

ORDINANCE- 04-59

SCHROEDER-MANATEE RANCH, INC.

2004 NOV -8 AM 10: 55

(SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP)  
DEVELOPMENT ORDER GRANTING AMENDMENTS TO AND REPLACING ORDINANCE 00-45,  
ORDINANCE-92-32, AS AMENDED BY ORDINANCE-93-25, ORDINANCE-95-44, ORDINANCE  
97-61, ORDINANCE 97-81, ORDINANCE 00-45, ORDINANCE 01-60, AND ORDINANCE 03-35.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A  
DEVELOPMENT ORDER PURSUANT TO CHAPTER 380 FLORIDA STATUTES  
FOR THE UNIVERSITY LAKES DEVELOPMENT OF REGIONAL IMPACT  
(MANATEE COUNTY DRI #22, A/K/A TAMPA BAY REGIONAL PLANNING  
COUNCIL (TBRPC) DRI #216); PROVIDING FOR FINDINGS OF FACT;  
PROVIDING FOR CONCLUSIONS OF LAW; PROVIDING FOR DEFINITIONS;  
PROVIDING FOR AMENDED LIMITATIONS ON AND CONDITIONS OF  
APPROVAL; ADD MAP H TO ADD 1804.7 ACRES; VARIOUS OTHER  
CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY,  
CLARIFICATION CHANGES, CODIFYING AND RESTATING THE EXISTING  
DEVELOPMENT ORDER FOR DRI #22; PROVIDING FOR SEVERABILITY;  
AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

**WHEREAS**, on October 24, 1993, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-25) for the University Lakes DRI adopting

language to settle administrative action between the Department of Community Affairs, Tampa Bay Regional Planning Council, and Schroeder-Manatee Ranch, Inc., et. al.; and

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

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

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

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

**WHEREAS**, on December 18, 2001, the Board of County Commissioners adopted Ordinance 01-60 to decrease Retail uses by 74742 sq. ft.; increase Hotel uses by 300 rooms; increase Office uses by 93,000 sq. ft; relocate 75,258 sq. ft. of Retail from the NW quadrant of Lorraine Road and University Parkway from Community Commercial to Residential; decrease Single-Family Attached units by 153; increase Multi-family units by 125; and amend Tables C and D to reflect these changes; and

**WHEREAS**, on August 26, 2003, the Board of County Commissioners adopted Ordinance 03-35 to extend the phase date of Phase I by seven (7) years; extend the phase date of Phase II by two (2) years; accelerate the Phase III start date by eight (8) years; accelerate the Phase IV start date by four (4) years; increase Business Office acreage by 4.2 acres; decrease Wetland/Mitigation count; move 425,600 square feet of General Commercial Retail from Phase II to Phase IV; move 4,300 square feet of General Commercial Retail from Phase III to Phase IV; move 327,508 square feet of Business Industrial from Phase III to Phase IV; move 88,328 square feet of Business Office from Phase IV to Phase III; move 30,000 square feet of Neighborhood Commercial from Phase II to Phase IV; move 151 single-family dwelling units from Phase IV to Phase III and reduce the entitlements for single-family dwelling units by 294; move 105 single-family attached dwelling units

from Phase IV to Phase III and reduce the total entitlements for Single Family Attached Dwelling Units by 93; increase Multi-Family Dwelling Units in Phase III by 387; move 106.0 acres from the University Lakes DRI to the Cypress Banks DRI; amend the name of the authorized agent from Rex Jensen to Tim Martin; replace all references to the University Place DRI to the Lakewood Ranch Corporate Park DRI; amend Tables 3 and 4 to update the entitlements for Lakewood Ranch Corporate Park; establish February 22 as the annual reporting date; amend Section 4.C to update Attachment #5 (Land Use Equivalency) to the latest ITE generation rates; amend Tables 1 and 2 to reflect these changes; amend Section 5, Transportation and Affordable Housing to reflect updated analysis; and, amend Map H and the Development Order to reflect the above changes; and

**WHEREAS**, the Developer\* of University Lakes submitted and supplied information pursuant to the Notice of Proposed Change Provisions of Section 380.06, Florida Statutes, concerning the regional impacts of Traffic, Air Quality, and Affordable Housing to Manatee County concerning the proposed development in Phases I, II and III 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) Revising the project boundary to add 1,804.7 acres (east of Lorraine Road);
- (2) Adding ten access points for new internal roadways;
- (3) Increasing single family detached dwelling units by 350 in Phase III;
- (4) Decreasing single family attached dwelling units by 135 in Phase III;
- (5) Decreasing multi-family dwelling units by 292 in Phase III;
- (6) Increasing General Commercial (Regional) Retail by 251,578 square feet in Phase III;
- (7) Decreasing Neighborhood Commercial (Community) by 34,236 square feet in Phase I;
- (8) Decreasing Neighborhood Commercial (Community) by 31,143 square feet in Phase II;
- (9) Decreasing Business Office by 58,323 square feet in Phase III;
- (10) Decreasing General Commercial (Highway) Retail by 150,000 square feet in Phase II;
- (11) Decreasing General Commercial (Highway) Hotel and Motel by 85 rooms in Phase I;
- (12) Decreasing General Commercial (Highway) Hotel and Motel by 300 rooms in Phase II;
- (13) An increase in residential acreage by 811.4 acres;
- (14) An increase in Community Commercial acreage by 31.0 acres;
- (15) An increase in open space acreage by 129.3 acres;
- (16) An increase in recreational acreage by 9.9 acres;
- (17) An increase in wetland acreage by 343.2 acres;
- (18) An increase in lake acreage by 277.4 acres;

- (19) An increase in road right-of-way acreage by 202.5 acres;
- (20) A change in the labeling of cluster villa (CV) residential units to multi-family (MF);
- (21) Amending the name of the authorized agent from Tim Martin to Todd Pokrywa;
- (22) Amending Tables 1 and 2 to reflect these changes;
- (23) Amending Map H and the Development Order to reflect the above changes;
- (24) Amending Map H to allow Community, Highway, and Regional Commercial uses on a Community Commercial parcel located west of the town center;
- (25) Amending Map H to allow commercial uses in certain Business parcels;
- (26) Amending the legal description to reflect the above referenced changes, and;
- (27) Various other changes to the Development Order and terminology and formatting 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 this 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 October 19, 2004, held a duly noticed public hearing on the NOPC and the language proposed by the Developer\* to amend and replace Ordinance 03-35, 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, 00-45, 01-60, and 03-35).
- C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised General Development Plan to revise the project boundary to add 1,804.7 acres (east of Lorraine Road); add ten access points for new internal roadways; increase single- family detached dwelling units by 350 in Phase III; decrease single- family attached dwelling units by 135 in Phase III; decrease multi-family units by 292 in Phase III; increase General Commercial (Regional) Retail by 251,578 square feet in Phase III; decrease Neighborhood Commercial (Community) by 34,236 square feet in Phase I; decrease Neighborhood Commercial (Community) by 31,143 square feet in Phase II; decrease Business Office by 58,323 square feet in Phase III; decrease General Commercial (Highway) Retail by 150,000 square feet in Phase II; decrease General Commercial (Highway) Hotel and Motel by 85 rooms in Phase I; decrease General Commercial (Highway) Hotel and Motel by 300 rooms in Phase II; increase residential acreage by 811.4 acres; increase Community Commercial acreage by 31.0 acres; increase open space acreage by 129.3 acres; increase recreational acreage by 9.9 acres; increase wetland acreage by 343.2 acres; increase lake acreage by 277.4 acres; increase road right-of-way acreage by 202.5 acres; change the labeling of cluster villa (CV) residential units to multi-family (MF); amend the name of the authorized agent from Tim Martin to Todd Pokrywa; amend Tables 1 and 2 to reflect these changes; amend Map H and the Development Order to reflect the above changes; amend Map H to allow Community, Highway, and Regional Commercial uses on a Community Commercial parcel located west of the town center; amend Map H to allow commercial uses in certain Business parcels; amending the legal description to reflect the above referenced changes, and; various other changes to the Development Order and terminology and formatting changes.
- D. The Board of County Commissioners of Manatee 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 October 7, 2004, following public hearing.
- E. The Board of County Commissioners held a public hearing on October 19, 2004, 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 Impact Analysis (dated September, 2002) to Manatee County which describes the housing demand for low, very low and median income households and the existing housing supply (see Attachment #1 to Ordinance 03-35).
- 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 Todd Pokrywa, and his address is SMR Communities Joint Venture, a Florida general partnership, 6215 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; on April 14, 2003 regarding the seventh NOPC, and on October 22, 2003 regarding the eighth 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 Air Quality, Transportation, and Affordable Housing Analyses submitted pursuant to Chapter 380.06, Florida Statutes to initiate Phase III. 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 03-35, which granted amendments to Ordinance, 92-32, 93-25, 95-44, 97-61, 97-81, 00-45, and 01-60 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 October 22, 2003 and revised on July 26, 2004 and approved pursuant to Ordinance 04-59, 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, and on March 26, 2002 regarding the seventh NOPC, and on October 22, 2003, regarding the eighth 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, Lakewood Ranch Corporate Park.
- 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, December 11, 1995.
- 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 (or current plus first four years for FIHS facilities) of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated in this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380 of the Florida Statutes. Said Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables 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, July 26, 2004 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, TBRPC, or the County\*, provided the more restrictive percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on revised Map J, dated October 2003 (which was attached as Attachment #4 to Ordinance 01-60) which was based on data submitted with the ADA\*. In determining the Transportation Impact Area\* for this Project\* all traffic generated by Lakewood Ranch Corporate Park shall be deemed project traffic for University Lakes.
- O. "Vertical Development\*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any such units.

