

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE COUNTY, FLORIDA
JUN 15 10 37 AM '92



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250
(904) 488-8427

June 12, 1992

Honorable R. B. Shore
Clerk of the Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 34206

Attention: Susan G. French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of June 9, 1992 and certified copy of Manatee County Ordinance No. 92-32 and PDMU-92-01(Z)(G) which were received and filed in this office on June 12, 1992.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (2)

JUN 15 10 38 AM '92

ORDINANCE NO. 92-32

DEVELOPMENT OF REGIONAL IMPACT
DRI #22, UNIVERSITY LAKES

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL* (ADA*) FILED BY UNIVERSITY LAKES OF MANATEE, INC. FOR UNIVERSITY LAKES DEVELOPMENT OF REGIONAL IMPACT DRI #22, ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI# 216; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Upon motion by Commissioner Hooper, seconded by Commissioner Harris, the following ordinance was adopted by a vote of 5 to 1.

WHEREAS, on May 31, 1991, University Lakes of Manatee, Inc. 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 University Place, adjacent to the Manatee County line in Sarasota County; and

WHEREAS, the University Lakes and University Place DRIs have been reviewed pursuant to the terms of the 380 Review Agreement* defined in Section 3. below; and

WHEREAS, the Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider and approve ADA's* for Developments of Regional Impact; and

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

WHEREAS, the Planning Commission of Manatee County has reviewed the ADA* and has filed a recommendation on said ADA* with the County*; and

WHEREAS, the County* has received and considered the report and recommendation of the "TBRPC"; and

WHEREAS, the County* on April 23, 1992, May 28, 1992 and June 1, 1992, held duly noticed public hearings on said ADA* and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County and City agencies, and the applicant, as well as the review and report of the Manatee County Planning, Permitting and Inspections Department.

92-32 DRI #22 University Lakes

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 1ST DAY OF JUNE, 1992, AS FOLLOWS:
SECTION 1.

FINDINGS OF FACT

The Board of County Commissioners of said County, 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, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners of said County has received and considered the recommendation of the Manatee County Planning Commission concerning the DRI and the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance of an ADA* pursuant to Section 380.06, Florida Statutes. The report was rendered on June 1, 1992, following public hearing.
- B. That said Board of County Commissioners held public hearings on April 23, 1992, May 28, 1992 and June 1, 1992 regarding said DRI and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code) and Ordinance No. 89-01, Manatee County Comprehensive Plan and has further considered the testimony, comments, and information received at the Public Hearing.
- C. The proposed DRI regarding the property described in Section 7. herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 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.
- D. The "Developer"* of the Project* submitted to Manatee County, Florida an ADA*, which is incorporated herein by reference.
- E. The Developer* submitted an Affordable Housing Analysis (dated July 23, 1991) to Manatee County which describes the housing demand for low and very low income households and the existing housing supply (see Attachment #1).
- F. The real property, which is the subject of this Development Order, is legally described as set forth in Section 7. of this Development Order.
- G. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- H. The authorized agent for the Project* is Rex E. Jensen, and his address is University Lakes of Manatee, Inc., 7550 Lorraine Road, Bradenton, Florida 34202.
- I. The owner of the property, which University Lakes Manatee, Inc. intends to develop, is Schroeder-Manatee, Inc., a Delaware corporation.
- J. 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, 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 Comprehensive Regional Policy Plan (FRCRPP*), and Ordinance 89-01 (The Manatee County Comprehensive Plan, as amended).
 3. The Project* is consistent with the report and recommendations of the TBRPC approved on February 10, 1992.
- 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* and the Affordable Housing Analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

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 Schroeder-Manatee, Inc. dated September 6, 1991 which governs the review of the University Lakes and University Place DRI's. A copy of the 380 Review Agreement* is attached as Attachment #2.
- 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, and Appendix E Cumulative Affordable Housing Analysis.
- 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. "County*" shall mean the Board of County Commissioners for Manatee County, or their designee(s).

- E. "Developer*" shall mean University Lakes of Manatee, Inc., its heirs, assigns, designees and successors in interest as to the Project* and all its conditions of approval.
- F. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process and/or Construction Drawing approval where site plans or subdivision plats are not required.
- G. "FRCRPP*" shall mean the TBRPC's Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region, adopted June 23, 1987 and amended in 1989.
- H. "Funding Commitments*" shall mean, to assure the completion of any improvement required by this Development Order, one 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*; or 2) actual construction; or 3) the placement of the improvements in the Capital Improvements Work Program of a responsible entity for construction during the fiscal year when the improvement is required.
- I. "Post-Development Wetlands*" shall mean any lands determined to be within jurisdictional limits defined by Chapter 17-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Regulation (FDER), 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*.
- J. "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.
- K. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Project* shown on a proposed Preliminary Site Plan in combination with prior approvals of this Project* will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC or the County*) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on Map J (attached hereto as Attachment #3) which was based on data submitted with the ADA*.
- L. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any such units.

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

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

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

B. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the land uses, square footage, dwelling units, and approximate area described in Columns A through D of Table 1 and the land uses, square footage, dwelling units, and approximate area by phase as described in Table 2. Phase I of the Project* is approved subject to the conditions found within this Development Order. A Certificate of Level of Service has been issued for the land uses listed in Phase I, Table 2. Phases II, III and IV are conceptually approved. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation, air quality and affordable housing impacts in Phases II, III and IV. The Development Order must be amended, and Certificates of Level of Service must be obtained for Phases II, III and IV, but shall be limited to roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage and solid waste, as required by the Manatee County Land Development Code.

TABLE 1

UNIVERSITY LAKES DEVELOPMENT COMPONENTS

Column A Map H Land Use (Section 380.0651 F.S., Designation)	Column B Number Acres*****	Column C Square Feet	Column D Dwelling Units	Column E Land Use Exchange Maximum Increase
Residential (Residential)	863.9	n/a	3,137	An increase in dwelling units by 5% or 50 units, whichever is greater
General Commercial* (Retail)	122.2	1,240,000	n/a	Land area increased by 6 acres <u>or</u> increase by 50,000 s.f. of gross floor area, <u>or</u> the greater of a 5% increase in parking spaces or an increase of customer parking by 300 spaces
Neighborhood Commercial** (Retail)	43.0	381,000	n/a	
General Commercial*** (Retail)	23.8	400,000 (150,000)	n/a n/a	
(Hotel and Motel)		(250,000/ 300 Rooms)	n/a n/a	75 Rooms
Business (Office)	146.1	1,968,000 (787,200)	n/a	Land area increased by the greater of 5% or 6 acres, whichever is greater, <u>or</u> gross floor area increased by greater of 5% or 60,000 s.f. whichever is greater
(Industrial)		(1,180,800)	n/a	
Right of Way	181.3			
Recreation	262.7			
Wetlands/Mitigation	346.8			
Lakes****	177.2			
Open Space	185.7			
Total	2,352.7	3,989,000	3,137	

* 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 (Section 380.0651 F.S., Designation)	Phase I 1992-97	Phase II 1998-2002	Phase III 2003-2007	Phase IV 2008-2012	Total
Residential Dwelling Units					
Single Family	746	448	669	330	2,193
Single Family Attached	243	94	111	29	477
Multi-Family	204	263	0	0	467
Total(Residential)	1,196	805	780	359	3,137
General Commercial* s.f. (Retail)	436,000	804,000	0	0	1,240,000
Neighborhood Commercial** s.f. (Retail)	87,000	135,885	0	158,115	381,000
Business s.f. (Office)	483,000 (193,200)	521,520 (208,608)	404,180 (161,672)	559,300 (223,720)	1,968,000 (787,200)
(Industrial)	(289,800)	(312,912)	(242,508)	(335,580)	(1,180,800)
General Commercial*** s.f. (Retail)	250,000 (0)	150,000 (150,000)	0 0	0 0	400,000 (150,000)
(Hotel and Motel)	(250,000/ 300 Rooms)	(0)	0	0	(250,000/ 300 Rooms)
Recreational Facilities****	Tennis & Boat Club, Park	Golf Course & Park			

- * Acreage and square footage are referred to as Regional Commercial in the ADA*.
- ** Acreage and square footage are referred to as Community Commercial in the ADA*.
- *** Acreage and square footage are referred to as Highway Commercial in the ADA*.
- **** Phasing of recreational facilities may be accelerated.

TABLE 3

UNIVERSITY PLACE PROPOSED DEVELOPMENT COMPONENTS

Sarasota County Land Use Designation (Section 380.0651 F.S., Designation)	Number <u>Acres</u>	Square <u>Feet</u>
Interstate Regional Office Park (Office)	250	1,532,000
Major Employment Center (Office)	750	(2,623,257)
(Industrial)		(3,934,883)
(Retail)		(109,860)
Open use Conservation	395	
Totals	1,395	8,200,000

TABLE 4

UNIVERSITY PLACE PROPOSED PHASING SCHEDULE

Sarasota County Land Use Designation (Section 380.0651 F.S., Designation)	Phase I	Phase II	Phase III	Phase IV	Total
Interstate Regional Office Park s.f. (Office)	436,000	365,334	365,333	365,333	1,532,000
Major Employment Center s.f. (Office)	557,600	555,219	555,219	557,219	2,623,257
(Industrial)	1,435,600	832,828	832,828	832,827	
(Retail)	40,000	23,287	23,287	23,286	109,860
	<u>2,869,200</u>	<u>1,776,668</u>	<u>1,776,667</u>	<u>1,780,665</u>	<u>8,200,000</u>

The amounts of the various 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, provided that the final Project* meets the following conditions:

1. Exchanges of land uses for the Project* may not exceed the maximums denoted in Column E of Table 1 above.
2. The following uses designated in Table 1 shall not be reduced by the Developer* below the amounts set forth in the Table except as described elsewhere herein in specific provisions pertaining to those uses: lake, recreation, wetlands/mitigation and open space.
3. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 4.B.

The mix of approved land uses within individual phases may vary from that shown in Table 2, provided that the following conditions are met:

1. the number of Residential units within any Phase may not be increased or decreased by more than 500 dwelling units;
 2. up to 400,000 square feet of General Commercial may be moved forward from Phase II into Phase I;
 3. the square footage of Business within any Phase may not be increased by more than 170,000 square feet or decreased by more than 100,000 square feet;
 4. the number of hotel rooms within any Phase may not be increased by more than 75 rooms.
- 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 have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that Phase. The Developer* must apply for a modification to the CLOS and if the proposed land use exchange results in impacts in excess of those previously approved, the Developer* will be granted approval for that excess only if and when capacity is available. However, reapplication shall not cause the Developer* to lose capacity already approved 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 Land Use and Phasing Schedule, and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the 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 revised Land Use and Phasing Schedule, including the beginning of the calendar year's reference therein for each

phase, and any modified Certificate of Level of Service shall be used to determine the beginning of subsequent phases. The Project* status will be monitored by the County* through the Certificate of Level of Service compliance process.

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 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 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 (based upon the most currently adopted ITE trip generation rates, unless actual studies have been completed establishing to the satisfaction of the County* that some modification in the ITE rates is appropriate based upon sound traffic engineering principals) 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/generator proportions are not substantially the same, as determined by the County*, additional information may be required to assess intersection performance, trip distribution, and/or particular roadway segments designated by the County*.

