000 s.f. and decreasing the business industrial by 372,712 s.f. and retail by 240,000 s.f.

II. METHODOLOGY

The methodology followed in preparing the land use trade-off assessment included estimating the revised trip generation following trip rates published in Institute of Transportation Engineers' Trip Generation, sixth edition, 1997. This source is consistent with the traffic analysis prepared for the Phase II NOPC and traffic concurrency approval.

Estimation of external trips generated by the revised land uses will be based on the same assumptions and methodologies for internal capture, pass-by capture and diverted trip capture as was applied in the Phase II NOPC and traffic concurrency analysis.

III. PROJECT TRAFFIC GENERATION ESTIMATES

Traffic generation of the current and proposed development was estimated based on trip generation rate information contained in the ITE Trip Generation reference. Reported in Table 2 are the gross trip generation summaries for both scenarios. Detail calculations of these

trip generation summaries are provided under Attachments A and B, respectively.

Table 1 Land Use Summary University Lakes DRI		
Land Uses	Currently Approved Amounts	Proposed Amounts
University Lakes Phases I & II		
Residential Dwelling Units	2,308	2,280
Regional Commercial (s.f.)	1,055,700	740,958
Neighborhood Commercial (s.f.)	372,885	372,885
Office (s.f.)	531,926	931,926
Manufacturing (s.f.)	248,475	0
Warehousing (s.f.)	124,237	0
Hospital	150	150
Hotel	300	600
Golf Course, Tennis Courts & Center	36 h, 18 crts, 5 ksf	36 h, 18 crts, 5 ksf
Lakewood Ranch Corporate Park Phase 1		
Office (s.f.)	957,600	957,600
Office Park (s.f.)	436,000	436,000
Manufacturing (s.f.)	957,600	957,600
Warehousing (s.f.)	478,000	478,000
Commercial (s.f.)	40,000	40,000

Review of Table 2 indicates that the proposed trade-off will reduce the gross p.m. peak hour trip generation from 10,802 to 10,539. This is based on the trip rates utilized from the ITE Trip Generation reference.

In addition to reviewing the gross trip generation calculations, a review of the net trip generation estimates was also prepared. This assessment included reviewing the internal capture, pass-by capture and diverted capture estimations effected by the proposed trade-off. This assessment is summarized under Table 3. A breakdown of these figures is provided under Attachment A for the current Phase II analysis and Attachment B for the proposed assessment. This

assessment utilized the same assumptions and spreadsheets used in the Phase II DRI analysis.

Table 2 Gross Trip Generation Summary University Lakes DRI				
DRI	Current Approvals		Proposed Trade-Off	
	Gross P.M. Peak		Gross P.M. Peak	
	In	In	In	Out
University Lakes DRI Phases I & II	3,688	3,990	3,468	3,948
Lakewood Ranch Corporate Park Phase I	<u>782</u>	<u>2,342</u>	<u>781</u>	<u>2,342</u>
Totals:	4,470	6,332	4,249	6,290

Table 3 External (Net) Trip Generation Summary University Lakes DRI				
DRI	Current Approvals		Proposed Trade-Off	
	External P.M. Peak		External P.M. Peak	
	In	In	In	Out
University Lakes DRI Phases I & II				
Lakewood Ranch Corporate Park Phase I				
Combined DRI Totals:	2,866	4,699	2,685	4,697

Review of Table 3 indicates that the proposed land use trade-off generates 7,382 p.m. peak hour external trips (2,685 + 4,697) compared to the currently approved 7,565 trips (2,866 + 4,699) for a reduction of 183 trips or 2.4 percent.

IV. PROJECT DISTRIBUTION AND ASSIGNMENT

Trip distribution and assignment of project traffic in the Phase II assessment was prepared based upon use of the FSUTMS model. The majority of the proposed trade-off is for business industrial and business office, which would have similar trip distribution patterns. A limited amount of regional commercial was reduced for the proposed trade-off and it was determined that this type of commercial would have longer trip lengths which would be conducive for trading with the office category.

In addition, since the amount of commercial reduced (314,742 s.f. out of 1,428,585 s.f.) was limited to a small overall amount, it was determined that the character of commercial types would not change and the trip capture percentage assumptions from the original Phase II analysis would remain. Provided under Attachments A and B are the trip capture worksheets for the Phase II and proposed land use scenarios.

V. CONCLUSION

A land use trade-off assessment for University Lakes was performed increase the office use by 400,000 square feet (s.f.), hotel by 300 rooms and multi-family by 125 dwelling units. Correspondingly, decreasing the business industrial by 372,712 s.f., the regional commercial by 314,742 s.f. and the single-family by 153 dwelling units.

The proposed trade-off results in a slight reduction of gross and net p.m. peak hour external traffic generated by the project. The gross trip generation for the currently approved land uses is 10,802 trips and for the proposed land uses is 10,539 trips. The net external trips for the current Phase II land uses are estimated at 7,565 trips and for the proposed land use trade-off the net external trips are 7,382.

Consequently, the proposed land use trade-off will not result in additional impacts that were not already analyzed in the Phase II DRI NOPC and traffic concurrency analyses.