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

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

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

- B. Subject to the possible exchange of land uses as described elsewhere herein, the Project\* consists of the land uses, square footage, dwelling units, and approximate area described in Columns A through D of Table 1 and the land uses, square footage, dwelling units, and approximate area by phase as described in Table 2. Phase I, II and III 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. Phase IV is conceptually approved. Approval of Phase 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 IV shall be based on a cumulative assessment of the impacts created by the Combined Projects\*.

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

**TABLE 1**  
**UNIVERSITY LAKES DEVELOPMENT COMPONENTS**

Column A Map H Land Use (Section 380.0651 F.S. Designation)	Column B Number Acres *****	Column C Square Feet	Column D Dwelling Units	Column E Land Use Exchange Maximum Increase
<b>Residential</b>	1,481.2	n/a	<b>3,031</b>	An increase in dwelling units by 5% or 50 units, whichever is greater
<b>General Commercial*</b>				Land Area increased by 6 acres or increase by 50,000 s.f. of gross floor area, or the greater of a 5% increase in parking spaces or an increase of customer parking by 300 spaces
Retail	56.6	1,071,578	n/a	
Hospital	32.0	150 beds	n/a	
<b>Total General Commercial</b>	<b>88.6</b>	<b>1,071,578</b>	<b>n/a</b>	
<b>Neighborhood Commercial**</b>	<b>48.5</b>	<b>240,879</b>	<b>n/a</b>	
<b>General Commercial***</b>				75 rooms
Retail	21.0	0	n/a	
Hotel and Motel	7.0	250,000/ 215 rooms	n/a	
<b>Total General Commercial</b>	<b>28.0</b>	<b>250,000</b>	<b>n/a</b>	
<b>Business</b>				Land area increased by the greater if 5% or 6 acres; whichever is greater, or gross floor area increased by greater of 5% or 60,000 s.f. whichever is greater
Office	59.3	1,128,877	n/a	
Industrial	55.0	808,088	n/a	
<b>Total Business</b>	<b>114.3</b>	<b>1,936,965</b>	<b>n/a</b>	
Right of Way	379.7			
Recreation	340.3			
Wetlands/Mitigation	683.1			
Lakes****	633.4			
Open Space	323.3			
<b>TOTAL</b>	<b>4,120.4</b>	<b>3,499,422/150 hospital beds</b>	<b>3,031</b>	

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

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

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

\*\*\*\* Additional lakes will be constructed within the Project\* as required by the stormwater management system.  
 \*\*\*\*\* Acreages subject to verification and adjustment based upon future survey activities, consistent with the graphic depictions on revised Map H.

**TABLE 2**  
**UNIVERSITY LAKES PHASING SCHEDULE**

Map H. Land Use Designation (\$380.0651, F.S., Designation)	Phase I 1992-2011◆	Phase II 2000- 2011◆	Phase III 2002-2011◆	Phase IV 2011 - 2019◆◆	Total
<b>Residential Dwelling Units</b>					
Single Family	970	361	450	0	1,781
Single Family Attached	88	0	0	0	88
Multi-Family	449	412	301	0	1,162
<b>Total Residential</b>	<b>1,507</b>	<b>773</b>	<b>751</b>	<b>0</b>	<b>3,031</b>
<b>General Commercial* s.f. (Regional)</b>					
Retail	275,557	114,543	251,578	429,900	1,071,578
Hospital	0	150 beds	0	0	150 beds
<b>Total General Commercial</b>	<b>275,557</b>	<b>114,543</b>	<b>251,578</b>	<b>429,900</b>	<b>1,071,578</b>
<b>Neighborhood Commercial** s.f. (Community)</b>					
Retail	52,764	0	0	188,115	240,879
<b>Total Neighborhood Commercial</b>	<b>52,764</b>	<b>0</b>	<b>0</b>	<b>188,115</b>	<b>240,879</b>
<b>Business s.f.</b>					
Office	323,318	608,608	191,677	5,274	1,128,877
Industrial	0	0	30,000	778,088	808,088
<b>Total Business</b>	<b>323,318</b>	<b>608,608</b>	<b>221,677</b>	<b>783,362</b>	<b>1,936,965</b>
<b>General Commercial*** s.f. (Highway)</b>					
Retail	0	0	0	0	0
Hotel and Motel	250,000/ 215 rooms	0	0	0	250,000/ 215 rooms
<b>Total General Commercial</b>	<b>250,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>250,000</b>
<b>Recreational Facilities****</b>	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 13<sup>th</sup> of each year indicated.

◆◆Phase IV has only received conceptual approval. Specific approval is pending further Chapter 380.06, F.S. review regarding transportation, affordable housing, and air quality analyses.

**TABLE 3**

**LAKEWOOD RANCH CORPORATE PARK DEVELOPMENT COMPONENTS**

<b>Sarasota County Land Use Designation (Section 380.06.0651, F.S. Designation)</b>	<b>Number of Acres</b>	<b>Square Feet</b>
<b>Interstate Regional Office Park (Office)</b>	250.0	998,308
<b>Major Employment Center (Office) (Industrial) (Retail)</b>	728.9	(1,849,885) (2,774,827) (76,980)
<b>Open Use Conservation</b>	395	n/a
<b>Totals</b>	1,373.9	5,700,000

**TABLE 4  
LAKEWOOD RANCH CORPORATE PARK PHASING SCHEDULE**

<b>Sarasota county Land Use Designation (Section 380.0651, F.S. Designation)</b>	<b>Phase I</b>	<b>Phase II</b>	<b>Phase III</b>	<b>Total</b>
<b>Interstate Regional Office Park s.f. (Office)</b>	<b>436,000</b>	<b>365,334</b>	<b>196,974</b>	<b>998,308</b>
<b>Major Employment Center s.f. (Office)</b>	<b>957,600</b>	<b>555,219</b>	<b>337,066</b>	<b>1,849,885</b>
<b>(Industrial)</b>	<b>1,435,600</b>	<b>832,828</b>	<b>505,599</b>	<b>2,774,827</b>
<b>(Retail)</b>	<b>40,000</b>	<b>23,287</b>	<b>13,693</b>	<b>76,980</b>
<b>Total</b>	<b>2,869,200</b>	<b>1,776,668</b>	<b>1,053,332</b>	<b>5,700,000</b>

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 Section P.(1) of this Development Order. If the impacts of a specific land use exchange exceeds the impacts authorized and approved for that phase in the Development Order, then the land use exchange shall be denied.