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 was prepared with reference to the development of Phase I of both University Lakes and University Place. Accordingly, should the amount of development in Phase I of University Place be reduced from that shown in Table 4 of this Development Order, the Developer* may submit an application to the County to increase the amount of development in Phase I of University lakes, subject to the following conditions:

1. in making a request under this Section 4.D., the Developer* must follow the procedures set forth in Section 4.C. above and must obtain a modified CLOS for the amount of any increases in square footage or dwelling units; and
2. the Developer must further demonstrate that the request is consistent with applicable provisions of the Comprehensive Plan and the Land Development Code; and
3. the amount of any increase in any Land Use Category may not exceed the limitations set forth in Table 1 above or

the impacts of 500,000 square feet of office development in University Place whichever is more restrictive; and

4. the County* shall not be required to approve any increase to Phase I of University Lakes unless adequate capacity exists to serve such increase and assurance of corresponding decrease is demonstrated to the County's* satisfaction, in Phase I of University Place; and
5. In the event that the amount of development is increased for Phase I of University Place after approval of an increase of the permitted uses, density or intensity for Phase I of University Lakes under this Section 4.D., then this entire Development Order shall be subject to a Section 380.06(19), Florida Statutes, substantial deviation review.

The intent of this provision is not to alter the size or land use mix of the combined University Lakes and University Place at buildout. 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 is limited to Phase I pending further review of additional phases.

- E. To foster intergovernmental coordination in the administration of University Lakes and University Place, the Developer* will furnish to the Sarasota County Planning Department and the SWFRPC 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.

SECTION 5. DEVELOPMENT CONDITIONS

Transportation

- A. (1) The cumulative Phase I University Lakes/University Place transportation analysis 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

PHASE I 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 Level of Service	Total PM Peak Hour External Trips for Confined Point Before Need*
1	Fruitville Road From I-75 to Tatum Road	F (in EB) C (in WB)	C C	12.1 (in EB) 6.3 (in WB)	Widen to 4 Lanes	2114
2	University Parkway From I-75 To North/South Road	F (in EB) F (in WB)	D D	103.2 (in EB) 178.5 (in WB)	Widen to 6 Lanes	2733
3	Honore Avenue From University Parkway To Longmeadow	F (in NB) C (in SB)	C C	58.1 (in NB) 30.3 (in SB)	Widen to 4 Lanes	3403
4	I-75 From SR 681 To Jacaranda Blvd.	C (in NB) E (in SB)	C C	3.9 (in NB) 7.5 (in SB)	Widen to 6 Lanes	4279

2001

5	North/South Road**					
	From University	F (in NB)	C	116.1 (in NB)	Widen to 4	4279
	Parkway	D (in SB)	C	60.7 (in SB)	Lanes	
To Cypress Banks						
6	North/South Road**					
	From Cypress Banks	D (in NB)	C	66.3 (in NB)	Widen to 4	4279
	To SR 70	D (in SB)	C	34.7 (in SB)	Lanes	
7	I-75					
	From Clark Road	C (in NB)	C	4.3 (in NB)	Widen to 8	4434
	To SR 681	D (in SB)	C	8.3 (in SB)	Lanes	

*This column represents the cumulative number of total peak hour external trips for the combined project before the need of the identified improvements for Phase I Land Uses as depicted in Tables 2 and 4 for both University Lakes and University Place (or the equivalent thereof in trip generation) which may be constructed prior to requiring the listed improvements.

**North/South refers to Upper Manatee River Road and lies to the west of the 160 acre lake.

TABLE 6

PHASE I REQUIRED INTERSECTION IMPROVEMENTS

Required Intersection Improvement Number	Intersection 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 Level of Service	Total PM Peak Hour External Trips for Combined Project Before Need*
1	Bee Ridge Road at Cattlemen Road	F	C	7.3%	Dual Lefts	2578
2	University Parkway at I-75 East	F	D	76.2%	Loop Ramp	3867
3	University Parkway at I-75 West	D	D	76.2%	Loop Ramp	3867
4	Clark Road	F	C	6.2%	Dual Lefts	4279

*This column represents the cumulative number of total peak hour external trips for the combined project before the need of the identified improvements for Phase I Land Uses as depicted in Tables 2 and 4 for both University Lakes and University Place (or the equivalent thereof in trip generation) which may be constructed prior to requiring the listed improvements.

A. (2) The improvements listed in Tables 5 & 6 include a critical link and intersection improvements for the development of Phase I of the Project*. In order to maintain adequate levels of service in the area, several options are available:

(a) Option 1

Phase I of the Development shall require Funding Commitments* from responsible entities for the roadway and intersection improvements, or alternative improvements of equal or greater capacity, listed in Tables 5 and 6. Without Funding Commitments* for construction of these improvements, no later than September 30, 1997, Final Site Plan and building permits for Vertical Development* shall not be issued for Phase I.

(b) Option 2

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 University Lakes Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphases thresholds have been specifically identified in Tables 5 and 6. The Developer* may choose whether to be bound by

thresholds schedule identified in Tables 5 and 6, or whether to generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Chapter 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer is seeking approval. 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. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted transportation engineering practices. With respect to subphases which require transportation improvements which are not the subject of Funding Commitments*, prior to any specific approval of the subphase, the County shall ensure through the Certificate of Level of Service process that the above roadways and intersections (Tables 5 and 6 above) are operating at or above the appropriate Level of Service at peak hour and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other previously approved DRI and non-DRI development would not cause the roadways to operate below the appropriate Level of Service. At the time of Preliminary Site Plan approval for each subphase, the Developer shall submit to the County a limited transportation study which shows the distribution on the Transportation Impact Area of P.M. peak hour external trips for the current subphase plus all previously approved subphases to demonstrate which improvements listed in Tables 5 and 6 are required. In the event that such new analysis demonstrates the need for alternative improvements or different subphase thresholds, the Development Order shall be amended for each subphase (which has been the subject of the analysis) to grant specific approval and to identify the roadway improvements associated with such subphases.

- 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 one year of the approval of this Development Order, 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 determine whether to 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.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- 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.(7) showing external trips exceeding 25% of the total external trips for Phase I of both University Lakes and University Place.

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

- (a) promote ride sharing by public and private sector employees;
- (b) increase urban area peak hour automobile occupancy rates through expanded ride sharing efforts;
- (c) increase peak hour occupancy rates for transit and other high occupancy vehicles; and
- (d) other appropriate trip diversion measures.

- A.(8) FDOT is currently conducting a study ("FDOT Study") intended to identify the appropriate improvements to the

I-75/University Parkway interchange to serve the full buildout of all projects in the vicinity of the Development. With respect to Improvements #2 and #3 in Table 6, the Developer* agrees to reserve sufficient (as determined by the County* and FDOT) property for right-of-way as approved in the Preliminary Site Plan, for a period through December 31, 1994, to facilitate the construction of loop ramps, or other improvements identified in the FDOT Study and agreed upon by the County*, Sarasota County, the MPO, and the Developer*. 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.

- 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. The Developer* shall further meet the requirements of Section 8. of this Development Order.
- 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.
- 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.
- 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.

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 Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region (FRCRPP*) 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/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) All 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 Land Development Code, which requires a mitigation ratio of 4:1 for forested wetlands and a 2:1 ratio for herbaceous wetlands and allows for reductions of these ratios by the Board of County Commissioners in limited circumstances, but in no instance at a ratio of less than 1.15:1.
- 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* and the EAC for approval, and to the TBRPC and the 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, methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.
1. The Developer* shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County*:
 - a. Identification of existing dry and wet season site conditions;
 - b. Narrative descriptions/evaluations of all wetlands to be disturbed by wetland type;
 - c. Photographs and 24"x 36" 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 and/or mulch;
- (5) Source of wetland soil and depth proposed; and
- (6) Monitoring and maintenance plans.

- B. (5) Any allowable wetland losses shall 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/littoral shelf shall meet or exceed an eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the 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) Pursuant to the 380 Review Agreement*, the Developer* shall prepare a wildlife management plan for the 395 acre Open Use Conservation District within University Place which will provide protection of the listed species found on University Lakes and University Place. The plan shall include, at minimum, information on site maintenance, fire frequency, wetland management, and boundary protection. This plan shall be submitted with the first annual report after DRI approval.

In the event that University Place is not approved by Sarasota County with the 395 acre open use conservation district within one (1) year of the effective date of that Development Order or if such district is reduced in size or eliminated, the Developer* shall prepare a wildlife management plan to address the impacts of the Project* on the listed species which would have been addressed in the University Place wildlife management plan. Any wildlife management plan shall be submitted to FGFWFC for review and to the County* and the EAC for approval.

- 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.
- C. (3) In accordance with applicable law, the Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the EAC 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 EAC consistent with the provisions of the Manatee County Comprehensive Plan.

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 and/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 and/or filter fabric at discharge points including, but not limited to, temporary discharge points; and
 - 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.
 - i. Preserve the existing natural vegetation along Foley Creek and Cooper Creek, as depicted on revised Map H.

Air Quality

- E. (1) 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, and/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 and/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, Florida Statutes, review will be required for air quality impacts, Phases II, and III, and IV, and this Development Order* must be amended prior to granting specific approval to Phases II, III and IV to address any air quality impacts and specify any necessary mitigation.

Water Quality and Drainage

F.(1) Prior to any site alteration associated with the Project, the Master Drainage plan for the Project shall be submitted to DER, SWFWMD, and EAC for review and to the County for approval.

The stormwater management system shall be designed, constructed, and maintained to meet or exceed the applicable requirements of Chapter 17-25, 40D-4, and 17-40, 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 17-25 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 maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC for review, and to the County* and EAC 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 EAC.
- 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* and EAC. 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/FDER 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 FDER. 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 EAC. 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.

Upon completion of the pre-development groundwater program, a report of results will be submitted to the County* and EAC 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* and EAC for review and approval.

- 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* and EAC. The City of Bradenton shall be notified prior to the approval of the discontinuance of this program.
- F.(8) All on-site existing pollutant storage tanks shall be abandoned pursuant to applicable State and County* rules.
- F.(9) 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.(10) 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.(11) Prior to any site alteration, the Developer* shall develop and submit for approval by the County* and EAC an Integrated Pesticide/Herbicide Management Plan (IPMP) and a Hazardous Materials Management Plan (HMMP).

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, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing and/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.
- 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* and EAC for review and further action if warranted.
- 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. 91-39).
- 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 the DER and the TBRPC, approved by the County* and the EAC, and then distributed by the Developer* to non-residential land users within the Project*.

1. 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 improper disposal methods;
- d. Provide a list of agencies which can describe generally appropriate disposal methods;
- e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
- f. Describe a program to inform owners and tenants of the information contained in the plan;
- g. Provide a list of agencies which can describe construction requirements for hazardous waste holding areas;
- h. Provide a list of agencies which can describe typical spill clean up methods; and

- i. Be updated and distributed to each non-residential land user annually.

- 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, landfills, and underground storage of hazardous materials and hazardous wastes shall be 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.

