

**MANATEE COUNTY ORDINANCE Z-84-76 (R1011)
~~WELLS FARGO BANK, NA~~ CREEKWOOD INVESTORS, LTD / CREEKWOOD**

~~AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING ORDINANCE Z-84-76(R910) TO AMEND THE GENERAL DEVELOPMENT PLAN TO MODIFY THE LAND USE OF PARCEL G FROM OFFICE TO RESIDENTIAL ALLOW GROUP CARE HOME (ASSISTED LIVING FACILITY) AS AN ALLOWABLE USE IN PARCEL MU; REZONE LOTS 8 THRU 15 OF CREEKWOOD EAST SUBDIVISION WITHIN PARCEL G MU FROM PDCPDI/WP-E/ST (PLANNED DEVELOPMENT COMMERCIAL/INDUSTRIAL/ WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS) TO PDRPDC/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL COMMERCIAL/WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS); ADD 112 RESIDENTIAL UNITS 150-BED GROUP CARE HOME AND DECREASE OFFICE COMMERCIAL SQUARE FOOTAGE BY 125,000 10,000 SQUARE FEET IN PARCEL MU; DELETE LAND USE CONDITION 1 RELATED TO MAXIMUM DENSITY IN THE WATERSHED; REMOVE REFERENCES TO PARCEL G RELATED TO NON-RESIDENTIAL DEVELOPMENT; REVISE LAND USE CONDITION 7, RELATED TO THE WIDTH OF A BICYCLE AND PEDESTRIAN PATH ALONG LENA ROAD, TO BE CONSISTENT WITH PREVIOUSLY APPROVED LAND USE CONDITIONS 5 OF THE ORDINANCE 12-15 (CREEKWOOD - DRI # 13); AMEND THE STIPULATIONS RELATED TO THE I-75 BRIDGE APPROACH; UPDATE THE ZONING ORDINANCE TO REFLECT DEPARTMENT REFERENCES ALLOW A MAXIMUM BUILDING HEIGHT OF 40 FEET FOR GROUP CARE HOME IN PARCEL MU; STIPULATE A MASTER SIGN PLAN FOR PARCEL MU; AND SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.~~

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

Section 1. AMENDMENT AND RESTATEMENT OF ORDINANCE Z-84-76(R910).

Ordinance Z-84-76(R910) is hereby amended and restated in its entirety below. All prior ordinances (and any site plans approved pursuant thereto) shall be superseded by this ordinance.

Section 2. FINDINGS OF FACT

The Board of County Commissioners, after considering the testimony, evidence, documentation, application to amend the General Development Plan Ordinance, as well as all other matters presented to the Board at the Public Hearing hereinafter referenced, hereby makes the following findings of fact:

- A. CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and
- B. On September 3, 1985, Manatee County adopted Ordinance Z-84-76 granting the Creekwood Zoning Ordinance; and
- C. On April 22, 1993, Manatee County approved Ordinance Z-84-76(R) amending Ordinance Z-84-76 by approving amendments to Map H, extending the build out date, and other various changes; and

- D. On December 16, 1997, Manatee County approved Creekwood Zoning Ordinance Z-84-76(R2) to modify Land Use Conditions 2.c., 10, and 11, Buffer Condition 6, and Transportation Condition 4.
- E. On December 15, 1998, Manatee County approved the Creekwood Zoning Ordinance Z-84-76(R3) by modifying the General Development Plan to exchange uses (General Commercial in Parcel G for Office Park in Parcel O-1); increase the total commercial floor area by 69,500 square feet; decrease residential units by 500; and other various changes.
- F. On March 28, 2000, Manatee County approved the Creekwood Zoning Ordinance Z-84-76(R4) by modifying the General Development Plan to modify development totals, the phasing schedule, and some conditions.
- G. On January 6, 2004, Manatee County approved the Creekwood Zoning Ordinance Z-84-76(R5) modifying the General Development Plan to redesignate parcel identifications, add a roadway connection to the west, modify the Project Phasing Table to eliminate and redistribute development, expand the range of permitted commercial uses east of I-75, recognize completed development, extend buildout dates, and amend various development conditions.
- H. On April 15, 2005, Creekwood filed an application to amend the approved Zoning Ordinance and General Development Plan with the Manatee County Board of County Commissioners; and
- I. On January 5, 2006, Manatee County approved the Creekwood Zoning Ordinance Z-84-76 (R6) amending the General Development Plan to decrease residential from 1,617 to 1,250 units with a simultaneous increase in office from 160,000 to 225,000 square feet, and transferring 6 residential units from Phases I and II to Phase IV.
- J. On November 7, 2007, Ridan Industries submitted an application for a revision to the Creekwood Zoning Ordinance [Z-84-76(R7)] and General Development Plan to update the allowable uses to include a telecommunications tower east of I-75 in the Creekwood East Corporate Park. This request is scheduled for public hearing before the Planning Commission and Board of County Commissioners simultaneously with revision Z-84-76(R8).
- K. On May 7, 2008, Creekwood Investors Limited and Creekwood East Corporate Park LLC submitted an application to amend the Creekwood Zoning Ordinance [Z-84-76(R8)] and General Development Plan to decrease industrial from 950,000 to 800,000 square feet; delete Project Phasing and Buildout Condition #10; Delete Transportation Conditions; and update various provisions.
- ~~L. On February 27, 2012, Control Storage, Inc. filed an application to amend the approved Zoning Ordinance and General Development Plan with the Manatee County Board of County Commissioners; and~~
- M.L. On August 2, 2012, the Board of County Commissioners approved an amendment to the General Development Plan and Zoning Ordinance to add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5; increase the allowable height for parcel C-5 from 30

feet to 35 feet ; update the Zoning Ordinance to reflect the project extensions previously granted; revise land use condition #15 regarding signage; amend architectural standards and update the water quality monitoring conditions. Specific Approvals were granted for LDC Sections 710.1.6, 710.2.1, and 737.4.1.2.g:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 710.1.6, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate parking is provided.

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 710.2.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate parking is provided.

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 737.4.1.2.g, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the building will not be visible and there is sufficient vegetation along SR 70.