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

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

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

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

The traffic impacts of the revised land use mix shall be deemed by the County\* not to exceed the approved traffic impacts of the land use mix being replaced so long as the change does not increase

the peak hour total traffic and the relative proportions of trips produced by attractors and the trips produced by generators remains substantially the same for the phase or subphase. In the event that the attractor or generator proportions are not substantially the same, as determined by the County\*, additional information may be required to assess intersection performance, trip distribution, or particular roadway segments designated by the County\*.

Attached hereto as Attachment #5 (updated February 2003) is a table of conversion factors for equating only traffic impacts of land use exchanges. The incorporation of this land use exchange mechanism shall not operate to permit the Developer\* to develop any land use which will generate peak hour trips in excess of the total number of peak hour trips for which it has obtained specific Development Order approval.

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

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

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

1. The impacts of the proposed change do not exceed the impacts which were approved in the Development Order, or any amendments thereto, for potable water, wastewater treatment, solid waste disposal, mass transit, drainage, affordable housing, and parks and recreation.
2. The Developer\* must further demonstrate that the request is consistent with applicable provisions of the Comprehensive Plan and the Land Development Code.
3. The amount of any increase in any Land Use Category may not exceed the limitations set forth in Table 1 Column E, above.



4. The County\* shall not be required to approve any increase to Phase I, II, and III of University Lakes unless adequate capacity exists to serve such increase and assurance of corresponding decrease is demonstrated to the County's\* satisfaction, in Phase I of Lakewood Ranch Corporate Park.
5. In the event that the amount of development is increased for Phase I of Lakewood Ranch Corporate Park after approval of an increase of the permitted uses, density, or intensity for Phase I, II, and III 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 and III of University Lakes, pending further review of additional phases.

- E. To foster intergovernmental coordination in the administration of University Lakes and Lakewood Ranch Corporate Park, the Developer\* will furnish to the Sarasota County Planning Department, the SWFRPC, and the City of Bradenton for review and comment, copies of all 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 Lakewood Ranch Corporate Park.
- 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, II, and III 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 I, II, and III 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	90.0 129.4	Widen to 6 lanes	5,345
2	University Pkwy Town Center Pkwy to Lakewood Ranch Blvd	E (in EB) F (in WB)	D D	43.3 62.2	Widen to 6 lanes	5,345
3	University Pkwy through US 301	F (in EB) F (in WB)	D	9.6 13.8	Widen to 6 lanes	5,474
4	I-75 SR 70 to University Parkway	D (in NB) C (in SB)	C C	12.2 6.5	Widen to 8 lanes (1)	5,784
5	I-75: University Parkway to Fruitville Rd	D (in NB) C (in SB)	C C	10.6 20.1	Widen to 8 lanes (1)	6,005
6	I-75: Fruitville Rd to Bee Ridge Rd	C (in NB) D (in SB)	C C	8.4 15.9	Widen to 8 lanes (1)	6,714
7	I-75: Bee Ridge Rd to Clark Rd	C (in NB) D (in SB)	C C	5.0 9.4	Widen to 8 lanes (1)	6,537
8	I-75: Clark Rd to SR 681	C (in NB) D (in SB)	C C	3.0 5.7	Widen to 8 lanes (1)	6,448
9	I-75: SR 681 to Laurel Rd	C (in NB) D (in SB)	C C	2.9 5.4	Widen to 6 lanes (1)	6,625

\*This column represents the cumulative number of peak hour external trips for the Combined Projects\* before the need of the identified improvements for the respective phase Land Uses as depicted in Tables 2 and 4 for University Lakes and Phase I of 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.  
(1) No improvement is required if the Level of Service standard for the subject segment of I-75 is modified to LOS D by the appropriate governmental agency.

**Table 6**  
**Required Intersection/Ramp 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*
<b>Phase I, II, and III Required Intersection/Ramp Improvements</b>						
1	University Parkway @ US 301	F	D	6.7	Provide dual left-turn and single right-turn lanes at all approaches and 6 lane east/west and north/south through movements.	5,474
2	University Parkway @ Town Center	F	D	100	SB right-turn lane protected signal phase.	4,263
					6- lane EB/WB	5,345
3	University Parkway @ Market St	F	D	41.4	Provide dual southbound left-turn lane.	5,345
					6- lane EB/WB	
4	Fruitville Rd @ Cattlemen	F	D	10.3	Provide northbound right-turn lane.	5,740
5	Fruitville Rd @ Coburn Rd	F	D	26.2	SB right-turn lane protected signal phase.	5,784
6	University Parkway @ 301 Boulevard	F	D	7.5	Provide southbound right-turn lane and protected right-turn signal phasing.	4,677
7	I-75 University Parkway northbound on ramp	D	C		Increase merge length to provide LOS C	5,828
8	University Pkwy @ I-75 East	C	C	100	**6 lane EB/WB based on need from west side	5345 (2007)
9	University Pkwy @ I-75 West	F	C	44.3	**6 lane EB/WB	5345 (2007)

\*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, II, and III land uses as depicted in Tables 2 and 4 for University Lakes and Phase I of Lakewood Ranch Corporate Park (or the equivalent thereof in trip generation) which may be constructed prior to requiring that the listed improvements be constructed or subject to a funding commitment.

Note: Design details of intersection/ramp improvements shall be determined in construction plan permitting phase.

- A.(2) The improvements listed in Tables 5 & 6 include critical link and intersection improvements for the development of Phase I II, and III 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 subphases or improvements, 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\*. **(Completed)**

- A.(3) The Developer\* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project\*. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway. That is, the lanes must be included in design but may be constructed separately or in separation from the roadway itself.
- A.(4) The Developer\* shall provide adequate sidewalks along all streets and roadways throughout the Project\* as required by the Manatee County Land Development Code.
- A.(5) As the Project\* lies within the future Manatee County transit service area, the Developer\* will work with the County\* to coordinate the provision of transit service to the area in conjunction with development of University Lakes.
- A.(6) Within three years of the effective date of Ordinance 00-45 or at the request of the County, an annual monitoring program consisting of peak hour traffic counts at the Project\* entrances shall be instituted to verify that the projected number of external trips for the Project\* are not exceeded. Counts will continue on an annual 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.(7) The transportation analysis in the ADA\* was performed without consideration of the potential effects of a Transportation Systems Management ("TSM") program. Accordingly, the development thresholds described in 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 Lakewood Ranch Corporate Park.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer\* or reviewing agencies to request Development Order amendments which increase the applicable development thresholds or which will allow reduced impacts per square foot or dwelling unit of development in future phases. The TSM Program 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.(8) To allow for the finalization of interchange design relative to Improvements #3 and #4 in Table 6, Developer\* agrees to reserve, until January 28, 1998, the property which it owns and which lies within the following description:

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

This restriction shall expire on January 28, 1998. If the right of way is dedicated by the Developer\* or otherwise acquired by the appropriate governmental agency, then the Developer\* may transfer the impacted land uses to other appropriate areas within the Project\* with approval of a revised General Development Plan. **(This item has been completed.)**

A.(9) The Developer\* shall submit a Preliminary Site Plan for Phase I, or any subphase thereof, within twenty-four (24) months of the effective date of this Development Order. **(Completed).**