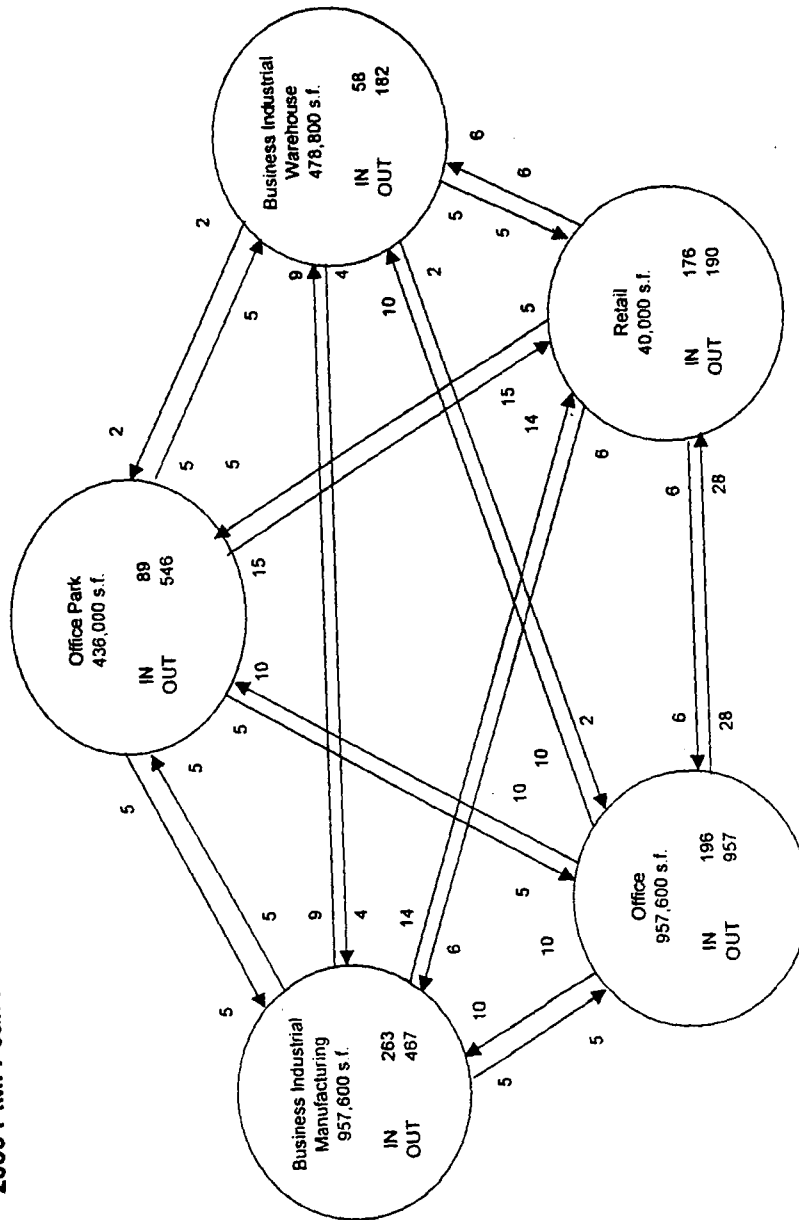
ATTACHMENT A
TRIP GENERATION WORKSHEETS
PHASE II-Originally Approved NOPC

Revised Table 21-7
Trip Generation Estimates
University Lakes DRI

Phase	Land Use	LUC	Size	Daily Trips (Two-Way)	AM Peak Hour Trips		PM Peak Hour Trips	
					In	Out	In	Out
University Lakes (Phases I-II)-Trip Generation Estimates								
I & II	S.F. Dwelling Units	210	1,330 d.u.	11,209	233	699	707	398
	S.F. Dwelling Units	230	243 d.u.	1,385	18	85	86	42
	M.F. Dwelling Units	220	736 d.u.	4,546	59	310	279	138
	General Commercial Retail	820	904,638 s.f.	28,092	362	232	1262	1367
	Neighborhood Commercial Retail	820	222,885 s.f.	11,413	157	101	521	564
	General Commercial Retail	820	150,000 s.f.	8,847	124	79	405	439
	Business Office	710	531,926 s.f.	4,790	622	85	115	561
	Business Industrial (Manuf.)	140	248475 s.f.	944	137	41	65	115
	Business Industrial (Warehouse)	150	124237s.f.	807	78	17	21	66
	Hospital	610	150 beds	2,825	116	45	62	121
	Hotel	310	300 occ. rms.	2,676	119	86	98	103
	Golf Course	430	36 holes	1,287	63	17	44	55
	Tennis Courts	491	9 courts	279	9	7	19	16
	Tennis Center	492	5,000 s.f.	86	3	4	4	5
Total Trips =				79,186	2,100	1,808	3,688	3,990
University Place (Phase I)-Trip Generation Estimates								
I	Business Industrial (Manuf.)	140	957,600 s.f.	3,696	591	176	263	467
	Business Industrial (Warehouse)	150	478,800 s.f.	2,110	203	44	58	182
	Office	710	957,600 s.f.	7,524	994	135	196	957
	Office Park	750	436,000 s.f.	4,953	668	83	89	546
	Retail	820	40,000 s.f.	3,782	57	36	176	190
Total Trips =				22,065	2,513	474	782	2,342

Source : University Lakes DRI Phase II/Concurrency Analyses

**University Place Internal Trips
2009 P.M. Peak Hour**



	Manufact	WareHou	Office	Office Park	Retail
Business Industrial (Manufacturing)	0%				
Business Industrial (Warehouse)	2%	0%			
Office	1%	1%	0%		
Office Park	1%	1%	1%	0%	
Retail	3%	3%	3%	3%	0%

