

## Department of Public Works

600 17th Street West  
 Palmetto, Florida 34221  
 Phone (941) 723-4580 • FAX: (941) 723-4539  
 Suncom 599-4580

March 8, 2012

Mr. John Schandavel  
 Huntington Bank  
 801 W. Big Beaver, MI-9185  
 Troy, MI 48084

Re: Riviera Dunes DRI#236  
 Revised January 30, 2012 letter

Dear Mr. Schandavel:

The purpose of this letter is twofold; to provide concurrence to your request for a 4-Year extension of the Buildout and Development Order expiration dates and to clarify my letter to C. Timothy Vining dated March 31, 2011.

Tampa Bay Regional Planning Council acknowledged that your request (as a developer of Riviera Dunes DRI) for a 4-year extension on December 12, 2011 was made in accordance with Sec. 380.06(19)(c)2., F.S. The City of Palmetto hereby concurs that the Buildout and Development Order expiration dates for Riviera Dunes DRI be extended to February 12, 2017.

The traffic information provided by Tindale-Oliver and Associates, Inc., including the original, finalized, DRI traffic study provided the final numbers that governed the original development order including a total of 1,206 PM gross peak hour trips, and 979 net external PM peak hour trips. By using these two numbers from the development order with the corresponding totals from the original traffic study, 430/979 (net external trips) and 529/1206 (gross trips generated) they both yield 44 percent, clarifying the condition below:

*“Construct NB thru lane/430\*/529\*\* (at 44% of build out)”*  
*Where 430 is the net external trips PM peak hour and 529 is the gross external trips PM peak hour*

Based on the total number of external trips (360 gross external PM peak hour trips) generated from the latest, Annual Monitoring Report in 2010, the above referenced condition from the adopted development order has not yet been triggered. The City will continue to issue building permits for platted single family lots and will require all other new development to meet the City of Palmetto's land development regulations to insure compliance with Section 6 (G) Table 3-Required Improvements of the DRI.

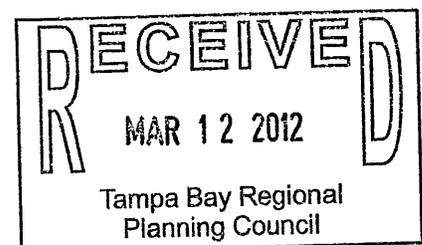
If you have any questions, or require any additional information, please feel free to contact me at (941) 723- 4580 or [atusing@palmettofl.org](mailto:atusing@palmettofl.org) .

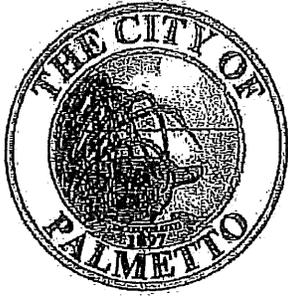
Sincerely,



Allen R. Tusing, Director  
Public Works Department

cc: Shirley Groover Bryant, Mayor  
John M. Meyer, DRI Coordinator, TBRPC  
C. Timothy Vining, Riviera Dunes Development Partners, LLC  
James R. Freeman, City Clerk  
Mark Barnebey, City Attorney  
Brenda Winningham, DEO  
Alice Huneycutt & David Smith, Sterns Weaver  
Linda Svenson, Svenson Enterprises, Inc.  
Bill Oliver, Tindale-Oliver & Associates, Inc.  
Neal Mazzei, Building Official





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March 5, 2010

Ms. Linda J. Svenson  
1707 US Highway 301 North  
Palmetto, FL 34221

Re: Riviera Dunes DRI – 3 Year Extension

Dear Linda:

I am writing this letter in response to your letter of May 13, 2009 in which you requested Mr. Jon Meyer of the Tampa Bay Regional Planning Council to approve a 3 year extension of the Development Order beginning February 12, 2010 until February 11, 2013. Based upon the language provided in Florida Statute 380.06(19)(c), this letter is to acknowledge the 3 year extension as provided in the legislation.

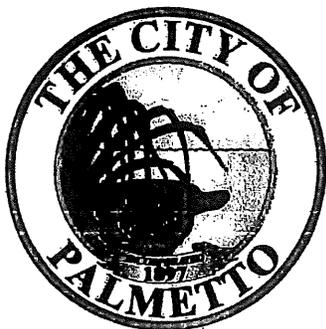
We hope this extension will provide Riviera Dunes with the additional time required in order to continue with the active development of this project.

Sincerely,

**THOMAS C. MCCOLLUM, AICP**  
Interim City Planner

TCM/dlh

cc: Mayor Shirley Groover Bryant  
Mr. Jim Freeman  
Mr. Alan Tusing  
Mark Barneby, Esquire



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February 4, 2010

Mr. Glen H. Bleau  
Chief Financial Officer  
Riviera Dunes Development Partners, LLC  
1401 Manatee Avenue West, Suite 500  
Bradenton, Florida 34205

**RE: DRI #236, Riviera Dunes  
Time Extension**

Dear Mr. Bleau,

In compliance with the provision in SB 360, Section 14(l), the expiration date for Riviera Dunes has been extended for a period of two years following its date of expiration of February 2, 2010.

By copy of this letter, we are informing the Tampa Bay Regional Planning Council (TBRPC) of this extension.

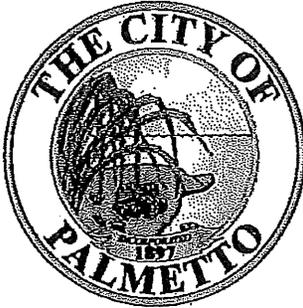
Sincerely,

A handwritten signature in black ink, appearing to read "T. McCollum", is written over a faint, larger version of the same signature.

Thomas C. McCollum, Sr., AICP  
City of Palmetto  
Interim City Planner

cc: Mayor Shirley Groover Bryant, City of Palmetto  
Jim Freeman, City of Palmetto, City Clerk  
Mark Barnebey, Esq., City Attorney  
John Mayer, TBRPC

236



## Department of Public Works

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February 4, 2010

Mr. Glen H. Bleau  
Chief Financial Officer  
Riviera Dunes Development Partners, LLC  
1401 Manatee Avenue West, Suite 500  
Bradenton, Florida 34205

**RE: DRI #236, Riviera Dunes  
Time Extension**

Dear Mr. Bleau,

In compliance with the provision in SB 360, Section 14(l), the expiration date for Riviera Dunes has been extended for a period of two years following its date of expiration of February 2, 2010.

By copy of this letter, we are informing the Tampa Bay Regional Planning Council (TBRPC) of this extension.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. McCollum, Sr.", is written over a horizontal line.

Thomas C. McCollum, Sr., AICP  
City of Palmetto  
Interim City Planner

cc: Mayor Shirley Groover Bryant, City of Palmetto  
Jim Freeman, City of Palmetto, City Clerk  
Mark Barnebey, Esq., City Attorney  
John Mayer, TBRPC

**ORDINANCE NO. 08-956  
DRI #236 RIVIERA DUNES**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI #236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on August 27, 2007 Riviera Dunes Development Partners, LLC, hereinafter referred to as "Developer", filed a Notice of Proposed Change ("NOPC") with the City of Palmetto pursuant to Section 380.06, Florida Statutes; and

**WHEREAS**, the City Commission of the City of Palmetto as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the authority to consider and approve an amended Development Order for the Development; and

**WHEREAS**, The Planning and Zoning Board of the City of Palmetto, as the City of Palmetto's local planning agency, has reviewed the NOPC and the report of the Tampa Bay Regional Planning Council ("TBRPC"), held public hearings on October 8, 2007 and has filed a recommendation with the City Commission; and

**WHEREAS**, the City Commission has received and considered the comments of the Planning and Zoning Board and the TBRPC; and

**WHEREAS**, the City Commission on January 22, 2008 held a duly noticed public hearing on the NOPC, and has solicited, received and considered all testimony, reports, comments, evidence and recommendations, from interested citizens, City agencies and the Developer.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO IN A REGULAR MEETING ASSEMBLED THIS THE 22<sup>nd</sup> DAY OF JANUARY 2008 AS FOLLOWS:**

**Section 1. Findings of Fact.** The City Commission hereby makes the following findings of fact:

- A. All of the recitals are adopted as findings of fact.
- B. The Developer has received City approval and has commenced development in accordance with Ordinance No. 665.

- C. The owner of the not yet developed or sold property and the Development is Riviera Dunes Development Partners, LLC.
- D. The authorized agent for the Developer is C. Timothy Vining.
- E. The real property which is the subject of this Development Order is legally described on Exhibit "A" to this Ordinance.

**Section 2.** **Conclusions of Law.** Based upon the previous findings of fact and the following Conditions of Development Approval, the City Commission concluded that:

- A. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Final Report on the Development and the City of Palmetto Comprehensive Pan.
- B. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.