A.(10) The schedules of listed improvements may be adjusted at the Developer's\* request with submission of adequate data to support any such adjustments, and the Development Order amended as needed in the event that the appropriate agencies determine that:

- (a) The Project\* is determined by the County\* and TBRPC to be in a regional activity center or otherwise designated for alternative levels of service or alternative percentage thresholds in accordance with applicable rules and regulations; or
  - (b) The appropriate level of service standard for the particular roadway link or intersection is adjusted by the agency(ies) having jurisdiction over such link or intersection. In no event shall any level of service be adjusted if the result of said adjustment is to permit a lower level of service than established by that agency or agencies having jurisdiction at the time of the request for adjustment.
- A.(11) The roadway shown on Revised Map H, which generally is oriented in a north/south alignment and connects to the proposed extension of Upper Manatee River Road, shall be required to be designated on the Future Traffic Circulation Map as a collector facility prior to providing any credits for right of way and/or construction. **(The requirements of Condition A.(11) have been completed)**
- A.(12) Access to and from the site will be in accordance with state and local access regulations unless limited by the General Development Plan or any conditions placed thereon, whichever is most restrictive.
- A.(13) The Developer shall conduct an annual monitoring assessment of the I-75 southbound off-ramp intersection and merge with University Parkway to determine if operating conditions become congested and negatively impact the mainline interstate traffic at this ramp. This monitoring assessment shall continue until such time as agreement is reached with the FDOT regarding future year conditions for the above referenced ramp and intersection, and the Development Order is amended if needed, pursuant to NOPC procedures.

If such impact is identified to the mainline diverging traffic at this ramp, no further Development Plans\* will be issued until the deficiency has been mitigated and the Development Order is amended as appropriate, if such amendment is necessary. The following monitoring methodology will be performed.

1. The monitoring shall consist of existing traffic counts and visual observations of peak hour queues on the southbound off-ramp from I-75 to University Parkway, over a three day period during the p.m. peak hour (4:00 to 6:00), and the results factored to peak season. The historic annual growth rate for traffic volumes on this ramp shall also be determined and applied to estimate the maximum queue likely to develop in the coming year.

Based on a 70 mph speed on southbound I-75 at this location, the safe stopping distance that a vehicle exiting I-75 would require, including perception and reaction time if required to immediately brake to a stop upon exiting I-75 onto the southbound off-ramp, shall be calculated, and the location of this point on the ramp at which the vehicle would come to a complete stop determined.

If the back of the maximum existing peak season queue established in (1), above, extends beyond the safe stopping point established in (2) above, a safety hazard will be deemed to exist, and a stop order on all further development approvals shall be issued until such time that improvements sufficient to alleviate the hazard are implemented.

## Wetlands

- B.(1) The portions of the University Lakes site that meet the definition of Conservation or Preservation Areas as set forth in policies 10.1.2 and 10.3.1 of the Council's adopted -(SRPP\*) have been designated on Revised Map H.
- (a) All wetlands and uplands on-site defined by Council policies as Preservation Areas, as shown on Revised Map H, shall be preserved. No dredging, filling, or development activities shall be allowed within Preservation Areas.
  - (b) All wetlands and uplands on-site defined by Council policies as Conservation Areas shall be protected from development as shown on Revised Map H.
- B.(2) Except for wetland restoration or enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas as depicted on Revised Map H. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required semi-annually in selected preserved wetlands and initiated prior to on-site construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland monitored. If the hydroperiod monitoring results demonstrate that Project\* activities are inappropriately altering the hydroperiod in Preservation Areas, such activities shall cease until remedial measures are implemented.
- B.(3) Any impacted wetlands, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas on Revised Map H, shall be mitigated in accordance with the Manatee County Comprehensive Plan and Land Development Code and the SRPP\* Policies.
- B.(4) In addition to meeting the requirements of the Manatee County Land Development Code, the Developer\* shall submit a wetland management and mitigation plan for the area to be developed to the County\* for approval, and to TBRPC, and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands on-site, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, and methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County\*) wetlands. **(Completed)**.
- The Developer\* shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County\*:
- (a) Identification of existing dry and wet season site conditions;
  - (b) Narrative descriptions and evaluations of all wetlands to be disturbed by wetland type;
  - (c) Photographs and 24"x36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);
  - (d) Narrative descriptions of any proposed wetland restoration activities and related issues;



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

### **Vegetation and Wildlife**

- C.(1) A cumulative assessment of the impacts of the Combined Projects\* on listed plant and animal species has been performed as required by the 380 Review Agreement\*. The Developer\* has provided open space for wildlife in the form of preserved wetlands and the wildlife corridor along Cooper Creek as depicted on Revised Map H. In addition, Developer\* shall retain large pines (>4" dbh) where possible in golf course rough for kestrel habitat and include and maintain open grassy areas in golf course rough for burrowing owl habitat. The specific locations of retained pines and open grassy areas shall be shown on the final development plan containing the golf course and shall be submitted to Manatee County for review and approval and to the Florida Fish & Wildlife Conservation Commission (FFWCC) for comment. However, as the Developer\* is planning a large wildlife management area on Lakewood Ranch Corporate Park, the Developer\* has prepared (pursuant to the 380 Review Agreement\*) a wildlife management plan, as revised June 16, 1992, for the 395 acre Open Use Conservation District within Lakewood Ranch Corporate Park which provides additional protection of any listed species found on University Lakes and Lakewood Ranch Corporate Park. The plan includes information on site maintenance, fire frequency, wetland management, and boundary protection.

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

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

#### **Land**

- D.(1) The Developer\* shall initiate the following procedures to ensure erosion control during development of the Project\*:
  - (a) Sod, seed, or plant embankment areas of stormwater detention or retention ponds;
  - (b) Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;
  - (c) Limit clearing and site work, construction, and clearing to areas needed for immediate development;
  - (d) Develop asphalt roads as soon as possible;
  - (e) Initiate landscaping before development work is completed on a site;

- (f) Construct sediment basins at the start of each drainage system phase;
- (g) Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points;
- (h) Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis; and
- (i) Preserve the existing natural vegetation along Foley Creek and Cooper Creek, as depicted on Revised Map H.

### **Air Quality**

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

- E.(2) Further Section 380.06(6), Florida Statutes, review will be required for air quality impacts, of Phase IV. This Development Order\* must be amended prior to granting specific approval to Phase IV to address any air quality impacts and to specify any necessary mitigation prior to the commencement of said Phases. This review shall be a cumulative assessment of the Combined Projects\*.

### **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 permittable temporary on-site hazardous waste treatment and storage capabilities prior to transport and shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that is accredited by all appropriate agencies in the transportation and handling of such materials.
- J.(6) All aboveground and underground pollutant storage tanks systems will be installed, monitored, and managed according to applicable Federal, State, and Local regulations.

**Recreation and Open Space**

- K.(1) The Project\* shall contain, at a minimum, 403.4 acres of open space (approximately 339.9 acres of wetlands and an estimated minimum of 22.3 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, II, and III of the University Lakes DRI and Phase I of Lakewood Ranch Corporate Park (Combined Projects\*) has been performed as required by the 380 Review Agreement\*. This assessment utilized the 2000 US Census as its source for rental vacancy data. This assessment was accepted by all reviewing agencies and determined no potential unmet need for affordable housing and a potential surplus of 390 affordable units. This analysis utilized the East Central Florida Regional Planning council's (ECFRPC) "Housing Demand, Supply and Need Methodology for Assessing the Affordable Housing Impact of Developments of Regional Impact", April 1996.
- P.(2) Specific approval of Phase 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.(32) 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.(43) 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 February 22<sup>nd</sup> of each year until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer\* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Annual 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 Lakewood Ranch Corporate Park Development Order is amended by Sarasota County to allow development inconsistent with Table 3 or Table 4 of the University Lakes Development Order, then upon expiration of the 45-day appeal period of the amendment or, if the amendment is appealed, upon settlement of the appeal, the Developer\* shall apply for an amendment to the University Lakes Development Order, and Manatee County subsequently shall consider an amendment to the University Lakes Development Order to make it consistent with the Lakewood Ranch Corporate Park Development Order. A Notice of Proposed Change, pursuant to Subsection 380.06(19), Florida Statutes, shall not be required for the amendment to the University Lakes Development Order, as described above, to make it consistent with the Lakewood Ranch Corporate Park Development Order, but shall require the requisite public hearings under Chapter 125, Florida Statutes, and the Land Development Code. However, such Development Order amendment adopted by Manatee County must be rendered to the Department, pursuant to Subsection 380.06(19), Florida Statutes. If the amendment to the University Lakes Development Order is consistent with the amendment to the Lakewood Ranch Corporate Park Development Order or any settlement of an appeal of the Lakewood Ranch Corporate Park Development Order amendment, then DCA shall not appeal the amendment.