Recreation and Open Space

- K.(1) The Project* shall contain, at a minimum, 344.2 acres of open space (approximately 309.6 acres of wetlands and 34.6 acres of mitigation) in addition to approximately 422.5 acres of property committed to recreation (32.5 acres of park, a 7.3 acre recreation center, a 222.3 acre golf course and approximately a 160.4 acre lake).

Notwithstanding the above, if the County* should decide the 32.5 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 for the Project* 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 and/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 that meets all State and Manatee County new school site requirements prior to the issuance of building permits for residential units, or at the discretion of the School Board, prior to the issuance of Preliminary Site Plan approvals for non-residential Vertical Construction, if earlier. 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 and approved prior to a Preliminary Site Plan Approval for non-residential vertical construction. 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. 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 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.
- 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.

- 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 Southern Manatee Fire and Rescue District 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 and 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 and/or gas utilities to meet the energy requirements of the development.
- O.(2) 1. 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 nonbusiness hours, as appropriate;
- g. Institute and utilize recycling programs;
- h. Utilize energy efficient packaging and/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.

General Conditions

- P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.
- P.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 6 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.
- P.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual Report, subject to approval by the County*.
- P.(4) All Development Approvals* shall be obtained within twenty (20) years from the date of approval of this Development Order. This Development Order shall expire twenty-five (25) years from the date of approval to allow for post development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- P.(5) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of Phase II conduct a reanalysis of Phase I and an analysis for Phase II, to determine the housing needs to be created by the development and determine the availability of adequate housing proximate to or

otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs and any applicable standards of Manatee County, and shall reassess the affordable housing impacts utilizing actual Project* experience where best available data exists. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer* shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency prior to the commencement of Phase II.

At a minimum, the HAIP shall contain:

- o Specific provisions for on-site housing delivery, including housing delivery alternatives; or specific provisions for off-site housing in lieu of on-site housing when on-site housing would be impracticable;
- o Specific mechanisms for HAIP implementation;
- o Provisions to ensure continued adequacy of units provided; and
- o Monitoring provisions.

P.(6) A Preliminary Site Plan for each phase shall be required.

P.(7) 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.

P.(8) Except for any existing use or for construction offices and similar temporary uses, or any use on the school site or park site, or other use by a public agency, any proposal to utilize mobile homes on the site shall require a Substantial Deviation Determination, pursuant to the procedures in 380.06(19)(a), Florida Statutes.

P.(9) The Developer*, its successors, assigns and/or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County* and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the execution date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning, Permitting and Inspections 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 representation contained in the ADA*, or in the phasing or land uses for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;
- d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
- e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, the TBRPC or the DCA, and 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 and/or information pursuant to conditions A.(7), A.(8), F.(10), J.(2), and O.(3).

P.(10) For the purposes of substantial deviation determination reviews, the issues of transportation and air quality shall be treated as a cumulative issue for both University Lakes and University Place. On all other issues, substantial deviation determinations shall be made with reference to University Lakes as a separate

project. Any exchanges in land uses beyond those described in Section 4 of this Ordinance shall require a substantial deviation determination review.

- P. (11) Unless otherwise expressly stated in this Ordinance or the Development Order of the DRI, the Project* shall comply with all future amendments to the Land Development Code and the Comprehensive Plan.
- P. (12) In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of Community Affairs or TBRPC, 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 DER 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, and 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 of 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. It will also contain a tennis and boat center which will be located on the 160.4 acre lake. It will also contain three separate parks. (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 FDER Stormwater System Design Standards for discharge into Outstanding Florida Waters, as provided by Chapter 403, Florida Statutes, and Chapters 17-302, 17-4, and 17-25, F.A.C. (ADA*, 172)
- Q. (5) Wetland hydroperiods will be maintained through the introduction of pre-treated stormwater ponds upstream of those wetlands. (ADA*, 176)

SECTION 7. LEGAL DESCRIPTION

Development of University Lakes shall be restricted to the 2,352.7 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* shall commence within three years of approval of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners. 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. 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

For twenty (20) years from the date upon which this Order becomes final and the appeal period is ended, 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 and/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. BINDING ORDER UPON DEVELOPER*

This Development Order shall be binding upon the Developer*.

SECTION 11. RENDITION

The Planning, Permitting and Inspections 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 the TBRPC.

SECTION 12. NOTICE OF RECORDING

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

SECTION 13. SEVERABILITY

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

SECTION 14. EFFECTIVE DATE

This Ordinance shall take effect upon being signed by the Chairman of the Board of County Commissioners, the receipt of an official

acknowledgement from the Department of State and the expiration of any appropriate appeal period.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 1st day of June, 1992.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:

Kathy A. Swill
Chairman

ATTEST: R. B. SHORE

Clerk of the Circuit Court

R. B. Shore DC.

**CUMULATIVE
AFFORDABLE HOUSING ANALYSIS**

**UNIVERSITY LAKES/UNIVERSITY PLACE
DEVELOPMENTS OF REGIONAL IMPACT**

SECRETARY OF STATE

JUN 12 10 31 AM '92

FILED

July, 1991

CUMULATIVE
AFFORDABLE HOUSING ANALYSIS

UNIVERSITY LAKES/UNIVERSITY PLACE
DEVELOPMENT OF REGIONAL IMPACT

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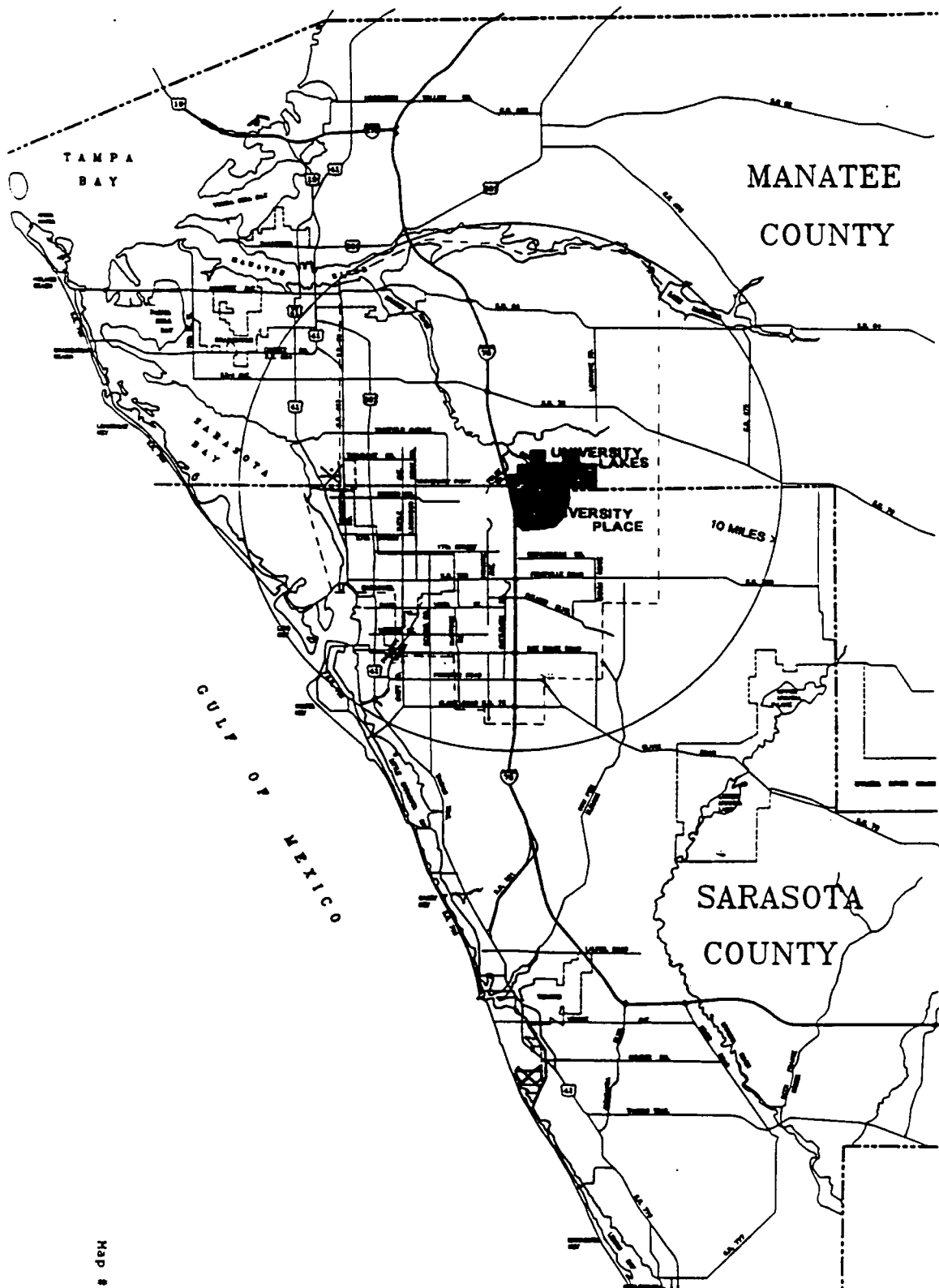
INTRODUCTION

Schroeder-Manatee, Inc., a corporation owning property in Manatee and Sarasota Counties, is seeking approval of two Development of Regional Impact projects, University Lakes and University Place (see Map #1).

University Lakes, located in Manatee County, north of University Parkway and east of I-75, contains some 2,352 acres and is a mixed-use project with residential, retail, business and hotel components. The project is proposed to be developed in four phases over a 20 year period. Table 1 presents the land use and phasing schedule. An Application for Development Approval was submitted for review on May 31, 1991.

University Place, located in Sarasota County, south of University Parkway and east of I-75, contains 1,395 acres. University Place is being developed within the Major Employment Center and Interstate Related Office Park categories of Sarasota County's Comprehensive Plan. The project contains office, retail, manufacturing and warehouse components as presented in Table 2.

Pursuant to an agreement with the Department of Community Affairs, Schroeder-Manatee has agreed to conduct an analysis of affordable housing which will examine the combined impacts of both projects. Given that these proposed projects are adjacent to one another



Map # 1

Table 1
University Lakes
Land Use and Phasing Schedule

<u>USES</u>	<u>PHASE I</u> <u>(1992-1997)</u>	<u>PHASE II</u> <u>(1998-2002)</u>	<u>PHASE III</u> <u>(2003-2007)</u>	<u>PHASE IV</u> <u>(2008-2012)</u>	<u>TOTAL</u>
Regional Commercial	436,000	804,000	0	0	1,240,000
Community Commercial	87,000	135,885	0	158,115	381,000
Highway Commercial	0	150,000	0	0	150,000
Hotel (300 rooms)	250,000 300 rooms	0	0	0	250,000 300 rooms
Business	483,000	521,520	404,180	559,300	1,968,000
Recreational Facilities	Tennis & Boat Club	Golf Course & Clubhouse			
Residential					
Single Family	746	448	669	330	2,193
Cluster Villas	243	94	111	29	477
Garden Apartments	204	263	0	0	467

Table 2
University Place
Land Use and Phasing Schedule

Land Use	Phase I S.F.	II S.F.	III S.F.	IV S.F.	Total S.F.	Acres at Buildout
<u>IROP</u>						
Office Park	436,000	365,334	365,333	365,333	1,532,000	108.4
<u>MEC</u>						
Manufacturing (MEC 2)	957,600	555,219	555,219	555,219	2,623,257	347.3 (MEC 2)
Warehouse (MEC 2)	478,800	277,609	277,609	277,608	1,311,626	
Office Park (MEC 3)	957,600	555,219	555,219	555,219	2,623,257	16.4
Commercial (MEC 4)	40,000	23,287	23,287	23,286	109,860	8.5
MEC Subtotal	2,434,000	1,411,334	1,411,334	1,411,332	6,668,000	372.2
Environmental (OUC, Wetlands & Uplands)						612.6
Road Right- of-Way						110.1
Road Buffer						3.4
Detention						72.2
Existing Lakes						116.1
TOTAL	2,870,000	1,776,668	1,776,667	1,776,665	8,200,000	1395.0

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across the County line and are, at the moment, under common ownership, employees of both projects will undoubtedly seek housing in both counties.