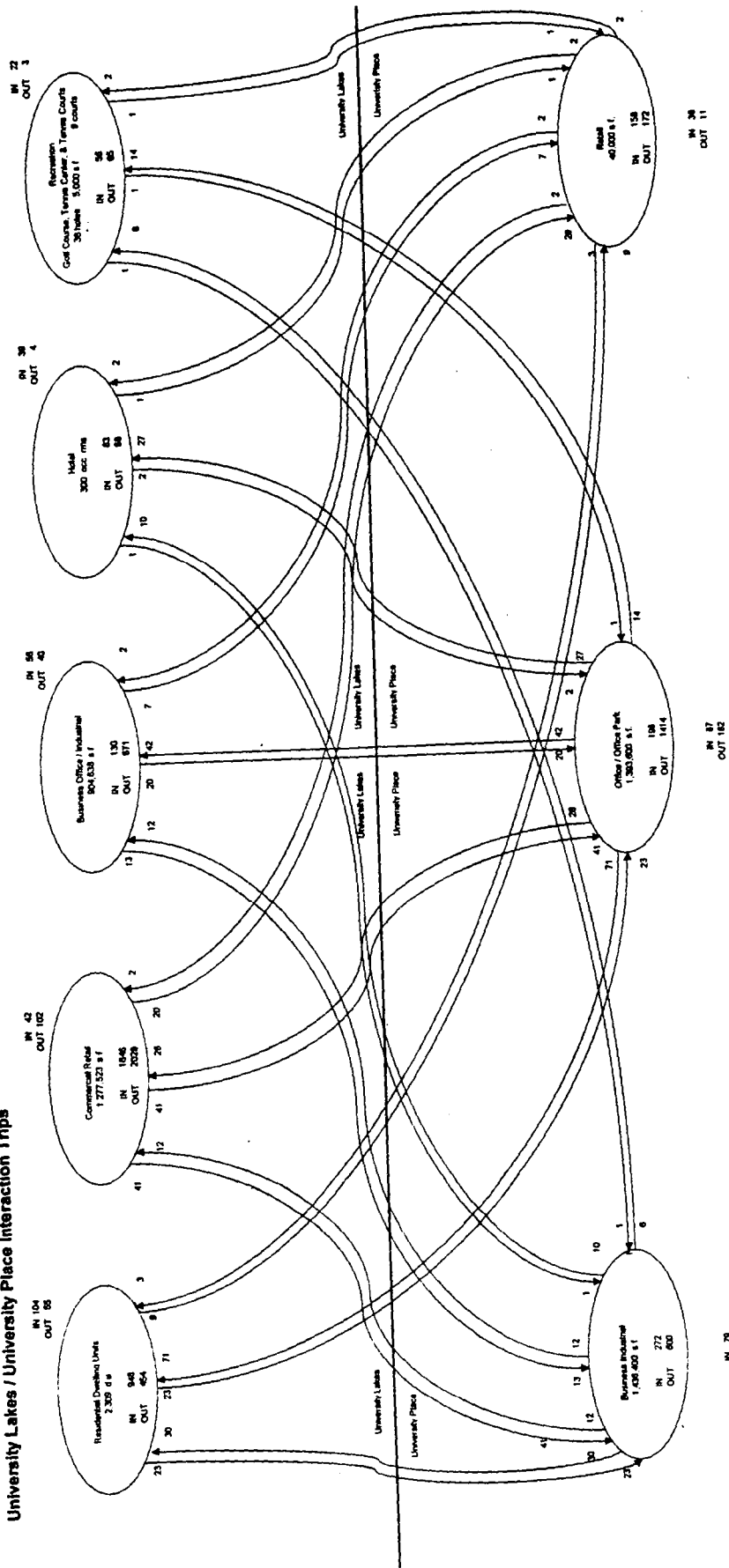
Internal Trips In 156
Out 156

Total Trips In 782
Out 2,342

Percentage of Total Trips (In + Out) 10%

University Lakes / University Place Interaction Trips
2009 P.M. Peak Hour

University Lakes / University Place Interaction Trips



University Lakes / University Place

Total Interaction Trips	In	Out
	263	204

Total External Trips	In	Out
	3,112	626
	3,414	2,198

Percentage of Total Interaction Trips (In + Out) 10%

University Lakes	University Place	Office	Retail
Residential Dwelling Units	5%	5%	2%
Commercial Retail	2%	2%	1%
Business Office / Industrial	2%	3%	1%
Hotel	2%	2%	1%
Recreation	1%	1%	1%

* Note * Internal Capture has been subtracted out of the Trip Generation.

ATTACHMENT #14

Recreation
Golf Course, Tennis Center, & Tennis Courts
38 holes 5,000 s.t. 9 courts
IN 58
OUT 65

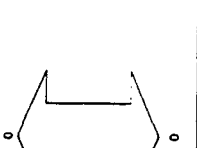
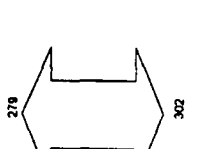
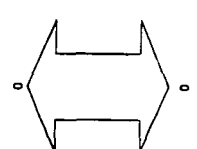
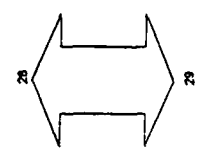
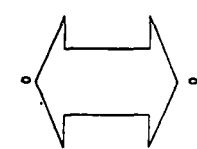
Hotel
300 occ. rms.
IN 83
OUT 88

Business Office / Industrial
904,638 sq ft
IN 130
OUT 671

Commercial Retail
1,277,523 a.f.
IN 1848
OUT 2028

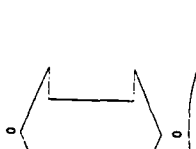
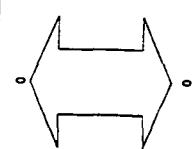
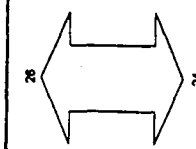
Residential Dwelling Units
2,309 d u

IN	948
OUT	454



University Lakes

University Place



Rated	IN	158
40,000 s1	OUT	172

Office / Office Park
1,393,600 sq ft

IN	196
OUT	1414

IN 272
OUT 600

	% Diverted
University Lakes	0%
Residential Dwelling Units	15%
Commercial Retail	0%
Business Office / Industrial	33%
Hotel	0%
Recreation	
University Place	
Business Industrial	0%
Office / Office Park	0%
Retail	15%

Total Diverted Trips Commercial	In	278	University Lakes	24
	Out	302	University Place	26
Hotel	In	28		
	Out	29		
Total Trips	In	3,112		628
	Out	3,414		2,188

* Note * Internal Capture has been subtracted out of the Trip Generation.

Diverted Trips for Shopping Centers
Results of Shopping Center Studies
 Largest Size 1,200,000 sq ft
 Average Size 329,000 sq ft
 Median Size 230,000 sq ft
 Smallest Size 9,000 sq ft
 Source: Trip Generation Handbook, Octon

Range of Diverted Link Trip % = 8 % to 44 %	
Average Diverted Link Trip % = 26 %	
Median Diverted Link Trip % = 27 %	

Smallest Size: 9,000 sq ft
Source: Trip Generation Handbook, October 1998

Hotel rate based on the close proximity of hotel site to the I-75 Interchange and potential signage on I-75 to divert trips to the hotel.

