



# ARS

## Annual Report Summary

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### DRI #102 - CREEKWOOD MANATEE COUNTY RY 2012-13

On August 27, 1985, Manatee County granted a Development Order (Resolution R-85-149) to Creekwood, Limited, for a 1,090-acre, multi-use development located northwest of the S.R. 70/I-75 intersection in Manatee County.

The Development Order has been amended nine times, most recently on December 17, 2013 (Ordinance No. 13-25). The amendments have cumulatively: deleted 512± acres from the project; downscaled residential development; revised and extended the project phases; modified the project entitlements; increased Phase IV Office by 65,000 sq. ft.; authorized a limited amount of Medical Office space in lieu of General Office within Phase IV; decreased Phase III residential development by 367 units; transferred six residential units from Phase I/II to Phase IV; recognized hotel as an independent land use and allowed a maximum of 100 Hotel rooms; removed linear park requirement in favor of a requirement for the dedication of a 33.4-acre conservation area; recognized two new owners (i.e. Creekwood Estates LLC and Professional Place LLC); authorized additional 30,000 sq. ft. of Mini-Warehouse for Parcel C-5; modified the Water Quality Monitoring conditions; updated Table 1 (“Phasing by Use”) to reflect prior 150,000 sq. ft. reduction of Phase 4 Industrial; modify the land use assigned to Parcel G from Office to Residential; increase the number of Residential units by 112 (to 1,362) with a corresponding reduction in Office space by 125,000 sq. ft. (to 100,000 sq. ft.); and delete Land Use Condition #1 regarding the maximum density in the Watershed; amend the stipulations related to the I-75 bridge approach. Additional extensions of 11 years and 326 days have also been granted by Manatee County to account for 2007 (3 Years), 2009 (2 Years/SB 360), 2010 (2 Years/SB 1752) & 2011 (4 Years/HB 7207) legislation as well as the cumulative tolling period associated with three Executive Orders signed into law by Governor Scott during 2011 (326 Days) The Development Order now expires on November 22, 2019.

The following constitutes the approved phasing schedule:

Phase	Buildout	Residential (Units)	Commercial (Sq. Ft.)	Industrial (Sq. Ft.)	Office (Sq. Ft.)	Hotel (Rooms)	Mini Warehouse (Sq. Ft.)
1 & 2	Completed	592	455,048	0	0	0	0
3	11/22/2018	140	55,000	230,000	60,000	0	0
4	11/22/2019	630	92,952 <sup>2</sup>	570,000	40,000 <sup>1</sup>	100	80,000 <sup>3</sup>
<b>TOTAL</b>		<b>1,362</b>	<b>603,000<sup>2</sup></b>	<b>800,000</b>	<b>100,000<sup>1</sup></b>	<b>100</b>	<b>80,000<sup>3</sup></b>

1. Office space may include medical office.

2. Construction of the initial 50,000 sq. ft. of Mini Warehouse was acknowledged within the RY 2007-08 Annual Report. The Annual Report also reflected that the 50,000 sq. ft. of Mini Warehouse was equivalent to 24,000 sq. ft. of Commercial. As appropriate, this amount of Commercial has been deducted from the Phase 4 and overall Commercial entitlements reflected in this Table for the project.

3. Mini Warehouse consists of the 50,000 sq. ft. constructed during 2007-08 as well as the 30,000 sq. ft. expansion proposed within the 2012 Amendment.

### **In lieu of submitting a formal Annual Report:**

- **Ms. Darendra Marvin Grimes (of Grimes Goebel, Grimes et al) provided a November 11, 2013 correspondence on behalf of her client - Wells Fargo Bank N.A. The correspondence stated that “there has been no development activity during the Reporting Year on Parcel E.”**
- **Mr. Kevin Hennessy (of Lewis, Longman & Walker) submitted a November 13, 2013 correspondence on behalf of his client - Corona Creekwood Ltd. The correspondence indicated that “there has been no additional development pursuant to the Development Order related to Parcel D... since submission of the previous annual report.”**
- **Mr. Caleb Grimes (of Grimes Goebel, Grimes et al) provided a December 19, 2013 correspondence stating on behalf of his client - Creekwood Investors Ltd. The correspondence identified that *to the best of my knowledge, there has been no active construction within the DRI as a whole* .” This correspondence additionally acknowledged that traffic monitoring and water quality had not been performed, as would be appropriate since no development activities were initiated or completed during the reporting period and that Creekwood Investors’ remaining ownership within the project is limited to “*nine platted lots with a subdivision known as Creekwood Commercial.*”**
- **Ms. Darendra Marvin Grimes (of Grimes Goebel, Grimes et al) provided a March 4, 2014 correspondence on behalf of her client - D.R. Horton, Inc. The correspondence indicated that *there has been no development activity during the Reporting Year on Parcel E.*”**

**Such correspondences are authorized under Subsection 380.06(18), F.S. in lieu of formal Annual (or Biennial) when no development activity occurred during the reporting period.**

**The following development and compliance representations are consistent with those represented the last time a formal Annual Report was prepared and submitted (i.e. RY 2009-10).**

### **PROJECT STATUS**

***Development this Reporting Year:*** no development activity occurred during the reporting period.

***Cumulative Development:*** 592 residential units have been completed as well as 501,594 sq. ft. of Commercial development (a 50,000 sq. ft. mini-warehouse was constructed and counted as 24,000 sq. ft. of Commercial), 89,084 sq. ft. of Light Industrial, 3,990 sq. ft. of Office and 78 Hotel rooms.