The following sections will describe the methodology and assumptions utilized to determine supply and demand, and will summarize the findings of the analysis.

METHODOLOGY

This analysis generally follows the Department of Community Affairs (DCA) General Guidelines, Interim Housing Methodology, dated 10/2/90, and attached as Appendix A.

Demand Analysis

Steps 1 and 2 of DCA's Methodology require a determination of the median, low and very low income levels for the Metropolitan Statistical Area (MSA). These income levels are defined by the U.S. Department of Housing and Urban Development (HUD). Table 3 provides this information for the Bradenton MSA.

The University Lakes and University Place projects are affected by growth and development in both the Bradenton and Sarasota MSA's. However, this analysis utilizes the median income limit for the Bradenton MSA (\$33,100) which is substantially lower and therefore [more restrictive] than limits for the Sarasota MSA (\$36,400).

Step 3 requires determination of the number of permanent, non-construction jobs that will be created as a result of the proposed development. Tables 4 and 5 present projected permanent employment by category and by phase of development for University Lakes and University Place individually. Table 6 shows combined permanent employment for both projects.

TABLE 3

Estimate of 1991 Affordable Housing Income
Limits for 4-Person Household, Bradenton MSA

ANNUAL INCOME LIMITS

4.0 PPH

Median	\$33,100 ¹
Low	\$26,480 ²
Very Low	\$16,550 ³

Notes:

1. 1991 median income provided by HUD, 2/15/91.
2. Low income limits established by HUD at 80% of median.
3. Very low income limit established by HUD at 50% of median.

TABLE 4

**Projected Permanent Employment
by Category and by Phase**

UNIVERSITY PLACE

<u>Employment Category</u>	<u>PHASE</u>				<u>TOTAL</u>
	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	
Office	5,017	3,314	3,314	3,314	14,959
Manufacturing	2,154	1,249	1,249	1,249	5,901
Warehousing	431	250	250	250	1,181
Commercial	<u>93</u>	<u>54</u>	<u>54</u>	<u>54</u>	<u>255</u>
	7,695	4,867	4,867	4,867	22,296

Source: Schroeder-Manatee, Inc., June 1991.

Assumes the following occupancy rates:

Office/Business	- 90%
Commercial	- 93%
Manufacturing/Warehousing	- 90%

Assumes the following employment ratios:

Office/Business	1 employee/250 s.f.
Commercial	1 employee/400 s.f.
Manufacturing	1 employee/400 s.f.
Warehousing	1 employee/1,000 s.f.
Hotel	1 employee/room

TABLE 5

Projected Permanent Employment
by Category and by Phase

UNIVERSITY LAKES

Employment Category	PHASE				TOTAL
	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	
Commercial	1,216	2,534	0	368	4,118
Business	1,739	1,877	1,455	2,013	7,084
Hotel	<u>300</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>300</u>
	3,255	4,411	1,455	2,381	11,502

Source: Schroeder-Manatee, Inc., June 1991.

Assumes the following occupancy rates:

Office/Business - 90%
Commercial - 93%
Manufacturing/Warehousing - 90%

Assumes the following employment ratios:

Office/Business 1 employee/250 s.f.
Commercial 1 employee/400 s.f.
Manufacturing 1 employee/400 s.f.
Warehousing 1 employee/1,000 s.f.
Hotel 1 employee/room

TABLE 6

Projected Permanent Employment
by Category and by Phase

UNIVERSITY LAKES/UNIVERSITY PLACE

Employment Category	PHASE				TOTAL
	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	
Business/Office	6,756	5,191	4,769	5,327	22,043
Commercial	1,309	2,588	54	422	4,373
Manufacturing	2,154	1,249	1,249	1,249	5,901
Warehousing	431	250	250	250	1,181
Hotel	<u>300</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>300</u>
Total	10,950	9,278	6,322	7,248	33,798

Source: Schroeder-Manatee, Inc., June 1991.

Assumes the following occupancy rates:

Office/Business - 90%
Commercial - 93%
Manufacturing/Warehousing - 90%

Assumes the following employment ratios:

Office/Business 1 employee/250 s.f.
Commercial 1 employee/400 s.f.
Manufacturing 1 employee/400 s.f.
Warehousing 1 employee/1,000 s.f.
Hotel 1 employee/room

Steps 4-8 involve converting the total number of employees to households, households to single wage earner households, and finally, these single wage earner households to those within the Low and Very Low income categories.

These conversions were accomplished by multiplying total employees by .58 to get households, then households by .406 to get single wage earner households. These factors were found in DCA's Interim Guidelines.

It was assumed that 39% of the total single wage earner households were Very Low Income and 41% were Low. These percentages were provided by a DCA representative in a phone conversation in June 1991 .

The results of these calculations are shown in Tables 7, 8, and 9. Table 7 shows total number of Low and Very Low income households estimated to be employed in each phase of University Lakes in Manatee County. Table 8 provides the same information for each phase of University Place in Sarasota County. Table 9 shows the combined total for both projects. Data presented in these tables are the gross affordable housing demand potentially created by the development of both University Lakes and University Place over a 20 year build-out period.

Although it is obvious that many of the employees will be members of households that already reside in the two county area, these

TABLE 7
UNIVERSITY LAKES
ESTIMATE OF "LOW" AND "VERY LOW" INCOME HOUSEHOLDS
TOTAL AND AVERAGE ANNUAL BY PHASE

Annual Household Income Category	PHASE I			PHASE II			PHASE III			PHASE IV			TOTAL	
	Avg Annual	Total		Avg Annual	Total		Avg Annual	Total		Avg Annual	Total		Avg Annual	Total
Low	63	314		81	405		27	134		44	219		54	1,072
Very Low	60	298		85	426		28	141		46	230		55	1,095
Total	123	612		166	831		55	275		90	449		109	2,167

TABLE 8
UNIVERSITY PLACE
ESTIMATE OF "LOW" AND "VERY LOW" INCOME HOUSEHOLDS
TOTAL AND AVERAGE ANNUAL BY PHASE

Annual Household Income Category	PHASE I			PHASE II			PHASE III			PHASE IV			TOTAL	
	Avg Annual	Total		Avg Annual	Total		Avg Annual	Total		Avg Annual	Total		Avg Annual	Total
Low	149	743		94	470		94	470		94	470		108	2,153
Very Low	141	707		89	447		89	447		89	447		102	2,048
Total	290	1,450		183	917		183	917		183	917		210	4,201

Supply Analysis

DCA's Interim Guidelines indicate that all housing supply units considered to meet the affordable housing demand must be reasonably accessible to the development. "Reasonably accessible" is defined as a proximate distance of ten miles or a commute time of 20 minutes, whichever is less.

Map 1 presents the area determined to meet the above definition for University Lakes and University Place. Only those roadways currently in place were utilized. The area was identified by driving each available route, maintaining legal speed limits and utilizing a vehicle odometer. The driving was accomplished on weekdays during traffic peak hours (7:30-8:30am or 4:30-5:30pm).

Only a limited analysis of supply has been accomplished to date. Table 10 presents the total monthly housing payment that can be made by a Low income household and a Very Low income household, assuming that a maximum of 30% of their annual income can be spent on housing. Table 10 also presents the total mortgage price that these monthly payments could support.

In order to determine rental opportunities, a survey of major apartment complexes within the study area was conducted by telephone during May 1991. The information gathered is presented in Table 11.

TABLE 10

HOUSING PRICES BASED ON MONTHLY PAYMENT ABILITY

<u>Income Status</u>	<u>Monthly Payment</u>	<u>Taxes Insurance</u>	<u>Net Payment</u>	<u>Interest Rate</u>	<u>Term (yrs.)</u>	<u>Home Price</u>
Very Low	\$412.5	36.1	376.4	10.0%	30	\$42,890
Low	\$661.9	76.9	585.0	10.0%	30	\$66,660

Note: Taxes based on 18 mills, \$25,000 homestead exemption.
Insurance based on .25% of home price per year.

Source: Fishkind & Associates, Inc.

individuals may be currently unemployed and seeking work or may wish to change jobs. In either circumstance, they will already have housing and will not need to find affordable housing. Regardless, this analysis assumes that all of the projected need is new and, consequently, the results are very conservative.

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TABLE 9
UNIVERSITY LAKES/PLACE
ESTIMATE OF "LOW" AND "VERY LOW" INCOME HOUSEHOLDS
TOTAL AND AVERAGE ANNUAL BY PHASE

Annual Household Income Category	PHASE I		PHASE II		PHASE III		PHASE IV		TOTAL	
	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total
Low	211	1,057	175	875	121	604	138	689	161	3,225
Very Low	201	1,005	175	873	118	588	135	677	157	3,143
Total	412	2,062	350	1,748	239	1,192	273	1,366	318	6,368

TABLE 12
ESTIMATE OF AFFORDABLE MULTIFAMILY UNITS
TOTAL AND AVAILABLE* ANNUALLY WITHIN
UNIVERSITY LAKES/UNIVERSITY PLACE
DEFINED STUDY AREA

Monthly Housing Cost	<u>Manatee County</u>		<u>Sarasota County</u>		<u>Two County Total</u>	
	<u>Total</u>	<u>Available</u>	<u>Total</u>	<u>Available</u>	<u>Total</u>	<u>Available</u>
Very Low Less than \$415	200	20	0	0	200	20
Low \$416 - \$662	<u>1,581</u>	<u>158</u>	<u>2,615</u>	<u>262</u>	<u>4,196</u>	<u>420</u>
	<u>1,781</u>	<u>178</u>	<u>2,615</u>	<u>262</u>	<u>4,396</u>	<u>440</u>
TOTAL						

* Available estimate based on average annual turnover rate of 10%.

SOURCE: Schroeder-Manatee, Inc., May, 1991.

TABLE 12A
ESTIMATE OF OTHER AFFORDABLE RENTAL UNITS
AVAILABLE WITHIN
UNIVERSITY LAKES/UNIVERSITY PLACE
DEFINED STUDY AREA

Monthly Housing Cost	Manatee County	Sarasota County	Total
Very Low Less than \$415	6	9	15
Low \$416 - \$662	6	24	30
TOTAL	<u>12</u>	<u>33</u>	<u>45</u>

SOURCE: Sarasota Herald-Tribune, Classified Section, June 30, 1991, July 7, 1991 and July 14, 1991; The Bradenton-Herald, Classified Section, June 30, 1991, July 7, 1991 and July 14, 1991.