**Section 3.** **Amendments to Ordinance.**

**DEVELOPMENT COMPONENTS**

**Table 1 Development Area and Uses.** *Revise Table as set forth on Exhibit "B" attached hereto and made a part hereof.*

**Land Use Exchange Matrix.** *Increase the maximum amount of Office Space development by an additional 65,000 square feet (to a maximum of 75,000 square feet). Increase the maximum amount of Quality Restaurant development by an additional 7,000 square feet (to a maximum of 12,000 square feet). Revise Table as set forth on Exhibit "B" attached hereto and made a part hereof.*

**Section 4.** It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court or competent jurisdiction to be void, unconstitutional or unenforceable, then such provisions or portions shall be deem null and void, but all remaining provisions and portions of this Ordinance shall remain in full forces and effect.

**Section 5.** Ordinance No. 665, except as amended herein, shall remain in full force and effect.

**Section 6.** This Ordinance shall become effective in accordance with Section 14 of the City Charter, provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal.

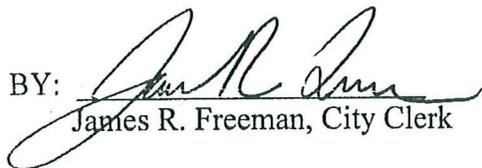
**APPROVED AND ADOPTED**, in open session with a quorum present and voting this 22<sup>nd</sup> day of January, 2008.

First Reading	January 7, 2008
Publication	January 11, 2008
Second Reading and Public Hearing	January 22, 2008

CITY OF PALMETTO, FLORIDA  
BY AND THROUGH ITS CITY  
COMMISSION OF THE CITY OF  
PALMETTO

BY:   
LAWRENCE E. BUSTLE, JR. MAYOR

ATTEST: CITY CLERK

BY:   
James R. Freeman, City Clerk

I, THE CITY CLERK OF THE CITY OF PALMETTO, FLORIDA, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL THEREOF ON FILE IN MY OFFICE WITNESS MY HAND AND SEAL OF SAID CITY THIS 14 DAY OF July A.D., 2008

  
CITY CLERK, CITY OF PALMETTO, FLORIDA

Exhibit "A"

I. PARCEL A

BEGIN AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN S 00°33'40" W ALONG THE WEST LINE OF SECTION 24, 574.82 FEET; THENCE S 40°33'36" E, 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/S.R. 55; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, N 00°00'25" E, 1117.61 FEET TO ITS INTERSECTION WITH A LINE BEARING S 89°27'02" E FROM THE POB; THENCE N 00°02'04" E, 656.58 FEET; THENCE N 10°59'44" W, 7.30 FEET; THENCE N 10°50'28" W, 196.50 FEET; THENCE N 00°02'33" E, 300.00 FEET; THENCE N 59°59'28" W, 131.41 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 7th STREET; THENCE N 89°27'14" W ALONG SAID SOUTHERLY RIGHT-OF-WAY OF 7th STREET, 299.99 FEET; THENCE S 00°32' 20" W, 1220.94 FEET TO THE POINT OF BEGINNING.

LESS:

COMMENCE AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE "CIVIC CENTER PARCEL ") SAID POINT BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF US HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE S 89°58'43" W, 130.26 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF AFORMENTIONED U.S. HIGHWAY 301/41 FOR A POINT OF BEGINNING; THENCE S 89°59'19" W, 125.00 FEET; THENCE N 00°02'04" E PARALLEL TO THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301 217.92 FEET; THENCE N 65°59'14" W, 368.00 FEET TO THE WEST LINE OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE S 00°32'20" W ALONG SAID WESTERLY LINE OF SECTION 13, 404.58 FEET TO THE SOUTHWEST CORNER OF SECTION 13 (ALSO BEING THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST); THENCE S 00°33'40" W ALONG THE WESTERLY LINE OF SECTION 24 574.82 FEET; THENCE S 40°33'36" E 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE AFORMENTIONED U.S. HIGHWAY 301/41; THENCE N 00°00'25" E, 1117.61 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO A POINT BEING S 89°-27-02 E, 493.00 FEET FROM THE NORTHWEST CORNER OF SECTION 24-34S-17E; THENCE N 00°02'04" E ALONG THE WESTERLY RIGHT-OF-WAY OF U.S.HIGHWAY 301/41, 42.27 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY FLORIDA,

II. PARCEL 'B' (BEING NORTH OF HABEN BOULEVARD):

BEGIN AT THE NORTHEAST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE "CIVIC CENTER" PARCEL); THENCE RUN S 00°10'42" W, ALONG THE EAST LINE OF THE ABOVE REFERENCED "CIVIC CENTER" PARCEL, 465.37 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PRMCF (THE "HABEN BOULEVARD EXTENSION"); THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES: N 75°04'37" E, 80.36 FEET TO A POINT OF CURVATURE; THENCE 558.13 FEET ALONG THE ARC A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2190.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°47'50" E, 600.00 FEET TO A POINT OF CURVATURE; THENCE 339.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 942.00 FEET AND A CENTRAL ANGLE OF 20°37'20" , TO A POINT OF REVERSE CURVATURE; THENCE 298.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 958.00 FEET AND A CENTRAL ANGLE OF 19°54'13". TO A POINT OF COMPOUND CURVATURE; THENCE 46.17 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 3500 FEET AND A CENTRAL ANGLE OF 75°34'57". THENCE N 00°28'54" E, 100.73 FEET, THENCE LEAVING SAID RIGHT-OF-WAY, RUN N 89°29'11" W, 1258.00 FEET; THENCE N 00°00'16" W, 363.50 FEET, THENCE N 89°23'50" W, 629.23 FEET TO THE POB.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA

Exhibit "A"

III. PARCEL C

COMMENCE AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°27'02" E, 493.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF WAY OF U.S. HIGHWAY 301/S.R.55; THENCE RUN S 00°00'25" W, 1117.81 FEET ALONG SAID RIGHT-OF-WAY; THENCE S 40°33'36" E, 199.80 FEET FOR A POINT OF BEGINNING; THENCE N 00°01'28" E, 1287.87 FEET; THENCE N 00°03'41" E, 43.82 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 (SAID SOUTHWEST CORNER BEING THE POB OF SAID PARCEL), THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES N 89°59'19" E 100.00 FEET; THENCE 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET AND A CENTRAL ANGLE OF 10°59'58"; THENCE S 79°01'33" E, 123.57 FEET; THENCE 593.41 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 87°59'59"; THENCE N 33°03'07" E, 248.55 FEET; THENCE 388.85 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 960.00 FEET AND A CENTRAL ANGLE OF 22°00'07"; THENCE 167.59 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 480.00 FEET AND A CENTRAL ANGLE OF 20°52'28"; THENCE S 13°20'16" E, 1.99 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, (THE "HABEN BOULEVARD EXTENSION" PARCEL); THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID HABEN BOULEVARD EXTENSION THE FOLLOWING COURSES; THENCE N 75°55'53" E, 101.94 FEET THENCE 536.70 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2106.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°30'28" E, 800.00 FEET; THENCE 308.39 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 20°35'38", TO A POINT OF REVERSE CURVATURE, THENCE 341.49 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 492.00 FEET AND A CENTRAL ANGLE OF 20°48'15"; THENCE N 89°39'34" E, 106.37 FEET; THENCE N 00°20'26" E, 208.80 FEET TO THE END OF SAID HABEN BOULEVARD EXTENSION PARCEL; THENCE S 89°29'11" E ALONG THE SOUTHERLY BOUNDARY OF THAT PARCEL DESCRIBED IN ORB 370 PAGE 303 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, 433.84 FEET; THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARIES OF THAT PARCEL DESCRIBED AS "PARCEL 1" IN ORB 1435 PAGE 6874 (ALSO IN ORB 1180 PAGE 537) THE FOLLOWING TWO COURSES; S 00°23'51" W, 234.00 FEET; THENCE S 89°21'41" E, 154.00 FEET; THENCE S 00°00'53" W, 734.60 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13 SAID POINT BEING 66 FEET WEST OF THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE N 89°21'48" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, 599.46 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13; THENCE S 00°38'10" W ALONG THE EAST LINE OF U.S. GOVERNMENT LOT 3, 1354.95 FEET; THENCE S 76°20'28" W, 2500.08 FEET; THENCE N 15°09'23" W, 225.00 FEET; THENCE N 64°04'34" W 891.58 FEET; THENCE N 40°33'36" W, 143.46 FEET TO THE POINT OF BEGINNING.

