



#154

# MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT  
"TO SERVE WITH EXCELLENCE"

---

May 25, 2001

Mr. John Meyer  
DRI Coordinator  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard  
St. Petersburg, FL 33702

Re: Resolution R-01-59

Dear Mr. Meyer:

Enclosed is a certified copy of Resolution R-01-59 amending the Arvida DRI Abandonment, as adopted in open session by the Manatee County Board of County Commissioners on April 24, 2001, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6834.

Sincerely,

Norm Luppino,  
Planning Manager

NL/ks  
Enclosure

2.6

RESOLUTION NO. R-01-59

ARVIDA CORPORATE PARK DRI ABANDONMENT

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REVISING EXHIBIT 2 OF RESOLUTION R-95-24, WHICH APPROVED THE ABANDONMENT OF THE ARVIDA CORPORATE PARK DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on February 23, 1995, the Board of County Commissioners adopted Resolution R-95-24 abandoning the Arvida Corporate Park DRI development order for a 215.8 acre parcel and imposing certain conditions on the abandonment; and

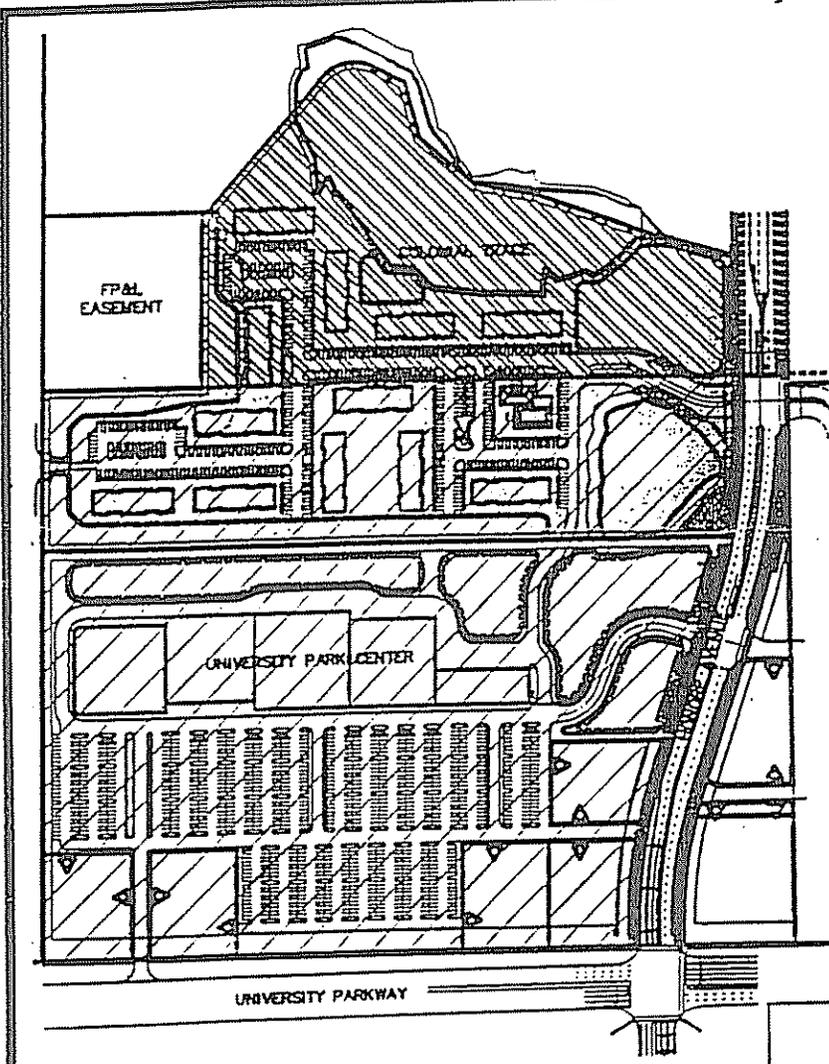
WHEREAS, Exhibit "2" of this Resolution provided a plan of development for the abandoned property; and

WHEREAS, Crescent Resources, L.L.C., Arvida Corporate Park Associates, Woodlands Country Club Associates and the Department of Community Affairs entered into an Agreement dated November 8, 2000, requiring the revision of the Abandonment Order, to reduce previously approved development totals on the DRI parcel to eliminate 156 hotel units, 40,000 square feet of office space and 200 multi-family residential units and to increase the amount of commercial area by 23,000 square feet; and

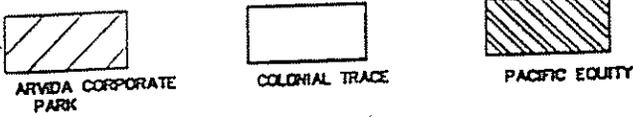
WHEREAS, Crescent Resources L.L.C. proposes to use 15 acres of the abandoned property and to combine it with another 13.8 acres proposed to be removed from the Unnamed Exclusive Golf and Country Club DRI to allow a proposed development of 240 multi-family units and a 3,000 square foot recreation building with amenities, to be known as Colonial Trace; and

WHEREAS, the remainder of the abandoned property is to be developed as a commercial center known as University Park Center.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, in regular session duly assembled this 24th of April, 2001;



EXCLUSIVE RESIDENCES LAND USE COMPARISON			
DEVELOPMENT	APPROVED	PROPOSED	NET CHANGE
DR# 2202			
Residential	1,238 units	1,238 units	0
Commercial	40,000 sf	0	- 40,000 sf
Golf Course	27 holes	27 holes	0
Country Club Restaurant	35,000 sf	32,000 sf	- 3,000 sf
New Residential			
Residential	H/A	240 units	+ 240 units
Recreation Center	H/A	3,000 sf	+ 3,000 sf
Arvida Abandonment			
Residential	200 units	0	- 200 units
Commercial	200,000 sf	223,000 sf	+ 23,000 sf
Office	40,000 sf	0	- 40,000 sf
Hotel	156 units	0	- 156 units
Summary:			
Residential	+ 40 units		
Commercial	- 17,000 sf		
Golf Course	0		
Country Club / Restaurant / Recreation Center	0		
Office	- 40,000 sf		
Hotel	- 156 units		

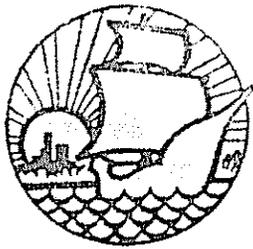


CAD file name: X:\Acad\UPCC\Multi\Exhibit.dwg  
 Plot date and time: 20001026.1112

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REVISED MAP 'A'  
 UNNAMED EXCLUSIVE RESIDENCES - NOPC  
 LOCATED IN  
 SECTION 38, TOWNSHIP 35 SOUTH, RANGE 18 EAST  
 MANATEE COUNTY, FLORIDA

*ZWS*  
 SHEET 1



152

# MANATEE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

February 28, 1995

CERTIFIED MAIL  
P 260 314 459

Mr. Tim Butts  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard  
St. Petersburg, FL 33702

Dear Mr. Butts:

Pursuant to Rule 9J-2.025, Florida Administrative Code, please find enclosed certified copies of Resolution R-95-24, a resolution approving the abandonment of the Arvida Corporate Park DRI, and Ordinance 95-13, an ordinance granting amendments to Ordinance 93-21, the development order for the Unnamed Exclusive Golf and Country DRI, as adopted in open session by the Manatee County Board of County Commissioners on February 23, 1995.

If you have any questions, please contact Norm Luppino of this department at 749-3070, extension 6834.

Sincerely,

Michael A. Pendley  
Community Planning Administrator

MAP/jy  
Enclosure

rendered 3/11/95.  
G.B.

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071

P.O. Box 1000 • Bradenton, Florida 34206-1000

RESOLUTION NO. R-95-24

ARVIDA CORPORATE PARK DRI ABANDONMENT

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA APPROVING THE ABANDONMENT OF THE ARVIDA CORPORATE PARK DEVELOPMENT OF REGIONAL IMPACT AND ESTABLISHING CERTAIN CONDITIONS FOR THE DEVELOPMENT OF THE PROPERTY.

WHEREAS, Manatee County has previously issued a development order for the Arvida Corporate Park Development of Regional Impact which had authorized the development of certain properties consisting of approximately 218.8 acres, more particularly described in Exhibit "A" attached hereto and incorporated by reference, owned by Arvida Corporate Park pursuant to Chapter 380, Florida Statutes; and,

WHEREAS, a portion of the property included within the DRI, consisting of approximately 3 acres, has been conveyed to Florida Power and Light; and,

WHEREAS, the remainder of Arvida Corporate Park DRI, comprising of approximately 215.8 acres, is retained by Arvida Corporate Park Associates; and,

WHEREAS, the Southern Capital Group, a Florida General Partnership, has a contract pending with Arvida Corporate Park Associates to purchase a 164.23 acre parcel of the Arvida Corporate Park DRI (Arvida Corporate Park parcel); and,

WHEREAS, Arvida Corporate Park Associates has submitted an application for the abandonment of the development of regional impact requesting the County to approve the abandonment of the DRI in order to facilitate the sale of the 164.23 acres to the Southern Capital Group; and,

WHEREAS, the applicant has duly noticed and Manatee County has held public hearings pursuant to Rule 9J-2.0251, Florida Administrative Code, dealing with abandonment of the development order.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, in regular session duly assembled this 23rd day of February, 1995:

The Board of County Commissioners hereby makes the following findings of fact and conclusions of law concerning abandonment of the DRI development order:

- A. No development, as defined by Section 380.04, Florida Statutes, with the exception of construction of an unmanned Florida Power and Light substation, has taken place under the terms of the DRI Development Order.
- B. There have been no impacts from the project because, with the exception of the construction of a Florida Power and Light substation, there has been no development within the DRI.
- C. The property will no longer be in common ownership nor have a common plan of development.
- D. The 164.23 acre parcel to be purchased by the Southern Capital Group has a pending request to be incorporated as part of the Unnamed Exclusive Golf and Country Club DRI under the pending (Notice of Proposed Change) NOPC for said project (Exhibit 1).
- E. The remaining 51.46 acres of the Arvida DRI has a general development plan pending County approval for development which will be less than eighty (80) percent of any applicable DRI Guideline or standard (Exhibit 2).
- F. Future development on both parcels will be subject to current comprehensive plans and land development regulations, including concurrency and wetland preservation.

- G. The wetland and wooded areas previously identified in the Arvida Development Order will be afforded greater protection as Tampa Bay Regional Planning Council (TBRPC) preservation and conservation areas for the 164.23 acre addition to the Unnamed Exclusive Golf and Country Club DRI and by site plan approval condition for the 51.46 acre general development plan.
- H. The developer has not relied upon benefits granted to authorized developments of regional impact, pursuant to Chapters 163, 403, and 380, Florida Statutes, which would not otherwise be available after abandonment.
- I. The proposed development after abandonment will be consistent with the State Comprehensive Plan, the State Land Development Plan and the appropriate Comprehensive Regional Policy Plan.
- J. The development is eligible to request abandonment pursuant to Rule 9J-2.0251, Florida Administrative Code.

Based upon the foregoing, the Board of County Commissioners grants the request to abandon all previous development orders for the Arvida Corporate Park Development of Regional Impact. This order establishes the following conditions for development of the site:

1. The developers of this property shall dedicate right of way for Honore Avenue consisting of 120 feet of width from University Parkway north to the existing dedicated right of way in the Unnamed Exclusive Golf and Country Club DRI (aka University Park Country Club), as shown on Exhibits 1 and 2. Dedication of said right of way within the revised Arvida Corporate Park general development plan parcel shall be prior to any final site plan approval within the Arvida Corporate Park parcel or upon the request of the County. Dedication of said right of way within the addition to the Unnamed Exclusive Golf and Country Club DRI shall be within 60 days of the approval of the NOPC to add the 164.23 acres to the Unnamed Exclusive Golf and Country Club DRI. To the extent that the Owner or assigns are also subject by local ordinance to the payment of impact fees or exactions to meet the same needs, the Owner may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment or construction meets the same need that the local exaction or impact fee would address.
2. Wetland and Wooded Areas 1, 2, 5, 7, 8, 9, and 10 from the Arvida Corporate Park ADA shall be treated as Conservation Areas pursuant to TBRPC's conservation area policies with future applications for site plan approval.

EFFECTIVE DATE

This resolution shall become effective immediately upon adoption.

DONE AND RESOLVED this 23rd day of February, 1995.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Jan Seaman  
Chairman

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

BY: Susan G. Romine  
SUSAN G. ROMINE DEPUTY CLERK

LEGAL DESCRIPTION FOR R-95-24 ARVIDA ABANDONMENT:

FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST RUN N 89°27'25" W ALONG THE NORTH RIGHT OF WAY LINE OF UNIVERSITY PARKWAY ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 605.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2561.09 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59" A DISTANCE OF 192.91 FEET; THENCE N 17°33'00" E, A DISTANCE OF 68.92 FEET; THENCE N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THENCE S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 164.23 ACRES, MORE OR LESS.