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Table 12 pulls from Table 11 the estimated number of rental units in these complexes within each county that would qualify as affordable. Table 12 shows total affordable units and an estimate of those available during a 12 month period. Table 12A presents the number of other rental units within the study area that were advertised in local newspapers.

Information on housing for sale was obtained through Multiple Listing data available for each county. Table 13 shows the total number of single-family homes that were sold within the affordable housing study area that were within the Low and Very Low income affordability range during the 12 month period from June 1990 to May 1991. In order to assume that an adequate number of these homes would be available during a shorter time period, Multiple Listing was consulted to determine the number of single family homes which were listed as available for purchase during the month of May, 1991. Table 14 presents this data by asking price category and by county.

TABLE 11
SURVEY OF APARTMENT COMPLEXES LOCATED
WITHIN DEFINED STUDY AREA

NAME	# UNITS	EFF.	1 BR	2 BR	3 BR	4 BR	OTHER COSTS*	% CNGE OCC. ANN.	EST TURN OVER 5/90-5/91	% VACANT	VACANT UNITS	AVG MTH. PMT ¹
MANATEE COUNTY												
Carlton Arms	900	\$268	\$366	\$503	--	--	EP	10%	130	1%	2	\$470
Citrus Meadow ²	200	--	\$310	\$375	\$425	--	ECP	NA	NA	4%	8	\$404
DeSoto Village	92	--	--	\$500	--	--	ECP	20%	28	8%	7	\$535
Palm Place	80	\$350	\$390	\$505	--	--	ECP	25%	30	8%	6	\$483
Plantation Gardens ³	248	--	\$470	\$660	\$750	--	ECP	NA	NA	5%	12	\$662
Timberlake	261	--	\$455	\$650	--	--	ECP	33%	129	5%	13	\$587
MANATEE TOTAL	1,781	\$309	\$380	\$532	\$588				317	5%	48	\$524
SARASOTA COUNTY												
Alhambra	128	--	\$510	\$610	\$690	--	EP	40%	11	2%	3	\$678
Bobby Jones Village	187	--	\$350	\$375	--	--	ECP	33%	127	7%	4	\$438
Central Park	90	--	\$632	\$798	--	--	EP	15%	20	3%	3	\$790
Cimarron Lake	167	--	\$460	\$605	--	--	EP	97%	243	6%	10	\$608
Club Mar	248	--	\$455	\$542	--	--	ECP	33%	123	10%	25	\$574
Heron's Run	274	--	\$495	\$665	--	--	ECP	33%	136	5%	23	\$655
Huntington Place	250	--	\$492	\$614	--	--	ECP	68%	255	7%	18	\$628
Kensington Gardens	93	\$415	\$505	\$560	--	--	ECP	36%	25	9%	5	\$608
The Lexington	267	--	\$465	\$560	\$680	\$730	ECP	33%	132	6%	16	\$643
McIntosh Park	212	--	\$520	\$610	--	--	ECP	33%	108	3%	7	\$655
Midwest Arms	130	--	\$350	\$385	--	--	EWCP	35%	130	7%	4	\$443
Park Vista	108	--	\$405	\$443	--	--	ECP	16%	15	1%	2	\$499
Presidential	84	--	\$415	\$475	--	--	ECP	23%	16	2%	2	\$520
Ridge Manor	100	--	\$440	\$515	\$565	--	ECP	25%	20	4%	4	\$507
Savannah	80	--	\$509	\$599	--	--	EP	45%	25	2%	2	\$629
Shadowood	139	\$325	\$379	\$394	--	--	EWP	60%	125	8%	11	\$448
Sunridge	94	--	--	\$617	\$681	--	ECP	10%	14	10%	9	\$725
Timber Chase	165	--	\$500	\$600	--	--	ECP	33%	82	10%	17	\$625
Three Fountains	41	--	\$525	\$525	--	--	ECP	56%	18	7%	3	\$600
Woodfield	70	--	\$460	\$490	--	--	ECP	10%	11	2%	1	\$550
SARASOTA TOTAL	2,927	\$370	\$467	\$549	\$654	\$730			1,636	6%	169	\$591
TOTAL COUNTIES	4,708	\$340	\$424	\$541	\$621	\$730			1,953	5%	217	\$558

* E=ELECTRICITY C=CABLE W=WATER P=PHONE
1. Average monthly rent calculated based on mix of 1, 2 and 3 bedrooms and includes a utility allowance of \$35 in Manatee County and \$75 in Sarasota County.
2. Citrus Meadow was opened March, 1991; therefore turnover estimates were not available.
3. Plantation Gardens is under construction with completion scheduled for Fall, 1991; turnover data not available, average County vacancy rate of 5% assumed.

SOURCE: Telephone Survey, May, 1991 and The Bradenton Herald, April 1991

TABLE 13
ESTIMATE OF HOME SALES WITHIN
UNIVERSITY LAKES/UNIVERSITY PLACE
DEFINED STUDY AREA
June 1990 - May 1991

Sales Price	Manatee County	Sarasota County	Total
Very Low			
\$0 - \$43,000	85	123	208
Low			
\$43,001 -	<u>108</u>	<u>515</u>	<u>623</u>
\$67,000	<u>193</u>	<u>640</u>	<u>831</u>
TOTAL			

SOURCE: Multiple Listing, Schroeder-Manatee, Inc.

TABLE 14
ESTIMATE OF AVAILABLE HOMES FOR SALE WITHIN
UNIVERSITY LAKES/UNIVERSITY PLACE
DEFINED STUDY AREA
May 1991

Sales Price	Manatee County	Sarasota County	Total
Very Low			
\$0 - \$43,000	81	117	198
Low			
\$43,001 -	<u>130</u>	<u>370</u>	<u>500</u>
\$67,000	<u>211</u>	<u>487</u>	<u>698</u>
TOTAL			

SOURCE: Multiple Listing, Schroeder-Manatee, Inc.

Tables 15 and 16 present an estimate of the annual affordable housing supply by household income category and by county. Information from Tables 12, 12A and 13 was utilized to derive these summary estimates.

As stated previously, this supply analysis includes only a portion of the actual supply available. The assessment of rental opportunities available can be expanded in the areas of other apartments or homes for rent, mobile homes for rent and roommate opportunities. These are not included in the supply inventory. The for-sale analysis can also be expanded to include for sale by owners and mobile homes which were specifically excluded from this initial survey.

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TABLE 15
ESTIMATED ANNUAL AFFORDABLE HOUSING SUPPLY
MANATEE COUNTY STUDY AREA

Monthly Housing Costs	Number of Units Available
Very Low \$0 - \$415	111
Low \$416 - \$662	<u>272</u>
TOTAL	383

TABLE 16
ESTIMATED ANNUAL AFFORDABLE HOUSING SUPPLY
SARASOTA COUNTY STUDY AREA

Monthly Housing Costs	Number of Units Available
Very Low \$0 - \$415	132
Low \$416 - \$662	<u>801</u>
TOTAL	933

COMPARISON OF SUPPLY AND DEMAND

Table 17 presents a comparison of estimated demand generated by University Lakes with available supply within the Manatee County portion of the identified study area. In both the "Low" and "Very Low" income household categories, the analysis shows that the supply is adequate. Supply estimates for each phase were developed assuming that the current annual, available supply of affordable housing units would remain constant throughout the development of the project.

Table 18 presents similar data on estimated demand generated by University Place and available supply within the Sarasota County portion of the study area. The only unmet need which has been identified occurs in Phase I -- a total of 9 units in the "Very Low" category per year for the first 5 years. Phases II through IV actually show a surplus of units available since the demand generated in succeeding phases drops off substantially.

Table 19 presents the cumulative comparison of supply to demand for total development of both projects within the two-county accessibility study area. The net result is no unmet need.

TABLE 17
COMPARISON OF SUPPLY TO DEMAND
UNIVERSITY LAKES - MANATEE COUNTY

	PHASE I				PHASE II				PHASE III				PHASE IV				TOTAL AT BUILDOUT	
	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total
VERY LOW																		
Demand	60	298	85	426	28	141	46	230	55	1,095								
<u>Supply</u>	111	555	111	555	111	555	111	555	111	555	111	555	111	555	111	555	111	555
Unmet Need	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LOW																		
Demand	63	314	81	405	27	134	44	219	54	1,072								
<u>Supply</u>	272	1,360	272	1,360	272	1,360	272	1,360	272	1,360	272	1,360	272	1,360	272	1,360	272	1,360
Unmet Need	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TABLE 18
COMPARISON OF SUPPLY TO DEMAND
UNIVERSITY PLACE - SARASOTA COUNTY

PHASE I				PHASE II				PHASE III				PHASE IV				TOTAL AT BUILDOUT			
	Avg Annual	Total		Avg Annual	Total			Avg Annual	Total			Avg Annual	Total			Avg Annual	Total		
VERY LOW																			
Demand	141	707		89	447			89	447			89	447			102	2,048		
<u>Supply</u>	<u>132</u>	<u>660</u>		<u>132</u>	<u>660</u>			<u>132</u>	<u>660</u>			<u>132</u>	<u>660</u>			<u>132</u>	<u>2,640</u>		
Unmet Need	9	45		0	0			0	0			0	0			0	0		
LOW																			
Demand	149	743		94	470			94	470			94	470			108	2,153		
<u>Supply</u>	<u>801</u>	<u>4,005</u>		<u>801</u>	<u>4,005</u>			<u>801</u>	<u>4,005</u>			<u>801</u>	<u>4,005</u>			<u>801</u>	<u>16,020</u>		
Unmet Need	0	0		0	0			0	0			0	0			0	0		

TABLE 19
COMPARISON OF SUPPLY TO DEMAND
CUMULATIVE ANALYSIS
UNIVERSITY LAKES - UNIVERSITY PLACE

PHASE I						PHASE II		PHASE III		PHASE IV		TOTAL AT BUILDOUT	
	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	Avg Annual	Total	
VERY LOW													
Demand	201	1,005	174	873	117	588	135	677	157	3,143			
<u>Supply</u>	243	1,215	243	1,215	243	1,215	243	1,215	243	4,860			
Unmet Need	0	0	0	0	0	0	0	0	0	0			
LOW													
Demand	212	1,057	175	875	121	604	138	689	162	3,225			
<u>Supply</u>	1,073	5,365	1,073	5,365	1,073	5,365	1,073	5,365	1,073	21,460			
Unmet Need	0	0	0	0	0	0	0	0	0	0			

CONCLUSION AND SUMMARY

University Lakes, located in Manatee County, will provide employment to an average of 123 households which fall in the Very Low and Low income categories each year. The supply of affordable dwelling units available in Manatee County, within the study area, on an annual basis is 383, over three times the demand in each income category.