Revised Table 21-8
Internal/External Trip Estimates
University Lakes DRI

	A.M. Peak Hour		P.M. Peak Hour		
	Daily	In	Out	In	Out
University Lakes (Phases I-II)-Trip Generation Estimates					
Total Gross Vehicle Trip-ends =	79,186	2,100	1,808	3,688	3,990
Internal Capture Trips (15%) =	11,878	293	293	576	576
Total Gross External Vehicle Trip-ends =	67,308	1,807	1,515	3,112	3,414
University Place (Phase I)-Trip Generation Estimates					
Total Gross Vehicle Trip-ends =	22,065	2,513	474	782	2,342
Internal Capture Trips (10%) =	2,207	149	149	156	156
Total Gross External Vehicle Trip-ends =	19,858	2,364	325	626	2,186
Total Net External Trips for Both Projects =	87,166	4,171	1,840	3,738	5,600
10% DRI Interaction (Univ. Lakes To/From Univ. Place)	8,717	301	301	467	467
Pass-by Capture Trips=	1,630	80	51	74	77
Diverted Capture Trips=	6,413	307	135	331	357
Total New Net External Trips for Both Projects =	70,406	3,483	1,353	2,866	4,699

ATTACHMENT B
TRIP GENERATION WORKSHEETS
PROPOSED TRADE-OFF USES

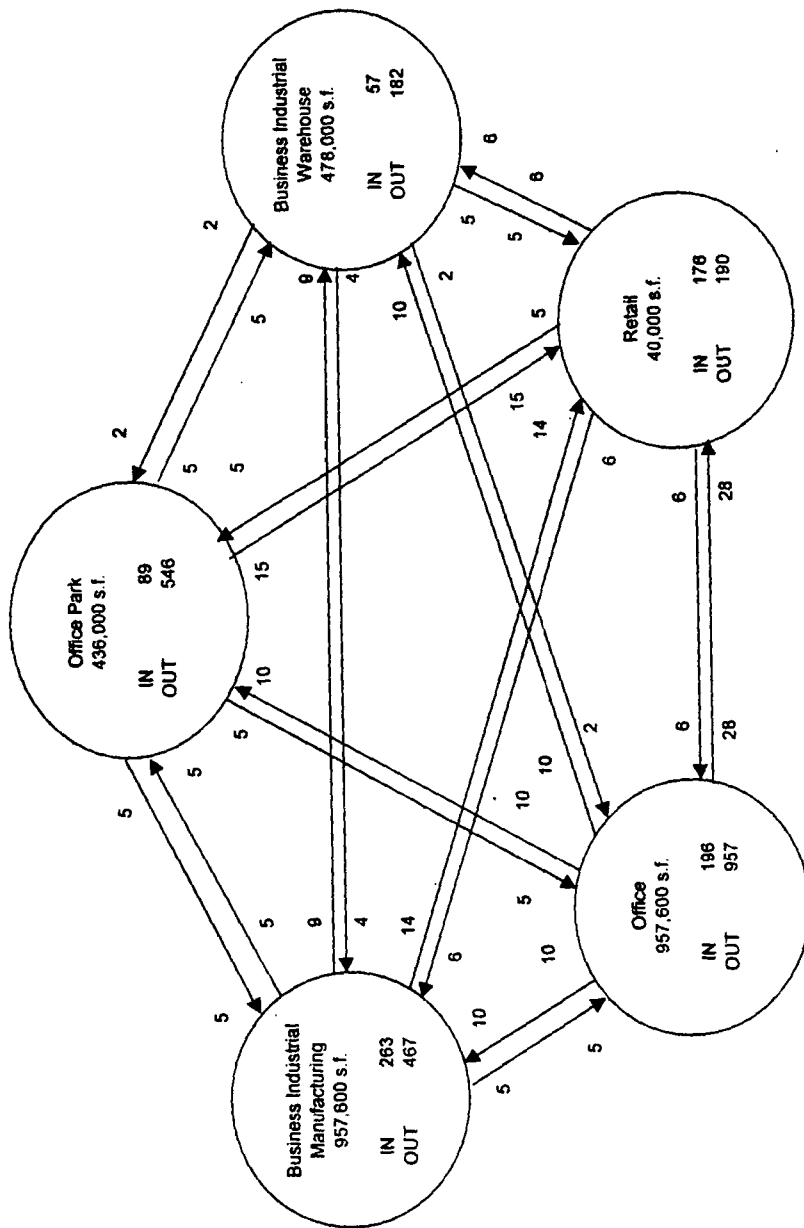
Revised Table 21-7
Trip Generation Estimates
University Lakes DRI

Phase	Land Use	LUC	Size	Daily Trips (Two-Way)	AM Peak Hour Trips		PM Peak Hour Trips	
					In	Out	In	Out
University Lakes (Phases I-II)-Trip Generation Estimates								
I & II	S.F. Dwelling Units	210	1,330 d.u.	11,209	233	699	707	398
	S.F. Dwelling Units	230	90 d.u.	595	8	39	38	18
	M.F. Dwelling Units	220	861 d.u.	5,295	69	362	325	160
	General Commercial Retail	820	560,958 s.f.	20,660	273	174	933	1011
	Neighborhood Commercial Retail	820	222,885 s.f.	11,413	157	101	521	564
	General Commercial Retail	820	150,000 s.f.	8,847	124	79	405	439
	Business Office	710	931,926 s.f.	7,369	972	133	191	933
	Business Industrial (Manuf.)	140	0	0	0	0	0	0
	Business Industrial (Warehouse)	150	0	0	0	0	0	0
	Hospital	610	150 beds	2,825	116	45	62	121
	Hotel	310	600 occ. rms.	5,352	255	184	219	228
	Golf Course	430	36 holes	1,287	63	17	44	55
	Tennis Courts	491	9 courts	279	9	7	19	16
	Tennis Center	492	5,000 s.f.	86	3	4	4	5
Total Trips =				75,217	2,282	1,844	3,468	3,948
University Place (Phase I)-Trip Generation Estimates								
I	Business Industrial (Manuf.)	140	957,600 s.f.	3,696	591	176	263	467
	Business Industrial (Warehouse)	150	478,000 s.f.	2,107	203	44	57	182
	Office	710	957,600 s.f.	7,524	994	135	196	957
	Office Park	750	436,000 s.f.	4,953	668	83	89	546
	Retail	820	40,000 s.f.	3,782	57	36	176	190
Total Trips =				22,062	2,513	474	781	2,342