LESS:

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED **Exhibit 'A'**  
IN ORB 1054, PAGES 1732-1736 OF THE PUBLIC RECORDS OF MANATEE  
COUNTY, FLORIDA (THE CIVIC CENTER 'PARCEL'), SAID POINT BEGINNING,  
BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY  
301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD;  
THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD  
THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY  
168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE  
HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD  
BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID  
SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04  
FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF  
U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY  
RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41 E, 43.82 FEET TO THE POINT OF  
BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP  
34 SOUTH' RANGE 17 EAST, MANATEE COUNTY, FLORIDA

IV. PARCEL C-1

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED  
IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE  
COUNTY, FLORIDA (THE CIVIC CENTER 'PARCEL'), SAID POINT BEGINNING,  
BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY  
301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD;  
THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD  
THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY  
168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE  
HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD  
BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID  
SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04  
FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF  
U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY  
RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41 E, 43.82 FEET TO THE POINT OF  
BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP  
34 SOUTH' RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

V. PARCEL D

TOGETHER WITH NON-EXCLUSIVE EASEMENTS SET FORTH IN TRUSTEE'S DEED BY  
AND BETWEEN BARNETT BANK OF MANATEE COUNTY, NA, AS TRUSTEE, AND MANATEE  
COUNTY CIVIC CENTER AUTHORITY, RECORDED IN OFFICIAL RECORD BOOK 1054, PAGE 1788,  
AND SET FORTH IN RIGHT-OF-WAY RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN  
MANATEE GATEWAY NO.1, A JOINT VENTURE, AND BARNETT BANK OF MANATEE COUNTY AS  
TRUSTEE, AND THE MANATEE COUNTY CIVIC CENTER AUTHORITY RECORDED IN OFFICIAL  
RECORD BOOK 1054, PAGE 1801, ALL OF THE PUBLIC RECORDS OF MANATEE COUNTY,  
FLORIDA, FOR THE PURPOSES OF INGRESS, EGRESS, DRAINAGE, AND UTILITIES, PEDISTRIAN  
WALKWAYS, AND OVERHEAD ARCHITECTURAL CONNECTION, OVER, UNDER, AND ACROSS  
THE LANDS DESCRIBED IN SAID INSTRUMENTS.

VI. PARCEL E

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR A PERIOD OF 25 YEARS FROM  
SEPTEMBER 12 1991, WAS SET FORTH IN SOVEREIGN SUBMERGED LANDS EASEMENT  
GRANTED BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF  
THE STATE OF FLORIDA IN FAVOR OF MANATEE GATEWAY I, A JOINT VENTURE, A FLORIDA  
GENERAL PARTERSHIP, AND RECORDED IN OFFICIAL RECORD BOOK 1376, PAGE 1557, OF THE  
PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE PURPOSE OF AN ACCESS  
CHANNEL AND FLUSHING CHANNEL OVER, UNDER, AND ACROSS THE SOVEREIGN LANDS  
DESCRIBED IN SAID INSTRUMENT

## Exhibit A

### VII.

DESCRIPTION: A PARCEL OF LAND IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHERLY OF THE EASTERNMOST CORNERS OF TRACT "E" OF THE NORTHSORE AT RIVERA DUNES PHASE 1-A, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 22, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND RUN N.00°04'33"E.. ALONG THE EASTERNMOST BOUNDARY OF SAID TRACT "E", FOR A DISTANCE OF 562.78 FEET TO THE NORTHEAST CORNER OF SAID TRACT "E"; THENCE N.89°55'28"W., ALONG THE NORTH BOUNDARY OF SAID TRACT "E" FOR A DISTANCE OF 15.00 FEET TO THE EAST RIGHT OF WAY OF HABEN BOULEVARD; THENCE N.00°04'33"E., ALONG THE SAID EAST RIGHT OF WAY, FOR A DISTANCE OF 208.45 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY, S.89°44'49"E. FOR A DISTANCE OF 432.50 FEET TO THE INTERSECTION WITH THAT CERTAIN BOUNDARY AGREEMENT LINE RECORDED IN O.R. BOOK 1750, PAGE 6361 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID BOUNDARY AGREEMENT LINE THE FOLLOWING THREE (3) COURSES; S.02°11'59"W. A DISTANCE OF 2.91 FEET; S.00°07'25"E. FOR A DISTANCE OF 231.00 FEET; THENCE S.89°35'00"E. FOR A DISTANCE OF 154.18 FEET; THENCE LEAVING SAID BOUNDARY AGREEMENT LINE, N.00°14'17"W., FOR A DISTANCE OF 35.73 FEET TO AN IRON ROD AND PLASTIC CAP STAMPED LB5594; THENCE S.89°14'22"E. FOR A DISTANCE OF 93.99 FEET TO A IRON ROD AND PLASTIC CAP STAMPED LB6432; THENCE N.03°57'30"E. FOR A DISTANCE OF 97.80 FEET; THENCE N.05°31'10"E. FOR A DISTANCE OF 100.32 FEET; THENCE N.89°26'41"W. FOR A DISTANCE OF 264.29 FEET TO THE POINT OF BEGINNING.

Exhibit "B"

Riviera Dunes DRI  
Land Use Equivalency Matrix

From ↓	To →	Specialty Retail	Hotel	Senior Living	Assisted Living Facility	Quality Restaurant	Multi-Family	Office
Specialty Retail	1,000 sf gla =		3.2 rooms			235 sf gla	2.6 du	1,738 gsf
Hotel	1 room =	312 sf gla					0.8 du	
Senior Living	1 bed =						0.37 du	
Assisted Living Facility	1 bed =						0.23 du	
Quality Restaurant	1,000 sf gla =	4,260 sf gla						
Multi-Family	1 du =	385 sf gla	1.2 rooms	2.7 beds	4.3 beds			
Office	1,000 gsf =	575 sf gla						

	Minimum	Maximum
Specialty Retail	20,000 S. F.	96,000 S. F.
Multi-Family	737 Units	857 Units
Office	-0-	10,000 S.F.
Hotel	-0-	200 Rooms
Quality Restaurant	-0-	5,000 S. F.

Tindale-Oliver and Associates, Inc.

Equivalency Matrix 07-21-05a.xls



#236

January 29, 2007

Mr. John Meyer  
Tampa Bay Regional Planning Council  
4000 Gateway Centre Blvd.  
Suite 100  
Pinellas Park, FL 33782

Re: Riviera Dunes Project  
DRI #236

Dear John:

In response to your request for clarification the following outlines the conversion for multi-family at Riviera Dunes.

Original

250 Single Family  
367 Multi-Family  
141,500 Square Feet of Specialty Retail  
3,500 Square Feet Convenience Store  
15,000 Square Feet Golf Center  
125 Hotel Rooms  
\*Original Maximum Residential Units 617

Currently Permitted

250 Single Family  
412 Multi-Family  
49,100 Square Feet of Specialty Retail  
3,500 Square Feet Convenience Store

Balance Available

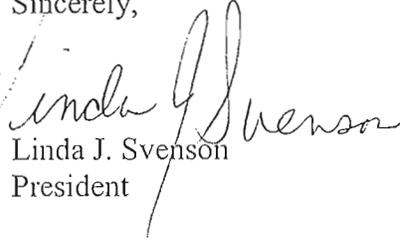
75,075 Square Feet Specialty Retail  
15,000 Square Feet Golf Center  
125 Hotel Rooms

\*45 Multi-Family Units added x 385 Square Feet per Unit = 17,325 Square Feet  
Specialty Retail deducted.

\*\*Current Maximum Residential Units 857

I hope that this addresses your concerns. On January 22, 2007 most of the remaining parcels within Riviera Dunes received General Development Plan approval from the City of Palmetto. This information will be contained in the 2007 Annual Report.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Svenson". The signature is written in black ink and is positioned to the right of the typed name and title.

Linda J. Svenson  
President

Attachment

Riviera Dunes DRI  
Land Use Equivalency Matrix

From ↓	To →	Specialty Retail	Hotel	Senior Living	Assisted Living Facility	Quality Restaurant	Multi-Family	Office
Specialty Retail	1,000 sf gla =		3.2 rooms			235 sf gla	2.6 du	1,738 gsf
Hotel	1 room =	312 sf gla					0.8 du	
Senior Living	1 bed =						0.37 du	
Assisted Living Facility	1 bed =						0.23 du	
Quality Restaurant	1,000 sf gla =	4,260 sf gla						
Multi-Family	1 du =	385 sf gla	1.2 rooms	2.7 beds	4.3 beds			
Office	1,000 gsf =	575 sf gla						

Minimum Maximum

Specialty Retail 20,000 S. F. 96,000 S. F.  
 Multi-Family 737 Units 857 Units  
 Office -0- 10,000 S.F.  
 Hotel -0- 200 Rooms  
 Quality Restaurant -0- 5,000 S. F.

Tindale-Oliver and Associates, Inc.

Equivalency Matrix 07-21-05a.xls

**ORDINANCE NO. 05-871  
DRI #236 RIVIERA DUNES**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI #236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on May 31, 2005 W. C. Riviera Partners, L.C., hereinafter referred to as "Developer", filed a Notice of Proposed Change ("NOPC") with the City of Palmetto pursuant to Section 380.06, Florida Statutes; and

**WHEREAS**, the City Commission of the City of Palmetto as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the authority to consider and approve an amended Development Order for the Development; and

**WHEREAS**, The Planning and Zoning Board of the City of Palmetto, as the City of Palmetto's local planning agency, has reviewed the NOPC and the report of the Tampa Bay Regional Planning Council ("TBRPC"), held public hearings on September 12, 2005 and has filed a recommendation with the City Commission; and

**WHEREAS**, the City Commission has received and considered the comments of the Planning and Zoning Board and the TBRPC; and

**WHEREAS**, the City Commission on October 17, 2005 held a duly noticed public hearing on the NOPC, and has solicited, received and considered all testimony, reports, comments, evidence and recommendations, from interested citizens, City agencies and the Developer.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO IN A REGULAR MEETING ASSEMBLED THIS THE 17<sup>th</sup> DAY OF OCTOBER, 2005 AS FOLLOWS:**

**Section 1. Findings of Fact.** The City Commission hereby makes the following findings of fact:

- A. All of the recitals are adopted as findings of fact.
  - B. The Developer has received City approval and has commenced development in accordance with Ordinance No. 665.
-

- C. The owner of the not yet developed or sold property and the Development is Riviera Dunes Development Partners, LLC.
- D. The authorized agent for the Developer is C. Timothy Vining.
- E. The real property which is the subject of this Development Order is legally described on Exhibit "A" to this Ordinance.