- N.M. On May 16 ~~December 17, 2013, Wells Fargo, N.A. filed an application to amend the Board of County Commissioners approved an amendment of~~ the General Development Plan and the Zoning Ordinance to modify the land use of parcel G from office to residential; rezone Parcel G from PDC/WP-E/ST (Planned Development Commercial/ Watershed Protection/Special Treatment Overlay Districts) to PDR/WP-E/ST (Planned Development Residential/Watershed Protection/Special Treatment Overlay Districts); add 112 residential units and decrease office square footage by 125,000 square feet; delete land use condition 1 related to maximum density in the watershed; remove references to parcel G related to non-residential development; revise Land Use Condition 7, related to the width of a bicycle and pedestrian path along Lena Road, to be consistent with previously approved Land Use Conditions 5 of the Ordinance 12-15 (Creekwood - DRI # 13); and to update departmental references.
- N. On November 20, 2013, Creekwood Investors, LTD filed an application to amend the General Development Plan and the Zoning Ordinance to allow group care home (assisted living facility) as an allowable use in Parcel MU; rezone Lots 8 thru 15 of Creekwood East Subdivision within Parcel MU from PDI/WP-E/ST (Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts) to PDC/WP-E/ST (Planned Development Commercial/Watershed Protection/Special Treatment Overlay Districts); add 150-bed group care home and decrease commercial square footage by 10,000 square feet in Parcel MU; allow a maximum building height of 40 feet for group care home in Parcel MU; and to stipulate a master sign plan for Parcel MU.
- O. The Board of County Commissioners held a public hearing on ~~December 17, 2013~~ April 3, 2014 to consider the amendment described herein in accordance with the requirements of Manatee County Ordinance 90-01, the Manatee County Land Development Code, and has further considered the information received at said Public Hearing.
- P. The proposed amendment to the General Development Plan and Zoning Ordinance regarding the property described in Section 5 herein is found to be consistent with the requirements of Manatee

County Ordinance 89-01, as amended, the 2020 Manatee County Comprehensive Plan.

Section 3.

The Master Development Plan (dated ~~May 9, 2013~~ December 25, 2013) included as Exhibit "A", has been approved as the General Development Plan for the real property described in Section 5 hereof, subject to the conditions included herein in Section 5.

Section 4.

- A. The revised General Development Plan entitled Creekwood, has been APPROVED to allow 1,362 residential units, ~~603,000~~ 593,000 square feet commercial space, 800,000 square feet industrial space, 100,000 square feet office space, 80,000 square feet of mini-warehouse space, 150-bed group care home (assisted living facility), and a 100-room hotel (93,000 square feet), subject to the conditions included in Section 5.
- B. The previous Development Order for Creekwood, which was adopted on September 3, 1985, and all subsequent amendments are hereby amended by this Ordinance.

Section 5. PROJECT PHASING AND CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

- 1. Table 1 enumerates, by parcel, the allocation of development described in Section 4:

Table 1 - Development by Parcels

<u>LAND USE</u>	<u>PARCEL</u>	<u>SQUARE FOOTAGE</u>
Commercial	C	447,000
	C-6	20,000
	C-7	15,000
	MU/C-4/C-5	421,000 <u>111,000*</u>
Mini-Warehouse	C-5	80,000*
Office	MU/C-4	100,000*
Industrial	I	800,000***
Hotel	MU	100 rooms
Residential	A	170 units
	B	322 units
	C	106 units

	D	520 units
	E	132 units
	G	112 units
<u>Group Care Home</u>	<u>MU</u>	<u>150 beds</u>

* The distribution of commercial square footage among the parcels shall also be subject to the following maximum square footages per parcel:

- Parcel MU ~~100,000~~ 90,000 square feet
- Parcel C-4 10,000 square feet
- Parcel C-5 16,000 square feet west of the wetland

The distribution of mini-warehouse square footage among the parcels shall be subject to the following maximum square footage per parcel:

- Parcel C-5 80,000 square feet east of the wetland

The distribution of office square footage among the parcels shall also be subject to the following maximum square footages per parcel:

- Parcel MU 100,000 square feet
- Parcel C-4 6,000 square feet

In no event shall the total square footage on parcels MU, C-4 and C-5 (west of the wetland) exceed ~~124,000~~ 111,000 for commercial uses or 100,000 for office uses and 80,000 of mini-warehouse on Parcel C-5 (east of the wetland).

- ** Office space may include up to 85,000 square feet of medical office.
- *** Including telecommunications towers.

2. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 2 below:

Table 2 - Phasing By Use

PHASES	
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	I, II (Complete)	III (1996-11/22/2018)* ¹	IV (2001-11/22/2019)* ¹	Total
RESIDENTIAL	592	140	630	1,362
COMMERCIAL	455,048	55,000	92,952 <u>82,952</u>	603,000 <u>593,000</u> ³
MINI-WAREHOUSE			80,000	80,000
HOTEL			100 rooms	100 rooms
OFFICE		60,000	40,000	100,000 ²
INDUSTRIAL		230,000	570,000	800,000
<u>GROUP CARE HOME</u>			<u>150 beds</u>	<u>150 beds</u> ⁴

- * Dates are reflective of Buildout Dates contained below within this Development Order. Preliminary Site Plans shall be submitted 1 year prior to such buildout dates.
- ¹ Phases III and IV Buildout Dates include the time extensions authorized by the Florida Legislature and Manatee County.
- ² Office entitlements have been removed from Parcel G for a total reduction of 125,000 sq. ft. of office space. The reduction of office entitlements was requested by the owner of Parcel G and approved by the Board of County Commissioners on December 17, 2013 (Ordinance 13-25). No entitlements have been taken from any other Parcel in the DRI at that time.
- ³ A total of 10,000 sq. ft. of commercial space has been removed from the commercial entitlement in Parcel MU. The reduction of commercial entitlements was requested by the owner of Parcel MU and approved by the Board of County Commissioners on April 3, 2014 (Ordinance 14-04). No entitlements have been taken from any other Parcel in the DRI at that time.
- ⁴ Group Care Home has been included as an allowable use in Parcel MU (Ordinance 14-04).
3. The developer shall submit a revised transportation analysis with any request for project extension. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a substantial deviation pursuant to Section 380.06 Florida Statutes.
 4. With each Preliminary and Final Site Plan submittal, a Development Land Use Summary Table shall be provided to include the number of units or square footages that have Preliminary or Final Site Plan approval for the applicable use category and phase as identified in Table 2.
 5. With each Preliminary and Final Site Plan submitted for development in either Parcel MU, C-4 or C-5, the applicant shall quantify the amount of commercial and office space requested, together with the amounts previously approved in Parcels MU, C-4 and C-5.
 6. The developer must adhere to the following phasing buildout schedule.

Phase I	1986-1996
Phase II	1993-2003
Phase III	1996-11/22/2018
Phase IV	2001-11/22/2019

7. Preliminary Site Plans shall be valid for a maximum period of five (5) years. Final Site Plans shall be valid for a maximum period of four (4) years, however, not to exceed the end of the phase for which development is proposed as described in the phasing buildout schedule.
8. Because the phasing, quantity, and type of uses have been modified with this approval, prior to the first Preliminary Site Plan for a building in Parcels I, MU, or C-4, revised Final Site Plans for the approved Creekwood East Corporate Park (PDC-88-05[R4]/FSP-01-05) and Creekwood East (PDC-88-05[R4]/FSP-01-131), as amended, shall be obtained to reflect compliance with the amendments of this Ordinance. (Completed)
9. Because expired building entitlements were transferred to a later phase with prior approvals, the Preliminary Site and Final Site Plans for Parcels D and E, as identified on Map H, shall be revised to reflect compliance with the amendments of this Ordinance.