***Projected Development:*** the developer has indicated that “a significant amount of Industrial is either under construction or under building permit review.” Under these pretenses, it would be logical to assume that some Industrial development would be completed.

### **SUMMARY OF DEVELOPMENT ORDER CONDITIONS**

1. The Applicant has identified the Level of Service status of **12** specific links/intersections allegedly in compliance with Transportation Condition #10 of the Development Order (Ordinance No. 05-41). The November 2009 status report indicated that one of these 12 facilities currently operates at LOS “A” [S.R. 70/I-75 Northbound intersection], two at LOS “B” [i.e. S.R. 70/I-75 Southbound intersection and Lockwood Ridge Road: University Parkway to S.R. 70], six at LOS “C” [i.e. S.R. 64/Morgan-Johnson Road

*intersection, S.R. 70/Caruso Road intersection, S.R. 70/87th Street East intersection, University Parkway: Lockwood Ridge Road to I-75, S.R. 70: U.S. 301 to I-75, and S.R. 64: Morgan-Johnson Road to I-75], and three at LOS “D” [i.e. S.R. 70/45<sup>th</sup> Street East intersection, S.R. 70/Tara-Creekwood Boulevard intersection, and I-75: University Parkway to S.R. 70]. The only recognized change in comparison with last year’s Level of Service analysis was the upgrade of the S.R. 70/I-75 Northbound intersection from LOS “B” to LOS “A.”*

The intersection Levels of Service were derived using the existing counts using HCS+ software. The Level of Service on the link segments were determined by using the FDOT recorded volumes. The segment of I-75 between University Parkway and S.R. 70 also used the FDOT recorded volumes to determine the Level of Service.

Condition #10 required the assessment of the following five additional intersections, which were not provided:

- S.R. 70 from Honore Avenue to I-75
- Intersection of S.R. 70 and S.R. 683
- Intersection of S.R. 70 and U.S. 301
- Intersection of S.R. 70 and U.S. 41
- S.R. 70 from I-75 to Lorraine Road

To address this point, the Developer has previously stated that since the development has experienced “more than a 50% reduction in both residential and industrial entitlements” from its initial approval, the traffic impact study area and significantly impacted intersections (i.e. more than 5%) have been reduced proportionately.

Subject to verification of the appropriateness of the above statement by Manatee County and/or the Florida Department of Transportation, the Developer would be encouraged to consider requesting removal of these additional links/intersections from the Development Order in conjunction with the next Notice of Proposed Change application submitted for the project, if applicable.

2. Yearly water consumption and sanitary sewer flow estimates/projections for RY 2008-09 through RY 2011-12 were provided in the annual report, pursuant to General Condition 15.d. The table reflects range estimates from 195,000 gallons per day (GPD) of potable water demand and wastewater generation in 2008-09 to 280,000 GPD in 2011-12. The estimates were based on: assumed average water/sewer demand rates of 250 GPD per residential unit and 0.1 GPD/Sq. Ft. for all non-residential uses; and assumed project completion in 2012. As required, these estimates should be updated annually and submitted within all future Annual Reports.
3. The annual report included the results of the semi-annual surface and groundwater quality monitoring conducted on March 11, 2009 and September 28, 2009, as required by Environmental Condition 4 and Water Quality Condition 1.a. Similar to past monitoring results of the site, several water quality criteria exceeded state standards but are attributable to surface water and groundwater characteristics of the area, as identified by the consulting firm that conducted the analysis.
4. The following Plans have all been previously submitted as required: *I-75 Noise Contour Plan; Stormwater Maintenance Plan; Master Drainage Plan; Wetland-Lake Management Plan; and a Cultural Resource Assessment Survey.*

**DEVELOPER OF RECORD**

The following firms are responsible for adhering to the conditions of the Development Order regarding their respective parcels:

Corona Creekwood, LLC (Parcel "D") c/o Kevin Hennessy, Esquire Lewis, Longman & Walker 1001 Third Ave. West, Ste 670 Bradenton, FL 34205	Creekwood Investors LTD (Creekwood Commercial) c/o Caleb Grimes, Esq. Grimes Goebel Grimes et al 1023 Manatee Avenue West Bradenton, FL 34205
D.R. Horton Inc. (Parcel "E") c/o Caleb Grimes, Esq. Grimes Goebel Grimes et al 1023 Manatee Avenue West Bradenton, FL 34205	Wells Fargo Bank N.A. (Parcel "G") c/o Caleb Grimes, Esq. Grimes Goebel Grimes et al 1023 Manatee Avenue West Bradenton, FL 34205

**DEVELOPMENT ORDER COMPLIANCE**

Council records do not indicate that an Annual Report or "no development" acknowledgment correspondences were provided by any of the Developers of Record (noted above) in association with the 2011-12 reporting period. However, the project appears to be proceeding in a manner consistent with its Development Order at this time.

It is concerning that annual reporting of the project has become fragmented with no single entity assigned to assess the extent of overall compliance with the Development Order. If this trend continues, it will be imperative for Manatee County to designate one entity responsible for conducting the required annual traffic and water quality monitoring components of the Development Order. At minimum, each Master Developer should still submit Annual Reports to address development activities which transpired on their respective parcels during the reporting period as well as reflect their extent of compliance with all Development Order conditions. Manatee County is responsible for ensuring compliance with the terms and conditions of the Development Order.