ALSO:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, THENCE RUN N 89°27'25" W ALONG THE NORTH RIGHT OF WAY LINE OF UNIVERSITY PARKWAY ALSO BEING THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1406.29 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE

OF PROPERTY DESCRIBED IN O.R. BOOK 1184, PAGE 3443; THENCE EASTERLY, SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID SOUTH LINE OF THE FOLLOWING THREE COURSES: THENCE S 89°27'25" E, A DISTANCE OF 140.84 FEET; THENCE S 48°27'25" E, A DISTANCE OF 97.08 FEET TO A POINT ON A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 53°09'27" W, A DISTANCE OF 800.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 76.46 FEET THROUGH A CENTRAL ANGLE OF 5°28'34"; THENCE S 89°27'25" E, A DISTANCE OF 1435.71 FEET; THENCE S 00°20'22" E, A DISTANCE OF 1320.46 FEET RETURNING TO AFOREMENTIONED NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY ALSO BEING THE SOUTH LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE RUN N 89°23'57" W ALONG SAID NORTH RIGHT OF WAY LINE AND THE SOUTH SECTION LINE, A DISTANCE OF 303.59 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

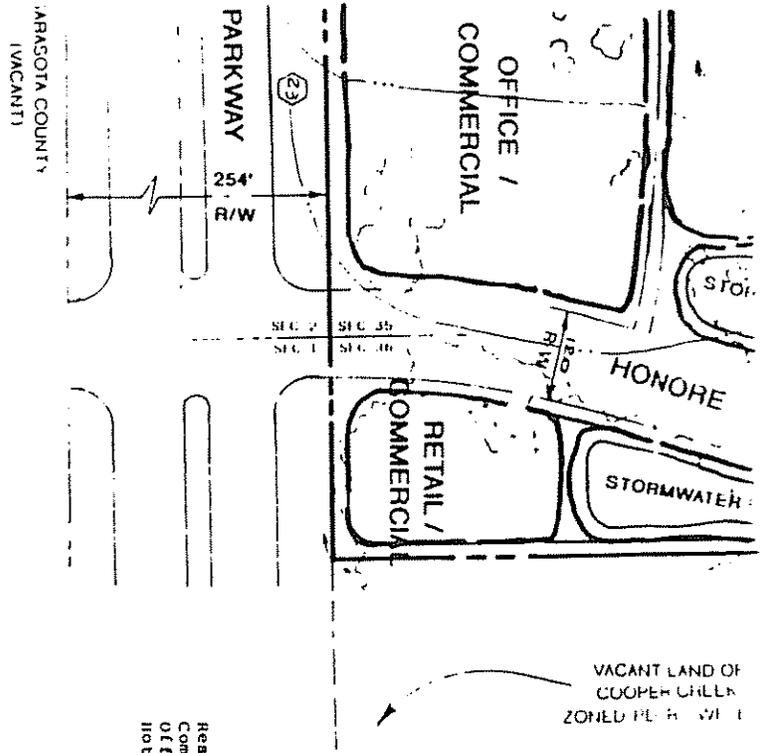
SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 51.46 ACRES, MORE OR LESS.

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N 89°27'25" W, (BEARINGS BASED ON THE WEST ZONE OF THE FLORIDA STATE PLAN GRID COORDINATE SYSTEM), ALONG THE SOUTH LINE OF SAID SECTION 35 FOR 1406.29 FEET TO AN INTERSECTION WITH THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 0°26'00" E, ALONG SAID EAST LINE OF FLORIDA POWER AND LIGHT EASEMENT FOR 1320.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE N 0°26'00" E FOR 400.00 FEET; THENCE S 89°27'25" E, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 35, FOR 355.00 FEET; THENCE S 0°26'00" W PARALLEL TO SAID EASEMENT, FOR 158.17 FEET; THENCE S 17°33'00" W FOR 68.92 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 19°17'33" FOR 269.37 FEET; THENCE N 48°27'25" W FOR 97.08 FEET; THENCE N 89°27'25" W FOR 140.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 135,342 SQUARE FEET OR 3.11 ACRES, MORE OR LESS.





APPROVAL OF GENERAL DEVELOPMENT	2/95
APPROVAL OF PRELIMINARY SITE PLAN	2/97
APPROVAL OF FINAL SITE PLAN AND CONSTRUCTION DRAWINGS	2/98
COMMENCE CONSTRUCTION	1/99
COMPLETION ON OR BEFORE	10/99

DEVELOPMENT SCHEDULE IS SUBJECT TO CHANGE BASED UPON PERMITTING AND MARKET CONDITIONS WITHIN THE PHASE SCHEDULE AS PERMITTED BY THE LAND DEVELOPMENT CODE.

Front	Side	Rear	Height
35'	10'	20'	42'
25'	10'	15'	60'
25'	10'	15'	60'

USE / TYPE	TOTAL DEV.	GROSS ACRES	NET ACRES	COMMON AREA ALLOCATION	GROSS DENSITY / F.A.R.	NET DENSITY / F.A.R.
RETAIL	200,000 sq ft	16.30	11.11	5.19	23	34
OFFICE	40,000 sq ft	3.98	2.71	1.27	23	34
HOTEL	156 ROOMS	6.14	4.19	1.95	0.23	37.1/ac
RES	200 UNITS	22.5	17.04	7.96	8.90	1277/ac
COMMON AREA	n/a	n/a	16.37	16.37	n/a	n/a

10020 / 7  
10005 / 8

AC ±  
/ WP-E / ST

MINNESOTA COUNTY (MCCANT)

**GENERAL DEVELOPMENT PLAN**

**FOR ARVIDA CORPORATE PARK**

LOCATED IN  
SEC 35 & 36, TWP 35 S, RGE 18 E  
MANATEE COUNTY, FLORIDA

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, THENCE RUN N 89°27'25" W ALONG THE NORTH RIGHT OF WAY LINE OF UNIVERSITY PARKWAY ALSO BEING THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 1406.79 FEET; THENCE S 00°26'00" E, A DISTANCE OF 1120.00 FEET TO THE SOUTH LINE OF PROPERTY DESCRIBED IN O.R. BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, THENCE EASTERLY, SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID SOUTH LINE THE FOLLOWING THREE COURSES: THENCE S 89°27'25" E, A DISTANCE OF 140.84 FEET; THENCE S 48°27'25" E, A DISTANCE OF 97.08 FEET TO A POINT ON A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 53°09'27" W, A DISTANCE OF 000.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 76.46 FEET THROUGH A CENTRAL ANGLE OF 5°28'34"; THENCE S 89°27'25" E, A DISTANCE OF 1435.71 FEET; THENCE S 00°20'22" E, A DISTANCE OF 1320.46 FEET RETURNING TO AFOREMENTIONED NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY ALSO BEING THE SOUTH LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE RUN N 89°23'57" W ALONG SAID NORTH RIGHT OF WAY LINE AND THE SOUTH SECTION LINE, A DISTANCE OF 303.59 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 51.46 ACRES, MORE OR LESS.

**GENERAL DEVELOPMENT PLAN**

APPROVED: \_\_\_\_\_ Date \_\_\_\_\_ File Number \_\_\_\_\_

Planning, Permitting, and Inspections Department

Case Planner: \_\_\_\_\_

Growth Management: \_\_\_\_\_

Consistency: \_\_\_\_\_

Environmental Action: \_\_\_\_\_

Attention: A copy of this approved plan and the approval letter, must be provided to the contractor and submitted with your application for a building permit.

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**REVISIONS**

NO.	REVISED BY	DATE	DESCRIPTION
1	CEL/PER/DRC	12.21.94	
2			
3			
4			
5			
6			
7			

*Zoller, Najjar & Shroyer, Inc.*  
Engineers, Planners, Surveyors & Landscape Architects

DESIGNED \_\_\_\_\_ CHECKED \_\_\_\_\_ DATE 10/4/94 SCALE 1" = 200'

DRAWN UMR-L/COMP \_\_\_\_\_ JOB NO 237-15925 FILE NO 122-3 SHEET 1 OF 1

**MAP**

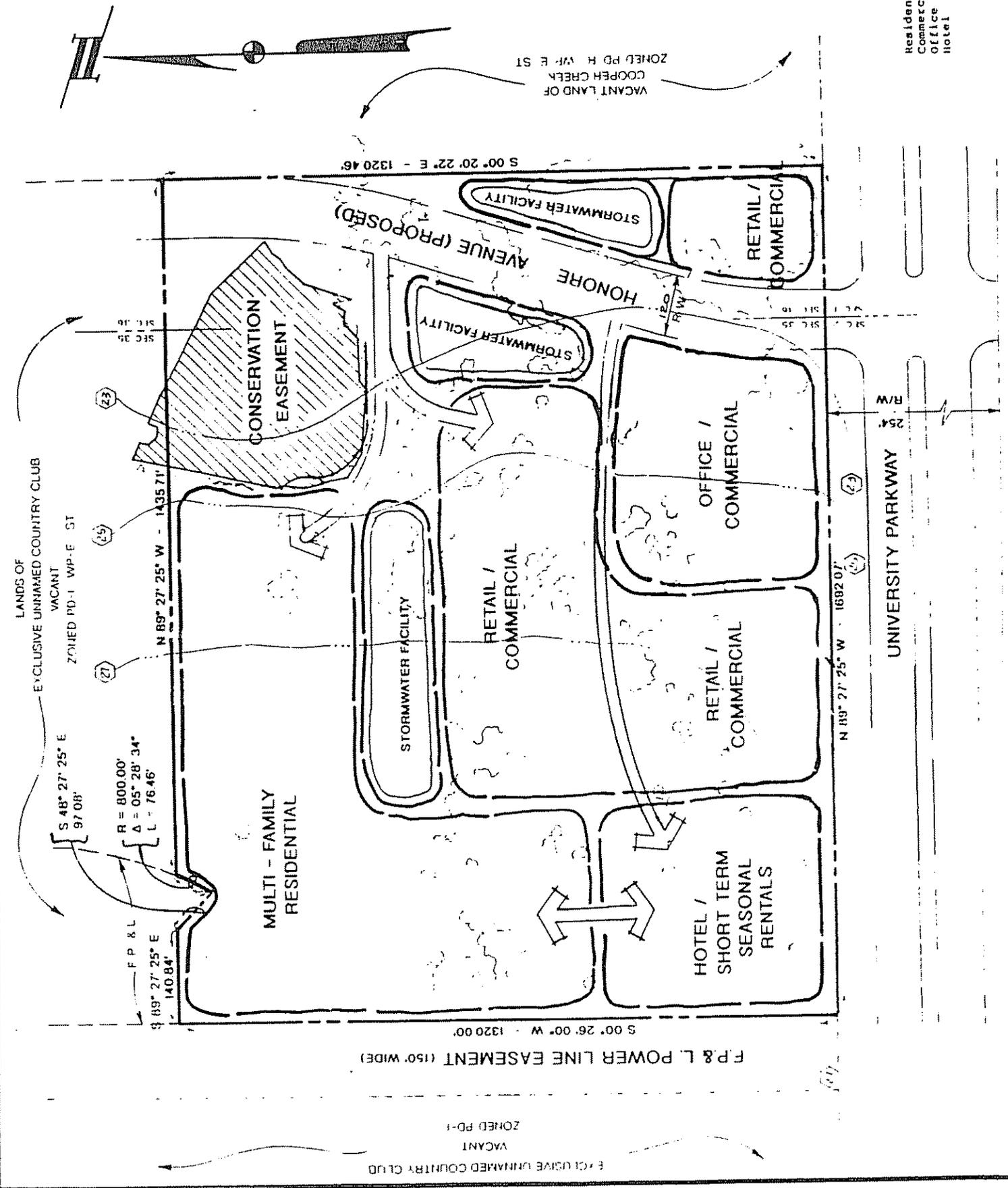
# NOTES:

1. THE SITE IS CURRENTLY ZONED PD-1
2. THE SITE IS DESIGNATED AS FLOOD #120153-0365, DATED 7/15/92 C, FLOOD PLAIN.
3. THERE ARE NO KNOWN FOUNDATIONS HISTORIC ORIGIN, EXISTING EASY DRAINAGEWAYS LOCATED ON THIS SITE.
4. THERE ARE NO WETLANDS UNDER THE DEEP WITHIN THE BOUNDARIES OF EASEMENT ILLUSTRATED IS AN ARM.

## DEVELOPMENT SCHEDULE\*

- APPROVAL OF GENERAL DEVELOPMENT
- APPROVAL OF PRELIMINARY SITE PLAN
- APPROVAL OF FINAL SITE PLAN AND CONSTRUCTION DRAWINGS
- COMMENCE CONSTRUCTION
- COMPLETION ON OR BEFORE
- \* DEVELOPMENT SCHEDULE IS SUBJECT TO BASED UPON PERMITTING AND MARKET CHANGES WITHIN THE PHASE SCHEDULE AS PERMIT THE LAND DEVELOPMENT CODE.