LAND USE CONDITIONS

1. Maximum heights permitted within the project shall be as follows:
 - a. Multi-family - 3 stories and 35 feet.
 - b. All other residential uses including Group Care Home - 3 stories. The maximum height for Group Care Home in Parcel MU shall be 40 feet.
 - c. Commercial uses in Parcel MU
 1. 40 feet west of Lena Rd.
 2. 30 feet east of Lena Rd.
 - d. Hotels in Parcel MU
 1. 45 feet west of Lena Rd.
 2. 30 feet east of Lena Rd.
 - e. Commercial uses in Parcels C - 40 feet. except:

Buildings or structures within 200 feet of Creekwood Boulevard shall not exceed 25 feet in height and buildings within 175 feet of Interstate 75 (I-75) shall not exceed 25 feet in height, except for a garden center, which may be a maximum height of 35 feet.
 - f. Commercial Uses in Parcels C-6 and C-7 - 26 feet, except:

Buildings within 200 feet of any platted residential lot shall not exceed 20 feet in height, with the exception of cupolas, gables peaks, and spires, which may extend to a height of 35 feet.
 - g. Commercial Uses in Parcels C-4 and C-5 - 30 feet; except

Buildings north of 54th Drive East shall not exceed 20 feet.
Mini-Storage buildings on Parcel C-5 shall not exceed 35 feet

- h. Office buildings - The maximum height for office buildings shall not exceed 35 feet, except in Parcels C-4, C-5, C-6, C-7, and MU which shall be limited in height as specified in 2. c, f, & g above.
- i. Parcel I - 20 feet east of Lena Road.
40 feet west of Lena Road.

2. Signs within the boundaries of the Creekwood development shall comply with all regulations in effect at the time of permitting.

- a. Creekwood Boulevard

All signage along Creekwood Boulevard shall be ground signs, not to exceed 6 feet in height, and limited to one sign at the 52nd Drive East entrance and one sign at the entrance to Parcel G.

- b. 54th Drive East and Lena Road

Signs along 54th Drive East in Parcel C-4 and along Lena Road in Parcel I shall be monument style and not exceed 8 feet in height.

- c. S.R. 70 and I-75

Signs along S.R. 70 and I-75 shall be limited to one pole sign per parcel, per street frontage, as identified on the GDP. Additional permitted signs shall be limited to ground signs. All signage must provide concealment of main support structure (e.g., pole) between 20 and 100% of sign width with materials consistent with those in the development.

Notwithstanding the above, Parcel C-4 shall be limited to one pole sign, 20 feet in height at the intersection of Lena Road, and Parcel C-5 shall be limited to one pole sign for all developments on Parcel C-5, 20 feet in height and two ground signs (one for the development on the west side of the wetland and one for the development on the east side of the wetland), as regulated by the LDC.

Signage for the Parcel MU shall be permitted as shown on the attached Master Sign Plan (Exhibit "B") with no more than one sign structure allowed per two platted lots along I-75 with a minimum spacing of 200 linear feet (four signs in total), and one existing monument sign at the intersection of Lena Road, as listed below:

P-1: Freestanding Pylon Sign (for Lots 8-12 Creekwood East)

P-2: Freestanding Pylon Sign (for Lots 6 and 7 Creekwood East)

P-3: Freestanding Pole/Pylon Sign (for Lots 13, 14, and 15 Creekwood East)

P-4: Freestanding Pole/Pylon Sign (for Lots 4, and 5 Creekwood East)

P-5: Monument Sign (to remain at intersection of SR 70 and Lena Road)

Any additional sign proposed along I-75 other than those shown on the approved Master Sign Plan for Parcel MU (attached as Exhibit B) shall require an amendment to the Creekwood General Development Plan and Zoning Ordinance at an advertised public hearing, unless otherwise permitted in the LDC.

In addition to the above, the following shall be applicable:

- (1) Pylon or pole signs may be substituted with a monument sign to enhance visibility as noted on Exhibit "B".
- (2) All pylon, pole or alternative monument signs shall have a maximum of four businesses identified on any individual sign, similar design in look and materials, and conform to current LDC sign regulations.
- (3) Pylon or pole signs shall be 25 feet height maximum and the alternative monument sign shall not exceed 12 feet in height.
- (4) No signs shall be permitted within public rights-of-way, and shall be setback a minimum of 5 feet from the property line.
- (5) To the maximum extent possible, proposed signs shall not conflict with existing and proposed landscaping. Environmental Planning Division (EPD) shall review individual sign permits to assist in determining optimal location for signs:
 - 5.a. within roadway buffers to allow maximize visibility of signs, while minimizing removal of existing trees,
 - 5.b. internal, wall, and perimeter signs to ensure placement of signs and to give consideration to existing landscaping to prevent unnecessary pruning or trimming of vegetation to maintain sign visibility, and
 - 5.c. sign footers to ensure minimal impacts to root zones.
- (6) No signs shall be permitted in the floodways, conservation areas, or wetlands, other than those signs permitted elsewhere in the LDC (i.e., conservation signs).
- (7) Signage shall be placed so it does not conflict with vehicular clear zones. FDOT Indices and clear zone requirements shall be met."

3. At the time of Preliminary and Final Site Plan submittals the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as entranceway requirements, aesthetic appearance from S.R. 70 and I-75, ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.
4. Light manufacturing, industrial service establishments, wholesale trade establishments, research and development activities, warehouse, mini-warehouse, heavy printing, and ancillary office use

are permitted uses within Parcel I. Telecommunication towers shall be allowed west of Lena Road within Parcel I. Construction service establishment (with no retail and rental sales) is allowed on the east side of Lena Road only. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of Preliminary Site Plan approval and shall be shown on the plan or plat for consideration and approval.

