



# BRS

## Biennial Report Summary

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### DRI #218 - GATEWAY NORTH MANATEE COUNTY RYs 2013-15

On April 9, 1992, the Manatee County Board of County Commissioners granted a Development Order (Ordinance No. 92-30) to Magnolia Management Corporation for a three-phase, 1,065-acre, multi-use project located north of Moccasin Wallow Road and west of Interstate 75 in northwestern Manatee County. The project is specifically approved for Phase 1. Specific approval for Phases 2 and 3 is contingent upon further transportation, air quality and affordable housing analyses.

The Development Order has been amended five times, most recently on December 2, 2010 (Ordinance No. 10-44). The amendments have cumulatively: extended each of the phase buildout dates and the project commencement date; recognized various exchanges of entitlements and acreages amongst the project uses and phases; modified the Land Use Equivalency Matrix (LUEM) to recognize potential of Senior Housing, Mini-Warehouse and/or Hotel uses and LUEM notification procedures; classified 130.2 acres of commercial, office and office/service center as “mixed use”; modified the internal roadway system and external access points portrayed on the Master Development Plan; authorized residential development on currently designated school site if not requested by the School Board within three years of infrastructure completion adjacent with school site; authorized alternative school facilities on Parcel “M” of the General Development Plan; authorized potential installation of telecommunications tower within project; extended the frequency of reporting from “annual” to “biennial”; and updated information pertaining to the authorized agent, Developers and co-owners. Due to 2007 revisions to Subsection 380.06(19)(c), F.S., each of the project phases and the Development Order expiration dates were extended by “automatic” three-year periods. As revised, the Development Order expires on January 12, 2032.

The revised phasing schedule is as follows:

PHASE BUILDOUT	RESIDENTIAL			RETAIL (Sq. Ft.)	OFFICE (Sq. Ft.)	OFFICE/ WRHSE. (Sq. Ft.)
	Single Family	Multi-Family	Townhomes			
1 1/12/2027	1,685	578	265	386,000	154,000	100,000
2* 1/12/2030	0	144	0	0	406,500	150,000
3* 1/12/2032	0	0	128	59,200	400,000	147,500
<b>TOTAL*</b>	<b>1,685</b>	<b>722</b>	<b>393</b>	<b>445,200</b>	<b>960,500</b>	<b>397,500</b>

\* - Phases 2 & 3 are conceptually approved only. Specific approval shall require further transportation, air quality and affordable housing analyses in accordance with Chapter 380.06, F.S.

On January 30, 2014, the Applicant submitted a Notice of Proposed Change application requesting the following Development Order modifications which remain under review:

- recognize extensions to the Phase buildout and Development Order expiration dates to coincide with prior legislative approvals. These dates are consistent with those identified in the Table above; and

- revise the Phase 1 proportionate share calculation identified in the Development Order to reflect the newer transportation modeling techniques (i.e. exclusion of background/non-project traffic).

## **PROJECT STATUS**

***Development this Reporting Year:*** the initial 53 Single-Family Residential units were developed. Site infrastructure to support 228 Single-Family units was also completed. Non-Residential development has yet to commence.

***Cumulative Development:*** limited to above-referenced 53 Single-Family Residential units, a sales center and a fire station.

***Projected Development:*** future development activity(ies) has not been identified.

## **SUMMARY OF DEVELOPMENT ORDER CONDITIONS**

1. Specific approval of Phases 2 and/or 3 is contingent upon further Transportation [Condition 6.A.(11)], Air Quality [Condition 6.E.(2)], Affordable Housing [Condition 6.P.(5)] analyses and recognition of corresponding mitigation within the Development Order, as may be applicable. Additionally required will be the establishment of a Transportation Systems Management program [Condition 6.A.(8)].
2. Upon the issuance of Certificates of Occupancy which generate an estimated 500 PM Peak Hour net external trips, the Developer shall initiate a biennial PM Peak Hour traffic count monitoring program for all project entrances through buildout of Phase 1. Results of the traffic monitoring shall be submitted with each subsequent Biennial Report and will be compared to the 4,236 PM Peak Hour trips approved for Phase 1 (i.e. 2,172 Inbound/2,064 Outbound), as recognized in Condition 6.A.(7). This Condition is not applicable at this time.
3. Condition 6.A.(9)/Tables 3 and 4 identify the required Roadway and Intersection Improvements (respectively) associated with Phase 1 of the project, the lone phase granted specific approval. The Developer has previously asserted that the improvement thresholds have not been triggered and that “design, permitting, platting and other approvals are proceeding.” The status of these improvements (or applicability thereof) shall continue to be described within all future Biennial Reports.
4. Condition 6.B.(5) requires the Developer to prepare and submit a *Wetland Management and Mitigation Plan* to TBRPC prior to any wetland alteration. Such Plan was initially submitted for “Artisan Lakes/Phase 1 (Subphases A, B & C)” in association with the RY 2006-07 Annual Report. While the Developer previously reported that “monitoring required by such Plan is proceeding,” the status of this Condition shall be continually identified and/or confirmed within all future Biennial Reports, as would be appropriate.
5. The Developer has previously submitted the “*Post-Development Master Drainage Plan*” in accordance with Condition 6.F.(1).

6. The Developer initially prepared a surface water quality monitoring program and implemented surface water monitoring in accordance with Condition 6.F.(4). However, Manatee County Environmental Management Department subsequently determined that “ongoing monitoring is not required to continue for surface water for this project” due to “minimum sample size required for assessment of impaired waters.” Such modification was reflected in the revised Condition.
7. Per Condition 6.F.(5), the Developer previously established a ground water quality monitoring program that was subsequently approved by Manatee County on January 13, 2006. While such monitoring has previously conducted and submitted in accordance with this condition, the Developer was granted a temporary exemption due to “a lack of construction activity” from 2008 through present. However, Manatee County staff has subsequently requested that the monitoring program resume to coincide with current development. It is anticipated that the groundwater monitoring results will be described and contained in the RY 2015-17 Biennial Report as well as future Reports.
8. Prior to any further development approvals, the developer shall submit a *Non-Potable Water Use Plan*, as required by Condition 6.H.(4). The Developer has “acknowledged” this requirement.
9. The Developer shall prepare and submit a *Hazardous Substances and Hazardous Waste Management Plan* prior to “development approvals for any nonresidential land use within the Project,” as stated in Condition 6.J.(1). The Developer has identified that this Condition is not applicable at this time since “there has been no non-Residential development to date.”

**DEVELOPER OF RECORD**

The following developers are jointly responsible for adhering to the terms and conditions of the Development Order:

Property Reserve, Inc. 5 Triad Center, Suite 325 Salt Lake City, UT 84180	Taylor Woodrow Communities at Artisan Lakes, LLC 501 N. Cattlemen Road, Suite 100 Sarasota, FL 34232
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**DEVELOPMENT ORDER COMPLIANCE**

The project appears to be proceeding in a manner consistent with the Development Order. Manatee County is responsible for ensuring compliance with the terms and conditions of the Development Order.