Residential (MultiFamily)	Commercial (Retail)	Office	Hotel
Front 25'	Front 25'	Front 25'	Front 25'
Side 10'	Side 10'	Side 10'	Side 10'
Rear 20'	Rear 15'	Rear 15'	Rear 15'



LANDS OF EXCLUSIVE UNNAMED COUNTRY CLUB  
 VACANT ZONED PD-1 WP-E ST

F & L POWER LINE EASEMENT (150' WIDE)  
 S 00° 26' 00" W - 1320.00'

N 89° 27' 25" W - 1692.07'

UNIVERSITY PARKWAY

VACANT LAND OF COOPER CREEK ZONED PD H WP E ST

S 00° 20' 22" E - 1320.46'

HONORE AVENUE (PROPOSED)

CONSERVATION EASEMENT

MULTI-FAMILY RESIDENTIAL

STORMWATER FACILITY

RETAIL / COMMERCIAL

HOTEL / SHORT TERM SEASONAL RENTALS

RETAIL / COMMERCIAL

OFFICE / COMMERCIAL

STORMWATER FACILITY

RETAIL / COMMERCIAL

STORMWATER FACILITY

S 48° 27' 25" E 97.08'  
 R = 800.00'  
 Δ = 05° 28' 34"  
 L = 76.46'

N 89° 27' 25" W - 1435.71'

SEC 25

(23)

(25)

(27)

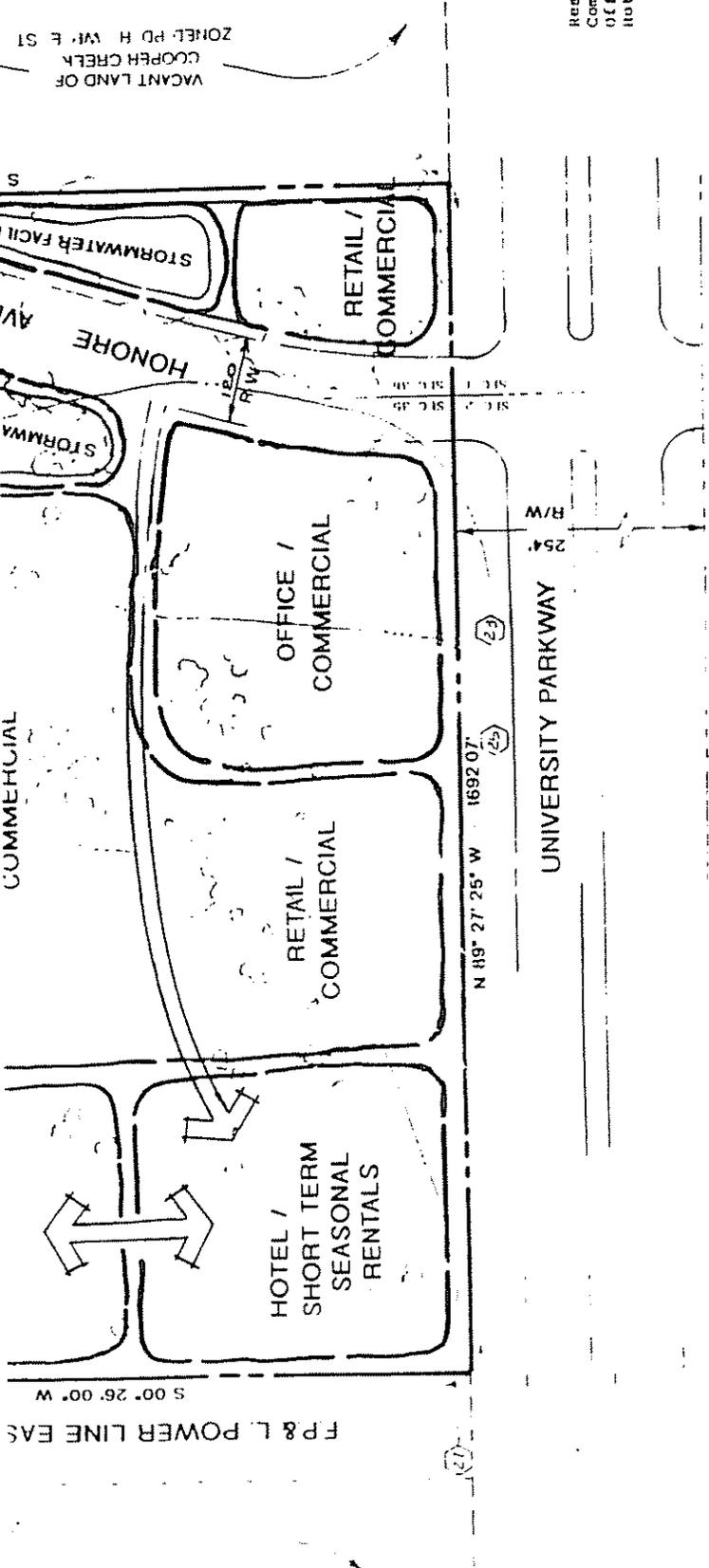
SEC 25

(24)

(26)

(28)

R/W



- DEVELOPMENT SCHEDULE\***
- APPROVAL OF GENERAL DEVELOPMENT
  - APPROVAL OF PRELIMINARY SITE PLAN
  - APPROVAL OF FINAL SITE PLAN AND CONSTRUCTION DRAWINGS
  - COMMENCE CONSTRUCTION
  - COMPLETION ON OR BEFORE
- \* DEVELOPMENT SCHEDULE IS SUBJECT TO ( ) BASED UPON PERMITTING AND MARKET CON. WITHIN THE PHASE SCHEDULE AS PERMIT: THE LAND DEVELOPMENT CODE.

	Front	Side	Rear
Residential (Multifamily)	25'	10'	20'
Commercial (Retail)	25'	10'	15'
Office	25'	10'	15'
Hotel	25'	10'	15'

USE / TYPE	TOTAL DEV.	GROSS ACRES	NET ACRES	COMMON AREA ALLOCATION	GROSS DENSITY / F.A.R.	NET DENSITY / F.A.R.
RETAIL	200,000 sq ft	16.30	11.11	5.19	23	34
OFFICE	40,000 sq ft	3.98	2.71	1.27	23	34
HOTEL	156 ROOMS	6.14	4.19	1.95	0.23	37.1/AC
RES.	200 UNITS	22.5	17.04	7.96	8.90	13.77/AC
COMMON AREA	n/a	n/a	16.37	16.37	n/a	n/a

**SITE DATA:**

TOTAL ACRES 5146 AC ±

EXISTING ZONING PD-C / WP-E / ST

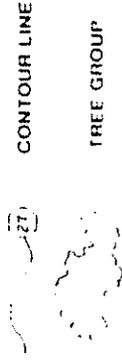
FLOOD ZONE " X "

LAND USE DESIGNATION MU

PROPERTY ID # 205410020 / 7  
205410005 / 8

GEN AI

**LEGEND**

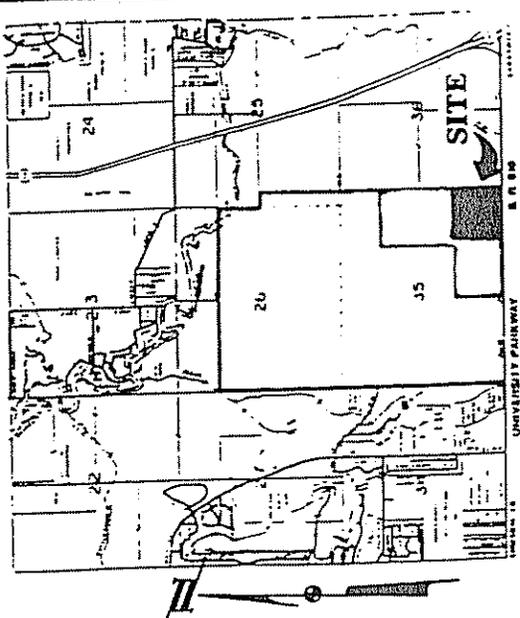


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**REVISIONS**

NO.	DESCRIPTION	DATE
1	REVISED PER COMMENTS	12.21.94
2		
3		
4		
5		
6		
7		

Zolle Engineers.  
DESIGNED BY \_\_\_\_\_  
DRAWN BY MR. S. COMP JO



VICINITY MAP

**NOTES:**

1. THE SITE IS CURRENTLY ZONED PD-C/WP-E/ST AND IS VACANT.
2. THE SITE IS DESIGNATED AS FLOOD ZONE X ON F.I.R.M. PANEL #120153-0365, DATED 7/15/92 C, AND IS NOT LOCATED WITHIN A FLOOD PLAIN.
3. THERE ARE NO KNOWN FOUNDATIONS, MOUNDS OR HIDDEN AREAS OF HISTORIC ORIGIN, EXISTING EASEMENTS, PLATTED STREETS, OR DRAINAGEWAYS LOCATED ON THIS SITE.
4. THERE ARE NO WETLANDS UNDER THE JURISDICTION OF SHEFWD AND FDPF WITHIN THE BOUNDARIES OF THIS PLAN. THE CONSERVATION EASEMENT ILLUSTRATED IS AN ARMY CORP WETLAND.

**DESCRIPTION:**

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, THENCE RUN N 89°27'25" W ALONG THE NORTH RIGHT OF WAY LINE OF UNIVERSITY PARKWAY ALSO BEING THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1406.29 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF PROPERTY DESCRIBED IN O.R. BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE EASTERLY, SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID SOUTH LINE THE FOLLOWING THREE COURSES: THENCE S 89°27'25" E, A DISTANCE OF 140.84 FEET; THENCE S 48°27'25" E, A DISTANCE OF 97.08 FEET TO A POINT ON A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 53°09'27" W, A DISTANCE OF 800.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 76.46 FEET THROUGH A CENTRAL ANGLE OF 5°28'34"; THENCE S 89°27'25" E, A DISTANCE OF 1435.71 FEET; THENCE S 00°20'22" E, A DISTANCE OF 1320.46 FEET RETURNING TO AFORESAID NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY ALSO BEING THE SOUTH LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE RUN N 89°23'57" W ALONG SAID NORTH RIGHT OF WAY LINE AND THE SOUTH SECTION LINE, A DISTANCE OF 303.59 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 51.46 ACRES, MORE OR LESS.

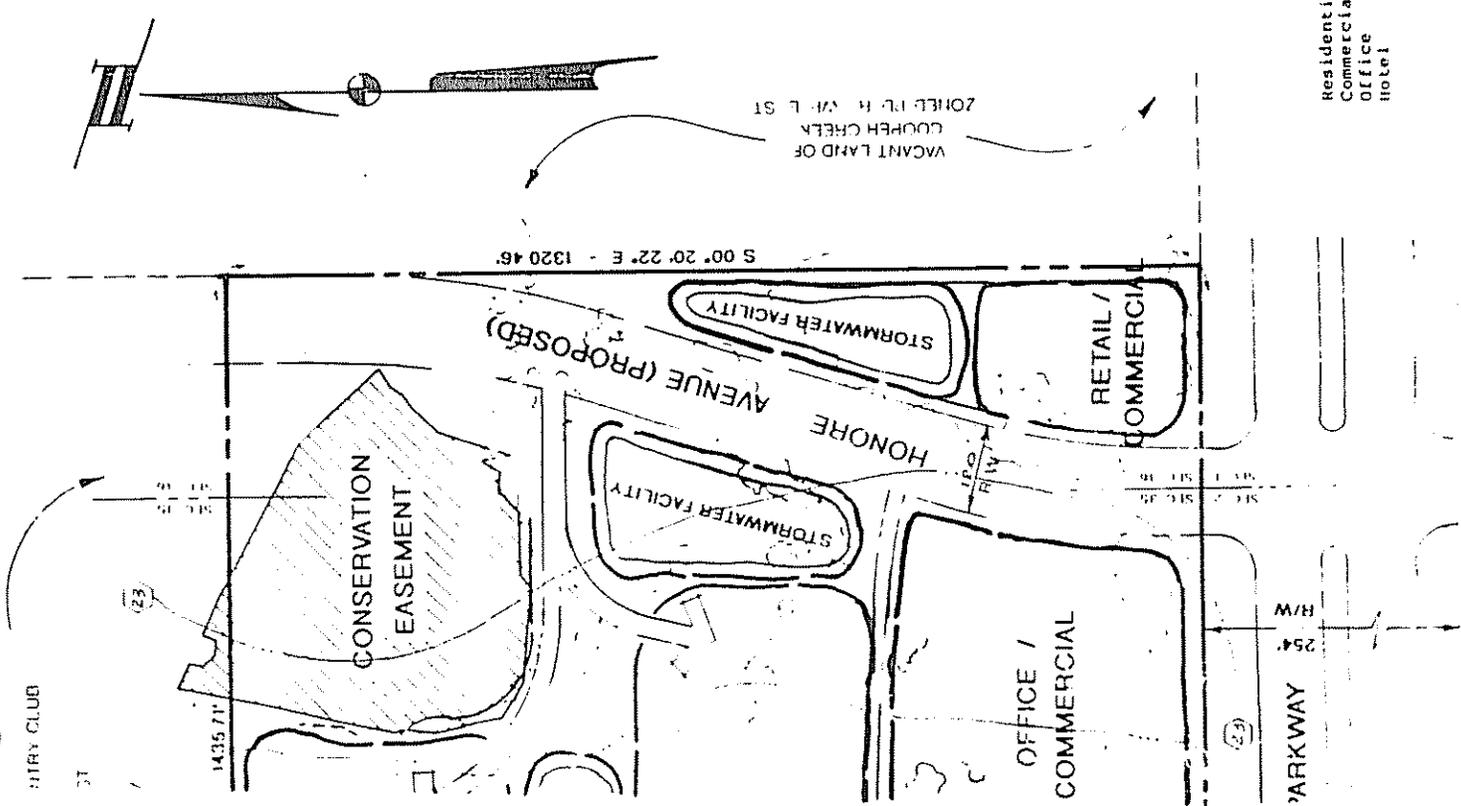
DEVELOPMENT SCHEDULE\*

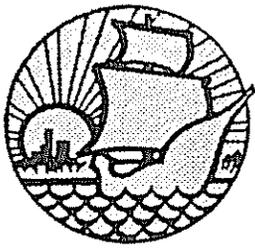
APPROVAL OF GENERAL DEVELOPMENT	2/95
APPROVAL OF PRELIMINARY SITE PLAN	2/97
APPROVAL OF FINAL SITE PLAN AND CONSTRUCTION DRAWINGS	2/98
COMMENCE CONSTRUCTION	1/99
COMPLETION ON OR BEFORE	10/99

\* DEVELOPMENT SCHEDULE IS SUBJECT TO CHANGE BASED UPON PERMITTING AND MARKET CONDITIONS WITHIN THE PHASE SCHEDULE AS PERMITTED BY THE LAND DEVELOPMENT CODE.