The substantial deviation criteria set forth herein are not applicable to land use exchanges which are authorized pursuant to Sections 4.B. and 4.C. of this Development Order. Additions to the amount of development in a particular land use category resulting from the use of the exchange mechanism

are permitted only in conjunction with the simultaneous reduction from another specifically approved use and do not authorize additional development beyond that which has received specific Development Order Approval.

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

#### **Section 6. DEVELOPER\* COMMITMENTS**

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

##### **A. GENERAL PROJECT\* DESCRIPTION**

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

**B. WETLANDS**

- B.(1) The existing wetlands and proposed mitigation areas will have 50-foot wetland buffers around DEP wetlands and 30-foot buffers around wetlands within the jurisdiction of ACOE and SWFWMD, as shown on Revised Map H. (ADA\*, 16)
- B.(2) A total of approximately 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 4,210.4 acres owned by the Developer\* and described by the legal description included as Attachment # 4 attached to, and made a part of, this Development Order.

**SECTION 8. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION**

Physical development of the Project\* has commenced within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 4. above, or if any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

## **SECTION 9. RESTRICTIONS ON DOWN-ZONING**

Prior to October 13, 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, 04-59 , 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.

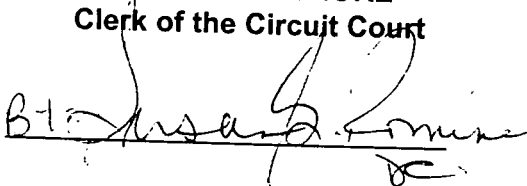
**ADOPTED AND APPROVED** with a quorum present and voting the 19<sup>th</sup> day of October, 2004.

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

BY: 

Chairman

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

  
B-1



## ATTACHMENTS

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

# LAND USE SCHEDULE

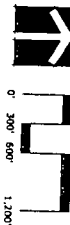
USE	ACRES	SQ. FT.	UNITS
RESIDENTIAL	1,481.2		3,031
REGIONAL COMMERCIAL	88.6	1,071,578	
COMMUNITY COMMERCIAL	48.5	150 Hospital Beds	
HIGHWAY COMMERCIAL	28.0	240,879	
BUSINESS	114.3	250,000 *	
RIGHT-OF-WAY	379.7		
RECREATION	340.3		
WETLANDS	683.1		
LAKES	633.4		
OPEN SPACE	323.3		
TOTAL	4120.4	3,499,422/	3,031

\*Includes 215 hotel rooms

## LEGEND

- TEMPERATE HARDWOODS
- LIVE OAKS
- STREAM & LAKE SWAMPS (T.B.R.P.C.)
- INLAND PONDS & SLOUGHS (T.B.R.P.C.)
- MIXED WETLAND HARDWOODS (T.B.R.P.C.)
- FRESHWATER MARSHES
- WET PRAIRIES
- WETLAND MITIGATION AREAS
- VEGETATED NON-FORESTED WETLANDS
- UPLAND PRESERVATION AREA
- LAKES
- EXISTING WATER WELLS
- GUIDE TOWER

(T.B.R.P.C.) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS



Adopted June 1, 1992 (Ord. 92-32)  
 Amended October 28, 1993 (Ord. 93-25)  
 Amended January 25, 1996 (Ord. 95-44)  
 Amended October 28, 1997 (Ord. 97-61)  
 Amended December 16, 1997 (Ord. 97-81)  
 Amended February 22, 2000 (Ord. 00-45)  
 Amended December 18, 2001 (Ord. 00-60)  
 Amendment August 26, 2003 (Ord. 03-35)  
 Proposed Amendment Submitted October, 2003

## MASTER DEVELOPMENT PLAN University Lakes

A PLANNED DEVELOPMENT

By Schroeder-Manatee, Inc.

**WilsonMiller**

Planners • Engineers • Ecologists • Surveyors  
 Landscape Architects • Transportation Consultants

WilsonMiller, Inc.  
 803 Chevalier Drive, Suite 200 • Tampa, Florida 33602  
 Phone: 813-227-0000 • Fax: 813-227-0000 • Web: www.wilsonmiller.com

MAP H

REV 26, 2004

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# LAND USE SCHEDULE

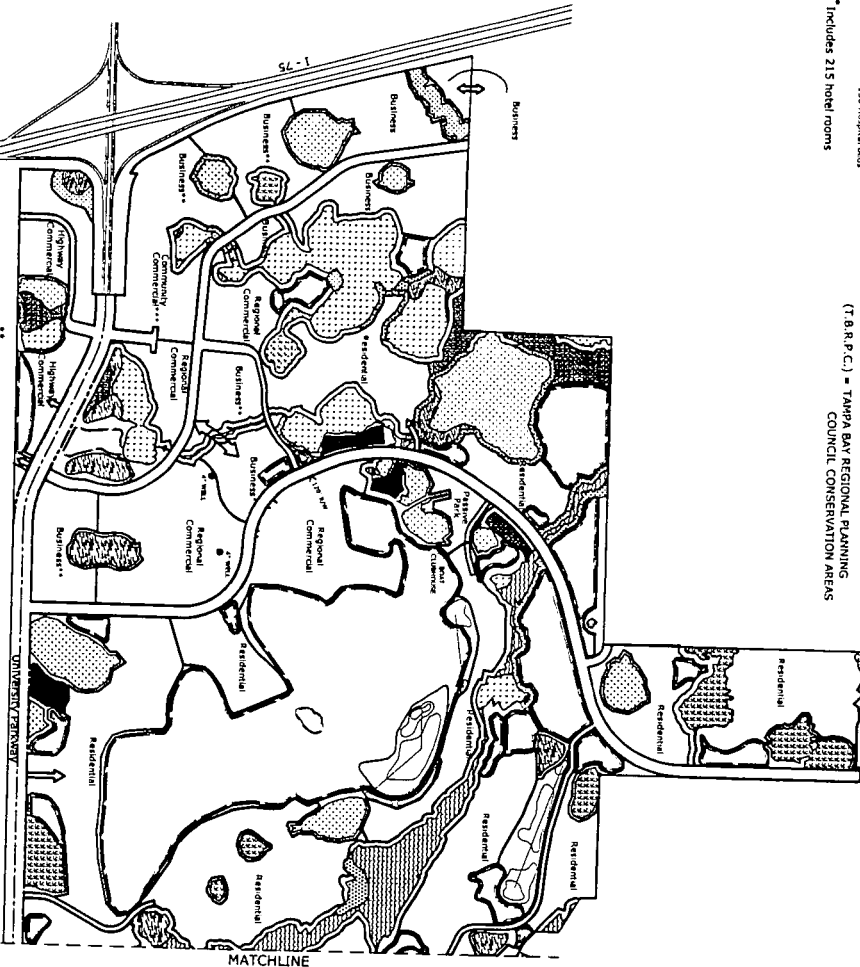
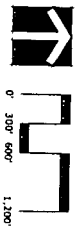
USE	ACRES	SQ. FT.	UNITS
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COMMUNITY COMMERCIAL	48.5	240,879	
HIGHWAY COMMERCIAL	28.0	250,000*	
BUSINESS	114.3	1,935,965	
RIGHT-OF-WAY	379.7		
RECREATION	340.3		
WETLANDS	683.1		
LAKE	633.4		
OPEN SPACE	323.3		
TOTAL	4,120.4	3,499,422	3,031

\*Includes 215 hotel rooms

## LEGEND

- TEMPERATE HARDWOODS
- LIVE OAKS
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(T.B.R.P.C.) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS



\*\* Permitted Commercial square footage may be allowed in these Business Parcels.  
\*\*\* Permitted Community, Highway and Regional Commercial square footage may be allowed in this Community Commercial Parcel.