Revised Table 21-8
Internal/External Trip Estimates
University Lakes DRI

	A.M. Peak Hour P.M. Peak Hour				
	Daily	In	Out	In	Out
<i>University Lakes (Phases I-II)-Trip Generation Estimates</i>					
Total Gross Vehicle Trip-ends =	75,217	2,282	1,844	3,468	3,948
Internal Capture Trips (15%) =	11,283	309	309	556	556
Total Gross External Vehicle Trip-ends =	63,934	1,973	1,535	2,912	3,392
<i>University Place (Phase I)-Trip Generation Estimates</i>					
Total Gross Vehicle Trip-ends =	22,062	2,513	474	781	2,342
Internal Capture Trips (10%) =	2,206	149	149	156	156
Total Gross External Vehicle Trip-ends =	19,856	2,364	325	625	2,186
Total Net External Trips for Both Projects =	83,790	4,337	1,860	3,537	5,578
10% DRI Interaction (Univ. Lakes To/From Univ. Place)	8,379	310	310	456	456
Pass-by Capture Trips=	1,630	80	51	74	77
Diverted Capture Trips=	6,145	318	136	322	348
<i>Total New Net External Trips for Both Projects =</i>	67,636	3,629	1,363	2,685	4,697

University Place Internal Trips 2009 P.M. Peak Hour



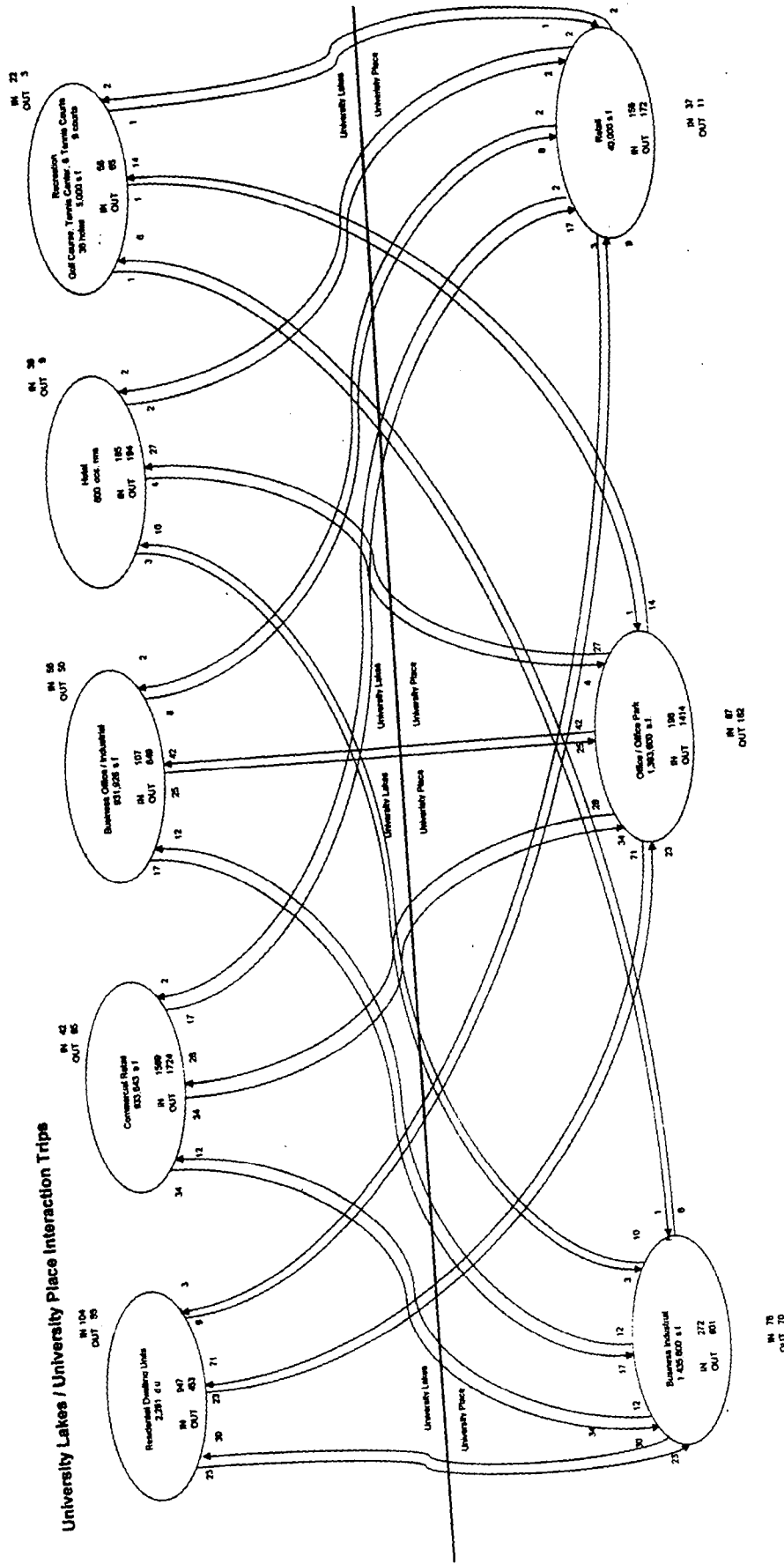
	Manufact	Warehou	Office	Office Park	Retail
Business Industrial (Manufacturing)	0%				
Business Industrial (Warehouse)	2%	0%			
Office	1%	1%	0%		
Office Park	1%	1%	1%	0%	
Retail	3%	3%	3%	3%	0%

Internal Trips In 158
Out 158

Total Trips In 781
Out 2,342

Percentage of Total Trips (In + Out) 10%

University Lakes / University Place Interaction Trips
2009 P.M. Peak Hour



University Lake: University Place

Total Interaction Trips In Out

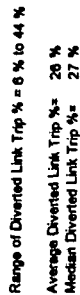
University Lake: University Place
In 283 Out 202
In 2,912 Out 3,392