Front	Side	Rear	Height
25'	10'	20'	42'
25'	10'	15'	42'
25'	10'	15'	60'
25'	10'	15'	60'

Residential (Multifamily)
Commercial (retail)
Office
Hotel





MANATEE COUNTY  
GOVERNMENT

SB

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

March 10, 1994

SENT: VIA CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED

Ms. Julia Greene  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard  
St. Petersburg, FL 33702

Dear Ms. Greene:

A recent review of our records indicates that we may not have rendered a copy of Resolution R-93-174, amending the Development Order for Arvida Corporate Park, which was approved by the Manatee County Board of County Commissioners in open session on August 26, 1993; therefore, please find enclosed a certified copy of R-93-174.

If you have any questions, please call (813) 749-3070. Thank you for your attention to this matter.

Sincerely,

Betsy Benac  
Assistant Director

BB/jy  
Enclosure

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071

P.O. Box 1000 • Bradenton, Florida 34206-1000

R-93-174  
RESOLUTION GRANTING AMENDMENTS TO MINUTE BOOK NO. \_\_\_\_\_  
R-90-54, AMENDING R-86-259  
THE DRI DEVELOPMENT ORDER FOR  
ARVIDA CORPORATE PARK

WHEREAS, the Board of County Commissioners approved Resolution R-86-259 adopting a Development Order for Arvida Corporate Park on October 27, 1986; and,

WHEREAS, the Board of County Commissioners approved Resolution R-90-54, granting amendments to R-86-259 for Arvida Corporate Park on June 28, 1990; and,

WHEREAS, the Developer has requested that the Development Order for Arvida Corporate Park be amended to provide for an extension to defer the commencement of a water quality monitoring program and water budget.

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that the proposed changes to Conditions D.(4) and E.(2) of the development order is not a substantial deviation and are hereby amended as follows:

- D.(4) Beginning one (1) year prior to commencement of development, and continuing thereafter until buildout, the developer shall fund an independent water quality monitoring program for this project's tributary to the Bradenton Watershed as approved by the County. The parameters to be monitored, sampling site locations and time frame for the sampling shall be submitted to and approved by the Director of the Environmental Action Commission prior to approval of the Final Master Plan. No development activity will be permitted until completion of the one (1) year study.
- E.(2) Existing net water flow (groundwater and surface water) contribution from the site to the Braden River watershed shall be maintained or exceeded and their natural seasonal fluctuations preserved during all phases of development. Beginning one (1) year prior to commencement of development, and continuing annually thereafter until buildout, the developer shall provide the County with a wet season/dry season water budget which calculates predevelopment and postdevelopment flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County's analysis of the data provided indicate a trend that groundwater and surface contributions are not being maintained, then the County may require the developer to prepare a detailed analysis of the drainage system and a revised drainage plan which includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long term mitigation in accordance with the revised plan.

- 2. All other provisions of Resolution R-86-259, as amended by Resolution R-90-54, the Development Order for Arvida Corporate Park, not amended hereby, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED with a quorum present and voting this 26th day of August, 1993.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

By: *Ravi Ram Harris*

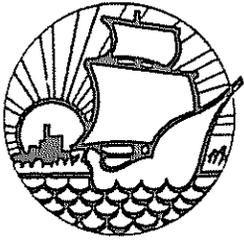
Chair  
man

ATTEST: R.B. Shore,  
Clerk of the Circuit Court

*R.B. Shore*

STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true  
copy of RESOLUTION NO. R-93-174 adopted by the  
Board of County Commissioners of said County on  
the 26<sup>th</sup> day of August, 1993, this 10<sup>th</sup> day  
of March, 1994, in Bradenton, Florida.

R. B. Shore  
Clerk of Circuit Court  
By: *Robin Liberty D.S.*



# MANATEE COUNTY GOVERNMENT

PLANNING & ZONING DEPARTMENT

CERTIFIED MAIL P-549 483 926

August 29, 1990

Ms. Julia Greene  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard  
St. Petersburg, Florida 33702

Dear Mr. Pelham:

Please find enclosed the certified copies of the following resolutions which were approved by the Manatee County Board of County Commissioners in open session:

Resolution No. R-90-147 for the Beker Phosphate DRI  
Resolution No. R-90-98 for the Sarasota-Bradenton Airport DRI  
✓ Resolution No. R-90-54 for the Arvida Corporate Park DRI  
Resolution No. R-90-39 for the Cooper Creek Center DRI

These copies are hereby rendered pursuant to Rule 9J-2.025,  
Florida Administrative Code.

If you have any questions, I can be reached at (813) 748-4501,  
extension 3070.

Sincerely,

Betsy Benac  
Community Planning Administrator

BB/jy

Enclosures (4)

mailed 8/29/90  
received 8/31/90

to envelope with DRI #95  
and original letter

154  
1112 Manatee Avenue West, Suite 804 - P.O. Box 1000, Bradenton, FL 34206

Tel. (813) 748-4501

FAX- (813) 747-7651

R-90-54  
RESOLUTION GRANTING AMENDMENTS TO R-86-259,  
THE DRI DEVELOPMENT ORDER FOR  
ARVIDA CORPORATE PARK

WHEREAS, the Board of County Commissioners approved Resolution R-86-259 adopting a Development Order for Arvida Corporate Park on October 27, 1986; and,

WHEREAS, the Developer has requested that the Development Order for Arvida Corporate Park be amended to provide for an extension to submit construction drawings and commencement development and defer the commencement of a water quality monitoring program.

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that the Board hereby amends stipulations C(7), D(4), E(2), H(13) and Map H of Resolution R-86-259 as follows:

1. C(7) The developer shall submit construction drawings for infrastructure within eighteen (18) months of Development Order approval and shall complete or demonstrate substantial progress toward building permit application for fifty percent (50%) of the development totals set forth below in Table Two by September 30, 1996. Failure to meet this schedule may require a revised and updated Traffic Study\* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service\* are still projected to exist at the time building permits are issued. In the event substantial progress toward building permit applications for 50% of the Vertical Development described in Table Two of this paragraph is demonstrated by the developer, the developer may nevertheless be required to prepare a revised and updated Traffic Study\* pursuant to this paragraph if building permits for 50% of the Vertical Development described in Table 2 shall expire for any reason other than completion of development or for reasons or causes beyond the control of the developer. The determination that a revised and updated Traffic Study\* is required shall be made by the Board of County Commissioners at a public hearing with notice to the developer upon recommendation by the Director of Planning after consultation with the County Traffic Authority\*.

(The remaining portion of stipulation C(7) shall remain in full force and effect.)

D(4) Beginning five (5) years and eleven (11) months from the date of issuance of the original Development Order approved October 27, 1986, or one (1) year prior to commencement of development, whichever occurs first and continuing thereafter until buildout, the developer shall fund an independent water quality monitoring program for this project tributary to Bradenton Watershed as approved by the County. The parameters to be included and the time frame for sampling shall be approved prior to approval of the Final Master Plan\*. In no event shall the predevelopment water quality and quantity monitoring program be less than one (1) year in length.

*It was 10/28/86!*  
*(by 9/28/92)*

E(2) Existing net water flow (groundwater and surface water) contribution from the site to the Braden River watershed shall be maintained or exceeded

*From original* And their natural seasonal fluctuations preserved

9/28/92

during all Phases\* of development. Beginning five (5) years and eleven (11) months from the date of issuance of the original Development Order approved October 27, 1986, or one (1) year prior to commencement of development, whichever occurs first and continuing annually thereafter until buildout, the developer shall provide the County with a wet season/dry season water budget which calculates predevelopment and postdevelopment flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought condition. Should the County's analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the developer to prepare a detailed analysis of the drainage system and a revised drainage plan which includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long term mitigation in accordance with the revised plan. (Manatee County Planning and Development and CDM). In no event shall the predevelopment water quality and quantity monitoring program be less than one (1) year in length.

- H(13) ✓ If commencement of actual development activity on the site occurs after September 30, 1996, the Board of County Commissioners may conduct a public hearing in accordance with Section 401F.1. and 2. of the LDC and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the developer (such as the unavailability of permits because of inadequate public facilities, other than those which are the developer's responsibility to construct, or for any other similar reason. For the purposes of this provision, "significant development" shall be the actual construction of site improvements or buildings as a part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

PROPOSED PHASING SCHEDULE - MAP H - FIGURE 1

1. Retail/Commercial - September 30, 1995 = 580,000 s.f.  
September 30, 2000 = 120,000 s.f.
2. Office - 40,000 s.f. per year average over 13.4 years starting September 30, 1991 for a total of 536,000 s.f.
3. Research/Technology Park - 76,200 s.f. per year average for 10 years for a total of 762,000 s.f. starting September 30, 1991.
4. Hotel - September 30, 2000 - 250 rooms.
5. Banks - September 30, 1995 - 2 or (12,000 s.f.+)  
September 30, 2000 - 2 or (12,000 s.f.+)
6. Racquet Club/Spa - September 30, 1992 - (32,000 s.f.+)
7. Restaurants - September 30, 1995 - 2 or (20,000 s.f.+)  
September 30, 2000 - 2 or (20,000 s.f.+)
8. Theater - September 30, 1995 six plex.
9. Auto Service Facility - September 30, 1992.

- Phase I buildout - September 30, 1995
- Phase II buildout - September 30, 2000
- Phase III buildout - September 30, 2005

2. All other provisions of Resolution R-86-259, the Development Order for Arvida Corporate Park, not amended hereby, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED with a quorum present and voting this 28th day of June, 1990.

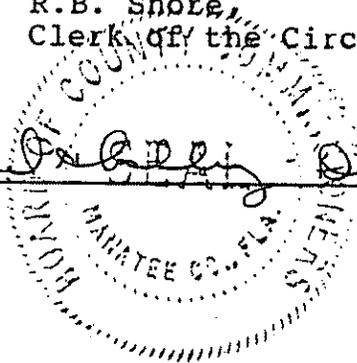
BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

By:

*Patricia M. Gless*  
Chairman

ATTEST: R.B. Shore,  
Clerk of the Circuit Court

*D. L. DeBerry* *Deputy Clerk*



STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true  
copy of RESOLUTION NO. R-90-54 adopted by  
Board of County Commissioners of said County  
the 28<sup>th</sup> day of June, 1990 this 27<sup>th</sup>  
of August, 1990, in Bradenton, F.

R. B. Shore  
Clerk of Circuit Court  
By: *D. L. DeBerry*

R-86-259

RESOLUTION GRANTING A DEVELOPMENT  
ORDER FOR ARVIDA CORPORATE PARK

WHEREAS, ARVIDA CORPORATE PARK ASSOCIATES (hereinafter "ACPA"), in accordance with Section 380.06, Florida Statutes, and the Master Development Order (R-84-69) as amended by R-86-214, has filed an Application for Development Approval (hereinafter "ADA") of a Development of Regional Impact (hereinafter "DRI No. 154"); and

WHEREAS, ACPA proposes to develop a Planned Development Commercial (hereinafter "PDC") and a Planned Development Industrial (hereinafter "PDI") upon real property located in Manatee County, Florida and owned by ACPA as described in Exhibit "A-1", made a part hereof; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to consider applications for Development Approval for Development of Regional Impact; and

WHEREAS, pursuant to Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearing in these proceedings was held on September 3, 1986; September 10, 1986, and September 17, 1986, before the Manatee County Planning Commission and on September 25, 1986 and October 2, 1986 before the Board of County Commissioners of Manatee County, Florida; and

WHEREAS, all parties at public hearing were accorded the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the regional impact of the development; and

WHEREAS, said Board of County Commissioners and said Planning Commission have considered the testimony, reports and other documentary evidence submitted at said public hearings by ACPA, TBRPC, Manatee County staff agencies and various persons in attendance at said public hearings; and

WHEREAS, said Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission; and

WHEREAS, said Board of County Commissioners, having considered all of the foregoing and being fully advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that said Board makes the following findings of fact:

1. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(11) Florida Statutes, and Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and proof of such publication has been duly filed in these proceedings.