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JULY 26, 2004

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MAP H

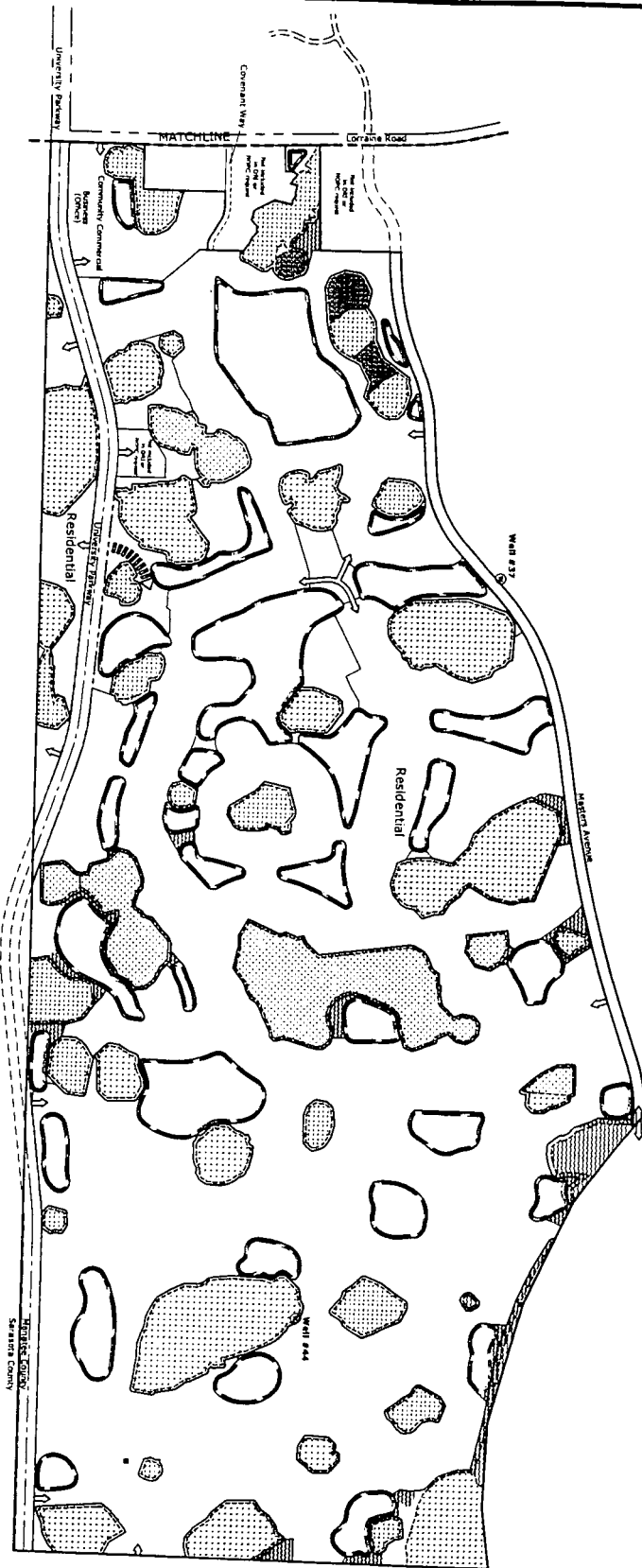
# LAND USE SCHEDULE

USE	ACRES	SQ. FT.	UNITS
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REGIONAL COMMERCIAL	88.6	1,021,578	
COMMUNITY COMMERCIAL	48.5	240,879	150 hospital beds
HIGHWAY COMMERCIAL	28.0	250,000 *	
BUSINESS	114.3	1,936,965	
RIGHT-OF-WAY	379.7		
RECREATION	340.3		
WETLANDS	683.1		
LAKES	633.4		
OPEN SPACE	323.3		
TOTAL	4,120.4	3,499,437	3,031
		150 hospital beds	

\* Includes 215 hotel rooms

## LEGEND

- TEMPERATE HARDWOODS
  - LIVE OAKS
  - STREAM & LAKE SWAMPS (T.B.R.P.C.)
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MAP H

JULY 26, 2004

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## ATTACHMENT #4

### UNIVERSITY LAKES DRI

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

A tract of land lying in Section 36, Township 35 South, Range 18 East, and Sections 25, 26, 28, 29, 31, 32, 33, 34, 35 and 36, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Begin at the southwest corner of said Section 29; thence N.00°22'41"E. along the west line of said Section 29, a distance of 2,656.56 feet; thence S.89°30'30"E., a distance of 211.38 feet; thence N.26°03'03"E., a distance of 41.16 feet; thence S.61°21'58"E., a distance of 186.34 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.61°21'58"E., a radial distance of 295.00 feet; thence northeasterly along the arc of said curve, through a central angle of 15°08'34", an arc length of 77.97 feet to the end of said curve; thence S.46°13'24"E. radial to the last described curve, a distance of 141.12 feet; thence N.33°11'55"E., a distance of 59.75 feet; thence N.85°03'09"E., a distance of 131.05 feet; thence S.61°13'40"E., a distance of 51.46 feet; thence S.89°30'48"E., a distance of 469.77 feet; thence N.00°29'12"E., a distance of 48.63 feet; thence S.89°30'30"E., a distance of 120.00 feet to the northeast corner of the West ½ of the Southwest 1/4 of the aforementioned Section 29; thence S.00°29'12"W. along the east line of the West ½ of the Southwest 1/4 of said Section 29, a distance of 2,658.57 feet to the north line of Section 32; thence S.89°30'25"E. along said north line, a distance of 1,269.55 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of the Public Records of Manatee County; the following 3 calls are along said east line; thence S.00°29'35"W., a distance of 166.41 feet; thence S.58°34'00"E., a distance of 423.22 feet; thence S.01°20'47"W., a distance of 240.50 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126 of the aforementioned Public Records; the following 2 calls are along said north line; thence S.36°55'37"E., a distance of 85.33 feet; thence S.60°40'54"E., a distance of 184.30 feet to the west line of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, recorded in Plat Book 34, Page 113; thence N.23°47'43"E. along said west line, a distance of 277.38 feet to the north line of said Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass; thence N.90°00'00"E. along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 33 of the aforementioned Public Records, a distance of 2,269.90 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles, recorded on Plat Book 34, Page 181 of the aforementioned Public Records; the following 7 calls are along said north line; thence N.07°30'16"E., a distance of 437.56 feet; thence N.72°30'29"E., a distance of 190.11 feet; thence S.17°29'31"E., a distance of 20.40 feet; thence N.72°30'29"E., a distance of 161.83 feet; thence S.26°06'53"E., a distance of 49.82 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.26°06'53"E., a radial distance of 58.00 feet; thence easterly along the arc of said curve, through a central angle of 24°50'29", an arc length of 25.15 feet to the end of said curve; thence N.72°30'29"E. non-tangent to the last described curve, a distance of 181.80 feet; thence N.76°17'54"E., a distance of 33.84 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.76°17'54"W., a radial distance of 550.00 feet; thence northerly along the arc of said curve, through a central angle of 59°36'16", an arc length of 572.16 feet to the point of reverse curvature of a curve to the right having a radius of 600.00 feet and a central angle of 73°58'28"; thence northwesterly along the arc of said curve, a distance of 774.66 feet to the point of tangency of said curve; thence N.00°40'06"E., a distance of 221.36 feet; thence S.89°31'24"E. parallel with the north line of the aforementioned Section 28 and 4077.34 feet southerly therefrom, a distance of 2,614.09 feet to the west line of the East ½ of said Section 28; thence S.00°45'47"W. along said west line, a distance of 1,236.76 feet to the South 1/4 corner of said Section 28; thence S.89°30'25"E. along the south line of said Section 28, a distance of 2,662.03 feet to the northwest corner of the aforementioned Section 34; thence N.89°57'56"E. along the north line of said Section 34, a distance of 120.02 feet; thence