Percentage of Total Interaction Trips (In + Out) 10%

University Lakes	University Place	Business	Office	Retail
University Lakes	University Place	5%	5%	2%
Residential Dwelling Units	Business	2%	2%	1%
Commercial Retail	Office	2%	3%	1%
Business Office / Industrial	Retail	2%	2%	1%
Hotel	Hotel	2%	2%	1%
Recreation	Recreation	1%	1%	1%

* Note * Internal Capture has been subtracted out of the Trip Generation

2009 P.M. Peak Hour



Diverted Trips for Shopping Centers
Results of Shopping Center Studies
 Largest Size 1,200,000 sq ft
 Average Size 329,000 sq ft
 Median Size 230,000 sq ft
 Smallest Size 9,000 sq ft
 Source: Trip Generation Handbook, Oct.

Source: *Trip Generation Handbook*, October 1998

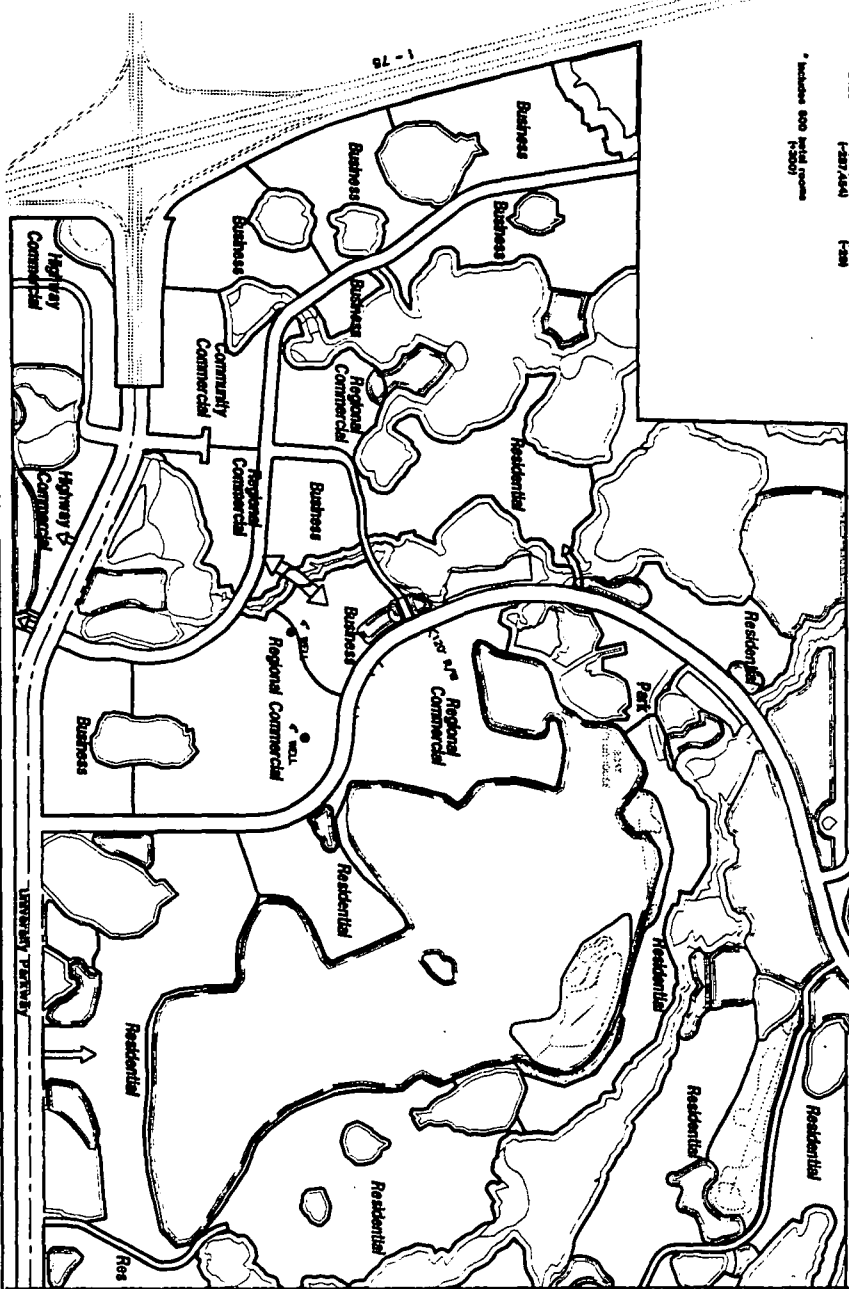
LAND USE SCHEDULE

USE	ACRES	SQ. FT.	UNITS
RESIDENTIAL	173.3	1,000,000*	1-2M
RESIDENTIAL COMMERCIAL	84.9	1,340,000	1-2M
COMMUNITY COMMERCIAL	7.9	200,000	1-2M
HOV-3 COMMERCIAL	1-25.0	1-400,000	1-2M
HOV-4 COMMERCIAL	24.0	400,000*	1-2M
BUSINESS	19.1	1,000,000	1-2M
HOV-3-4 WAY	78.4	1,270,000	1-2M
INDUSTRIAL	200.4		
WETLAND	27.8		
LAKE	24.8		
OPEN SPACE	28.0		
TOTAL	545.1	5,710,000	1-2M

* Includes 600 wild horses

LEGEND

- TEMPERATE HARDWOODS
- LIVE OAKS
- LAKE
- STRAINS & LAKE STRAINS (T.B.P.C.)
- ISLAND PONDS & BAYOUS (T.B.P.C.)
- WETLAND HARDWOODS (T.B.P.C.)
- WET PRAIRIES
- WETLAND INITIATION AREAS
- EXISTING WATER WELLS
- (T.B.P.C.) - Town, Bay, Regional, Planning, Council, Construction Areas



MASTER DEVELOPMENT PLAN University Lakes

A PLANNED DEVELOPMENT
By Schroeder-Miller, Inc.