2. The real property involved in this development and owned by ACPA is located in Manatee County, Florida, described in Exhibit "A-1", and made a part hereof.

3. Upon consideration of all matters in Sections 380.06(2) and 380.06(15), Florida Statutes, and the Manatee County Comprehensive Zoning and Land Development Code, and other applicable provisions of local and state law, the Commission has determined that as conditioned by the approval hereby granted the ACPA development described in the ADA:-

a. is not located in an area of critical state concern;

b. does not interfere with the achievement of the objectives of any adopted State Land Development Plan applicable to the area; and

c. is consistent with local land development regulations; and

d. adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council dated March 10, 1986, on file in these proceedings and is consistent with that report.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Manatee County, Florida, as to conclusions of law, that the proceedings have been conducted pursuant to the provisions of the Manatee County Comprehensive Zoning and Land Development Code, and Chapter 380, Florida Statutes, and that ACPA has sustained and proved all the material allegations and assertions made in the ADA and, therefore the Board of County Commissioners of Manatee County, Florida, hereby approves and grants the ACPA Application for Development Approval for a Development of Regional Impact (DRI #154), Arvida Corporate Park, subject to the following conditions:

A. Definitions:

Note: Astericks (\*) denote a defined term.

- A.(1) "Acceptable Level of Service\*" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis ("D" on a peak hour basis) as provided in Policy 9-1.C of the Manatee County Comprehensive Plan (Ordinance 80-4 as amended). Level of Service "C" shall be measured on an average daily basis as determined by the Highway Capacity Manual (1965) and Circular 212 (1980) or the most current manual in accordance with guidelines acceptable to the affected County. Level of Service "D" on a peak hour basis shall be calculated either as 10% of the average daily traffic, or if actual data is available to determine the "K" factor, then on the basis of the "K" factor. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service "C" on an average daily basis ("D" on a peak hour basis), which shall be measured as provided in this paragraph. Where a link or intersection in Sarasota County is operating at Level of Service "D" on an average daily basis ("E" on a peak hour basis) on the effective date of this Development Order, then the Acceptable Level of Service in Sarasota County for that link or intersection shall mean Level of Service "D" on an average daily basis ("E" on a peak hour basis).
- A.(2) "Conceptual Master Plan\*" shall mean a graphic depiction of the development described in the Zoning Atlas Amendment Application (Z-85-1). This plan is identical to the "Master Development Plan\*" and fulfills the requirements

for a Conceptual Development Plan in the Manatee County Land Development Code.

- A.(3) "County Transportation Authority\*" shall mean the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.
- A.(4) "Development Approval\*" shall mean any approval for development granted through the Preliminary Development Plan, Site Development Plan\*, Final Site Plan processes or construction drawing approval where site plans are not required; except in the case of a Development of Regional Impact, approved or modified after October 1, 1986, the assignment of offsite transportation trips approved or conditionally approved in a Specific Phase Approval\* shall also be deemed a "Development Approval" for Traffic Study\* purposes.
- A.(5) "Final Master Plan\*" shall mean the Preliminary Master Plan\*, further specified for final design standards and construction drawings for "Horizontal Development\*" (onsite roadway, water, drainage, landscaping, sewer, communication and utility improvements) for the entire Arvida Corporate Park property.
- A.(6) "Horizontal Development\*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development\*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.
- A.(7) "Master Development Plan\*" shall mean Map H incorporated as Exhibit A and made a part hereof. This Plan depicts the development described in the ADA and includes the following land uses: 536,000 square feet of office; 762,000 square feet of industrial/R & D/warehouse; 822,900 square feet of commercial; and 250 hotel rooms subject to the Phasing Conditions set forth in this Development Order. This plan is identical to The Conceptual Master Plan\*.
- A(8) "Phase\*" or "Development Phase\*" shall mean development defined in terms of square footage of building construction or trips generated by such construction, proposed or approved pursuant to a traffic study.
- A.(9) "Phase Approval\*" shall mean authorization from the County, pursuant to Section 403 of the LDC, to proceed to obtain Development Approvals\* for a specified amount of square footage or Phase\* after the Developer has presented an acceptable Traffic Study\* which demonstrates that the proposed Phase\* will not cause degradation below an Acceptable Level Of Service\* within the Transportation Impact Area\*.
- A.(10) "Preliminary Master Plan\*" shall mean the Conceptual Master Plan\* and specific design standards to be proposed by Arvida.
- A.(11) "Site Development Plan\*" shall mean any preliminary plat, final plat, preliminary site development plan, or final site development plan to be submitted for consideration of approval pursuant to the LDC.
- A.(12) "Traffic Study\*" shall mean a report presented by the developer; using a methodology acceptable to the County Transportation authority to trigger the development approval process for the next Development Phase\*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service, on any of the roadway segments identified in Table 1, to below an Acceptable Level of Service\*. Any such Traffic Study\* shall consider traffic to be generated by the proposed Phase\*, existing traffic and traffic anticipated from prior Development Approvals\*.

- A.(13) "Transportation Impact Area\*" shall mean the area receiving transportation impacts as result of the development described in the ADA. The Transportation Impact Area is specifically listed in Table I and generally depicted in Exhibit B which is incorporated and made a part hereof.
- A.(14) "Vertical Development\*" shall mean and shall be deemed to include the use of land for construction of new residential units, new commercial units, or new industrial units; the reconstruction of commercial units or industrial units; and additions to existing commercial units or industrial units.
- A.(15) "Warranted\*" shall mean a determination by the County based on generally accepted transportation engineering practices that the Acceptable Level of Service\* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination not merely the trips generated by Arvida Corporate Park.

**B. PHASING CONDITIONS**

(Manatee County Planning & Development to Implement TBRPC Transportation Option 2, pg. 1.)

- B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Arvida Corporate Park as depicted on the Master Development Plan\* incorporated and made a part hereof as Exhibit A. However no Vertical Development\* other than the Phase I development as defined in Paragraph C.(4) of this Development Order which is authorized for immediate development subject only to the conditions of this paragraph, shall be carried out if such development would result in a degradation of the Acceptable Level of Service\* on the regional facilities listed in Table 1 included in this Development Order.
- B.(2) Transportation Conditions are a limiting factor in granting any and all Development Approvals\*. Therefore, infrastructure capacity to potentially serve more than the gross square footage of Vertical Development\* described in Table 2 of the Transportation Conditions section of this Order, hereinafter referred to as Phase I, may be constructed at the developer's risk and shall not be construed to vest Vertical Development\* beyond that amount.
- B.(3) Phase Approvals\* beyond Phase I shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein.

**C. TRANSPORTATION CONDITIONS**

(Manatee County Planning & Development and TBRPC, Transportation Option 2, pg. 16.)

- C.(1) The Acceptable Level of Service\* as determined in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council the Department of Community Affairs and Manatee County shall be maintained on all of the thoroughfares listed in Table I.

**TABLE I**

**IMPACTED TRANSPORTATION FACILITIES (TBRPC, pgs. 30-38)  
(1986 TO 2000)**

These roadway segments have been identified pursuant to Chapter 380.06 F.S. as receiving from the Arvida Corporate Park five percent or greater percentage of the Level of Service "C" daily or "D" peak hour capacity.

ROADWAY SEGMENTS

S.R. 70:

East of Braden River to I-75

UNIVERSITY PARKWAY:

New U.S. 301 to Tuttle Avenue  
Tuttle Avenue to Lockwood Ridge Road  
Lockwood Ridge Road to Whitfield Road  
Whitfield Road to DeSoto Road  
DeSoto Road to Corporate Boulevard  
Corporate Boulevard to Honore Road  
Honore Road to I-75

DESOTO ROAD:

University Parkway to Lockwood Ridge Road

NEW U.S. 301:

S.R. 70 to Saunders Road  
Whitfield Road to Tallevast Road

TUTTLE AVENUE:

University Parkway to DeSoto Road  
Myrtle Street to 27th Street  
27th Street to 17th Street  
17th Street to Fruitville Road

LOCKWOOD RIDGE ROAD:

University Parkway to DeSoto Road  
DeSoto Road to 27th Street  
27th Street to 17th Street  
17th Street to Fruitville Road  
Tallevast Road to Whitfield Avenue

HONORE ROAD:

New U.S. 301 to Lockwood Ridge Road  
Lockwood Ridge Road to Whitfield/Saunders Road Connector  
Whitfield/Saunders Road Connector to Arvida Technology Park Road  
Arvida Technology Park Road to Corporate Boulevard  
Corporate Boulevard to University Parkway  
University Parkway to Longmeadow Road  
Longmeadow Road to 17th Street  
17th Street to Fruitville Road

LOCKWOOD RIDGE EXTENSION:

S.R. 70 to Whitfield Avenue  
Whitfield Avenue to University Parkway

- C.(2) Traffic Studies\* will be required for each Phase Approval\* beyond Phase I pursuant to Chapter 380.06 F.S. Such studies shall be designed to determine if the net traffic generated by the proposed Development Phase\* in combination with prior approvals of this project will be 5% (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council and Manatee County) or greater than the Acceptable Level of Service\* and will reduce the Acceptable Level of Service\* on any roadway listed in Table 1 and generally

depicted on Map J (Exhibit B). Such studies shall use a methodology consistent with generally accepted transportation engineering practices, the methodology used to define Phase I, and be acceptable to the County Transportation Authority\*. Any such Traffic Study\* shall consider traffic to be generated by the proposed Development Phase\*, existing traffic and traffic anticipated from all prior Development Approvals\* impacting the same roadway. (Manatee County Planning and Development)

- C.(3) No Phase\*, Final Master Plan\* or Site Development Plan\* beyond Phase I shall receive approval if the approval which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals\*, will have a probable result of causing or contributing to a degradation of the Acceptable Level of Service\* existing on the roadway identified in Table I of Transportation Conditions at the time approval is sought. (Manatee County Planning and Development)
- C.(4) The square footage totals and off-site transportation trips described herein and set forth below in Table 2 constitute Phase I and are hereby approved subject only to approval of Site Development Plans\* under applicable County ordinances and as may be modified by compliance with Paragraphs C.(7) and H.(13) of this Order Development Order. (Manatee County Planning and Development)
- C.(5) Arvida Corporate Park Associates, successors, assigns and/or transferees shall provide the transportation improvements for Phase I described in Exhibit C when Warranted.\* (Manatee County Planning and Development)
- C.(6) In the event that the development of the Arvida Corporate Park shall involve the installation of any public improvement that would entitle Arvida, under the provisions of Ordinance 86-09, to a credit against a Manatee County impact fee except for the location of the improvement in Sarasota County, Manatee County shall provide the developer with the credit if:
- a. The improvement is included on Sarasota County's Capital Improvements Plan.
  - b. The improvement is the subject of an interlocal agreement with Sarasota County that provides for a sharing of the cost and improvement.
  - c. The interlocal agreement provides for the completion of Manatee County's share of the improvement or by the proceeds of an impact fee or by a developers improvement, and does not prohibit the provision of credit for developer improvements.
  - d. Ordinance 86-09 is amended to provide credit for improvements made in accordance with the interlocal agreement.

It is understood by Arvida Corporate Park Associates and Manatee County that such improvements are contemplated in conjunction with the development of the Arvida Corporate Park and that the existing interlocal agreement with Sarasota County does not make provision for impact fee credit. It is also understood, however, that Manatee County intends to pursue an amendment to the existing interlocal agreement to provide for such credit and that the County intends to use its best efforts to accomplish such an amendment.

- C.(7) The developer shall submit construction drawings for infrastructure within eighteen (18) months of Development

Order approval and shall complete or demonstrate substantial progress toward building permit application for fifty percent (50%) of the development totals set forth below in Table Two within five (5) years of Development Order approval. Failure to meet this schedule may require a revised and updated Traffic Study\* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service\* are still projected to exist at the time building permits are issued. In the event substantial progress toward building permit applications for 50% of the Vertical Development described in Table Two of this paragraph is demonstrated by the developer, the developer may nevertheless be required to prepare a revised and updated Traffic Study\* pursuant to this paragraph if building permits for 50% of the Vertical Development described in Table 2 shall expire for any reason other than completion of development or for reasons or causes beyond the control of the developer. The determination that a revised and updated Traffic Study\* is required shall be made by the Board of County Commissioners at a public hearing with notice to the developer upon recommendation by the Director of Planning after consultation with the County Traffic Authority\*.

If the Traffic Study\* indicates that an Acceptable Level of Service\* is not being maintained, failure to meet the time schedule set forth above may, at the option of the Board of County Commissioners, result in the withholding of future building permits for Phase I until an Acceptable Level of Service\* is obtained.

Failure to comply with the time schedule set forth above, shall not be presumed to be a substantial deviation pursuant to Chapter 380.06(19) FS. (Manatee County Planning and Development)

TABLE 2  
LAND USE DEVELOPMENT TOTALS AND  
OFF-SITE TRANSPORTATION TRIPS

Assumes that all of the signalization and turn lane improvements noted in Exhibit C are implemented.