**Section 2. Conclusions of Law.** Based upon the previous findings of fact and the following Conditions of Development Approval, the City Commission concluded that:

- A. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Final Report on the Development and the City of Palmetto Comprehensive Pan.
- B. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.

**Section 3. Amendments to Ordinance.**

**Section 5. Definitions.** *Formally change the name of the Master Developer from W. C. Riviera Partners, L.C. to Riviera Dunes Development Partners, LLC for purposes of this Ordinance. The following definitions shall apply:*

- C. *Developer shall mean Riviera Dunes Development Partners, LLC, its heirs, assigns, designees, agents, and successors in interest as to the Riviera Dunes Development and all its stipulations.*

P. GENERAL CONDITIONS

**Section 8. Legal Description.** *Add 1.29 acres of property to the DRI parcel and revise the legal description of the Development as set forth on Exhibit "A" attached hereto and made a part hereof.*

DEVELOPMENT COMPONENTS

**Table 1 Development Area and Uses.** *Revise Table as set forth on Exhibit "B" attached hereto and made a part hereof.*

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**Land Use Exchange Matrix.** *Add Office Space as a specifically approved use within the Land Use Equivalency Matrix. Increase the maximum amount of residential development by an additional 105 units (to 857 total). Revise Table as set forth on Exhibit "B" attached hereto and made a part hereof.*

**Section 4.** It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court or competent jurisdiction to be void, unconstitutional or unenforceable, then such provisions or portions shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 5.** Ordinance No. 665, except as amended herein, shall remain in full force and effect.

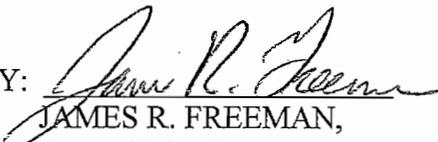
**Section 6.** This Ordinance shall become effective in accordance with Section 14 of the City Charter, provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal.

**APPROVED AND ADOPTED,** in open session with a quorum present and voting this

First Reading:	October 3, 2005
Publication	October 7, 2005
Second Reading and Public Hearing:	October 17, 2005

ATTEST:  
CITY CLERK

CITY OF PALMETTO, FLORIDA  
BY AND THROUGH ITS CITY  
COMMISSION OF THE CITY OF  
PALMETTO

BY:   
JAMES R. FREEMAN,  
CITY CLERK

BY:   
LAWRENCE E. BUSTLE, JR.  
MAYOR

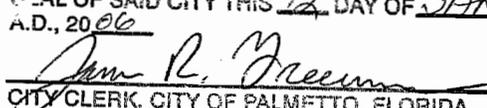
I, THE CITY CLERK OF THE CITY OF PALMETTO, FLORIDA, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL THEREOF AS FILED IN MY OFFICE WITNESS MY HAND AND SEAL OF SAID CITY THIS 12 DAY OF JAN A.D., 2006  
  
CITY CLERK, CITY OF PALMETTO, FLORIDA

Exhibit "A"

I. PARCEL A

BEGIN AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN S 00°33'40" W ALONG THE WEST LINE OF SECTION 24, 574.82 FEET; THENCE S 40°33'36" E, 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/S.R. 55; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, N 00°00'25" E, 1117.61 FEET TO ITS INTERSECTION WITH A LINE BEARING S 89°27'02" E FROM THE POB; THENCE N 00°02'04" E, 656.58 FEET; THENCE N 10°59'44" W, 7.30 FEET; THENCE N 10°50'28" W, 196.50 FEET; THENCE N 00°02'33" E, 300.00 FEET; THENCE N 59°59'28" W, 131.41 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 7th STREET; THENCE N 89°27'14" W ALONG SAID SOUTHERLY RIGHT-OF-WAY OF 7th STREET, 299.99 FEET; THENCE S 00°32' 20" W, 1220.94 FEET TO THE POINT OF BEGINNING.

LESS:

COMMENCE AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE "CIVIC CENTER PARCEL") SAID POINT BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF US HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE S 89°58'43" W, 130.26 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF AFORMENTIONED U.S. HIGHWAY 301/41 FOR A POINT OF BEGINNING; THENCE S 89°59'19" W, 125.00 FEET; THENCE N 00°02'04" E PARALLEL TO THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301 217.92 FEET; THENCE N 65°59'14" W, 368.00 FEET TO THE WEST LINE OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE S 00°32'20" W ALONG SAID WESTERLY LINE OF SECTION 13, 404.58 FEET TO THE SOUTHWEST CORNER OF SECTION 13 (ALSO BEING THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST); THENCE S 00°33'40" W ALONG THE WESTERLY LINE OF SECTION 24 574.82 FEET; THENCE S 40°33'36" E 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE AFORMENTIONED U.S. HIGHWAY 301/41; THENCE N 00°00'25" E, 1117.61 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO A POINT BEING S 89°27'02" E, 493.00 FEET FROM THE NORTHWEST CORNER OF SECTION 24-34S-17E; THENCE N 00°02'04" E ALONG THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/41, 42.27 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY FLORIDA,

II. PARCEL 'B' (BEING NORTH OF HABEN BOULEVARD):

BEGIN AT THE NORTHEAST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE "CIVIC CENTER" PARCEL); THENCE RUN S 00°10'42" W, ALONG THE EAST LINE OF THE ABOVE REFERENCED "CIVIC CENTER" PARCEL, 465.37 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PRMCF (THE "HABEN BOULEVARD EXTENSION"); THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES: N 76°04'37" E, 80.36 FEET TO A POINT OF CURVATURE; THENCE 558.13 FEET ALONG THE ARC A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2190.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°47'50" E, 600.00 FEET TO A POINT OF CURVATURE; THENCE 339.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 942.00 FEET AND A CENTRAL ANGLE OF 20°37'20", TO A POINT OF REVERSE CURVATURE; THENCE 298.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 19°54'13", TO A POINT OF COMPOUND CURVATURE; THENCE 46.17 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 75°34'57", THENCE N 00°28'54" E, 100.73 FEET, THENCE LEAVING SAID RIGHT-OF-WAY, RUN N 89°29'11" W, 1258.00 FEET; THENCE N 00°00'16" W, 363.50 FEET, THENCE N 89°23'50" W, 629.23 FEET TO THE POB.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA

Exhibit "A"

III. PARCEL C

COMMENCE AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°27'02" E, 493.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF WAY OF U.S. HIGHWAY 301/S.R.55; THENCE RUN S 00°00'25" W, 1117.61 FEET ALONG SAID RIGHT-OF-WAY; THENCE S 40°33'36" E, 199.80 FEET FOR A POINT OF BEGINNING; THENCE N 00°01'28" E, 1267.87 FEET; THENCE N 00°03'41" E, 43.82 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1798 (SAID SOUTHWEST CORNER BEING THE POB OF SAID PARCEL), THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES N 89°59'19" E 100.00 FEET; THENCE 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET AND A CENTRAL ANGLE OF 10°59'58"; THENCE S 79°01'33" E, 123.57 FEET; THENCE 593.41 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 67°59'59"; THENCE N 33°03'07" E, 248.55 FEET; THENCE 368.65 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 960.00 FEET AND A CENTRAL ANGLE OF 22°00'07"; THENCE 187.59 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 460.00 FEET AND A CENTRAL ANGLE OF 20°52'28"; THENCE S 13°20'16" E, 1.99 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PUBLIC RECORDS OF MANTEE COUNTY, FLORIDA, (THE "HABEN BOULEVARD EXTENSION" PARCEL); THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID HABEN BOULEVARD EXTENSION THE FOLLOWING COURSES; THENCE N 75°55'53" E, 101.94 FEET THENCE 536.70 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2106.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°30'28" E, 600.00 FEET; THENCE 308.39 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 20°35'38", TO A POINT OF REVERSE CURVATURE, THENCE 341.49 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 492.00 FEET AND A CENTRAL ANGLE OF 20°48'15"; THENCE N 89°39'34" E, 106.37 FEET; THENCE N 00°20'26" E, 208.80 FEET TO THE END OF SAID HABEN BOULEVARD EXTENSION PARCEL; THENCE S 89°29'11" E ALONG THE SOUTHERLY BOUNDARY OF THAT PARCEL DESCRIBED IN ORB 370 PAGE 303 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, 433.84 FEET; THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARIES OF THAT PARCEL DESCRIBED AS "PARCEL 1" IN ORB 1435 PAGE 6874 (ALSO IN ORB 1180 PAGE 537) THE FOLLOWING TWO COURSES; S 00°23'51" W, 234.00 FEET; THENCE S 89°21'41" E, 154.00 FEET; THENCE S 00°00'53" W, 734.60 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE N 89°21'48" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, 599.46 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE S 00°38'10" W ALONG THE EAST LINE OF U.S. GOVERNMENT LOT 3, 1354.95 FEET; THENCE S 76°20'28" W, 2500.08 FEET; THENCE N 15°09'23" W, 225.00 FEET; THENCE N 64°04'34" W 891.58 FEET; THENCE N 40°33'36" W, 143.46 FEET TO THE POINT OF BEGINNING.