Schroeder-Miller

Planners • Engineers • Architects • Surveyors
Landscape Architects • Transportation Consultants
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Fax • 313-963-1001 • E-mail • sm@schroeder-miller.com

MAP H

August 18, 2001 Sheet 1 of 3

ATTACHMENT #4

LEGAL DESCRIPTION FOR

A TRACT OF LAND SITUATED AND BEING IN SECTIONS 28, 29, 31, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E. AND SECTION 36, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E., FOR A POINT OF BEGINNING; THENCE N 00°22'41" E, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2656.57 FT. TO THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF SAID SECTION 29; THENCE S 89°30'30" E, ALONG THE NORTH LINE OF SAID SOUTHWEST ¼, A DISTANCE OF 1337.72 FT. TO THE NORTHEAST CORNER OF THE WEST ½ OF SAID SOUTHWEST ¼; THENCE S 00°27'02" W, ALONG THE EAST LINE OF SAID WEST ½ OF THE SOUTHWEST ¼, A DISTANCE OF 2656.59 FT. TO THE SOUTHEAST CORNER OF SAID WEST ½ OF THE SOUTHWEST ¼; THENCE S 89°30'25" E, ALONG THE SOUTH LINE OF SAID SECTION 29 (ALSO BEING THE NORTH LINE OF SECTION 32, TOWNSHIP 35 S., RANGE 19 E.), A DISTANCE OF 4003.06 FT. TO THE SECTION CORNER COMMON TO SECTION 28, 29, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°40'07" E, ALONG THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 2236.01 FT.; THENCE S 89°31'24" E, PARALLEL WITH THE NORTH LINE OF SAID SECTION 28 AND 3077.34 FT. SOUTHERLY THEREFROM, A DISTANCE OF 2665.72 FT. TO THE INTERSECTION WITH THE EAST LINE OF THE WEST ½ OF SAID SECTION 28; THENCE S 00°45'47" W, ALONG THE EAST LINE OF SAID WEST ½, A DISTANCE OF 2236.80 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 28; THENCE S 89°30'25" E, ALONG THE SOUTH LINE OF SAID SECTION 28 (ALSO BEING THE NORTH LINE OF SECTION 33, TOWNSHIP 35 S., RANGE 19 E.), A DISTANCE OF 2662.03 FT. TO THE NORTHEAST CORNER OF SAID SECTION 33; THENCE S 01°24'24" W, ALONG THE EAST LINE OF SAID SECTION 33, A DISTANCE OF 6019.29 FT. TO THE SOUTHEAST CORNER OF SAID SECTION 33; THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 33 (ALSO BEING THE COMMON LINE BETWEEN MANATEE AND SARASOTA COUNTIES), A DISTANCE OF 5320.24 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 33 (SAME BEING THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 19 E.); THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 32, AND THE COUNTY LINE, A DISTANCE OF 5320.24 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 32 (SAME BEING THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 35 S., RANGE 19 E.); THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 31 AND THE COUNTY LINE, A DISTANCE OF 4602.00 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N 00°37'10" E, ALONG THE WEST LINE OF SAID SECTION 31, ALSO BEING THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY OF STATE ROAD NO. 93 (INTERSTATE 75), A DISTANCE OF 615.95 FT. TO A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S 67°41'09" E, 216.00 FT.; THENCE RUN NORTHEASTERLY, ALONG SAID LIMITED ACCESS RIGHT-OF-WAY, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 65°57'32", A DISTANCE OF 248.66 FT. TO THE P.T. OF SAID CURVE; THENCE N 88°16'24" E, ALONG THE LIMITED ACCESS RIGHT-OF-WAY OF STATE ROAD NO. 93 (I-75) – "UNIVERSITY PARKWAY" INTERCHANGE, A DISTANCE OF 628.74 FT.; THENCE S 89°27'41" E, ALONG SAID LIMITED ACCESS INTERCHANGE RIGHT-OF-WAY, A DISTANCE OF 298.75 FT. TO THE EASTERLY END OF SAID LIMITED ACCESS INTERCHANGE RIGHT-OF-WAY; THENCE CONTINUE S 89°25'29" E, ALONG THE SOUTHERLY RIGHT-OF-WAY OF "UNIVERSITY PARKWAY", A DISTANCE OF 133.18 FT.; THENCE N 00°34'14" E, ALONG THE EASTERLY END OF SAID "UNIVERSITY PARKWAY" RIGHT-OF-WAY, A DISTANCE OF 336.00 FT.; THENCE N 89°26'21" W, ALONG THE NORTH LINE OF A 60 FT. WIDE F.D.O.T. SERVICE ROAD RIGHT-OF-WAY, WHICH LIES PARALLEL AND CONTIGUOUS WITH THE NORTHERLY SIDE OF "UNIVERSITY PARKWAY", A DISTANCE OF 606.88 FT.; THENCE N 85°37'30" W, ALONG SAID SERVICE ROAD RIGHT-OF-WAY, A DISTANCE OF 460.53 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 396.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID SERVICE ROAD RIGHT-OF-WAY, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°45'40", A DISTANCE OF 191.87 FT. TO THE INTERSECTION WITH THE WEST LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E., SAME BEING THE EAST LINE OF SECTION 36, TOWNSHIP 35 S., RANGE 18 E., (THE RANGE LINE); THENCE S 01°15'38" W, ALONG THE COMMON LINE BETWEEN SAID SECTION 31 AND 36 (THE RANGE LINE), SAME BEING THE WESTERLY END