PHASE I

<u>LAND USE</u>	<u>SQUARE FEET</u>	<u>OFF-SITE PM PEAK HOUR NET VEHICLE TRIPS</u>
1. Research/Technology Park	381,000 S.F.	352
2. Office	200,000 S.F.	372
3. Commercial	<u>460,900 S.F.</u>	<u>1,579</u>
	1,041,900 S.F.	2,303

Tradeoffs between the land uses set forth above may be granted by the County provided the total number of off-site transportation trips set forth above is not exceeded as determined at time of Site Development Plan\* review.

- C.(8) Maintenance of Acceptable Level of Service\* on the Regional Roadway Segments and intersections listed in Table 1 shall be verified by the developer to the satisfaction of the County Transportation Authority\* as part of each annual report as required by Chapter 380.06(16) FS, and Paragraph H.(10) of this Development Order. (Manatee County Planning and Development)
- C.(9) If the Traffic Studies\*, required in Paragraph C(2), show that Acceptable Levels of Service\* are not being

maintained on the roadway segments listed in Table 1 above then Manatee County government shall withhold further Phase Approvals\*. Phase Approvals\* shall be withheld until funding commitments for the improvements necessary to achieve the Acceptable Levels of Service\* have been obtained which will assure the construction of the roadway segment(s) prior to the anticipated build out of the Phase\* for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Capital Improvement Plan. (Manatee County Planning and Development)

#### D. ENVIRONMENTAL CONDITIONS

- D.(1) Wetland areas designated as 1,2,5, and 7 in Figure 14-1 on page 14-17 of the Arvida Corporate Park ADA shall be mitigated by incorporation into a stormwater retention system. Organic muck from these areas shall be stockpiled and redistributed around the littoral zones of stormwater retention areas. The littoral zones, which shall comprise 35 percent of the area of the thirty (30) acre lake system, shall be revegetated with native wetland species. The extent and location of the revegetated sites shall be on the Final Master Plan\*. (TBRPC, Condition 2.A, pg. 17)
- D.(2) All tree removal and land clearance shall be done in accordance with Section 205F.1. of the LDC. Wooded areas identified as 8, 9, and 10 in Figure 14-1 of the ADA shall be preserved to the greatest extent possible and incorporated into the final landscape architecture. (TBRPC, Condition 2.b., pg. 17)
- D.(3) Representative tracts of all major upland vegetative communities shall be generally identified at the time of Preliminary Master Plan\* approval and shall be preserved in their natural state. (Manatee County Planning and Development, for Consistency with Cooper Creek DRI)
- D.(4) Beginning two years from the date of issuance of this Development Order and continuing thereafter until buildout, the developer shall fund an independent water quality monitoring program for this project tributary to Bradenton Watershed as approved by the County. The parameters to be included and the time frame for sampling shall be approved prior to approval of the Final Master Plan\*.

#### E. DRAINAGE

- E.(1) Prior to Final Master Plan\* approval of the site, the Final Drainage Plan for Arvida Corporate Park shall be submitted to the Tampa Bay Regional Planning Council and the Florida Department of Environmental Regulations for review and to South West Florida Water Management District and the Manatee County Transportation Authority\* for review and approval to verify its general consistency with the Conceptual Master Drainage Plans as set forth in Map G-1 of the ADA. (TBRPC, Condition 3, pg. 17)
- E.(2) Existing net water flow (groundwater and surface water) contribution from the site to the Braden River watershed shall be maintained or exceeded and their natural seasonal fluctuations preserved during all Phases\* of development. Beginning two years from the date of issuance of this Development Order and continuing annually thereafter until buildout, the developer shall provide the County with a wet season/dry season water

budget which calculates predevelopment and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County's analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the developer to prepare a detailed analysis of the drainage system and a revised drainage plan which includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan. (Manatee County Planning and Development and CDM)

E.(3) In order to protect water quality, the following parameters shall be included in the Arvida Corporate Park drainage plan:

- A. The developer shall implement a street cleaning program for the parking and roadway areas within the development. (TBRPC, Condition 4.A, pg. 17)
- B. The Master drainage system shall be designed in accordance with applicable regulations of Chapter 17-25, Florida Administrative Code and Manatee County Land Development Code as modified and adopted. (Manatee County Planning and Development to satisfy TBRPC Condition 4.B.,C., & D., also see D.O. General Condition 11)

F. HAZARDOUS WASTE

F.(1) Separate temporary hazardous waste storage/collection area(s) within the project shall be designated. These area(s) shall be accessible to all businesses within Arvida Corporate Park and shall be clearly marked or colored so as to clearly distinguish and identify the area(s) intended for hazardous wastes and materials. (Hazardous wastes are those materials defined in Sub-section 403.703(21), F.S., and listed in Title 40 CFR part 261). (TBRPC, Condition 4, pg. 17)

F.(2) The developer, his heirs, assigns and transferees, shall:

- A. Provide in the Arvida Corporate Park covenants a statement that indicates types of wastes and materials that are to be considered to be hazardous and areas which these wastes and materials are to be stored or disposed of in specifically designed containers. (TBRPC, Condition 4, pg. 17)
- B. Advise purchasers and lessees, and stipulate at the time of purchase or lease, that statutes and regulations exists and that penalties may accrue from failure to properly transport, store, handle, and dispose of hazardous wastes and materials. (TBRPC, Condition 4, pg. 17)

G. ENERGY CONSERVATION

G.(1) The following energy conservation measures shall be utilized in addition to the use of landscaping and retention of existing vegetation as a means of energy conservation:

- A. The developer shall appoint an energy officer who shall:
  - a. arrange for energy audits; and
  - b. establish energy policies; and
  - c. monitor energy use and conservation; and
  - d. establish programs to promote energy conservation by employees, buyers, suppliers and the public.
- B. The developer shall encourage:
  - a. the establishment of recycling programs; and
  - b. the use of energy efficient cooling, heating and lighting systems throughout the Arvida Corporate Park; and
  - c. the use of innovative energy conservation features such as waste heat recovery or solar power. (TBRPC, Condition 11, pg. 19)

H. GENERAL CONDITIONS

- H.(1) Should archaeological or historic resources be located on the development premises during any phase of development, ultimate disposition of said resources shall be determined in cooperation with Florida Department of State, Division of Archives, History and Records Management and Manatee County. (TBRPC, Condition 12, pg. 20)
- H.(2) Non-potable water shall be used for irrigation throughout the Arvida Corporate park unless waived by Manatee County at the time of Site Development Plan\* review. (TBRPC, Condition 9, pg. 19)
- H.(3) The entity(ies) responsible for maintenance and operation of any on-site wells shall be identified at time of Final Master Plan\* or Site Development Plan\* review. (TBRPC, Condition 14, pg. 20)
- H.(4) The measures referenced on pg. 14-18 though 14-20 in the ADA for control of severe soil erosion as determined by the County Soil Conservation Service representative shall be required. (TBRPC, Condition 10, pg. 19)
- H.(5) The entity responsible for maintenance of all common open space areas within the project site shall be the Property Owners Association. Individual property owners shall be responsible for maintaining their own property. (TBRPC, Condition 15, pg. 20)
- H.(6) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Final Master Plan\* or Site Development Plan\* submittal. (TBRPC, Condition 7, pg. 19)
- H.(7) In the event that any species listed in Sections 39-27.03 .05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigative measures shall be implemented in cooperation with the Florida Game and Fresh Water Fish Commission. (TBRPC, Condition 8, pg. 19)

- H.(8) Any change to the Arvida Corporate Park as described in the ADA and supporting materials which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation. (TBRPC, Condition 16, pg. 20 and Chapter 380.06 F.S.)
- H.(9) All commitments set forth in the ADA shall be considered as conditions of approval, except as they may be superseded by specific terms of this Development Order. Particular attention shall be given to commitments for energy conservation and wind and soil erosion controls, including: sodding, mulching, bare soil wetting and phased clearing. (TBRPC, Condition 18, pg. 20)
- H.(10) Arvida Corporate Park Associates, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(16), F.S., to Manatee County, and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the second anniversary of the effective date of this Order and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning and Development Department who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this Order. The annual report shall contain:
- A. The information required by the State Land Planning Agency to be included in the annual report, which information is described in the Rules and Regulations promulgated by that Agency, pursuant to Section 380.06 (18), F.S.; (TBRPC & Chapter 380.08 F.S. all except E)
  - B. Changes in the plan of development or phasing for the reporting year and for the next year, together with a description of all development activities proposed to be conducted pursuant to this Order for the year immediately following the annual report;
  - C. A summary comparison of development activity proposed and actually conducted for the reporting year;
  - D. A summary providing the actual daily water and sanitary sewer requirements, in terms of gallons per day, for the reporting year and a projection of the expected daily water and sewer flow requirement for each of the five (5) succeeding years;
  - E. A Traffic Study\*, as described in Condition #2 of the Transportation Section, setting forth existing Levels of Service within Arvida Corporate Park's Transportation Impact Area\*; (Manatee County Planning and Development)
  - F. Undeveloped tracts of land that have been sold to a separate entity or developer and the identity of that purchaser, together with a statement listing the names and addresses of any heir, assignee or successor in interest to this Order;

- G. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the DRI site since the Order was issued;
- H. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order; and
- I. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year; and
- J. A statement that all persons have been sent copies of the annual report in conformance with Section 380.06, Florida Statutes; and
- K. A copy of any notice of adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Section 380.06, Florida Statutes.

Failure to file an annual report as provided herein shall suspend any further development. (TBRPC & Chapter 380.06 F.S.)

- H.(11) Development of the Arvida Corporate Park shall be in accordance with the policies and long term implementation of the Southeast Task Force Recommendations, provided however, that the Recommendations are to be applied as general guidelines which shall be satisfied by development in accordance with the specific criteria set out in the Recommendations for interim implementation, or with generally recognized best management practices that satisfy the long term implementation Recommendations. Where the clear intent of the Recommendations is the non-degradation of any natural systems, best management practice shall ensure non-degradation.
- H.(12) Manatee County Zoning Ordinance Z-85-1 attached hereto as Exhibit D is incorporated herein and made a part by reference. (Manatee County Planning and Development).
- H.(13) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, or if any five-year period shall expire without significant development activity on the site the Board of County Commissioners may conduct a public hearing in accordance with Section 401F.1. and 2. of the LDC and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the developer (such as the unavailability of permits because of inadequate public facilities, other than those which are the developer's responsibility to construct, or for any other similar reason. For the purposes of this provision, "significant development" shall be the actual construction of site improvements or buildings as a part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

BE IT FURTHER RESOLVED that:

1. This Resolution shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
2. Definitions and matters contained in Chapter 380, Florida Statutes, shall control the construction of any defined

terms and matters appearing in the Development Order.

3. The following are hereby incorporated by reference and made a part of this Development Order:

A. The "Application for Development Approval" together with supporting documents submitted by ACPA.

B. A plot plan of the proposed development, attached hereto as Exhibit "A".

C. The legal description of the property, attached hereto as "A-1".

D. The Transportation Impact Area attached hereto as Exhibit "B".

E. The Table of Transportation Offsite Improvement Requirements for Phase I attached hereto as Exhibit "C".

F. The Ordinance granting rezone approval (Z-85-1) from Planned Development Commercial and Planned Development Industrial to Planned Development Industrial and Planned Development Commercial, respectively, attached hereto as Exhibit "D".

G. DRI Final Report on Arvida Corporate Park from Tampa Bay Regional Planning Commission, appended as Attachment "A".

H. Draft report prepared by CDM, appended as Attachment "B-1".

I. Final Report prepared by CDM, appended as Attachment "B-2".

J. Draft report by R. J. Lombardo & Asso. Inc., appended as Attachment "C-1".

K. Final report by R. J. Lombardo & Asso. Inc., appended as Attachment "C-2".

4. This Development Order shall be effective for a period of twenty (20) years from the date of the adoption of the Resolution granting this Development Order provided that the effective period may be extended by the Board upon a showing of good cause. This approval shall not be construed as a waiver of

any Manatee County requirements for other necessary permit procedures, plat approvals, building permits, certificates of occupancy, or similar matters provided by Florida Statutes or ordinances of Manatee County unless said requirements are specifically waived by stipulations attached to this Resolution.

The time provided shall be set aside during any period of time during which there is any building permit moratorium imposed by the County or other governmental agency having authority to do so.

5. This Development Order shall be binding upon and inure to the benefit of the applicant and its assignees, or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the power and duties of any referenced governmental agency in existence on the effective date of this Development Order.

6. A certified true copy of this Resolution shall be filed and recorded in the Public Records of Manatee County, Florida, and the Development Order contained herein shall govern the development of ARVIDA CORPORATE PARK.

7. A finding by the Board of County Commissioners of Manatee County, Florida, in accordance with Section 380.06(19), Florida Statutes, after notice and public hearing, that ACPA, its successors, assigns and/or transferees has substantially deviated from the conditions, restrictions and limitations of this Development Order shall result in termination of all development activity under this Development Order and additional regional review pursuant to Section 380.06, Florida Statutes, and other applicable laws of the State of Florida.