LESS:

Exhibit 'A'

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE CIVIC CENTER 'PAPCEL), SAID POINT BEGINNING, BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04 FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41 E, 43.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH' RANGE 17 EAST, MANATEE COUNTY, FLORIDA

IV. PARCEL C-1

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE CIVIC CENTER 'PAPCEL), SAID POINT BEGINNING, BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04 FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41 E, 43.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH' RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

V. PARCEL D

TOGETHER WITH NON-EXCLUSIVE EASEMENTS SET FORTH IN TRUSTEE'S DEED BY AND BETWEEN BARNETT BANK OF MANATEE COUNTY, NA, AS TRUSTEE, AND MANATEE COUNTY CIVIC CENTER AUTHORITY, RECORDED IN OFFICIAL RECORD BOOK 1054, PAGE 1788, AND SET FORTH IN RIGHT-OF-WAY RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN MANATEE GATEWAY NO.1, A JOINT VENTURE, AND BARNETT BANK OF MANATEE COUNTY AS TRUSTEE, AND THE MANATEE COUNTY CIVIC CENTER AUTHORITY RECORDED IN OFFICIAL RECORD BOOK 1054, PAGE 1801. ALL OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE PURPOSES OF INGRESS, EGRESS, DRAINAGE, AND UTILITIES, PEDISTRIAN WALKWAYS, AND OVERHEAD ARCHITECTURAL CONNECTION, OVER, UNDER, AND ACROSS THE LANDS DESCRIBED IN SAID INSTRUMENTS.

VI. PARCEL E

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR A PERIOD OF 25 YEARS FROM SEPTEMBER 12 1991, WAS SET FORTH IN SOVEREIGN SUBMERGED LANDS EASEMENT GRANTED BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA IN FAVOR OF MANATEE GATEWAY I, A JOINT VENTURE, A FLORIDA GENERAL PARTERSHIP, AND RECORDED IN OFFICIAL RECORD BOOK 1378, PAGE 1557, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE PURPOSE OF AN ACCESS CHANNEL AND FLUSHING CHANNEL OVER, UNDER, AND ACROSS THE SOVEREIGN LANDS DESCRIBED IN SAID INSTRUMENT

Exhibit A

VII.

DESCRIPTION: A PARCEL OF LAND IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHERLY OF THE EASTERNMOST CORNERS OF TRACT "E" OF THE NORTHSORE AT RIVERA DUNES PHASE 1-A, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 22, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND RUN N.00°04'33"E., ALONG THE EASTERNMOST BOUNDARY OF SAID TRACT "E", FOR A DISTANCE OF 562.78 FEET TO THE NORTHEAST CORNER OF SAID TRACT "E"; THENCE N.89°55'28"W., ALONG THE NORTH BOUNDARY OF SAID TRACT "E" FOR A DISTANCE OF 15.00 FEET TO THE EAST RIGHT OF WAY OF HABEN BOULEVARD; THENCE N.00°04'33"E., ALONG THE SAID EAST RIGHT OF WAY, FOR A DISTANCE OF 208.45 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY, S.89°44'49"E. FOR A DISTANCE OF 432.50 FEET TO THE INTERSECTION WITH THAT CERTAIN BOUNDARY AGREEMENT LINE RECORDED IN O.R. BOOK 1750; PAGE 6361 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID BOUNDARY AGREEMENT LINE THE FOLLOWING THREE (3) COURSES; S.02°11'59"W., A DISTANCE OF 2.91 FEET; S.00°07'25"E. FOR A DISTANCE OF 231.00 FEET; THENCE S.89°35'00"E. FOR A DISTANCE OF 154.18 FEET; THENCE LEAVING SAID BOUNDARY AGREEMENT LINE, N.00°14'17"W., FOR A DISTANCE OF 35.73 FEET TO AN IRON ROD AND PLASTIC CAP STAMPED LB5594; THENCE S.89°14'22"E., FOR A DISTANCE OF 93.99 FEET TO A IRON ROD AND PLASTIC CAP STAMPED LB6432; THENCE N.03°57'30"E., FOR A DISTANCE OF 97.80 FEET; THENCE N.05°31'10"E. FOR A DISTANCE OF 100.32 FEET; THENCE N.89°26'41"W., FOR A DISTANCE OF 264.29 FEET TO THE POINT OF BEGINNING.

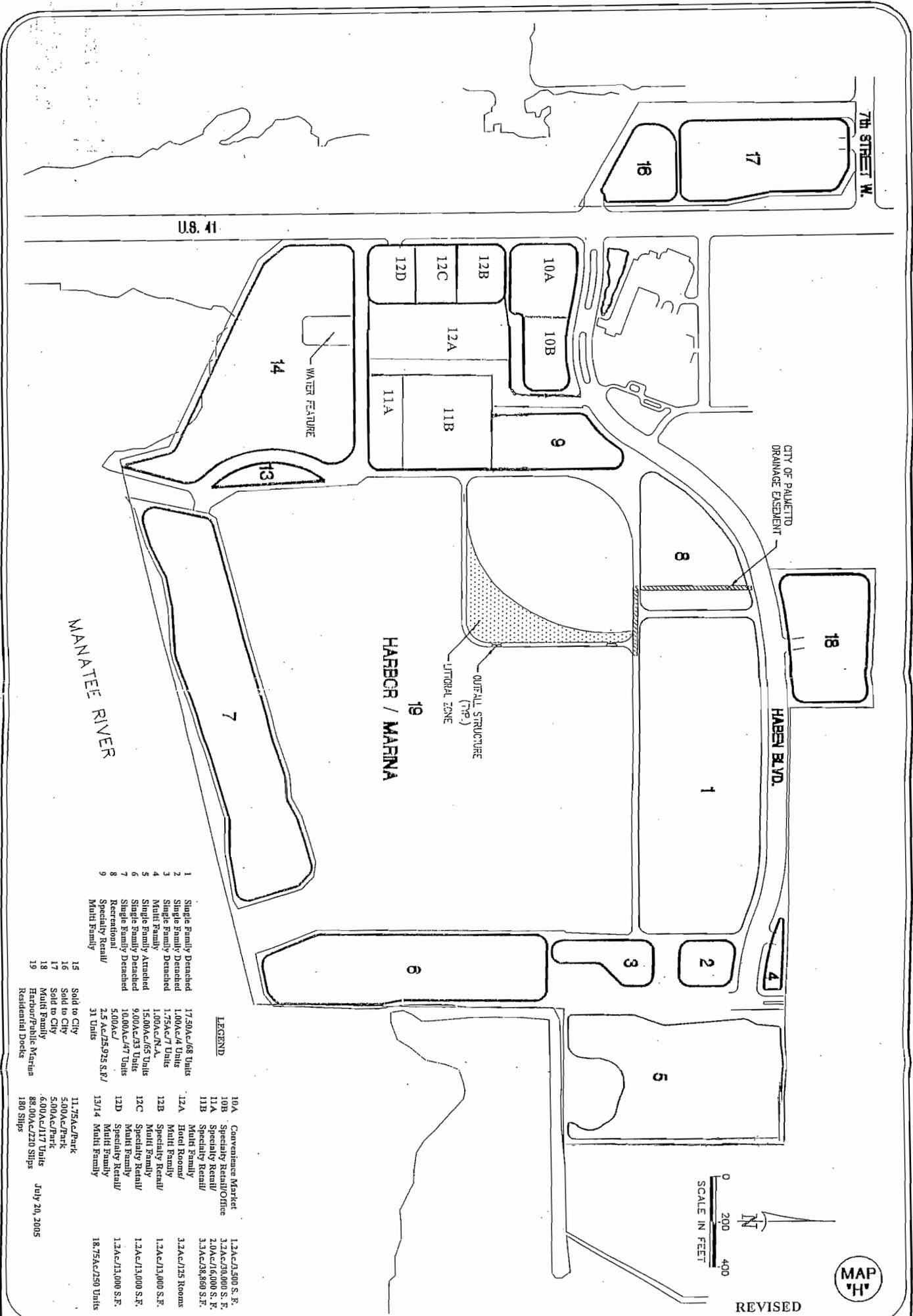
Exhibit "B"

Riviera Dunes DRI  
Land Use Equivalency Matrix

From	To →	Specialty Retail	Hotel	Senior Living	Assisted Living Facility	Quality Restaurant	Multi-Family	Office
Specialty Retail	1,000 sf gla =	█	3.2 rooms			235 sf gla	2.6 du	1,738 gsf
Hotel	1 room =	312 sf gla	█				0.8 du	
Senior Living	1 bed =			█			0.37 du	
Assisted Living Facility	1 bed =				█		0.23 du	
Quality Restaurant	1,000 sf gla =	4,260 sf gla				█		
Multi-Family	1 du =	385 sf gla	1.2 rooms	2.7 beds	4.3 beds		█	
Office	1,000 gsf =	575 sf gla						█

	Minimum	Maximum
Specialty Retail	20,000 S. F.	96,000 S. F.
Multi-Family	737 Units	857 Units
Office	-0-	10,000 S.F.
Hotel	-0-	200 Rooms
Quality Restaurant	-0-	5,000 S. F.