University Place, located in Sarasota County, will provide employment to an average of 290 which fall in the Very Low and Low income categories each year. The supply of affordable dwelling units available in Sarasota County on an annual basis is 933 units, well in excess of the demand over the life of the project. Demand by income category, however, shows an unmet need of 45 units for Phase I in the Very Low cost range within the Sarasota County portion of the study area. This shortfall would disappear over time since Phase II shows a surplus in Sarasota County.

When employment provided by both projects is combined, a cumulative total of 413 in the Very Low and Low income categories households are estimated each year. The average annual supply available within the combined study area (1,316) is over four times the annual demand. When broken down by income category and by project phase, no cumulative unmet need is found. On the contrary, a surplus of 42 units occurs in the Very Low income category and 861 units in the Low income category annually over the life of the developments.

The analysis contained in this report was intentionally conservative in the following areas or assumptions:

1. No attempt was made to determine how many households which will be employed in these projects already reside in the area and will not seek housing.
2. An assessment of the number of unemployed individuals who will find employment but not seek housing has not been included.
3. Employment estimates were maximized utilizing DCA recommended ratios of employees to square footage in each land use category.
4. A conservative study area was identified for analysis, not utilizing all areas accessible within 20 minutes driving time.
5. Part-time employees were not factored out of the total employment estimates which serves to increase the number of "Very Low" income households.
6. The housing supply inventory is not exhaustive and can be expanded through additional survey work.
7. Sarasota County's higher income levels were not utilized in computing the corresponding home prices and rental rates for "Low" and "Very Low" income housing units.

Over the last 12 months, the housing markets in Manatee and Sarasota Counties have shown that affordable housing is available. Given historical rental turnover rates and sales transactions, it should be possible for an employed person to find affordable housing within a reasonable distance of the proposed developments. Current inventory of both for-sale and rental units indicate that the market should continue to provide affordable housing.

Any requirement that projects which provide employment also provide affordable housing should be based on a demonstrated need. There is no indication that the development of University Lakes or University Place will generate a need in excess of the supply anticipated to be available.

APPENDIX A

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10-02-90

Attachment 1
General Guidelines
Interim Housing Methodology

1. Demand Calculation

Interim Demand Methodology

The following interim methodology shall be used to calculate the housing demand for projects with non-residential land uses or a project with a mix of non-residential and residential land uses. The methodology calls for a breakdown of household income groups by the income categories of very low through moderate income; actual analysis, however, of the employment data supplied under Question 20 should break these broad categories into more discrete income ranges with a maximum range of \$1,000, for purposes of comparing demand with affordable supply and calculating mitigation.

Step 1. Determine the median household income for the appropriate county or Metropolitan Statistical Area (MSA).

Step 2. Determine the median income thresholds for very low, low and moderate income households.

Step 3. Determine how many permanent, non-construction jobs will be created as a result of the development.

(See Question 20, ADA)

Step 4. Determine how many permanent, non-construction jobs to be created by the development will have salaries that are considered to be very low, low, or moderate income.

Very Low Employees = VLE
Low Income Employees = LE
Moderate Income = ME

Step 5. Determine the average number of wage earners per household for the appropriate county.

Wage Earners per Household = WEH

(See Table 1)

Step 6. Calculate the number of employee-households represented by the number of employees, by income group, estimated in Step 4.

$$VLE/WEH = EmH_{VLE}$$

$$LE/WEH = EmH_{LE}$$

$$ME/WEH = EmH_{\%E}$$

Step 7. Determine the percentage of households having a single wage earner, among households with wage earners, for the appropriate county.

$$\text{Single Wage Earner} = \%SWE \\ \text{Households}$$

(See Table 2)

[Step 7a. Calculate the percentage of employee households residing in the [county, city, close to work, etc.]. It is the intent that this factor be used to parallel the factor used by Hausrath (1989) in determining the San Francisco linkage fee (i.e., percentage of projected workers who would "want" to live in the downtown area - or in city). This may require site specific or jurisdiction-specific surveys; alternatively, perhaps an average could be developed and adopted?]

Step 8. Determine the number of single wage earner households represented by the employee households, by income group, calculated in Step 6. This number is deemed to represent the demand (D) for affordable housing units for very low income employees and low income employees.

$$(EmH_{\%LE}) \times (\%SWE) = Demand_{\%LE}$$

$$(EmH_{\%E}) \times (\%SWE) = Demand_{\%E}$$

$$(EmH_{\%E}) \times (\%SWE) = Demand_{\%E}$$

Alternative Demand Methodology

The interim housing demand model (above) assumes the same demographic characteristics concerning wage earner distributions and household incomes for all standard industry code categories. In lieu of that methodology, the applicant may use a methodology based on the percentage distribution of employees by industry group according to income or salary ranges in relation to household membership and income. This approach would be based on survey data or standards and criteria for household income by employment category adopted by the Department. Ideally, the DCA should collect the information and provide standardized distributions for each general land use category and/or general one (or two digit) SIC category. [See Hausrath (1989), Connerly (1990) for other factors that could be considered for inclusion in this demand methodology as an alternative to the interim

methodology in 1., above.)

2. The net housing demand created by a development may be reduced through a calculation of the existing housing supply reasonably accessible to the project, or a recalculation of housing demand. In the calculation of housing supply the Developer shall use the criteria and assumptions as specified in 3., below. The housing supply derived from the application of these assumptions shall be compared with the housing demand and the net housing demand shall be the amount of units needed for mitigation; provided, however, that:

- A. All housing supply units considered to meet demand shall be reasonably accessible to the development.
 - B. A minimum of 50% of the housing supply units for low income household demand shall be within the primary transportation impact area or reasonably accessible, whichever is less.
 - C. A minimum of 25% of the housing supply units for moderate income demand or net demand shall be within the primary transportation impact area or reasonably accessible, whichever is less.
 - D. A minimum of 50% of the housing supply units shall be within the boundaries of the local jurisdiction; provided, however, that the developer may buy-out of up to fifty percent of this obligation provided that the per unit cost as an in-lieu fee shall be 200% of the per unit cost calculated for the local jurisdiction or the developer commits to providing 200% of the units calculated for the local jurisdiction and provided that the receiving local government enters into a binding agreement to accept these units or the funds to provide such units through the appropriate in-lieu mitigation option(s).
3. The general criteria and assumptions for calculating housing supply shall be as follows:
- a. "Reasonably accessible" shall mean a proximate distance of ten miles or a commute time of twenty minutes, whichever is less, or, where applicable, the primary transportation impact area. Proximate distance and commute times shall be calculated on the present roadway network and the roadway network projected to be in place at the time of the impacts of development. The primary transportation impact area shall be that area delineated as the traffic impact area as indicated in the Developer's submittal to Question 31 of the Big Basin ADA. Where possible, estimated commute times shall be calculated using the Transportation Activity Zones (TAZs) commute times in the applicable Metropolitan Transportation Organization transportation model. These

times shall represent the commute time from the TAZ in which the development is located to all other TAZs in which the commute time is twenty minutes or less. In cases where the TAZ commute times are unavailable, the commute times shall be calculated and plotted as isocordals on the maps of the present roadway network at five minute intervals up to twenty minutes. Driving distance shall be calculated as actual driving distance from the boundary of the development to the housing unit and projected actual driving distance. Allowances may be made for employee peak driving times in relation to the regional roadway network and peak hour traffic patterns.

- b. Data presented may be in the form of public sector published materials on the availability and costs of reasonably accessible and available housing units as well as projections of availability through an updating of such materials using accepted methods for such projections. This may include census materials, local government surveys or reports, or other government-sponsored housing survey data.
- c. Where appropriate and verifiable as to accuracy, data presented may be private sector data on the availability and costs of reasonably accessible and available housing units as well as projections of availability through an updating of such materials using accepted methods for such projections. Such data may be published (e.g., newspapers), private, or proprietary, (e.g., Multiple Listing Service listings, developer-sponsored surveys, etc.).
- d. All units to be considered for supply shall be for vacant and available units, uncommitted units under construction, and units for which building permits have been let, provided, however, that there is a reasonable expectation for the completion in a timely fashion of the units under construction or permitted. A description shall be provided justifying the final cost estimates for units that are not completed. Pre-leased units or pre-construction sales shall not be considered part of the existing supply.
- e. All supply data shall specify housing costs, including costs for utilities in rental units, for very low, low and moderate income households. Affordability shall be based upon a percentage of 30% of gross household income for rent and utilities and a gross household income of 28% for owner-occupied units for principal, interest, property taxes, and hazard insurance. Per unit utility allowances may be adjusted for residence size and shall be not less than that used by local housing authorities in the administration of state and federal housing programs. Mandatory association fees (e.g., for

condominiums), if applicable, shall be deducted from the gross monthly income. Affordability prices for owner-units shall assume a maximum multiplier of 2.5 of the gross household income with assumed maximum down payment of five percent.

- f. In calculating affordability for employee-households within the income categories of very low, low, and moderate, the distribution of employee households shall be made using income ranges of no greater than one thousand dollars (\$1,000).
- g. The results of the application of the criteria and assumptions shall be made available to the Department and the Tampa Bay Regional Planning Council in a form that clearly establishes the steps by which calculations were made, in addition to any other timely requested pertinent data or information used in the recalculation of housing supply.

Source: 1980 Census
Table 179

Average Number of Workers per Family and (Average Number of Units
per Worker)

NEERPC

Baker	1.66 (.60)	Nassau	1.69 (.59)
Clay	1.70 (.59)	Putnam	1.63 (.61)
Duval	1.72 (.58)	St. Johns	1.72 (.58)
Flagler	1.67 (.60)		

ECERPC

Brevard	1.74 (.57)	Volusia	1.69 (.59)
Lake	1.71 (.58)	Osceola	1.77 (.56)
Orange	1.78 (.56)	Seminole	1.78 (.56)

CFRPC

De Soto	1.70 (.59)	Okeechobee	1.61 (.62)
Hardee	1.75 (.57)	Polk	1.74 (.57)
Highlands	1.69 (.59)		

TBRPC

Hillsborough	1.74 (.57)	Pasco	1.63 (.61)
Manatee	1.71 (.58)	Pinellas	1.72 (.58)

SWERPC

Charlotte	1.65 (.61)	Hendry	1.75 (.57)
Collier	1.70 (.59)	Lee	1.70 (.59)
Glades	1.61 (.62)	Sarasota	1.71 (.58)

TCRPC

Indian River 1.74 (.57)

Palm Beach 1.73 (.58)

Martin 1.71 (.58)

St. Lucie 1.71 (.58)

SFRPC

Broward 1.72 (.58)

Monroe 1.66 (.60)

Dade 1.79 (.56)