8. This Development Order shall become effective upon adoption by the Board of County Commissioners of Manatee County and transmittal to the Tampa Bay Regional Planning Council and the Florida Division of Community Affairs provided, however, that

the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes, stays the effectiveness of this Development Order.

ADOPTED with a quorum present and voting this the 28<sup>th</sup> day of October, 1986.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: *Hester*  
Chairman

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

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R-86-259

RESOLUTION GRANTING A DEVELOPMENT  
ORDER FOR ARVIDA CORPORATE PARK

WHEREAS, ARVIDA CORPORATE PARK ASSOCIATES (hereinafter "ACPA"), in accordance with Section 380.06, Florida Statutes, and the Master Development Order (R-84-69) as amended by R-86-214, has filed an Application for Development Approval (hereinafter "ADA") of a Development of Regional Impact (hereinafter "DRI No. 154"); and

WHEREAS, ACPA proposes to develop a Planned Development Commercial (hereinafter "PDC") and a Planned Development Industrial (hereinafter "PDI") upon real property located in Manatee County, Florida and owned by ACPA as described in Exhibit "A-1", made a part hereof; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to consider applications for Development

WHEREAS, pursuant to Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearing in these proceedings was held on September 8, 1986; September 10, 1986, and September 17, 1986, before the Manatee County Planning Commission and on September 25, 1986 and October 2, 1986 before the Board of County Commissioners of Manatee County, Florida; and

WHEREAS, all parties at public hearing were accorded the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the regional impact of the development; and

WHEREAS, said Board of County Commissioners and said Planning Commission have considered the testimony, reports and other documentary evidence submitted at said public hearings by ACPA, TBRPC, Manatee County staff agencies and various persons in attendance at said public hearings; and

WHEREAS, said Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission; and

WHEREAS, said Board of County Commissioners, having considered all of the foregoing and being fully advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that said Board makes the following findings of fact:

1. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(11) Florida Statutes, and Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and proof of such publication has been duly filed in these proceedings.

2. The real property involved in this development and owned by ACPA is located in Manatee County, Florida, described in Exhibit "A-1", and made a part hereof.

3. Upon consideration of all matters in Sections 380.06(2) and 380.06(15), Florida Statutes, and the Manatee County Comprehensive Zoning and Land Development Code, and other applicable provisions of local and state law, the Commission has determined that as conditioned by the approval hereby granted the ACPA development described in the ADA:

a. is not located in an area of critical state concern;



for a Conceptual Development Plan in the Manatee County Land Development Code.

- A.(3) "County Transportation Authority\*" shall mean the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.
- A.(4) "Development Approval\*" shall mean any approval for development granted through the Preliminary Development Plan, Site Development Plan\*, Final Site Plan processes or construction drawing approval where site plans are not required; except in the case of a Development of Regional Impact, approved or modified after October 1, 1986, the assignment of offsite transportation trips approved or conditionally approved in a Specific Phase Approval\* shall also be deemed a "Development Approval" for Traffic Study\* purposes.
- A.(5) "Final Master Plan\*" shall mean the Preliminary Master Plan\*, further specified for final design standards and construction drawings for "Horizontal Development\*" (onsite roadway, water, drainage, landscaping, sewer, communication and utility improvements) for the entire Arvida Corporate Park property.
- A.(6) "Horizontal Development\*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development\*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.
- A.(7) "Master Development Plan\*" shall mean Map H incorporated as Exhibit A and made a part hereof. This Plan depicts the development described in the ADA and includes the following land uses: 536,000 square feet of office; 762,000 square feet of industrial/R & D/warehouse; 822,900 square feet of commercial; and 250 hotel rooms subject to the Phasing Conditions set forth in this Development Order. This plan is identical to The Conceptual Master Plan\*.
- A(8) "Phase\*" or "Development Phase\*" shall mean development defined in terms of square footage of building construction or trips generated by such construction, proposed or approved pursuant to a traffic study.
- A.(9) "Phase Approval\*" shall mean authorization from the County, pursuant to Section 403 of the LDC, to proceed to obtain Development Approvals\* for a specified amount of square footage or Phase\* after the Developer has presented an acceptable Traffic Study\* which demonstrates that the proposed Phase\* will not cause degradation below an Acceptable Level Of Service\* within the Transportation Impact Area\*.
- A.(10) "Preliminary Master Plan\*" shall mean the Conceptual Master Plan\* and specific design standards to be proposed by Arvida.
- A.(11) "Site Development Plan\*" shall mean any preliminary plat, final plat, preliminary site development plan, or final site development plan to be submitted for consideration of approval pursuant to the LDC.
- A.(12) "Traffic Study\*" shall mean a study prepared by the developer, using a methodology acceptable to the County Transportation authority to trigger the development approval process for the next Development Phase\*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service, on any of the roadway segments identified in Table 1, to below an Acceptable Level of Service\*. Any such Traffic Study\* shall consider traffic to be generated by the proposed Phase\*, existing traffic and traffic anticipated from prior Development Approvals\*.

- A.(13) "Transportation Impact Area\*" shall mean the area receiving transportation impacts as result of the development described in the ADA. The Transportation Impact Area is specifically listed in Table I and generally depicted in Exhibit B which is incorporated and made a part hereof.
- A.(14) "Vertical Development\*" shall mean and shall be deemed to include the use of land for construction of new residential units, new commercial units, or new industrial units; the reconstruction of commercial units or industrial units; and additions to existing commercial units or industrial units.
- A.(15) "Warranted\*" shall mean a determination by the County based on generally accepted transportation engineering practices that the Acceptable Level of Service\* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination not merely the trips generated by Arvida Corporate Park.

**B. PHASING CONDITIONS**

(Manatee County Planning & Development to Implement TBRPC Transportation Option 2, pg. 1.)

- B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Arvida Corporate Park as depicted on the Master Development Plan\* incorporated and made a part hereof as Exhibit A. However no Vertical Development\* other than the Phase I development as defined in Paragraph C.(4) of this Development Order which is authorized for immediate development subject only to the conditions of this paragraph, shall be carried out if such development would result in a degradation of the Acceptable Level of Service\* on the regional facilities listed in Table 1 included in this Development Order.
- B.(2) Transportation Conditions are a limiting factor in granting any and all Development Approvals\*. Therefore, infrastructure capacity to potentially serve more than the gross square footage of Vertical Development\* described in Table 2 of the Transportation Conditions section of this Order, hereinafter referred to as Phase I, may be constructed at the developer's risk and shall not be construed to vest Vertical Development\* beyond that amount.
- B.(3) Phase Approvals\* beyond Phase I shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein.

**C. TRANSPORTATION CONDITIONS**

(Manatee County Planning & Development and TBRPC, Transportation Option 2, pg. 16.)

- C.(1) The Acceptable Level of Service\* as determined in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council the Department of Community Affairs and Manatee County shall be maintained on all of the thoroughfares listed in Table I.

**TABLE I**

**IMPACTED TRANSPORTATION FACILITIES (TBRPC, pgs. 30-38)  
(1986 TO 2000)**

These roadway segments have been identified pursuant to Chapter 380.06 F.S. as receiving from the Arvida Corporate Park five percent or greater percentage of the Level of Service "C" daily or "D" peak hour capacity.

ROADWAY SEGMENTS

S.R. 70:

East of Braden River to I-75

UNIVERSITY PARKWAY:

New U.S. 301 to Tuttle Avenue  
Tuttle Avenue to Lockwood Ridge Road  
Lockwood Ridge Road to Whitfield Road  
Whitfield Road to DeSoto Road  
DeSoto Road to Corporate Boulevard  
Corporate Boulevard to Honore Road  
Honore Road to I-75

DESOTO ROAD:

University Parkway to Lockwood Ridge Road

NEW U.S. 301:

S.R. 70 to Saunders Road  
Whitfield Road to Tallevast Road

TUTTLE AVENUE:

University Parkway to DeSoto Road  
Myrtle Street to 27th Street  
27th Street to 17th Street  
17th Street to Fruitville Road

LOCKWOOD RIDGE ROAD:

University Parkway to DeSoto Road  
DeSoto Road to 27th Street  
27th Street to 17th Street  
17th Street to Fruitville Road  
Tallevast Road to Whitfield Avenue

HONORE ROAD:

New U.S. 301 to Lockwood Ridge Road  
Lockwood Ridge Road to Whitfield/Saunders Road Connector  
Whitfield/Saunders Road Connector to Arvida Technology Park Road  
Arvida Technology Park Road to Corporate Boulevard  
Corporate Boulevard to University Parkway  
University Parkway to Longmeadow Road  
Longmeadow Road to 17th Street  
17th Street to Fruitville Road

LOCKWOOD RIDGE EXTENSION:

S.R. 70 to Whitfield Avenue  
Whitfield Avenue to University Parkway

- C.(2) Traffic Studies\* will be required for each Phase Approval\* beyond Phase I pursuant to Chapter 380.06 F.S. Such studies shall be designed to determine if the net traffic generated by the proposed Development Phase\* in combination with prior approvals of this project will be 5% (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council and Manatee County) or greater than the Acceptable Level of Service\* and will reduce the Acceptable Level of Service\* on any roadway listed in Table 1 and generally

depicted on Map J (Exhibit B). Such studies shall use a methodology consistent with generally accepted transportation engineering practices, the methodology used to define Phase I, and be acceptable to the County Transportation Authority\*. Any such Traffic Study\* shall consider traffic to be generated by the proposed Development Phase\*, existing traffic and traffic anticipated from all prior Development Approvals\* impacting the same roadway. (Manatee County Planning and Development)

C.(3) No Phase\*, Final Master Plan\* or Site Development Plan\* beyond Phase I shall receive approval if the approval which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals\*, will have a probable result of causing or contributing to a degradation of the Acceptable Level of Service\* existing on the roadway identified in Table I of Transportation Conditions at the time approval is sought. (Manatee County Planning and Development)

C.(4) The square footage totals and off-site transportation trips described herein and set forth below in Table 2 constitute Phase I and are hereby approved subject only to approval of Site Development Plans\* under applicable County ordinances and as may be modified by compliance with Paragraphs C.(7) and H.(13) of this Order Development Order. (Manatee County Planning and Development)

C.(5) Arvida Corporate Park Associates, successors, assigns and/or transferees shall provide the transportation improvements for Phase I described in Exhibit C when Warranted.\* (Manatee County Planning and Development)

C.(6) In the event that the development of the Arvida Corporate Park shall involve the installation of any public improvement that would entitle Arvida, under the provisions of Ordinance 86-09, to a credit against a Manatee County impact fee except for the location of the improvement in Sarasota County, Manatee County shall provide the developer with the credit if:

a. The improvement is included on Sarasota County's Capital Improvements Plan.

b. The improvement is the subject of an interlocal agreement with Sarasota County that provides for a sharing of the cost and improvement.

c. The interlocal agreement provides for the completion of Manatee County's share of the improvement or by the proceeds of an impact fee or by a developers improvement, and does not prohibit the provision of credit for developer improvements.

d. Ordinance 86-09 is amended to provide credit for improvements made in accordance with the interlocal agreement.

~~Manatee County Planning and Development~~  
Park and that the existing interlocal agreement with Sarasota County does not make provision for impact fee credit. It is also understood, however, that Manatee County intends to pursue an amendment to the existing interlocal agreement to provide for such credit and that the County intends to use its best efforts to accomplish such an amendment.

C.(7) The developer shall submit construction drawings for infrastructure within eighteen (18) months of Development

Order approval and shall complete or demonstrate substantial progress toward building permit application for fifty percent (50%) of the development totals set forth below in Table Two within five (5) years of Development Order approval. Failure to meet this schedule may require a revised and updated Traffic Study\* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service\* are still projected to exist at the time building permits are issued. In the event substantial progress toward building permit applications for 50% of the Vertical Development described in Table Two of this paragraph is demonstrated by the developer, the developer may nevertheless be required to prepare a revised and updated Traffic Study\* pursuant to this paragraph if building permits for 50% of the Vertical Development described in Table 2 shall expire for any reason other than completion of development or for reasons or causes beyond the control of the developer. The determination that a revised and updated Traffic Study\* is required shall be made by the Board of County Commissioners at a public hearing with notice to the developer upon recommendation by the Director of Planning after consultation with the County Traffic Authority\*.

If the Traffic Study\* indicates that an Acceptable Level of Service\* is not being maintained, failure to meet the time schedule set forth above may, at the option of the Board of County Commissioners, result in the withholding of future building permits for Phase I until an Acceptable Level of Service\* is obtained.

Failure to comply with the time schedule set forth above, shall not be presumed to be a substantial deviation pursuant to Chapter 380.06(19) FS. (Manatee County Planning and Development)

TABLE 2  
LAND USE DEVELOPMENT TOTALS AND  
OFF-SITE TRANSPORTATION TRIPS

Assumes that all of the signalization and turn lane improvements noted in Exhibit C are implemented.