Good One



**LEGEND**

1	Single Family Detached	17.80Ac/68 Units	10A	Convenience Market	1.2Ac/3,500 S.F.
2	Single Family Detached	1.00Ac/4 Units	10B	Specialty Retail/Office	3.2Ac/30,000 S.F.
3	Single Family Detached	1.75Ac/7 Units	11A	Specialty Retail/Office	2.0Ac/16,000 S.F.
4	Multi Family	1.20Ac/74 Units	11B	Specialty Retail	3.3Ac/38,860 S.F.
5	Single Family Attached	15.00Ac/63 Units	12A	Hotel Rooms/ Multi Family	3.2Ac/725 Rooms
6	Single Family Detached	9.00Ac/23 Units	12B	Specialty Retail/ Multi Family	1.2Ac/13,000 S.F.
7	Single Family Detached	10.00Ac/47 Units	12C	Specialty Retail/ Multi Family	1.2Ac/13,000 S.F.
8	Recreation	5.00Ac/	12D	Specialty Retail/ Multi Family	1.2Ac/13,000 S.F.
9	Specialty Retail/ Multi Family	2.5 Ac/25,925 S.F./ 31 Units	13/14	Multi Family	18.75Ac/250 Units
15	Sold to City	11.75Ac/Park			
16	Sold to City	5.00Ac/Park			
17	Sold to City	5.00Ac/Park			
18	Multi Family	6.00Ac/177 Units			
19	Harbor/Public Marina	88.00Ac/220 Ships			
	Residential Docks	180 Ships			

**RIVIERA DUNES**  
CITY OF PALMETTO, FLORIDA  
MASTER DEVELOPMENT PLAN

JULY 20, 2005

ORD NO. 665  
DEC 20, 1999  
EXHIBIT "A"





516 8th Avenue West  
P.O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570  
Fax: (941) 723-4576  
Suncom: 516-0829  
E-mail: [chgeneral@palmettofl.org](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

December 10, 2004

Ray Eubanks  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee FL 32399-1200

Dear Ray Eubanks,

RE: Notice of Proposed Change adopted ordinance no. 04-830

Dear Ray,

Please find enclosed the adopted NOPC for DRI # 236, ordinance number 04-830. This NOPC is for a time extension for under five years. I understand that this is not a substantial deviation.

City Action:

The City of Palmetto approved ordinance number 04-830 on August December 6, 2004

If you have any questions or comments, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jessica McCann".

Jessica McCann  
City Planner/Zoning Administrator  
City of Palmetto

CC: TBRPC Attn: John Myer

ORDINANCE NO. 04-830

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, APPROVING A THIRD AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT (DRI #236); PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 665, passed and ordained by the City Commission of the City of Palmetto, Florida (the "City Commission") on December 20, 1999, approved a Development Order for the Riviera Dunes Development (the "Development"), a Development of Regional Impact ("DRI"), (hereinafter said Ordinance shall be referred to as the "Original Development Order"); and

WHEREAS, Ordinance No. 03-774, passed and ordained by the City Commission on May 19, 2003, approved an amendment to the Original Development Order (hereinafter referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 04-796, passed and ordained by the City Commission on March 1, 2004, approved a second amendment to the Original Development Order (hereinafter referred to as the "Second Amendment") which ordinance has not yet been rendered to the Florida Department of Community Affairs (the Original Development Order, as amended by the First and Second Amendments, shall hereinafter be referred to as the "Development Order"); and

WHEREAS, on July 8, 2004, Opus South Development, LLC, Laguna Riviera Ventures, First Dartmouth Homes, Dartmouth Development I, Inc., First Lexington Land Holdings, LLC, Riviera Dunes Land Asset Holdings, Inc. and Gerald Snyder (the "Applicants") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact with the City of Palmetto pursuant to Subsection 3 80.06(19), Florida Statutes (the "NOPC"), attached hereto as a part of Exhibit "A" and incorporated herein; and

WHEREAS, the NOPC proposed to amend the Development Order to extend by four (4) years, eleven (11) months and twenty-nine (29) days, to February 12, 2010, the date of buildout of the Development set forth in the Development Order; and, in accordance with the provisions of Subsection 380.06(19)(c), Florida Statutes, automatically extend, by a like period of time, the commencement date of the Development to December 19, 2004 and the termination date of the Development Order to February 12, 2010; and to extend to November 13, 2009 the date before which the Development is not subject to downzoning, unit density reduction or intensity reduction (hereinafter the above changes shall be collectively referred to as the "Proposed Changes"); and

WHEREAS, the Proposed Changes to the Development Order will constitute the Third Amendment to the Development Order; and

**WHEREAS**, pursuant to Section 380.06(19)(c), Florida Statutes, an extension of the date of buildout of a development by five (5) or less years is not a substantial deviation; and

**WHEREAS**, pursuant to Section 380.06(19)(e)(1), the Proposed Changes involve an extension of less than 5 years of the buildout date of a development and therefore are not subject to the requirements of Sections 380.06(19)(f)(3) and (f)(5); and

**WHEREAS**, pursuant to Subsection 380.06(19), Florida Statutes, an extension of the date before which the City may not down-zone or reduce the intensity or unit density permitted by the Development Order is presumed to create a substantial deviation; and

**WHEREAS**, the proposed extension of the date before which the City may not down-zone or reduce the intensity or unit density permitted by the Development Order does not create additional regional impacts to the previously approved Development nor any type of regional impact not previously reviewed, and therefore it does not constitute a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes; and

**WHEREAS**, the City Commission as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

**WHEREAS**, the public notice requirements of Section 8.8, City of Palmetto Code of Ordinances (the "City Code"), have been fulfilled; and

**WHEREAS**, the City Commission held, on December 6, 2004 a duly noticed public hearing on the NOPC and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, City agencies and the Applicants; and

**WHEREAS**, the City Commission has received and considered the report and recommendations of the Tampa Bay Regional Planning Commission (the "TBRPC"); and

**WHEREAS**, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Commission's approval of changes to an adopted development order.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 6<sup>th</sup> DAY OF DECEMBER, 2004 AS FOLLOWS:

Section 1. Findings of Fact. The City Commission hereby makes the following findings of fact:

- A. All of the recitals above are adopted as findings of fact.
- B. The Developer has received City approval and has commenced development in accordance with Ordinance No. 665.
- C. The Proposed Changes are consistent with all local land development regulations and the local comprehensive plan.

- D. The Proposed Changes do not unreasonably interfere with achievement of the objectives of the adopted State Comprehensive Plan applicable to the area.
- E. The Development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes, as amended.
- F. The Proposed Changes are consistent with the report and recommendations of the TBRPC and satisfies the provisions of Subsection 380.06(14), Florida Statutes, as amended.
- G. The proposed changes to the build-out, commencement, and expiration dates are contained in Section 380.06(19)(c) and (e)(1) and therefore do not constitute a substantial deviation under Subsection 380.06(19), Florida Statutes.
- H. The proposed change to the date before which the City may not down-zone or reduce the intensity or unit density permitted by the Development Order is presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.
- I. The proposed change to the date before which the City may not down-zone or reduce the intensity or unit density permitted by the Development Order does not create additional regional impacts to the previously approved Development nor any type of regional impact not previously reviewed, and therefore it does not constitute a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.
- J. All statutory procedures have been adhered to.
- K. The findings of fact and conclusions of law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, that to the extent that a finding of fact or conclusion of law in the Original Development Order, or any amendments thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.

Section 2. Conclusions of Law. That the City Commission having made the above findings of fact, renders the following conclusions of law:

- A. The Development is consistent with the local land development regulation and is consistent with the State Comprehensive Plan, the TBRPC's Final Report on the Development and the City of Palmetto Comprehensive Plan.
- B. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Applicants are authorized to conduct development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth below.
- C. The Proposed Changes request an extension of the date of buildout of the development of four (4) years eleven (11) months and twenty-nine (29) days, to February 12, 2010 (which change automatically extends, by a like period of time, the commencement date of the Development to December 19, 2004 and the termination date of the Development Order to February 12, 2010) and an extension of the date before which the Development is not subject to downzoning, unit density reduction or intensity reduction to November 13, 2009.
- D. The proposed changes to the build-out, commencement, and expiration dates are contained in Section 380.06(19)(c) and (e)(1) and therefore do not constitute a substantial deviation under Subsection 380.06(19), Florida Statutes.