S.00°51'27"W., a distance of 1.87 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.89°08'34"E., a radial distance of 2,190.00 feet; thence southerly along the arc of said curve, through a central angle of 13°14'44", an arc length of 506.28 feet to the point of tangency of said curve; thence S.12°23'18"E., a distance of 982.01 feet to the point of curvature of a curve to the right having a radius of 3,060.00 feet and a central angle of 10°28'18"; thence southerly along the arc of said curve, an arc length of 559.26 feet to the point of tangency of said curve; thence S.01°55'00"E., a distance of 1076.32 feet to the southwest corner of premises described in Official Record Book 1532, Page 5848, of said public records; the following 2 calls are along the lines of said premises described in Official Record Book 1532, Page 5848; thence N.88°07'20"E., a distance of 1,147.54 feet; thence N.00°45'04"W., a distance of 874.76 feet; thence N.87°18'18"E., a distance of 192.95 feet to the point of curvature of a curve to the left having a radius of 2,720.00 feet and a central angle of 22°21'53"; thence easterly along the arc of said curve, an arc length of 1,061.73 feet to the point of reverse curvature of a curve to the right having a radius of 1,690.00 feet and a central angle of 21°25'17"; thence easterly along the arc of said curve, a distance of 631.85 feet to the point of tangency of said curve; thence N.86°21'42"E., a distance of 524.40 feet to the point of curvature of a curve to the left having a radius of 1,275.00 feet and a central angle of 38°34'52"; thence northeasterly along the arc of said curve, an arc length of 858.54 feet to the point of tangency of said curve; thence N.47°46'50"E., a distance of 686.77 feet to the point of curvature of a curve to the right having a radius of 2,600.00 feet and a central angle of 25°16'06"; thence northeasterly along the arc of said curve, an arc length of 1,146.64 feet to the point of compound curvature of a curve to the right having a radius of 5,340.00 feet and a central angle of 09°58'44"; thence easterly along the arc of said curve, an arc length of 930.04 feet to the point of reverse curvature of a curve to the left having a radius of 13,380.00 feet and a central angle of 11°49'20"; thence easterly along the arc of said curve, a distance of 2,760.77 feet to the point of tangency of said curve; thence N.71°12'20"E., a distance of 506.17 feet to the point of curvature of a curve to the right having a radius of 1,775.00 feet and a central angle of 19°02'10"; thence easterly along the arc of said curve, an arc length of 589.73 feet to the end of said curve; thence S.51°30'06"E. along a line non-tangent to the last described curve, a distance of 490.81 feet; thence S.53°36'44"E., a distance of 729.73 feet; thence S.65°24'21"E., a distance of 1,251.74 feet; thence S.74°58'40"E., a distance of 1,330.51 feet; thence S.87°41'34"E., a distance of 911.28 feet; thence N.82°44'31"E., a distance of 667.72 feet to the east line of aforementioned Section 36; thence S.00°35'33"W. along said east line of Section 36, a distance of 5,153.87 feet to the southeast corner of said Section 36; thence N.89°58'32"W. along the south line of said Section 36, a distance of 5,320.24 feet to the southeast corner of aforementioned Section 35; thence continue N.89°58'32"W. along the south line of said Section 35, a distance of 5,320.24 feet to the southeast corner of aforementioned Section 34; thence N.89°58'32"W. along the southerly line of Section 34, a distance of 5320.24 feet to the southwest corner of said Section 34; thence N.89°58'32"W. along the southerly line of the aforementioned Section 33, a distance of 5,320.24 feet to the southwest corner of said Section 33; thence N.89°58'32"W. along the southerly line of the aforementioned Section 32, a distance of 5,320.24 feet to the southwest corner of said Section 32; thence N.89°58'32"W. along the southerly line of the aforementioned Section 31, a distance of 4,602.00 feet to the southwest corner of said Section 31, also being a point on the easterly Limited Access Right-of-way of State Road 93 (Interstate 75); the following 15 calls are along the easterly Limited Access Right-of-way of State Road 93 (Interstate 75); thence N.00°37'10"E. along the west line of said Section 31, a distance of 615.67 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.68°06'12"E., a radial distance of 216.00 feet; thence northeasterly along the arc of said curve, through a central angle of 66°23'34", an arc length of 250.29 feet to the point of tangency of said curve; thence N.88°17'22"E., a distance of 628.58 feet; thence S.89°25'46"E., a distance of 298.15 feet; thence continue S.89°25'46"E., a distance of 133.30 feet; thence N.00°34'14"E., a distance of 336.00 feet; thence N.89°25'46"W., a distance of 606.88 feet; thence N.85°36'55"W., a distance of 460.53 feet to the point of curvature of a curve to the right having a radius of 396.00 feet and a central angle of 27°45'53"; thence westerly along the arc of said curve, an arc length of 191.90 feet to the end of said curve; thence S.01°15'38"W., a distance of 68.34 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.27°44'12"E., a radial distance of 456.00 feet; thence northwesterly along the arc of said curve, through a central angle of 34°29'47", an arc length of 274.55 feet to the point of tangency of said curve; thence N.27°46'01"W., a distance of 566.48 feet to the point of curvature of a curve to the right having a radius of 4,489.66 feet and a central angle of 12°57'00"; thence northerly along the arc of said curve, an arc length of 1,014.75 feet to the point of tangency of said curve; thence N.14°49'01"W., a distance of 899.55 feet; thence N.13°40'16"W., a distance of 1,016.33 feet; thence S.88°43'35"E., a distance of 1,369.65 feet; thence

S.89°40'28"E., a distance of 1,438.64 feet; thence N.01°15'38"E., a distance of 1,532.73 feet to the north line of the aforementioned Section 31; thence S.89°40'28"E., a distance of 3,164.99 feet to the POINT OF BEGINNING.

Said tract contains 4150.94 acres, more or less.