PHASE I

<u>LAND USE</u>	<u>SQUARE FEET</u>	<u>OFF-SITE PM PEAK HOUR NET VEHICLE TRIPS</u>
1. Research/Technology Park	381,000 S.F.	352
2. Office	200,000 S.F.	372
3. Commercial	460,900 S.F.	1,579
	1,041,900 S.F.	2,303

Tradeoffs between the land uses set forth above may be granted by the County provided the total number of off-site transportation trips set forth above is not exceeded as determined at time of Site Development Plan\* review.

C.(8) Maintenance of Acceptable Level of Service\* on the Regional Roadway Segments and Intersections listed in Table 1 shall be verified by the developer to the satisfaction of the County Transportation Authority\* as part of each annual report as required by Chapter 380.06(16) FS, and Paragraph H.(10) of this Development Order. (Manatee County Planning and Development)

C.(9) If the Traffic Studies\*, required in Paragraph C(2), show that Acceptable Levels of Service\* are not being

maintained on the roadway segments listed in Table 1 above then Manatee County government shall withhold further Phase Approvals\*. Phase Approvals\* shall be withheld until funding commitments for the improvements necessary to achieve the Acceptable Levels of Service\* have been obtained which will assure the construction of the roadway segment(s) prior to the anticipated build out of the Phase\* for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Capital Improvement Plan. (Manatee County Planning and Development)

D. ENVIRONMENTAL CONDITIONS

- D.(1) Wetland areas designated as 1,2,5, and 7 in Figure 14-1 on page 14-17 of the Arvida Corporate Park ADA shall be mitigated by incorporation into a stormwater retention system. Organic muck from these areas shall be stockpiled and redistributed around the littoral zones of stormwater retention areas. The littoral zones, which shall comprise 35 percent of the area of the thirty (30) acre lake system, shall be revegetated with native wetland species. The extent and location of the revegetated sites shall be on the Final Master Plan\*. (TBRPC, Condition 2.A, pg. 17)
- D.(2) All tree removal and land clearance shall be done in accordance with Section 205F.1. of the LDC. Wooded areas identified as 8, 9, and 10 in Figure 14-1 of the ADA shall be preserved to the greatest extent possible and incorporated into the final landscape architecture. (TBRPC, Condition 2.b., pg. 17)
- D.(3) Representative tracts of all major upland vegetative ~~resources shall be preserved, with appropriate buffers,~~
- D.(4) Beginning two years from the date of issuance of this Development Order and continuing thereafter until buildout, the developer shall fund an independent water quality monitoring program for this project tributary to Bradenton Watershed as approved by the County. The parameters to be included and the time frame for sampling shall be approved prior to approval of the Final Master Plan\*.

E. DRAINAGE

- E.(1) Prior to Final Master Plan\* approval of the site, the Final Drainage Plan for Arvida Corporate Park shall be submitted to the Tampa Bay Regional Planning Council and the Florida Department of Environmental Regulations for review and to South West Florida Water Management District and the Manatee County Transportation Authority\* for review and approval to verify its general consistency with the Conceptual Master Drainage Plans as set forth in Map G-1 of the ADA. (TBRPC, Condition 3, pg. 17)
- E.(2) Existing net water flow (groundwater and surface water) contribution from the site to the Braden River watershed shall be maintained or exceeded and their natural seasonal fluctuations preserved during all Phases\* of development. Beginning two years from the date of issuance of this Development Order and continuing annually thereafter until buildout, the developer shall provide the County with a wet season/dry season water

budget which calculates predevelopment and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County's analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the developer to prepare a detailed analysis of the drainage system and a revised drainage plan which includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan. (Manatee County Planning and Development and CDM)

E.(3) In order to protect water quality, the following parameters shall be included in the Arvida Corporate Park drainage plan:

A. The developer shall implement a street cleaning program for the parking and roadway areas within the development. (TBRPC, Condition 4.A, pg. 17)

B. The Master drainage system shall be designed in accordance with applicable regulations of Chapter 17-25, Florida Administrative Code and Manatee County Land Development Code as modified and adopted. (Manatee County Planning and Development to satisfy TBRPC Condition 4.B., C., & D., also see D.O. General Condition 11)

#### F. HAZARDOUS WASTE

F.(1) Separate temporary hazardous waste storage/collection area(s) within the project shall be designated. These area(s) shall be accessible to all businesses within Arvida Corporate Park and shall be clearly marked or colored so as to clearly distinguish and identify the area(s) intended for hazardous wastes and materials. section 403.703(21), F.S., and listed in Title 40 CFR part 261. (TBRPC, Condition 4, pg. 17)

F.(2) The developer, his heirs, assigns and transferees, shall:

A. Provide in the Arvida Corporate Park covenants a statement that indicates types of wastes and materials that are to be considered to be hazardous and areas which these wastes and materials are to be stored or disposed of in specifically designed containers. (TBRPC, Condition 4, pg. 17)

B. Advise purchasers and lessees, and stipulate at the time of purchase or lease, that statutes and regulations exists and that penalties may accrue from failure to properly transport, store, handle, and dispose of hazardous wastes and materials. (TBRPC, Condition 4, pg. 17)

#### G. ENERGY CONSERVATION

G.(1) The following energy conservation measures shall be utilized in addition to the use of landscaping and retention of existing vegetation as a means of energy conservation:

- A. The developer shall appoint an energy officer who shall:
  - a. arrange for energy audits; and
  - b. establish energy policies; and
  - c. monitor energy use and conservation; and
  - d. establish programs to promote energy conservation by employees, buyers, suppliers and the public.
- B. The developer shall encourage:
  - a. the establishment of recycling programs; and
  - b. the use of energy efficient cooling, heating and lighting systems throughout the Arvida Corporate Park; and
  - c. the use of innovative energy conservation features such as waste heat recovery or solar power. (TBRPC, Condition 11, pg. 19)

H. GENERAL CONDITIONS

- H.(1) Should archaeological or historic resources be located on the development premises during any phase of development, ultimate disposition of said resources shall be determined in cooperation with Florida Department of State, Division of Archives, History and Records Management and Manatee County. (TBRPC, Condition 12, pg. 20)
- H.(2) Non-potable water shall be used for irrigation throughout the Arvida Corporate park unless waived by Manatee County at the time of Site Development Plan\* review. (TBRPC, Condition 9, pg. 19)
- H.(3) The entity(ies) responsible for maintenance and operation of any on-site wells shall be identified at time of Final Master Plan\* or Site Development Plan\* review. (TBRPC, Condition 14, pg. 20)
- H.(4) The measures referenced on pg. 14-18 though 14-20 in the ADA for control of severe soil erosion as determined by the County Soil Conservation Service representative shall be required. (TBRPC, Condition 10, pg. 19)
- H.(5) The entity responsible for maintenance of all common open space areas within the project site shall be the Property Owners Association. Individual property owners shall be responsible for maintaining their own property. (TBRPC, Condition 15, pg. 20)
- H.(6) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Final Master Plan\* or Site Development Plan\* submittal. (TBRPC, Condition 7, pg. 19)
- H.(7) In the event that any species listed in Sections 39-27.03 .05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigative measures shall be implemented in cooperation with the Florida Game and Fresh Water Fish Commission. (TBRPC, Condition 8, pg. 19)

- H.(8) Any change to the Arvida Corporate Park as described in the ADA and supporting materials which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation. (TBRPC, Condition 16, pg. 20 and Chapter 380.06 F.S.
- H.(9) All commitments set forth in the ADA shall be considered as conditions of approval, except as they may be superseded by specific terms of this Development Order. Particular attention shall be given to commitments for energy conservation and wind and soil erosion controls, including: sodding, mulching, bare soil wetting and phased clearing. (TBRPC, Condition 18, pg. 20)
- H.(10) Arvida Corporate Park Associates, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(16), F.S., to Manatee County, and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the second anniversary of the effective date of this Order and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning and Development Department who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this Order. The annual report shall contain:
- A. The information required by the State Land Planning Agency to be included in the annual report, which information is described in the Rules and Regulations promulgated by that Agency, pursuant to Section 380.06 (18), F.S.; (TBRPC & Chapter 380.08 F.S. all except E)
  - B. Changes in the plan of development or phasing for the reporting year and for the next year, together with a description of all development activities proposed to be conducted pursuant to this Order for the year immediately following the annual report;
  - C. A summary comparison of development activity proposed and actually conducted for the reporting year;
  - D. A summary providing the actual daily water and sanitary sewer requirements, in terms of gallons per day, for the reporting year and a projection of the expected daily water and sewer flow requirement for each of the five (5) succeeding years;
  - E. A Traffic Study\*, as described in Condition #2 of the Transportation Section, setting forth existing Levels of Service within Arvida Corporate Park's Transportation Impact Area\*; (Manatee County Planning and Development)
  - F. Undeveloped tracts of land that have been sold to a separate entity or developer and the identity of that purchaser, together with a statement listing the names and addresses of any heir, assignee or successor in interest to this Order;

- G. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the DRI site since the Order was issued;
- H. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order; and
- I. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year; and
- J. A statement that all persons have been sent copies of the annual report in conformance with Section 380.06, Florida Statutes; and
- K. A copy of any notice of adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Section 380.06, Florida Statutes.

Failure to file an annual report as provided herein shall suspend any further development. (TBRPC & Chapter 380.06 F.S.)

- H.(11) Development of the Arvida Corporate Park shall be in accordance with the policies and long term implementation of the Southeast Task Force Recommendations, provided however, that the Recommendations are to be applied as general guidelines which shall be satisfied by development in accordance with the specific criteria set out in the Recommendations for interim implementation, or with generally recognized best management practices that satisfy the long term implementation Recommendations. Where the clear intent of the Recommendations is the non-degradation of any natural systems, best management practice shall ensure non-degradation.
- H.(12) Manatee County Zoning Ordinance Z-85-1 attached hereto as Exhibit D is incorporated herein and made a part by reference. (Manatee County Planning and Development).
- H.(13) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, or if any five-year period shall expire without significant development activity on the site the Board of County Commissioners may conduct a public hearing in accordance with Section 401F.1. and 2. of the LDC and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the developer (such as the unavailability of permits which are the developer's responsibility to construct, or ~~any other factors beyond the control of the developer~~ provision, "significant development" shall be the actual construction of site improvements or buildings as a part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

BE IT FURTHER RESOLVED that:

- 1. This Resolution shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- 2. Definitions and matters contained in Chapter 380, Florida Statutes, shall control the construction of any defined

terms and matters appearing in the Development Order.

3. The following are hereby incorporated by reference and made a part of this Development Order:

A. The "Application for Development Approval" together with supporting documents submitted by ACPA.

B. A plot plan of the proposed development, attached hereto as Exhibit "A".

C. The legal description of the property, attached hereto as "A-1".

D. The Transportation Impact Area attached hereto as Exhibit "B".

E. The Table of Transportation Offsite Improvement Requirements for Phase I attached hereto as Exhibit "C".

F. The Ordinance granting rezone approval (Z-85-1) from Planned Development Commercial and Planned Development Industrial to Planned Development Industrial and Planned Development Commercial, respectively, attached hereto as Exhibit "D".

G. DRI Final Report on Arvida Corporate Park from Tampa Bay Regional Planning Commission, appended as Attachment "A".

H. Draft report prepared by CDM, appended as Attachment "B-1".

I. Final Report prepared by CDM, appended as Attachment "B-2".

J. Draft report by R. J. Lombardo & Asso. Inc., appended as Attachment "C-1".

K. Final report by R. J. Lombardo & Asso. Inc., appended as Attachment "C-2".

4. This Development Order shall be effective for a period of twenty (20) years from the date of the adoption of the Resolution granting this Development Order provided that the effective period may be extended by the Board upon a showing of good cause. This approval shall not be construed as a waiver of

any Manatee County requirements for other necessary permit procedures, plat approvals, building permits, certificates of occupancy, or similar matters provided by Florida Statutes or ordinances of Manatee County unless said requirements are specifically waived by stipulations attached to this Resolution.

The time provided shall be set aside during any period of time during which there is any building permit moratorium imposed by the County or other governmental agency having authority to do so.

5. This Development Order shall be binding upon and inure to the benefit of the applicant and its assignees, or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the power and duties of any referenced governmental agency in existence on the effective date of this Development Order.

6. A certified true copy of this Resolution shall be filed and recorded in the Public Records of Manatee County, Florida, and the Development Order contained herein shall govern the development of ARVIDA CORPORATE PARK.

7. A finding by the Board of County Commissioners of Manatee County, Florida, in accordance with Section 380.06(19), Florida Statutes, after notice and public hearing, that ACPA, its successors, assigns and/or transferees has substantially deviated from the conditions, restrictions and limitations of this Development Order shall result in termination of all development activity under this Development Order and additional regional review pursuant to Section 380.06, Florida Statutes, and other applicable laws of the State of Florida.

8. This Development Order shall become effective upon adoption by the Board of County Commissioners of Manatee County and transmittal to the Tampa Bay Regional Planning Council and the Florida Division of Community Affairs provided, however, that

→ 11/6/86

the filing of a notice of appeal pursuant to Section 380.07,  
Florida Statutes, stays the effectiveness of this Development  
Order.

ADOPTED with a quorum present and voting this the 28<sup>th</sup>  
day of October, 1986.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: *Hester*  
Chairman

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