- E. The proposed change to the date before which the City may not down-zone or reduce the intensity or unit density permitted by the Development Order is presumed to create a substantial deviation under Subsection 3 80.06(19), Florida Statutes.
  
- F. The proposed change to the date before which the City may not down-zone or reduce the intensity or unit density permitted by the Development Order does not create additional regional impacts to the previously approved Development nor any type of regional impact not previously reviewed, and therefore it does not constitute a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

Section 3. Order. That having made the above findings of fact and conclusions of law, it is ordered:

- A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the NOPC;
  
- B. That the Development Order is hereby amended as follows:
  - 1) Section 9, Deadline for Commencement of Development, of the Development Order is hereby amended and restated to extend the commencement deadline to December 19, 2004. The revised section shall read as follows:

**Section 9. Deadline for Commencement of Development.** Physical development of the Development shall commence by December 19, 2004 unless the time period for commencement is extended by the City Commission; however no development shall occur until the expiration of the appropriate appeal for this Development Order has expired. If more than five years shall have elapsed between approval of this Development Order and commencement of development under City Development Approval, or if any five year period shall expire without significant development activity on the site, the City Commission may conduct a public hearing in accordance with its regulations, and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on 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, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

- 2) Section 10, Restrictions on Down-zoning, Development Order is hereby amended and restated to extend the date before which the City may not down-zone or reduce the intensity or unit density permitted by the Development Order. The revised section shall read as follows:

**Section 10. Restrictions on Down-zoning.** Prior to November 13, 2009, the City may not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the City can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or

B. The Order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the City to be essential to the public health, safety, or welfare.

Any down-zoning or reduction in density or intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for change in local land development regulations.

For the purposes of this Development Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Development Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Development Order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the City to down-zone or alter the density of the Development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

- 3) Section 20, Project Termination and Expiration of Development Order, of the Development Order is hereby amended and restated to extend the build-out date of the development and the expiration date of the Development Order. The revised section shall read as follows:

**Section 20. Project Termination and Expiration of Development Order.** The build-out date and termination date for the Development shall be February 12, 2010. The Development Order shall expire February 12, 2010.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Third Amendment to Ordinance No. 665 and together with Ordinance No. 03-774 and Ordinance 04-796 shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Commission. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer, their assigns, and their successors in interest.

Section 7. Governmental Agencies. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which maybe created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Transmittals. The City Clerk is hereby directed to send via first class U.S. mail, certified return receipt requested or hand delivery or other delivery service for which receipt of proof of service is required, certified copies of this Ordinance and all pertinent attachments to the Applicants, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Commission within ten (10) days of its becoming law.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. The Applicant shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes, and shall furnish the City with a copy of the recorded notice.

Section 11. Severability. It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or any portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 12. Effective Date. This Ordinance shall become effective in accordance with Section 14 of the City of Palmetto City Charter and upon transmittal to the parties specified in Section 9 hereof provided, however, that the filing of a Notice of Appeal pursuant to section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal.

**PASSED AND DULY ADOPTED,** by the City Commission, in open session, with a quorum present and voting, this 6th day of December, 2004.

First Reading:	November 15, 2004
Publication:	November 26, 2004
Second Reading and	
Public Hearing	December 6, 2004

CITY OF PALMETTO, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF PALMETTO

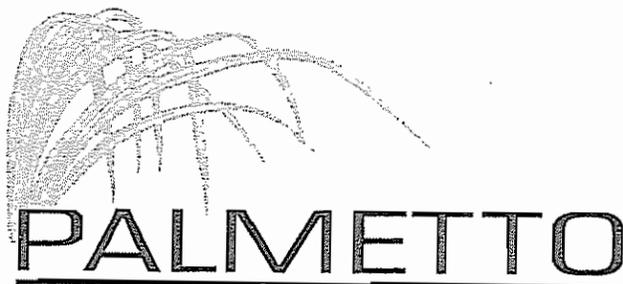
By: Lawrence E. Bustle, Jr.  
LAWRENCE E. BUSTLE, JR., MAYOR

ATTEST: J. E. FREE, JR.  
City Clerk

By: J. E. Free, Jr.  
City Clerk/Deputy Clerk

THE CITY CLERK OF THE CITY OF PALMETTO, FLORIDA, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL THEREOF FILE IN MY OFFICE WITNESS MY HAND AND SEAL OF SAID CITY THIS 10 DAY OF DEC A.D., 2004

J. E. Free, Jr.  
CITY CLERK, CITY OF PALMETTO, FLORIDA



516 8th Avenue West  
P.O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570  
Fax: (941) 723-4576  
Suncom: 516-0829  
E-mail: [chgeneral@palmettofl.org](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

August 9, 2004

Ray Eubanks  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee FL 32399-1200

Dear Ray Eubanks,

RE: NOPC corrective ordinance

Dear Ray,

After discussion with Tampa Bay Regional Planning Council Staff, it came to my attention that Ordinance No. 04-796 approving the Riviera Dunes the latest NOPC did not include all the requested exhibits. A map had to be attached and the legal description had to be correctly referenced in the ordinance.

Background:

- Ordinance No. 04-796 amended the Riviera Dunes development order to increase the residential cap to 752 at the expense of commercial square footage. The total residential units is 752 and the total commercial retail is 81,295 sq.ft (down from the original approximate 141,000 sq.ft).
  - This corrective ordinance will now correctly reference the legal exhibit and the dated referenced map "H."
  - On March 3, 2004 I received by CC a letter addressed to Manatee County indicating that DCA had approved this NOPC. So, this letter and associated corrective ordinance is just for your reference.
-

August 9, 2004

City Action:

The City of Palmetto approved corrective ordinance number 04-812 on August 2, 2004

If you have any questions or comments, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jessica McCann".

Jessica McCann  
City Planner/Zoning Administrator  
City of Palmetto

CC: TBRPC Attn: Gerald Smelt

ORDINANCE NO. 04-812

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, READOPTING ORDINANCE NO. 04-796 CONCERNING RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI NO. 236; PROVIDING FOR FINDINGS OF FACT; RESTATING AND CLARIFYING ORDINANCE NO 04-796 BY IDENTIFYING EXHIBIT "A," THE MASTER DEVELOPMENT PLAN WITH A MASTER DEVELOPMENT PLAN MAP, AND BY ATTACHING AS EXHIBIT "B" A LEGAL DESCRIPTION REFERENCED IN ORDINANCE NO. 04-796; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, pursuant to the referenced provision of the Florida Constitution, the City may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof;

---

and,

WHEREAS, on March 1, 2004, Ordinance No. 04-796, concerning Riviera Dunes, a Development of Regional Impact, DRI No. 236, was approved and adopted by the City Council; and,

WHEREAS, the Master Development Plan Map was attached to Ordinance No. 04-796, but not identified in the body of the Ordinance; and,

WHEREAS, Exhibit B to Ordinance No. 04-796, a legal description of real property, is referenced in the body of Ordinance No. 04-796 but was inadvertently omitted; and

WHEREAS, the City Council now desires to restate and clarify Ordinance 04-796 by identifying Exhibit "A," the Master Development Plan Map, and by attaching Exhibit "B", the legal description; and,

WHEREAS, after holding a duly noticed public hearing on June 21, 2004, the City Council has determined that this Ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Palmetto, Florida, as follows:

Section 1. Findings of Fact. The above-referenced WHEREAS clauses are adopted herein as findings of fact.

Section 2. Restatement. Ordinance No. 04-796 is hereby restated in its entirety and incorporated in this Ordinance as if fully rewritten herein.

---

Section 3. Amendment. Ordinance No. 04-796, Section 1 is hereby amended to read in its entirety as follows:

Section 1. *Findings of Fact.* The City Council hereby makes the following findings of fact:

- A. All of the recitals are adopted as findings of fact.
- B. The Developer has received City approval and has commenced development in accordance with Ordinance No. 665.
- C. The owner of the not yet developed or sold property and the Development is W. Riviera Partners, LC.
- D. The authorized agent for the Developer is Linda J. Svenson.
- E. The Master Development Plan map is attached hereto and incorporated herein as Exhibit "A."
- F. The real property which is the subject of this Development Order is legally described on Exhibit "B", attached hereto and incorporated herein.

Section 4. Amendment. Ordinance No. 04-796 is hereby amended by attaching Exhibit "B," a legal description of the real property which is the subject of Ordinance No. 04-796. A copy of Exhibit "B" is attached to this Ordinance and identified as Exhibit "B."

Section 5. Repeal Of Ordinance. This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 6. Severability. It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal,

unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 7. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 13 upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Council and passing of the Ordinance by at least four (4) votes.

APPROVED AND ADOPTED, in open session with a quorum present and voting, this 2<sup>nd</sup> day of August, 2004.