5. All buildings and service areas within Parcels MU and I shall maintain a minimum setback of 100 feet from S.R. 70 and I-75. All trash and garbage receptacles that are visible from S.R. 70, I-75, 54th Drive East, and adjacent residential shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage and parking of heavy equipment, semi-trucks and/or trailers or other vehicles over 1½ tons shall be located at the non-street side of the building when adjacent to I-75, and S.R. 70, unless they are not visible from a height of five feet (5') at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.
6. The Developer shall provide a 20-foot wide greenway adjacent to one side of the right-of-way for Lena Road, from S.R. 70 to the northern terminus of Lena Road. Within this greenway, the Developer shall install a ten-foot wide bicycle and pedestrian path.
7. The developer shall be allowed to construct a total of 1,362 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Master Development Plan.
8. Prior to issuance of a Certificate of Occupancy for any use on Parcel C-6, a continuous barrier shall be provided between Parcel C-6 and the residential subphase to the north, extending westward from the Creekwood Boulevard to the western property line of Lot 1 in Creekwood, Phase 1, Subphase 1, Unit A-1. The wall shall be of finished concrete block construction and be at least 8 feet in height or wall/berm combination in which the wall is at least 6 feet in height. In the event 52nd Drive East is not vacated, an opening in the wall, not to exceed 34 feet in width, for a driveway may be permitted, provided that the driveway is located east of 72nd Street East and is as close to Creekwood Boulevard as permitted by the Land Development Code. The opening width may be adjusted pursuant to County engineering requirements. (Completed)
9. The following setbacks shall apply to Parcels C, C-6, C-7, C-4, C-5, D, and E:

a. Parcel C-6

The minimum building setback from the current north property line in Parcel C-6, adjacent to or across the street from the residential property to the north, shall be 60 feet. This setback may be reduced to 40 feet for office uses provided:

- (1) The landscape buffer, referenced in Buffer Condition 5, is increased in width to 40 feet; and
- (2) The office building has a stucco finish and painted using light color hues.

b. Parcel C-7

The minimum building, parking, or loading and service area setback in Parcel C-7 from any residential lot shall be 200 feet.

c. Parcel C

The building setback from Creekwood Boulevard and I-75 shall not be less than 100 feet, provided however a garden center may have a reduced setback from I-75 of 80 feet.

Building Materials Establishments shall maintain a minimum setback of 400 feet from Creekwood Boulevard and 175 feet from I-75 right-of-way, except for the garden center referenced above. Motor Vehicle Repair Establishments shall only have indoor bays, shall be closed between the hours of 10:00 p.m. and 7:00 a.m. and shall maintain a minimum setback of 800 feet from Creekwood Boulevard and 200 feet from I-75, measured perpendicular to the applicable roadway from the opening of any repair bay, and shall be at least 600 feet from any residential property. Exterior loud speakers shall maintain a setback distance of 750 feet from Creekwood Boulevard or any residential property and shall be directed away from Creekwood Residential parcels. Intercoms shall not be restricted.

d. Parcels C-4

The minimum building setback adjacent to Rosedale shall be 30 feet.

e. Parcels C-5

The minimum building setback adjacent to Rosedale shall be 45 feet.

Other setbacks are based on building height, as referenced in Land Use Condition 2 and in accordance with the Land Development Code for the PDC zoning district.

f. Parcels D and E

Multi-family units constructed on Parcels D and E shall be setback from Creekwood Boulevard and 44th Avenue extension as follows:

1. 35 feet for 1 or 2 story buildings
2. 55 feet for 3-story buildings

10. The following use restriction shall apply to Parcels C-6, C-7, C, C-4, C-5, and MU.

a. Parcels C-6 and C-7

Uses in Parcels C-6 and C-7 shall be limited to Private Community Uses, Neighborhood

Commercial, and Professional Uses. Any use designed with parking to accommodate semi-trailer truck parking shall not be permitted. Gas pumps shall not be permitted on Parcel C-6.

b. Parcel C

Uses in Parcel C shall be limited to retail sales establishments, eating establishments (including drive-thru), gas pumps, service stations, banks (including drive-thru), business service establishments, health services, hotels, offices, car washes, dry cleaners, funeral homes and chapels, personal service establishments, repair service establishments, and neighborhood and community serving motor vehicle repair, and building materials establishments. No adult entertainment uses or drinking establishments (as both are defined by the Land Development Code) shall be permitted. No businesses may be open on a 24 hour basis, except for businesses within the outparcels along S.R. 70, grocery stores, or for special promotions no more than twice a year for each such business.

c. Parcels C-4 and C-5

Uses in Parcels C-4 and C-5 shall be limited to Retail Sales (excluding convenience stores), Eating (with no drive-thru), Banking (with drive-thru), Business Services, Offices, Clinics, Small Printing, and Personal Service, however, parcels north of 54th Drive East in Parcel C-4 shall be further limited to Business Services and Offices. (Mini-warehouse east of the wetland in Parcel C-5 only).

d. Parcel MU

Uses in Parcel MU shall be limited to Retail Sales, Eating (including Drive Thru), Gas Pumps, Banking (with drive-thru), Business Services, Offices, Clinics, Dry Cleaners, Printing, Personal Services, Rental Services, mini-warehouses, Neighborhood Serving Motor Vehicle Repair, Group Care Home, and Hotel.

11. Truck Deliveries in Parcels I, MU, C-4, C-5, C-6, C-7 and C

a. Parcels C-6, and C-7

Trucks involved in deliveries to Parcels C-6 or C-7 shall not utilize 52nd Avenue Drive East and shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

b. Parcel C

Trucks involved in deliveries to Parcels C shall not utilize the access north of 52nd Avenue Drive East between the hours of 10:00 p.m. and 7:00 a.m. The Developer shall install signage at each entrance to Parcel C from Creekwood Boulevard, and at the terminus of the back entrance into Parcel C, indicating this restriction.

c. Parcels C-4 and C-5

Trucks involved in deliveries to Parcels C-4 or C-5 shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., except deliveries relating pharmaceutical supplies to a drug store. Trucks arriving into Parcel C-4 shall enter from Lena Road.

d. Parcel I

Trucks involved in deliveries to the east side of Lena Road in Parcel I shall be prohibited between the hours of 8:00 p.m. to 8:00 a.m.

There shall not be any overnight parking of trucks or trailers, except for trailers in trailer parking spaces that do not have any motors running. This shall be posted in all loading areas.

12. All roof mounted H.V.A.C. mechanical equipment, loading areas, outdoor storage, and dumpsters shall be screened from view from I-75, S.R. 70, and residential properties to the north, with a solid parapet wall or other noise deflecting materials, consistent with the exterior finish materials of the buildings.

13. Lighting

a. Exterior lights shall be directed to the interior of Parcels MU, I, C-4, C-5, C-6, C-7, D, E, and G.

b. Parcel C

Except for street lights consistent with existing street lights along Creekwood Boulevard, no external lights shall be allowed within 100 feet of Creekwood Boulevard. All external lights in Parcel C shall be "box lighting," directed downward to the ground, shall not be in excess of 40 feet high on the front of the shopping center and 30 feet high on the rear or residential side of the shopping center and shall not allow more than 1.5 lumens beyond the boundary of Parcel C. The lighting within the area along the southern boundary of Parcel C, within 100 feet of S.R. 70, east of the Florida Power and Light (FP&L) easement, may exceed 1.5 lumens provided the standards and requirements of Section 709.2.3 of the LDC are met. The applicant shall submit a Photometric Plan at time of Final Site Plan approval for any plan (not including outparcels on S.R. 70). Building security lighting shall be mounted and directed downward.

c. Creekwood Boulevard

Developer shall install "box lighting" street lights along Creekwood Boulevard from S.R. 70 to the north end of Parcel G. Such lights shall be installed adjacent to Parcel C prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for any building in Parcel C (not including outparcels on S.R. 70) and adjacent to Parcel G prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for any building in Parcel G.

d. Parcels C-4 and C-5

Pole and building mounted lights on Parcels C-4 and C-5 and adjacent streets shall be limited to 20 feet in height, directed to the interior of the development using horizontal cut-off fixtures, and be amber in color. However, where federal, state, and local regulatory requirements dictate different standards for uses such as for financial institutions, the requirements of those agencies shall be considered to supersede this condition only to the extent necessary to meet such requirements as long as the resulting lighting is not directed at Rosedale without shielding.