Table 2
Ratio of Single-Worker Households
of Households with Workers

County	Working Families	Single Worker	Percent
Alachua	30,047	10,704	35.6
Baker	3,257	1,475	45.3
Bay	23,425	9,577	40.9
Bradford	4,126	1,949	47.2
Brevard	62,603	24,795	39.6
Broward	220,266	90,099	40.9
Calhoun	1,999	917	45.9
Charlotte	11,075	5,126	46.3
Citrus	10,222	5,048	49.4
Clay	16,230	6,778	41.8
Collier	18,765	7,815	41.6
Columbia	8,282	3,290	39.7
Dade	359,571	134,846	37.5
DeSoto	3,747	1,591	42.5
Dixie	1,661	812	48.9
Duval	132,114	53,075	40.2
Escambia	53,074	23,083	43.5
Flagler	2,306	1,008	43.7
Franklin	1,707	693	40.6
Gadsden	8,327	3,135	37.6
Gilchrist	1,238	520	42.0
Glades	1,266	624	49.3
Gulf	2,289	1,079	47.1
Hamilton	1,898	816	43.0
Hardee	4,381	1,688	38.5
Hendry	4,093	1,533	37.5
Hernando	8,903	4,087	45.9
Highlands	9,069	3,992	44.0
Hillsborough	147,711	57,661	39.0
Holmes	3,270	1,520	46.5
Indian River	12,783	5,044	39.5
Jackson	8,359	3,263	39.0
Jefferson	2,221	836	37.6
Lafayette	929	394	42.4
Lake	21,340	8,918	41.8
Lee	43,952	18,349	41.7
Leon	32,337	10,227	31.6
Levy	4,289	1,993	46.5

Liberty	997	348	40.0
Madison	3,145	1,248	39.7
Manatee	29,970	12,154	40.6
Marion	27,039	11,650	43.1
Martin	12,656	5,179	40.9
Monroe	13,802	5,984	43.4
Nassau	7,814	3,259	41.7
Okaloosa	26,605	10,990	41.3
Okeechobee	4,433	2,107	47.5
Orange	107,106	39,065	36.5
Osceola	10,852	3,975	36.6
Palm Beach	121,857	49,285	40.4
Pasco	34,416	16,060	46.7
Pinellas	145,935	59,223	40.6
Polk	71,826	27,708	38.6
Putnam	10,697	5,089	47.6
St. Johns	11,531	4,607	40.0
St. Lucie	18,763	7,601	40.5
Santa Rosa	13,786	5,816	42.2
Sarasota	40,599	16,874	41.6
Seminole	43,655	16,112	36.9
Sumter	5,101	2,175	42.6
Suwanee	5,122	2,152	42.0
Taylor	3,684	1,433	38.9
Union	1,445	645	44.6
Volusia	52,196	22,193	42.5
Wakulla	2,541	918	36.1
Walton	4,689	2,103	44.8
Washington	3,097	1,326	42.8

Attachment #1 of Development Order
(Page 42 of 42)

DEVELOPMENT REVIEW AGREEMENT

DEPARTMENT OF COMMUNITY AFFAIRS / TAMPA BAY REGIONAL
PLANNING COUNCIL / SOUTHWEST FLORIDA REGIONAL
PLANNING COUNCIL / SCHROEDER-MANATEE, INC.
AGREEMENT

THIS AGREEMENT is entered into this the 6th day of Sept., 1991, by and between THE DEPARTMENT OF COMMUNITY AFFAIRS, hereinafter referred to as "DCA", THE TAMPA BAY REGIONAL PLANNING COUNCIL, hereinafter referred to as "TBRPC", THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL, hereinafter referred to as "SWFRPC", and SCHROEDER-MANATEE, INC., (owner/developer) a Delaware corporation authorized to do business in the State of Florida, hereinafter referred to as "SMI", subject to all other governmental approvals and solely at the risk of the owner and developer, SMI.

WHEREAS, the DCA is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, which includes provisions relating to Developments of Regional Impact ("DRI"); and

WHEREAS, the TBRPC is the regional planning agency having review authority over developments of regional impacts in Manatee County; and

WHEREAS, the SWFRPC is the regional planning agency having review authority over developments of regional impacts in Sarasota County; and

WHEREAS, pursuant to subsection 380.032(3), Florida Statutes, the parties hereto are authorized to enter into agreements as may be necessary to effectuate the provisions and purposes of Chapter 380; and

WHEREAS, SMI is the owner/developer of a large tract of land lying in both Manatee County and Sarasota County, Florida, which tract is generally depicted on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, no other person or legal entity has any ownership interest in said land including, but not limited to, rights arising out of a contract for sale for any portion of said land; and

WHEREAS, Manatee County is a member county in the Tampa Bay Regional Planning Council while Sarasota County is a member county

in the Southwest Florida Regional Planning Council; and

WHEREAS, SMI maintains that it is currently planning two (2) developments, one of which is located in Manatee County, adjacent to the Sarasota County line to be known as University Lakes, with the second in Sarasota County, adjacent to the Manatee County line to be known as University Place, both of which are generally depicted on Exhibit "A"; and

WHEREAS, each development alone constitutes a Development of Regional Impact subject to Florida Statutes Chapter 380 review; and

WHEREAS, the parties desire to enter into this Agreement to settle any disagreement and uncertainties in the review process as to the issues of aggregation of the two (2) developments or of combining the two (2) developments into one (1) for submittal purposes by agreeing on separate review for each development while assuring that with each development the information relative to certain identified impacts contained in each application for development approval will be reviewed and assessed on a cumulative basis with the impacts of the other development.

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises contained herein, the parties agree as follows:

1. SMI asserts and warrants that all representations and statements concerning the subject development properties made to the DCA, TBRPC and SWFRPC, and contained in this Agreement are true, accurate, and complete. Based upon said representations and statements, the parties hereto conclude that this Agreement is in the best interest of the State, is beneficial to the Department in its role as the state agency with responsibility for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and purposes of Chapter 380, Florida Statutes.

2. Provided the data submitted in each Applications for Development Approval (ADA) by SMI and the review process follows the agreement set forth herein, the DCA, TBRPC and SWFRPC agree that SMI may separately submit for review of the projects, each to undergo separate review under Chapter 380, Florida Statutes.

3. The University Lakes ADA shall be submitted to the Tampa Bay Regional Planning Council for review and recommendation and to Manatee County for review and approval. Copies of the ADA shall be submitted to the DCA, SWFRPC, and Sarasota County and other review agencies. The University Place ADA shall be submitted to the Southwest Florida Regional Planning Council for review and recommendation, and to Sarasota County for review and approval. Copies of the ADA shall be submitted to the DCA, TBRPC, Manatee County, and other review agencies. The submittal of copies is not intended to increase the normal review fee payable in connection with the filing and review of the single DRI, but is to facilitate review and comment.

4. In determining the cumulative impacts of each project on traffic, each traffic study shall include the traffic generated by the other project as project traffic instead of as background traffic condition. Each study shall be prepared on a phase-by-phase basis, with subsequent phases including impacts of earlier phases, assuring that all traffic of both projects generated during the applicable phase is included as project traffic and not background traffic. The intent of this paragraph is to insure that the total cumulative traffic impact and impact mitigation is considered with each development.

5. In determining the cumulative impacts of each project on air quality, any required study shall include the development and traffic in the other project. Each study shall be prepared on a phase-by-phase basis, with subsequent phases including impacts of earlier phases, assuring that all development of both projects that may generate impacts on air quality during the applicable phase is included in the study. The intent of this paragraph is to assure that the total cumulative impact on air quality and its mitigation is considered with each development.

6. In determining the availability of affordable housing for each project, each ADA shall cumulatively assess the impacts of both projects with subsequent phases including impacts of earlier phases. The intent of this paragraph is to insure that the total

cumulative impact on affordable housing and its impact mitigation is considered with each development.

7. In determining the cumulative impacts of each project on vegetation and wildlife, each ADA shall cumulatively assess the impacts of both projects on listed plant and animal species. The vegetation and wildlife study will also address the desirability (or lack therefore) of a continuous wildlife corridor between the projects. This study will be appended to both ADAs. The intent of this paragraph is to insure that the total cumulative impact on listed species and its mitigation is considered with each development.

8. DCA agrees not to appeal the Development Order of either development on the grounds of failure to aggregate the two (2) parcels, or on the basis of failing to submit the two (2) developments as one (1) DRI, provided that the conditions of this agreement are complied with.

9. Additionally, nothing in this Agreement shall constitute a waiver by DCA to the right to appeal either Development Order on other appropriate grounds as set forth in Chapter 380 and this Agreement, including the mitigation or assessment of cumulative impacts, set forth herein.

10. In the event either project does not receive approval from the applicable County, or receives a Development Order for only a portion of the request, SMI shall review the impacts of the other development to eliminate or adjust the cumulative assessment and mitigation of the impacts as warranted, and amend the Development Order of the approved development to reflect such changes.

11. For University Lakes, TBRPC shall provide to Manatee County, in its final DRI report, recommendations for addressing the issue of cumulative substantial deviations pursuant to the criteria in Subsection 380.06(19), Florida Statutes. For University Place, SWFRPC shall provide to Sarasota County, in its final DRI report, recommendations for addressing the issue of cumulative substantial deviations as defined in Subsection 380.06(19), Florida Statutes.

The issue of cumulative substantial deviations between the two (2) projects shall be addressed in each Development Order for University Lakes and University Place.

12. For purpose of abandonment of a DRI pursuant to Subsection 380.06(26), Florida Statutes, the total amount of development in both projects shall be taken into consideration when determining eligibility to abandon pursuant to the criteria of Subsection 380.06(26), Florida Statutes, and Rule 9J-2.0251(5), Florida Administrative Code.

13. In the event the DCA, TBRPC or SWFRPC determine there is a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, any party may terminate this Agreement or file suit to enforce this Agreement as provided in Section 380.06 and 380.11, Florida Statutes.

14. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. Except as provided herein, it is not intended to determine or influence the authority or decisions of any other state or local government or required by state law or local ordinance for the developments described in this Agreement.


15. The terms and conditions of this Agreement shall inure to the benefit of, and be binding upon, the heirs, personal representatives, successors and assigns of the parties hereto. SMI shall insure and provide that any party claiming by, through, or under SMI with respect to any of SMI's interest in the lands or parcels affected by this Agreement is bound by the terms of this Agreement.

16. The Agreement shall become effective the date that the last party signs and acknowledges this Agreement.


529

IN WITNESS WHEREOF, the parties have hereunder set their hands
and seals on the day and year first above written.