LESS AND EXCEPT

THE TRACT KNOWN AS PARCELS NO.1, NO. 4, NO. 5 AND A PORTION OF COVENANT WAY

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

A tract of land lying in Section 34, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the southwest corner of Said Section 34; thence S.89°58'32"E. along the south line of said Section 34, a distance of 678.97 feet to a point on the easterly line of premises described in Official Records Book 1532, Page 5845 of the Public Records of Manatee County, Florida; thence N.00°01'28"E. along said easterly line and the east line of Lorraine Road also described in said Official Records Book 1532, Page 5845, a distance of 1,020.28 feet to the southwest corner of premises described in Official Record Book 1555, Page 4954 of the Public Records of Manatee County, Florida; thence S.89°58'32"E., along the south line of said premises, a distance of 488.93 feet; thence N.00°01'28"E., along the east line of said premises and the northerly extension thereof, a distance of 891.04 feet to a point on the north line of Covenant Way (84-foot wide private roadway) as shown on Covenant Way, A Roadway Plat and recorded in Plat Book 37, Page 148 of the Public Records of Manatee County, Florida, also being a point on the southerly line of premises described in Official Record Book 1571, Page 4068 of said public records; the following 28 calls are along line of said premises described in Official Record Book 1571, Page 4068; thence N.88°05'00"E. a distance of 151.89 feet to the point of curvature of a curve to the right having a radius of 292.00 feet and a central angle of 33°21'59"; thence easterly along the arc of said curve, an arc length of 170.05 feet to the point of tangency of said curve; thence S.58°33'01"E., a distance of 208.77 feet to the point of curvature of a curve to the left having a radius of 211.00 feet and a central angle of 31°25'31"; thence easterly along the arc of said curve, an arc length of 115.73 feet to the point of tangency of said curve; thence S.89°58'32"E., a distance of 38.37 feet; thence N.00°01'28"E., a distance of 391.85 feet; thence N.53°08'42"W., a distance of 108.39 feet; thence N.64°51'52"W., a distance of 72.10 feet; thence N.51°15'29"W., a distance of 71.24 feet; thence N.88°53'01"W., a distance of 64.72 feet; thence S.42°31'45"W., a distance of 48.99 feet; thence S.57°15'03"W., a distance of 43.67 feet; thence N.75°08'44"W., a distance of 93.01 feet; thence N.36°23'58"W., a distance of 51.93 feet; thence N.30°15'09"W., a distance of 120.41 feet; thence N.26°03'26"W., a distance of 83.03 feet; thence N.11°24'03"E., a distance of 191.05 feet; thence N.77°32'10"W., a distance of 49.33 feet; thence N.54°48'49"W., a distance of 53.50 feet; thence S.83°25'42"W., a distance of 39.97 feet; thence N.77°03'04"W., a distance of 27.57 feet; thence N.76°42'11"W., a distance of 51.49 feet; thence S.09°58'45"W., a distance of 46.64 feet; thence S.17°32'46"W., a distance of 26.17 feet; thence N.55°40'30"W., a distance of 120.52 feet; thence S.34°19'30"W., a distance of 52.27 feet; thence S00°00'00"W., a distance of 86.03 feet; thence S.88°05'00"W., a distance of 286.50 feet to the aforementioned east line of Lorraine Road; the following 3 calls are along said east line of Lorraine Road; thence S.01°55'00"E., a distance of 791.84 feet to the point of curvature of a curve to the right having a radius of 10,560.00 feet and a central angle of 01°56'28"; thence southerly along the arc of said curve, an arc length of 357.76 feet to the point of tangency of said curve; thence S.00°01'28"W., a distance of 382.49 feet to the POINT OF BEGINNING.

Said tract contains 24.95 acres, more or less.

THE TRACT KNOWN AS THE CRICKET CLUB:

DESCRIPTION:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST; THENCE S89°58'32"E, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 3762.59 FT.; THENCE N00°01'28"E, PERPENDICULAR WITH SAID SOUTH LINE, A DISTANCE OF 801.79 FT. FOR A POINT OF BEGINNING; THENCE N00°00'00"E (NORTH), A DISTANCE OF 358.16 FT.; THENCE N85°08'24"E, 58.79 FT.; THENCE N54°54'36"E, 292.35 FT.; THENCE N90°00'00"E (EAST), 221.92 FT.; THENCE S00°00'00"E (SOUTH), 528.25 FT.; THENCE N85°00'17"W, A DISTANCE OF 48.76 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2303.68 FT.; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°44'23", A DISTANCE OF 472.02 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 5.52 ACRES MORE OR LESS.

The above tract contains in total 4,120.47 acres, more or less.

**LAND USE EQUIVALENCY  
UNIVERSITY LAKES, PHASE III  
ATTACHMENT 5  
FEBRUARY 2003**

<b>"A"</b>		<b>"B"</b>									
<b>LAND USES THAT ARE TO BE TRADED</b>		<b>EQUIVALENT USES</b>									
		# OF SINGLE-FAMILY DWELLING UNITS	# OF SINGLE-FAMILY ATTACHED UNITS	# OF MULTI-FAMILY APARTMENTS	# OF SQ. FT. NEIGHBORHOOD COMMERCIAL	# OF SQ. FT. COMMUNITY COMMERCIAL	# OF SQ. FT. OFFICE	# OF SQ. FT. LIGHT INDUSTRIAL	# OF SQ. FT. MANUFACTURING	# OF SQ. FT. WAREHOUSING	# OF HOTEL ROOMS
ONE SINGLE FAMILY DETACHED DWELLING UNIT		(1.00)	(1.85)	(1.50)	(255.00)	(270.00)	(310.00)	(835.00)	(880.00)	(860.00)	(1.41)
SINGLE FAMILY ATTACHED		(0.48)	(1.00)	(0.83)	(120.00)	(127.00)	(147.00)	(392.00)	(410.00)	(405.00)	(0.65)
MULTI FAMILY APARTMENT		(0.58)	(1.20)	(1.00)	(146.00)	(155.00)	(180.00)	(475.00)	(500.00)	(490.00)	(0.80)
1000 SQ. FT. OF COMMUNITY RETAIL		(1.96)	(3.60)	(3.00)	(945.00)	(1000.00)	(1165.00)	(3050.00)	(3225.00)	(3175.00)	(5.00)
1000 SQ. FT. OF NEIGHBORHOOD RETAIL		(2.00)	(3.85)	(3.20)	(1000.00)	(1060.00)	(1225.00)	(3250.00)	(3425.00)	(3375.00)	(5.50)
1000 SQ. FT. OF OFFICE		(0.38)	(0.70)	(0.58)	(185.00)	(195.00)	(1000.00)	(1780.00)	(1050.00)	(1825.00)	(0.98)
1000 SQ. FT. OF MANUFACTURING		(0.37)	(0.65)	(0.55)	(175.00)	(190.00)	(365.00)	(950.00)	(1000.00)	(995.00)	(0.95)
1000 SQ. FT. OF WAREHOUSING		(0.21)	(0.39)	(0.32)	(100.00)	(105.00)	(370.00)	(950.00)	(575.00)	(1000.00)	(0.54)
1000 SQ. FT. OF LIGHT INDUSTRIAL		(0.22)	(0.40)	(0.34)	(105.00)	(115.00)	(575.00)	(1000.00)	(600.00)	(1050.00)	(0.55)
ONE HOTEL ROOM		(0.40)	(0.70)	(0.61)	(185.00)	(195.00)	(225.00)	(635.00)	(620.00)	(620.00)	(1.00)

\* The calculations must always start in Column "A" and end in Column "B". Start in Column "A" at appropriate row, proceed horizontally, then vertically to the equivalent use in Column "B". The equivalent Column "B" land use is noted in the ( ) at the intersection of the "traded land use" horizontal row, and the "equivalent uses" vertical column. For example, one Single Family Attached unit (Column "A", second row) can be traded into 127 sq. feet of Community Commercial. The intersection of the Single Family Attached unit row, and the Community Commercial column is 127 Sq. Feet.

STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true  
copy of ORDINANCE NO. 29-92 adopted by the  
Board of County Commissioners of said County on  
the 19th day of October, 2004, this 29th day  
of October, 2004, in Bradenton, Florida  
R.B. Shore  
Clerk of Circuit Court  
By: Patricia J. Sullivan B.C.



11-9-04 GA

3 certified copies to Kim Sparks, Planning





FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

November 4, 2004

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Susan Romine, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated October 29, 2004 and October 28, 2004 along with certified copies of Manatee County Ordinance Nos. PDMU-92-01(Z)(G)(R10) and 04-59, which were filed in this office on November 3, 2004.

As requested, the date stamped copies are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud" with a small "um" or flourish at the end.

Liz Cloud  
Program Administrator

LC/kcs

Enclosure