All pole lights on these parcels shall maintain a consistent style and color. This shall be determined prior to the first Final Site Plan approval for either parcel. Pole shall be muted, earth-tone colors.

e. Building Signs

Lighted building signs in Parcels MU, C-4, and C-5 shall not be visible from Rosedale. Lighted building signs in Parcel G shall not be visible from the residential portion of Creekwood.

f. Parcels D, E, and G

The design and shielding of any on-site lighting shall comply with LDC Section 709, as amended, for all Final Site Plans submitted after the date of this approval (January 5, 2006).

14. Multi-family, group care home (assisted living facility), commercial, mini-warehouse, office, and industrial building facades visible from I-75, S.R. 70, and surrounding residential properties, shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls.

Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, baked enamel or similar materials. Painted or exposed standard concrete block, or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials or provided that the portion of the building made from these materials is completely screened from adjacent parcels. In Parcel C, for the area on the north side of the shopping center, east of Shops "B", which is greater than 300 feet from Creekwood Blvd. and 52nd Place East and greater than 750 feet from I-75, standard concrete block (painted) may be permitted.

In order to insure that the buildings do not project a massive blank wall, blank walls shall be no longer than 40 feet in length in any direction for the commercial, mini-warehouse, and office buildings and no longer than 30 feet in length in any direction for multi-family buildings, unless the

building is completely screened from view. Design elements including prominently visible architectural details [e.g. bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, color etc.] shall be applied to the walls of buildings. Other methods, as determined by the Building and Development Services Director, may be approved, including increasing the referenced 40 and 30 foot spacing requirement, provided superior building materials and significant horizontal design features are incorporated as part of the building elevation. Facades greater than 80 feet in length shall have variation in roof lines through varying the height of the cornice, or the use of 2 or more roof types (parapet, dormers, and sloped, etc.) unless an equivalent alternative is approved by the Building and Development Services Department Director.

Chain link fences that are visible to adjacent properties and I-75 and S.R. 70 shall be prohibited. Outdoor storage areas shall be enclosed in an area attached to the main structure and shall utilize design elements and materials reflective of the main structure or decorative metal fences and grilles.

Building elevations shall be submitted at time of Final Site Plan and reviewed by staff for compliance with this condition.

15. All truck loading and service areas shall be located at the non-street side of the building when adjacent to I-75 and S.R. 70. Additional buffering may be required if visible from I-75, Creekwood Boulevard or any residential property.
16. Safe and efficient cross access for automobiles, bicycles, and pedestrians shall be provided through the proposed General Commercial and Office Park. A minimum of 5-foot wide sidewalks and pedestrian ways shall be provided to facilitate internal pedestrian circulation within the development including commercial (outparcels included) and office. The location of the sidewalks and pedestrian ways shall be approved by the Building and Development Services Department with future plan submittals. Bicycle parking facilities shall be provided for each individual project in the development. A minimum of 1 bike rack for each single business exceeding 75,000 square feet of shopping center building area and 1 bike rack for each additional 75,000 square feet of shopping center building area shall be provided. These facilities shall be conveniently located to the entrances of the commercial and office buildings, and shall include facilities that secure the frame of the bicycle.
17. The preservation of significant oak trees within the parking areas for the shopping center on Parcel C shall be a condition of Preliminary and Final Site Plan approvals. Sufficient area around the trees, as determined by a registered Landscape Architect shall be provided to reasonably guarantee their survival.
18. Prior to the first Certificate of Occupancy in Parcel C, a 5-foot wide sidewalk shall be constructed along the east side of Creekwood Boulevard, from S.R. 70 to the northern limits of Parcel C. Prior to the first Certificate of Occupancy in Parcel G, a 5-foot sidewalk shall be constructed along the east side of Creekwood Boulevard, from Parcel C to the existing sidewalk in the Westbrooke Subdivision.

19. Exterior loud speakers, bells, or similar audio communications shall not be permitted on Parcels C-4 or C-5 provided, however, that directed (non-broadcast) communication devices and intercoms shall not be restricted.
20. Exhaust and other filtering systems in Food Service Establishments east of I-75 shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the Environmental Management Department, Air Quality Section, with each Final Site Plan that includes a Food Service Establishment.
21. Construction traffic in Parcels MU, I, and C-4 shall utilize Lena Road, except where left turns, exiting the project are prohibited. Construction traffic and traffic associated with tree harvesting on Parcel C-5 shall utilize S.R. 70 if such temporary access is permitted by FDOT. Temporary signs shall be posted at S.R. 70 and the Rosedale entrance directing construction traffic to Lena Road. All lot owners shall inform their contractors of this requirement.
22. Tree harvesting on Parcel C-5 within 70 feet of the adjacent residential property to the north shall not occur until the construction of the required wall or the building itself should the Building and Development Services Director approve an alternative as permitted under Buffer Condition 5.e.(ii.).
23. Overhead doors associated with the mini-warehouse use shall be located so as to generally not be visible from S.R. 70 or Rosedale.

BUFFER CONDITIONS

1. Parcels I and MU
 - a. A building setback of at least fifty (50) feet shall be provided west of and adjacent to the existing power line easement traversing Parcels MU & I. Native trees lying within shall not be removed. Trees of a native species shall be planted within 20 feet of the FP&L line where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.
 - b. A 50-foot wide buffer shall be required along east side of I-75. (Completed)
 - c. Buildings on the east side Lena Road in Parcel I shall be located on the western two-thirds of the lots.
2. Residential

- a. The 100-foot wide buffer along the west side of I-75 shall be provided. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.
- b. Prior to Final Site Plan approval a noise analysis shall be done based on the potential 10-lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

<p>MANATEE COUNTY NOISE STIPULATION*</p> <p>No residential dwelling units <u>including Group Care Home (assisted living facility)</u> shall be allowed in areas where the exterior noise level is;</p> <p>Ldn > 65 dBA.: Leq design hour > 65 dBA: or L10 design Hour > 68 dBA</p> <p>Unless protected by some performance equivalent measure to achieve;</p> <p>Ldn # 65 dBA, Leq design hour # 65 dBA, or L10 design Hour # 68 dBA</p>
<p>NOISE REDUCTION REQUIRED*</p> <p>Sound attenuating barriers should be provided between the residential units and the noise source.</p> <p>Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.</p> <p>Buildings shall be positioned to maximize the distance between the residential units and the noise source.</p>

* For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

- c. **Parcels D, E, and G**
 - (i) The roadway buffers along Creekwood Boulevard and 44th Avenue extension shall be a minimum of 20 feet wide planted with 3 canopy trees (3-inch caliper as measured 6 inches from the base of the tree, 12 feet high, 5-foot spread) and 6 understory evergreen trees (2-inch caliper as measured from the base of the tree, 6 feet high, 3 foot spread) with 33 shrubs (30 inches at time of planting) per 100

linear feet.