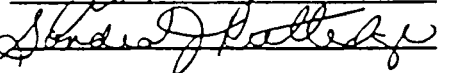
Signed, Sealed and Delivered
in the Presence of:

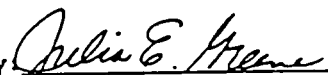

Pamela Watts

THE DEPARTMENT OF COMMUNITY
AFFAIRS


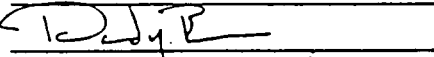
By: 
Its Assistant Secretary


THE TAMPA BAY REGIONAL PLANNING
COUNCIL


Gloria Ireland

Sandra J. Patterson

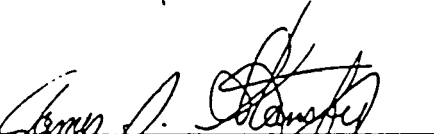
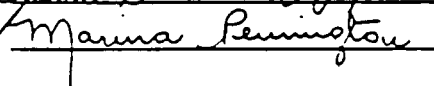
By: 
Its Executive Director

SOUTHWEST FLORIDA REGIONAL
PLANNING COUNCIL


Daniel L. Trench

D. L. Trench

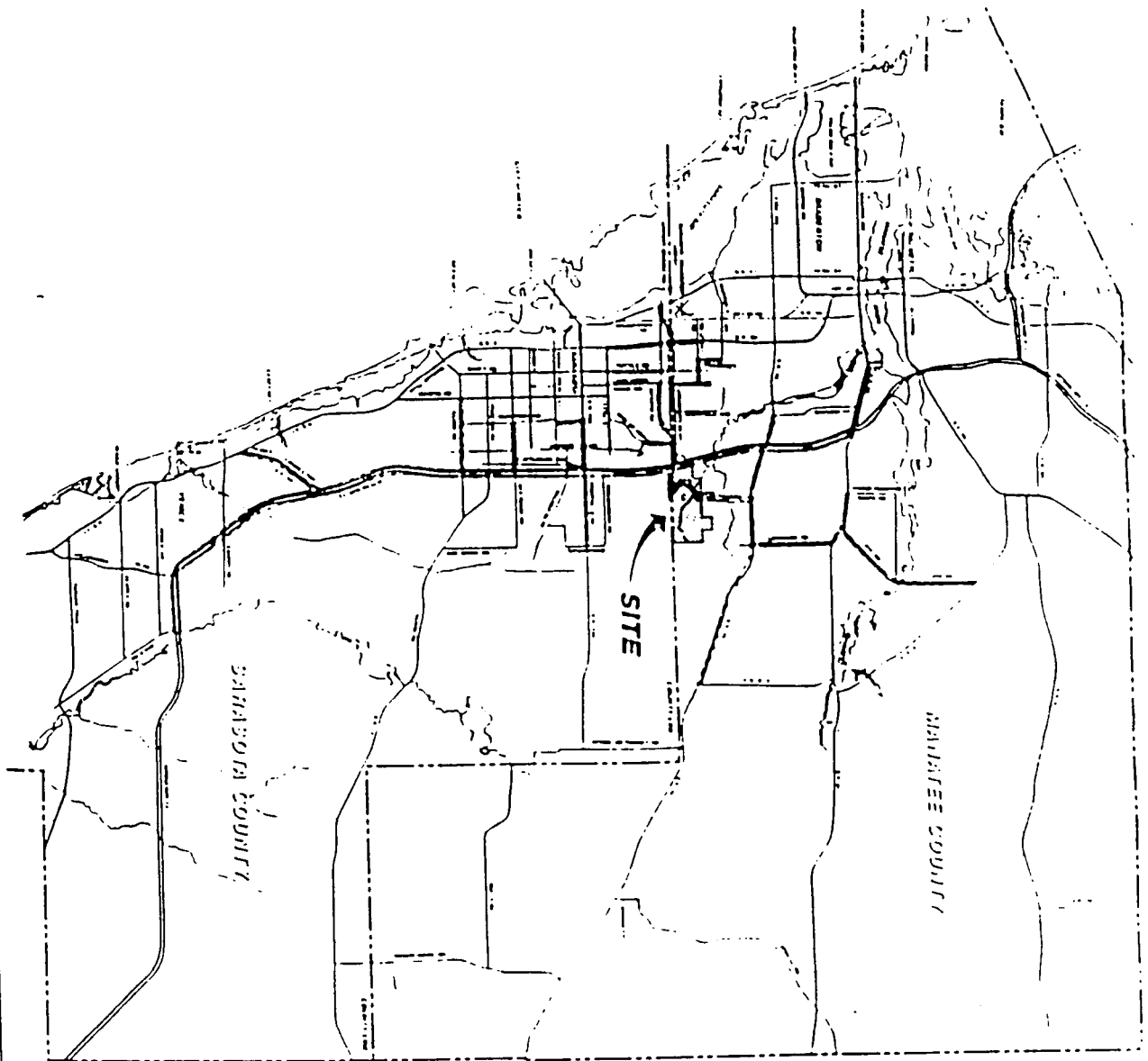
By: 
Its Chairman of SWFRPC

SCHROEDER-MANATEE, INC.


Anna L. Pennington

Anna L. Pennington

By: 
Its Vice-President Real Estate

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8/6/91 - 3
"B"



LEGEND

- 1 foot roadway
- 6 foot roadway
- Trail Study Area

MAP J

TRANSPORTATION NETWORK
DEVELOPMENT OF REGIONAL IMPACT

University Lakes

A PLANNED DEVELOPMENT

By Schroeder-Manatee, Inc.

CONSULTANT TEAM

Lombard & Skiffel, Inc.
Conservation Consultants, Inc.
James & Moore
Guinea, Grubel, Grimes & Hawkins
H. Joel Carlson

LOMBARD & SKIFFEL, INC.

6501

DESCRIPTION: UNIVERSITY LAKES

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

COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E., FOR A POINT OF BEGINNING; THENCE N 00°22'41" E, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2656.57 FT. TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE S 89°30'30" E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1337.72 FT. TO THE NORTHEAST CORNER OF THE WEST 1/2 OF SAID SOUTHWEST 1/4; THENCE S 00°27'02" W, ALONG THE EAST LINE OF SAID WEST 1/2 OF THE SOUTHWEST 1/4, A DISTANCE OF 2656.59 FT. TO THE SOUTHEAST CORNER OF SAID WEST 1/2 OF THE SOUTHWEST 1/4; THENCE S 89°30'25" E, ALONG THE SOUTH LINE OF SAID SECTION 29 (ALSO BEING THE NORTH LINE OF SECTION 32, TOWNSHIP 35 S., RANGE 19 E.), A DISTANCE OF 4003.06 FT. TO THE SECTION CORNER COMMON TO SECTIONS 28, 29, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°40'07" E, ALONG THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 2236.01 FT.; THENCE S 89°31'24" E, PARALLEL WITH THE NORTH LINE OF SAID SECTION 28 AND 3077.34 FT. SOUTHERLY THEREFROM, A DISTANCE OF 2665.72 FT. TO THE INTERSECTION WITH THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 28; THENCE S 00°45'47" W, ALONG THE EAST LINE OF SAID WEST 1/2, A DISTANCE OF 2236.80 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 28; THENCE S 89°30'25" E, ALONG THE SOUTH LINE OF SAID SECTION 28 (ALSO BEING THE NORTH LINE OF SECTION 33, TOWNSHIP 35 S., RANGE 19 E.), A DISTANCE OF 2662.03 FT. TO THE NORTHEAST CORNER OF SAID SECTION 33; THENCE S 01°24'24" W, ALONG THE EAST LINE OF SAID SECTION 33, A DISTANCE OF 6019.29 FT. TO THE SOUTHEAST CORNER OF SAID SECTION 33, THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 33 (ALSO BEING THE COMMON LINE BETWEEN MANATEE AND SARASOTA COUNTIES), A DISTANCE OF 5320.24 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 33 (SAME BEING THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 19 E.); THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 32, AND THE COUNTY LINE, A DISTANCE OF 5320.24 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 32 (SAME BEING THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 35 S., RANGE 19 E.); THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 31 AND THE COUNTY LINE, A DISTANCE OF 4602.00 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N 00°37'10" E, ALONG THE WEST LINE OF SAID SECTION 31, ALSO BEING THE EASTERLY LIMITED ACCESS R/W OF STATE ROAD NO. 93 (INTERSTATE 75), A DISTANCE OF 615.95 FT. TO A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S 67°41'09" E, 216.00 FT.; THENCE RUN NORTHEASTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 65°57'32", A DISTANCE OF 248.86 FT. TO THE P.T. OF SAID CURVE; THENCE N 88°16'24" E, ALONG THE LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75) - "UNIVERSITY PARKWAY" INTERCHANGE, A DISTANCE OF 628.74 FT.; THENCE S 89°27'41" E, ALONG SAID LIMITED ACCESS INTERCHANGE R/W, A DISTANCE OF 298.75 FT. TO THE EASTERLY END OF SAID LIMITED ACCESS INTERCHANGE R/W; THENCE CONTINUE S 89°25'29" E, ALONG THE SOUTHERLY R/W OF "UNIVERSITY PARKWAY", A DISTANCE OF 133.18 FT.; THENCE N 00°34'14" E, ALONG THE EASTERLY END OF SAID "UNIVERSITY PARKWAY" R/W, A DISTANCE OF 336.00 FT.; THENCE N 89°26'21" W, ALONG THE NORTH LINE OF A 60 FT. WIDE F.D.O.T. SERVICE ROAD R/W, WHICH LIES PARALLEL AND CONTIGUOUS WITH THE NORTHERLY SIDE OF "UNIVERSITY PARKWAY", A DISTANCE OF 606.88 FT.; THENCE N 85°37'30" W, ALONG SAID SERVICE ROAD R/W, A DISTANCE OF 460.53 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 396.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID SERVICE ROAD R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°45'40", A DISTANCE OF 191.87 FT. TO THE INTERSECTION WITH THE WEST LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E., SAME BEING THE EAST LINE OF SECTION 36, TOWNSHIP 35 S., RANGE 18 E., (THE RANGE LINE); THENCE S 01°15'38" W, ALONG THE COMMON LINE BETWEEN SAID SECTION 31 AND 36 (THE RANGE LINE), SAME BEING THE WESTERLY END OF SAID F.D.O.T. SERVICE ROAD R/W, A DISTANCE OF 68.34 FT. TO THE INTERSECTION WITH THE EASTERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93 (I-75), SAID POINT BEING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES N 27°43'29" E,

456.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID EASTERLY LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°29'56", A DISTANCE OF 274.57 FT. TO THE P.T. OF SAID CURVE; THENCE N 27°48'35" W, ALONG SAID EASTERLY LIMITED ACCESS R/W, A DISTANCE OF 566.48 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 4489.66 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID EASTERLY LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°57'00", A DISTANCE OF 1014.75 FT. TO THE P.T. OF SAID CURVE; THENCE N 14°49'36" W, ALONG SAID EASTERLY LIMITED ACCESS R/W, A DISTANCE OF 899.55 FT.; THENCE N 13°40'49" W, ALONG SAID EASTERLY LIMITED ACCESS R/W, A DISTANCE OF 1018.32 FT.; THENCE S 88°48'12" E, A DISTANCE OF 1369.85 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 38, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE WEST LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E. (THE RANGE LINE); THENCE S 89°40'28" E, A DISTANCE OF 1438.64 FT.; THENCE N 01°15'38" E, A DISTANCE OF 1632.73 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E. (SAID POINT LYING S 89°40'28" E, ALONG SAID NORTH LINE, A DISTANCE OF 1438.64 FT. FROM THE NORTHWEST CORNER OF SAID SECTION 31); THENCE S 89°40'28" E, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 3165.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 28, 29, 31, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E., AND SECTION 38, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

CONTAINING 2352.7 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

THIS DESCRIPTION IS NOT BASED ON AN ACTUAL FIELD SURVEY.

Attachment #4 of Development Order
(Page 2 of 2)

STATE OF FLORIDA, COUNTY OF MANATEE

This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 11 day of

[Signature] 1992
K. B. SHORE

Clerk of Circuit Court

BY: *[Signature]* D.C.

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COPIES TO:

Barbara - Bee
Janne - PFI

DATE 6/15/92
BY DMD