OF SAID F.D.O.T. SERVICE ROAD RIGHT-OF-WAY, A DISTANCE OF 68.34 FT. TO THE INTERSECTION WITH THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY OF SAID STATE ROAD NO. 93 (I-75), SAID POINT BEING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES N 27°43'29" E, 456.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°29'56", A DISTANCE OF 274.57 FT. TO THE P.T. OF SAID CURVE; THENCE N 27°46'35" W, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY, A DISTANCE OF 566.48 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 4489.66 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°57'00", A DISTANCE OF 1014.75 FT. TO THE P.T. OF SAID CURVE; THENCE N 14°49'36" W, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY, A DISTANCE OF 899.55 FT.; THENCE N 13°40'49" W, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY, A DISTANCE OF 1016.32 FT.; THENCE S 88°46'12" E, A DISTANCE OF 1369.85 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 36, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE WEST LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E. (THE RANGE LINE); THENCE S 89°40'28" E, A DISTANCE OF 1438.64 FT.; THENCE N 01°15'38" E, A DISTANCE OF 1532.73 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E. (SAID POINT LYING S 89°40'28" E, ALONG SAID NORTH LINE, A DISTANCE OF 1438.64 FT. FROM THE NORTHWEST CORNER OF SAID SECTION 31); THENCE S 89°40'28" E, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 3165.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 28, 29, 31, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E. AND SECTION 36, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

ALSO:

A TRACT OF LAND SITUATED AND BEING IN SECTION 34, TOWNSHIP 35 S., RANGE 19 E., MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE N 01°24'24" E, ALONG THE WESTERLY LINE OF SAID SECTION 34, A DISTANCE OF 6019.33 FT. TO THE NORTHWEST CORNER OF SAID SECTION 34; THENCE N 89°57'56" E, ALONG THE NORTHERLY LINE OF SAID SECTION 34, A DISTANCE OF 120.02 FT.; THENCE S 00°51'27" W, A DISTANCE OF 1.87 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2190.00 FT. AND A CENTRAL ANGLE OF 13°14'44"; THENCE ALONG THE ARC IN A SOUTHERLY DIRECTION, AN ARC DISTANCE OF 506.28 FT. TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 12°23'18" E., A DISTANCE OF 982.01 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3060.00 FT. AND A CENTRAL ANGLE OF 10°28'18"; THENCE ALONG THE ARC IN A SOUTHERLY DIRECTION, A DISTANCE OF 559.26 FT. TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 01°55'00" E., A DISTANCE OF 2240.90 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 10560.00 FT. AND A CENTRAL ANGLE OF 01°56'28"; THENCE ALONG THE ARC IN A SOUTHERLY DIRECTION, A DISTANCE OF 357.76 FT. TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 00°01'28" W, A DISTANCE OF 1402.77 FT. TO THE SOUTHERLY LINE OF SAID SECTION 34; THENCE N 89°58'32" W, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 678.98 FT. TO THE POINT OF BEGINNING.

TOGETHER WITH AND INCLUDING THE FOLLOWING TWO PARCELS OF LAND:

COMMENCE AT THE SECTION CORNER COMMON TO SECTION 29, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°22'41" E, ALONG THE WEST LINE OF SECTION 29, A DISTANCE OF 2656.57 FT. TO THE NORTHWEST CORNER OF THE SW ¼ OF SECTION 29; THENCE S 89°30'30" E, ALONG THE NORTH LINE OF SAID SW ¼, A DISTANCE OF 211.38 FT. TO THE POINT OF BEGINNING; THENCE N 26°03'03" E, A DISTANCE OF 41.15 FT.; THENCE S 61°21'58" E, A DISTANCE OF 78.71 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SW ¼ AT A POINT HEREINAFTER CALLED POINT "A"; THENCE N 89°30'30" W, ALONG THE NORTH LINE OF SAID SW ¼, A DISTANCE OF 87.16 FT. TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE ABOVE DESCRIBED POINT "A"; THENCE S 89°30'30" E, ALONG THE NORTH LINE OF SAID SW ¼, A DISTANCE OF 129.28 FT. TO THE POINT OF BEGINNING, AT A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT BEARS S 49°26'14" E, A DISTANCE OF 295.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°12'50", A DISTANCE OF 16.55 FT.; THENCE S 46°13'24" E, A DISTANCE OF 18.02 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SW ¼; THENCE N 89°30'30" W, ALONG THE NORTH LINE OF THE SW ¼, A DISTANCE OF 24.12 FT. TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING TWO PARCELS OF LAND:

COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°22'41" E, ALONG THE WEST LINE OF SECTION 29, A DISTANCE OF 2656.57 FT. TO THE NORTHWEST CORNER OF THE SW ¼ OF SECTION 29, ALSO BEING THE SOUTHWEST CORNER OF THE NW ¼ OF SECTION 29; THENCE S 89°30'30" E, ALONG THE SOUTH LINE OF SAID NW ¼, A DISTANCE OF 298.54 FT. TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°30'30" E, ALONG THE SOUTH LINE OF SAID NW ¼, A DISTANCE OF 129.28 FT. TO A POINT HEREINAFTER CALLED POINT "B" ALSO BEING A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT BEARS S 49°26'14" E, A DISTANCE OF 295.00 FT.; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°55'45", A DISTANCE OF 61.42 FT.; THENCE N 61°21'58" W, A DISTANCE OF 107.63 FT. TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE ABOVE DESCRIBED POINT "B"; THENCE S 89°30'30" E, ALONG THE SOUTH LINE OF SAID NW ¼, A DISTANCE OF 24.12 FT. TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°30'30" E, ALONG THE SOUTH LINE OF SAID NW ¼, A DISTANCE OF 767.44 FT.; THENCE S 00°29'12" W, A DISTANCE OF 46.03 FT.; THENCE N 89°30'48" W, A DISTANCE OF 469.78 FT.; THENCE N 61°13'53" W, A DISTANCE OF 51.46 FT.; THENCE S 85°03'09" W, A DISTANCE OF 131.05 FT.; THENCE S 33°11'55" W, A DISTANCE OF 59.75 FT.; THENCE N 46°13'24" W, A DISTANCE OF 123.10 FT. TO THE POINT OF BEGINNING.

ALL OF THE ABOVE BEING AND LYING IN SECTIONS 28, 29, 31 32, 33 AND 34, TOWNSHIP 35 S., RANGE 19 E., AND SECTION 36, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

CONTAINING A NET OF 2421.74 ACRES MORE OR LESS.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 20th day of

December, 2001

R.B. SHORE
Clerk of Circuit Court

By: *[Signature]* D.C.

1-3-02 QA
CC: Barb Tyler
Internal Audit
Municipal Code