- (ii) The greenbelt buffer along the west side of Parcel E, excluding the FP&L easement shall be a minimum of 20 feet wide planted with 3 canopy trees (3-inch caliper as measured 6 inches from the base of the tree, 12 feet high, 5-foot spread) and 33 shrubs (30 inches at time of planting) per 100 linear feet.
- (iii) A landscape buffer shall be provided along the east side of Creekwood Boulevard from the FP&L easement to the north end of Parcel G, consistent with the landscape plan submitted in the public record for a portion of this area, which shall include a 3 foot high berm with a 4 to 6 foot high hedge. The landscaping adjacent to Parcel C shall be installed prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for any building in Parcel C (not including outparcels on S.R. 70) and the landscaping adjacent to Parcel G shall be installed prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for any building in Parcel G. The hedge shall obtain 80% opacity within 2 years of planting. (Completed)
- (iv) A 200-foot wide buffer, containing the existing wetland on the residential development north of Parcel G, shall be maintained. All native vegetation shall be preserved within the buffer. (Completed)

3. The following buffering requirements shall apply to Parcels C-6, C-7, C, C-4, and C-5:

a Parcel C-6

A thirty (30) foot wide landscaped buffer shall be provided along the north side of Parcel C-6, adjacent to the residential land uses. Prior to any Certificate of Occupancy in Parcel C-6, two staggered rows of 3-inch dbh live oak trees of at least 14 feet in height shall be planted with trees in each row 50 feet apart. Existing live oak trees meeting this criteria may remain and may count to satisfy this condition. Any existing pine trees removed to satisfy this condition shall not be required to be replaced pursuant to County tree replacement requirements.

b. Parcel C-7

A 75-foot wide buffer from southwest corner of lot 1 of Phase 1, Subphase 1, Unit A-1 shall be provided along the east side of parcel C-7. Prior to the issuance of a Certificate of Occupancy for any use on Parcel C-7, screening consistent with the requirements of the Land Development Code, including the installation of a hedge to be a minimum of 6 feet high at maturity and 80 percent opaque, shall be provided along the east side of Parcel C-7, adjacent to the residential lots to the east. Within the 30-foot waterfront setback required by the Land Development Code, the developer shall provide tree landscaping consistent with Buffer Condition 5.A. above.

c. Parcel C

(i) A 50-foot wide buffer shall be provided along the eastern boundary of Parcel C adjacent to I-75 and the exit ramp. All native vegetation (i.e., oaks, pines, palmettos, wax myrtles, etc.) shall be preserved, except for limited view corridors, designed to allow the view of buildings and signage in Parcel C, while maintaining lower story vegetation (such as palmettos) and significant trees, may be allowed, subject to Building and Development Services Department review and approval.

(ii) The existing native vegetation located between Creekwood Boulevard and the FP&L easement between S.R. 70 and 52nd Place East, shall be preserved, except where removal may be necessitated by the expansion of Creekwood Boulevard, in which case landscaping, at a minimum, shall conform to the Land Development Code.

(iii) The existing fence and landscaping on the west side of Creekwood Boulevard from its current end, south to 73rd Street East shall be installed, consistent with the plan submitted in the public record, prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for any building in Parcel C.

d. Parcels C-4

Prior to Final Plat approval, the following shall be installed within the 15 foot wide buffer along the entire eastern and northern boundary:

(i) Canopy trees spaced 30 feet apart and a minimum 5-inch caliper; and

(ii) Beginning at the current Rosedale wall on the east and extending to the west of Parcel C-4, a decorative concrete block wall (or a construction alternative with the same appearance for any portion of the wall in excess of 8 feet in height above grade), finished and painted consistent with the existing Rosedale wall. The top of the wall shall be approximately 8 feet above the finished floor elevations of the adjacent residences in Rosedale. Construction of the wall shall be concurrent with the horizontal improvements associated with the plat (Completed).

e. Parcel C-5

(i) A thirty five (35) foot wide landscaped buffer shall be provided along the north side of Parcel C-5; and

(ii) Within the southerly portion of this buffer, excluding the wetland, a decorative concrete block wall (or a construction alternative with the same appearance for any portion of the wall in excess of 8' in height above grade), generally 8 feet in height above existing grade and finished and painted consistent with the existing Rosedale wall, shall be installed. In order to prevent tree removal within this buffer from occurring any earlier than necessary, the wall shall be installed during

building construction for each portion (east or west of the wetland) of this parcel, and shall be completed prior to the first Certificate of Occupancy on that portion of the parcel. The wall shall not be required for that portion of the property containing the wetland. The Building and Development Services Director, or designee, shall have the authority to approve a superior alternative to a wall in which the building shall serve the purpose of a wall. Should this alternative be approved, tree removal shall not occur on this parcel until such time as the building is constructed.

- (iii) Existing trees shall be maintained within this buffer to the extent practical and additional canopy trees of a minimum 5-inch caliper, shall be installed within this buffer in order to achieve canopy trees at least 30 foot on center. Timing shall be as outlined above and shall be verified prior to the issuance of the Certificate of Occupancy (Completed.)

f. Parcels C-4 and C-5

A coordinated landscape plan shall be developed for the 30-foot wide buffer along S.R. 70. This plan shall be determined prior to the first Final Plat approval for either parcel. (Completed)

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Site Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though it may have been approved by the County, will be subject to modifications by new state-of-the-art techniques and surface water management performance standards that may be developed or adopted during the course of the development process. (Completed)
2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.
3. In conjunction with the submittal of the first Preliminary Site Plan, a demonstration of compliance with the Watershed Protection, Special Treatment and Agricultural Fringe Overlay zones, shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction. (Completed)
4. The Stormwater Maintenance Plan, submitted with the first Preliminary Site Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within

each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project buildout. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.

5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

All Preliminary and Final Site Plans shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands and/or a different upland community type.
7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted *Future of the Region*. In addition, the wetland on Parcel C-5 shall be preserved.
8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.
9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.
10. A Wetland Buffer Restoration Plan shall be submitted to the Building and Development Services Department for review with each Final Site Plan in accordance with Section 719.11.2.1. of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
11. The developer shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Building and Development Services Department with each Final Site Plan.
12. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to Final Site Plan approval for each phase. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of

the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to issuance of the first Certificate of Occupancy or Final Plat approval, in accordance with Section 715.4 of the LDC.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:

- a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit A".

Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June - September) and the dry season (November - February). Significant water quality parameters should include, but not be limited to, the following:

- streamflow (cu. ft. /sec.);
- turbidity (ntu);
- specific conductance (umho/cm at 25 deg. C);
- dissolved oxygen (mg/l);
- biochemical oxygen demand (mg/l);
- pH;
- total orthophosphate as P (m/l);
- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms, multiple tube method, MPN (col/100 ml);
- total lead as Pb (ug/l); and
- temperature (deg. C).

Any changes to the sampling stations identified in "Exhibit A", the sampling frequency, or the above list of parameters shall be submitted to Manatee County and Tampa Bay Regional Planning Council (TBRPC) for review and comment, with approval by Manatee County.

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control standards and should be submitted to Manatee County and TBRPC.

- b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June - September) and the dry season (November - February). In addition, the developer shall provide for review annually updated ground water contour maps as described above, until the project reaches completion.

2. In order to protect water quality, the following parameters shall be included in the project drainage plan.
- a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
 - proposed wetland/lake alterations;
 - control of exotic species;
 - control of on-site water quality;
 - maintenance of natural hydroperiod; and
 - methods for wetland restoration/enhancement.
 - b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first inch of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.
 - c. The proposed retention/detention wetland systems shall be designed to be consistent with the *Stormwater and Lake Systems Maintenance and Design Guidelines* (TBRPC 1978). The design criteria of this system should include the following elements:
 - (1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.
 - (2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.
 - (3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.
 - (4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.
 - (5) The littoral shelf shall be vegetated with a diverse group of native species, which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.
 - (6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal

operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.
2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

The developer shall provide to all Creekwood businesses information that:

- a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and
- b. Indicates the location of the specially-designed hazardous waste and materials containers; and
- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.

2. Development plans shall assure adequate buffering between the industrial, office, commercial and residential designations of this development through appropriate measures such as covenants and deed restrictions.
3. Assignment of specific responsibility for open spaces shall be made at the time of Final Plat submittal, unless no plat is required, then it shall be required at time of Final Site Plan submittal.
4. The 25-acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended. (Completed)

If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including but not limited to provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the county constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement. The Developer shall have the right to relocate the right-of-way and/or constructed road at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)
2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)
3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on S.R. 70 and to the intersection of S.R. 70 and I-75. The improvements required at the S.R. 70 and Creekwood Boulevard intersection are generally described in the Intersection Analysis prepared by Roy Chapman P.E. and dated December, 1998. An updated intersection analysis shall be submitted prior to platting of the 101st residential lot north of Williams Creek. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Transportation Authority with the review of an updated traffic analysis for each increment of development. This will require an overall maintenance of Level of Service “D” during peak hour of the intersection of Creekwood Boulevard and S.R. 70, as well as left-turns, right-turns, in and out of Creekwood Boulevard at S.R. 70.
2. Developer shall provide for a 120-foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto except for the bridge approach to the I-75 crossing. Sufficient right-of-way to construct the bridge approach shall be reserved and shall not be dedicated unless the right-of-way is voluntarily dedicated by the owner thereof pursuant to a development agreement. The developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement. The developer shall enter into an agreement with the County to either oversize the internal stormwater pond system to be constructed on Parcel D or reserve capacity in the existing stormwater pond system to accept stormwater from the future 44th Avenue extension. The agreement must be entered into prior to Preliminary Site Plan approval for Parcel D.
3. Construction of approximately 1,600 feet of 44th Avenue East from the west property boundary west to the existing pavement, by the developer to a two lane section, including payment for acquisition of necessary right of way, shall be required prior to final plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.
4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and this roadway connection shall be constructed or bonded prior to the next Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of S.R. 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6. (Completed)
5. The proposed entrance onto S.R. 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function. (Completed)

6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto S.R. 70 shall be located as far from S.R. 70 right-of-way as necessary to avoid conflict with regard to intersection function.
7. All roads shown on the General Development Plan, including required stub-outs to the property boundary, shall be dedicated to Manatee County with adequate rights-of-way as determined by the Transportation Department except for the bridge approach for the 44th Avenue crossing of I-75.
8. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.
9. The proposed owner's association documents shall contain a provision requiring the occupants of the industrial park to coordinate shift changes to reduce peak hour traffic.
10. In accordance with the Traffic Element of the Manatee County Comprehensive Plan, the adopted level of service as of the effective date of this ordinance, as determined by the procedures reported in the Highway Capacity Manual (HCM) 2000 and using the most recent version of the Highway Capacity Software (HCS), or most current HCM manual and HCS software, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council and the Department of Economic Opportunity shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five (5%) percent or more of daily Level of Service "C" capacity:
 - a. University Parkway from Lockwood Ridge Road to I-75
 - b. S.R. 70 from U.S. 41 to I-75
 - c. Lockwood Ridge Road from University Parkway to S.R. 70
 - d. S.R. 64 from Morgan Johnson Road to I-75
 - e. I-75 from University Parkway to S.R. 70
 - f. S.R. 780 from Honore Avenue to I-75
 - g. Intersection of S.R. 70 and S.R. 683
 - h. Intersection of S.R. 70 and 45th Street East
 - i. Intersection of S.R. 70 and Caruso Road
 - j. Intersection of S.R. 70 and U.S. 301
 - k. Intersection of S.R. 64 and Morgan Johnson Road

- l. Intersection of S.R. 70 and the Project Entrances
- m. Intersection of S.R. 70 and I-75
- n. Intersection of S.R. 70 and U.S. 41
- o. S.R. 70 from I-75 to Lorraine Road

No plat or site plan shall receive approval if the approval of such increment of development would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstances upon which the County may base traffic projections, will have the likely result of causing or contributing to a degradation of the Level of Service on these road links and intersections to a daily level below the adopted level of service as of the effective date of this ordinance. S.R. 70 shall maintain an acceptable Level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes. If any traffic study required above for any increment of development shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of S.R. 70 between S.R. 683 (15th Street East) and U.S. 301, then that increment of development shall not be approved unless the improvements are necessary to achieve the adopted level of service on that segment under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under Stipulation 14 of the General Conditions contained herein.

- 11. Access to the project shall be as shown on the Revised Map H.
- 12. A cross-access easement shall be provided between Parcels C and E. The location shall be approved by the Building and Development Services and Transportation Departments prior to or concurrent with Preliminary Site Plan approval for Parcel E.
- 13. Prior to Final Plat approval for Parcel I, a 90-foot right-of-way for Lena Road, from the terminus of the cul-de-sac in Parcel I to the eastern boundary of the Creekwood project, shall be dedicated to Manatee County. The intersection crossing with the eastern property boundary shall be south of Williams Creek and shall align in such a manner so that the road will not conflict with power poles in the easement. (Completed)
- 14. Prior to the next Preliminary Site Plan approval east of I-75, the Developer shall provide Manatee County with a mechanical means to monitor the new project trip traffic inbound and outbound at appropriate locations determined by Manatee County. (Completed)
- 15. Prior to issuance of Certificate of Occupancy for the 65,000 square feet of office on Parcel G the following improvement must be completed:

At the intersection of S.R. 70 and Creekwood Boulevard, construct an additional southbound left-turn lane (dual left-turn lanes) with a separate southbound through-lane and a separate southbound right-turn lane. (Completed)

16. Prior to or in conjunction with Final Site Plan or Final Plat approval for any phase or subphase of Parcel D, the developer shall dedicate right-of-way to provide for a 250-foot half width right-of-way for the future 10-lane configuration of I-75.
17. Until there are dual left turn lanes on S.R. 70 to the Northbound I-75 ramp and receiving lanes for those turn lanes there shall be no increase in PM peak hour trips using the east side northbound ramp to I-75 above the 99 total trips currently approved for with the project prior to the NOPC approved January 5, 2006. As each Final Site Plan is brought forward there shall be an analysis of the proposed new trips to the ramp and the already approved trips from the project to ensure that the number of trips on the ramp does not exceed 99, until the above identified improvements are in place. (Completed)

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors, and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide wastewater treatment, solid waste disposal, police, fire, and EMS service with each Preliminary Development Plan submittal.
2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.
3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.
4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.
5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.
6. The development of this project shall proceed in accordance with the information plans, projections, representations and materials contained in the Application for Master Development Approval and application for rezoning and Conceptual Plan approval, except as modified by the stipulations, conditions and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.

7. Nothing herein shall be construed as limiting the authority of Manatee County, in the course of review and development of this project, to implement and apply laws, ordinances, rules and regulations under its jurisdiction, consistent with the approval hereby granted.
8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional and/or more detailed stipulations, conditions and requirements to be formulated and applied at later stages of review of this project under local procedures.
9. In the event that the import of any of the stipulations contained herein appears uncertain, interpretation thereof should be by reference to the staff report presented to the Planning Commission and Board of County Commissioners in connection with their consideration of this development proposal, and by reference to the record of the hearings before these bodies.
10. In the event ownership of any portion of the property embraced by this project, or any of the development rights acquired by virtue of this or subsequent approvals, is transferred to any party other than the applicant, the applicant or other transferor of such property or rights shall notify the Board of County Commissioners thereof and shall, in writing, identify the party or parties who will then be responsible to fulfill the obligations and meet the conditions established by these stipulations and by any subsequently established stipulations.
11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan hereby approved, nor shall anything herein be construed as denying the property owner or developer any rights to the continuation of existing uses that may be provided by the *Land Development Code* or other applicable law.
12. The terms "fair share" and "pro-rata share" as used herein refer to a contribution or participation by the developer, whose purpose is to address an impact generated by new development upon the public domain or upon services or facilities provided by the County, in an amount or of a value that reflects as nearly as is practicable, the impact of this development as a proportion of the total of impacts upon the same services, facilities, or element of the Public domain, that are expected to be generated by all developments in the impact area that have received approval or that are specifically anticipated on the basis of submitted development requests.
13. Where these stipulations require, expressly or by implication, an exercise of discretion or judgment, but do not specify the nature or parameters thereof, or where some determination must be made or approval granted or condition satisfied, the necessary decision or judgment shall be made by the County; but in doing so the County shall act reasonably and in good faith and, where appropriate, in accordance with accepted practice.
14. In the event the County or other government entity with jurisdiction in the matter establishes impact fees or similar charges that are designed to pay the cost of any of the types of facilities, services, or impacts upon the public domain that the developer by virtue of these stipulations has an affirmative obligation to address, and such fees are payable with respect to portions of the development thereafter completed or finally approved, appropriate reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a

part of subsequent approvals.

15. All references made in Ordinance ~~13-25~~ 14-04 to a General Development Plan shall mean the Master Development Plan dated ~~May 9, 2013~~ December 25, 2013.
16. All Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

Section 5. LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR REVISED CREEKWOOD

CREEKWOOD

THE EAST ½ OF SECTION 11, TOWNSHIP 35, RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO:

THAT PART OF SECTION 12., TOWNSHIP 35., RANGE 18E., LYING WEST OF STATE ROAD 93 (INTERSTATE 75).

ALSO:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD 70

ALSO:

THAT PART OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD 93 (INTERSTATE 75), AND NORTH OF STATE ROAD 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST ½ OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A POINT OF BEGINNING: THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS: THENCE CONTINUE S 00°43'10" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A

CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20' 03" E. ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.37 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD. 93 (INTERSTATE 75), AND SAID STATE ROAD. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.10 FT.; THENCE S 70°20'03" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W, OF SAID STATE ROAD 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E. ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52°23'42". A DISTANCE OF 568.98 FT. TO THE P.T. OF SAID CURVE; THENCE N 54°58'49" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING RADIUS OF 721.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07". A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE, THENCE N 04°55'42" E, ALONG SAID LIMITED ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST. HAVING A RADIUS OF 5530.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 33 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11, THENCE N 89°35' 09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 11; THENCE S 00°45'32" E. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 11. A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS

CREEKWOOD-EAST

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD 70. LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W. ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20' 03" W, ALONG SAID NORTHERLY R/W , 1492.94 FT.; THENCE N 33°10'32" W. ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W. ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'30" W, ALONG SAID NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD 93 (INTERSTATE 75), AND STATE ROAD 70; THENCE N 60°14'02" W. ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD 93 (INTERSTATE 75), THENCE N 70°20'03" W. ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA

POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST ½ OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELAWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST ½ OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST ½ OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES; N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W. 1492.94 FT., THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL THE FOLLOWING COURSES AND DISTANCES; N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25"E, 72.10 FT.; THENCE S 43°52'49" E, 240.00FT.; THENCE S 34°24'49" E, 88.00 FT.; THENCE N

85°27'11" E. 175.71 FT.; THENCE N 75E17'11" E, 113.23 FT.; THENCE N 34°52'11" E. 120.63 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

CONTAINING 11.84 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

SECTION 6. SEVERABILITY

~~If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.~~ If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

SECTION 7. EFFECTIVE DATE

This ordinance shall take effect upon later of: 1) the date of the filing of this ordinance with the Department of State, State of Florida, and 2) the expiration of 45 days after the filing of Ordinance 13-25, the Development Order for Creekwood, with the Department of Economic Opportunity, unless a notice of appeal is filed pursuant to Section 380.07.F.S.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the ~~17th day of December, 2013~~ 3rd day of April, 2014.

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

By: _____
Larry Bustle, Chairman

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

By: _____
Deputy Clerk