First Reading:	June 21, 2004
Publication:	July 23, 2004
Second Reading and Public Hearing:	August 2, 2004

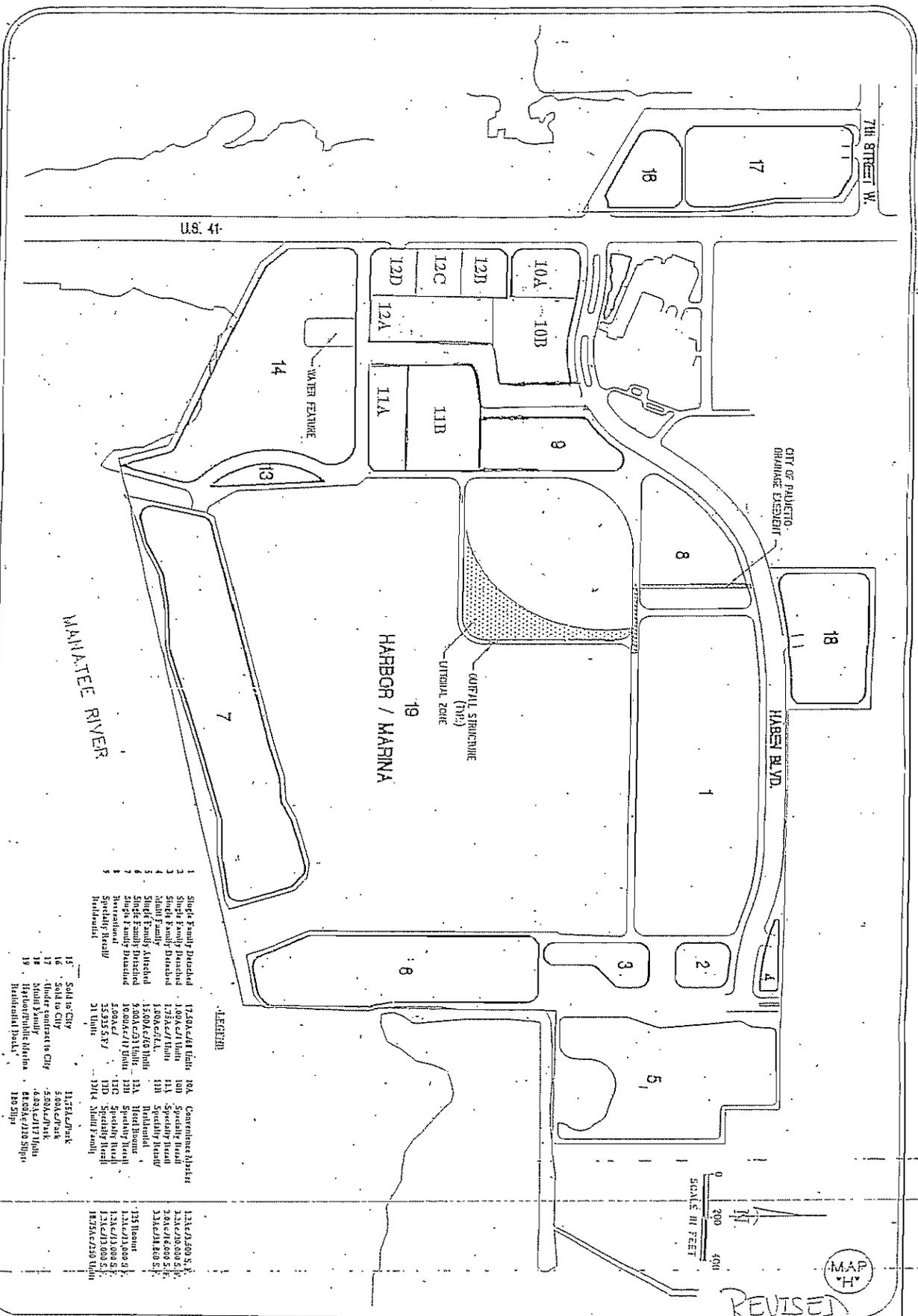
CITY OF PALMETTO, FLORIDA, BY  
AND THROUGH THE CITY COUNCIL OF  
THE CITY OF PALMETTO

By: Lawrence E. Bustle Jr  
LAWRENCE E. BUSTLE, MAYOR

ATTEST: J. E. FREE, JR.  
City Clerk

By: J. E. Free, Jr.  
City Clerk/Deputy Clerk

---



MANATEE RIVER

HARBOR / MARINA

HARBOR BLVD.

7TH STREET W.

U.S. 41

CITY OF PALMETTO  
 DRAINAGE EXHIBIT

OUTFALL STRUCTURE  
 (712)  
 INTERTIDAL ZONE

- |    |                        |              |     |                    |
|----|------------------------|--------------|-----|--------------------|
| 1  | Single Family Detached | 12,500 sq ft | 18A | Convenience Market |
| 2  | Single Family Detached | 1,000 sq ft  | 18B | Specialty Retail   |
| 3  | Single Family Detached | 1,750 sq ft  | 18C | Specialty Retail   |
| 4  | Multi-Family           | 1,500 sq ft  | 18D | Specialty Retail   |
| 5  | Single Family Attached | 15,000 sq ft | 18E | Restaurant         |
| 6  | Single Family Detached | 5,000 sq ft  | 18F | Hotel/Resort       |
| 7  | Single Family Detached | 10,000 sq ft | 18G | Specialty Retail   |
| 8  | Specialty Retail       | 2,000 sq ft  | 18H | Specialty Retail   |
| 9  | Specialty Retail       | 1,500 sq ft  | 18I | Specialty Retail   |
| 10 | Residential            | 2,000 sq ft  | 18J | Specialty Retail   |
| 11 | Residential            | 2,000 sq ft  | 18K | Specialty Retail   |
| 12 | Residential            | 2,000 sq ft  | 18L | Specialty Retail   |
| 13 | Residential            | 2,000 sq ft  | 18M | Specialty Retail   |
| 14 | Residential            | 2,000 sq ft  | 18N | Specialty Retail   |
| 15 | Sold to City           |              | 18O | Hotel/Resort       |
| 16 | Sold to City           |              | 18P | Hotel/Resort       |
| 17 | Under contract to City |              | 18Q | Hotel/Resort       |
| 18 | Hotel/Resort           |              | 18R | Hotel/Resort       |
| 19 | Hotel/Resort           |              | 18S | Hotel/Resort       |

0  
 200  
 400  
 SCALE IN FEET

MAP "H"

REVISED



PARCEL A

Exhibit "B"

BEGIN AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN S 00°33'40" W ALONG THE WEST LINE OF SECTION 24, 574.82 FEET; THENCE S 40°33'36" E, 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/S.R. 55; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, N 00°00'25" E, 1117.61 FEET TO ITS INTERSECTION WITH A LINE BEARING S 89°27'02" E FROM THE POB; THENCE N 00°02'04" E, 656.58 FEET; THENCE N 10°59'44" W, 7.30 FEET; THENCE N 10°50'28" W, 196.50 FEET; THENCE N 00°02'33" E, 300.00 FEET; THENCE N 59°59'28" W, 131.41 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 7th STREET; THENCE N 89°27'14" W ALONG SAID SOUTHERLY RIGHT-OF-WAY OF 7th STREET, 299.99 FEET; THENCE S 00°32' 20" W, 1220.94 FEET TO THE POINT OF BEGINNING.

LESS:

COMMENCE AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN DRB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE "CIVIC CENTER PARCEL ") SAID POINT BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF US HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE S 89°58'43" W, 130.26 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF AFORMENTIONED U.S. HIGHWAY 301/41 FOR A POINT OF BEGINNING; THENCE S 89°59'19" W, 125.00 FEET; THENCE N 00°02'04" E PARALLEL TO THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301 217.92 FEET; THENCE N 65°59'14" W, 366.00 FEET TO THE WEST LINE OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE S 00°32'20" W ALONG SAID WESTERLY LINE OF SECTION 13, 404.58 FEET TO THE SOUTHWEST CORNER OF SECTION 13 (ALSO BEING THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST); THENCE S 00°33'40" W ALONG THE WESTERLY LINE OF SECTION 24 574.82 FEET; THENCE S 40°33'36" E 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE AFORMENTIONED U.S. HIGHWAY 301/41; THENCE N 00°00'25" E, 1117.61 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO A POINT BEING S 89°-27-02 E, 493.00 FEET FROM THE NORTHWEST CORNER OF SECTION 24-34S-17E; THENCE N 00°02'04" E ALONG THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/41, 422.27 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY FLORIDA,

II. PARCEL 'B' (BEING NORTH OF HABEN BOULEVARD):

BEGIN AT THE NORTHEAST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN DRB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE "CIVIC CENTER" PARCEL); THENCE RUN S 00°10'42" W, ALONG THE EAST LINE OF THE ABOVE REFERENCED "CIVIC CENTER" PARCEL, 465.37 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED IN DRB 1144, PAGES 1425-1429 OF THE PRMCF (THE "HABEN BOULEVARD EXTENSION"); THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES: N 76°04'37" E, 80.36 FEET TO A POINT OF CURVATURE; THENCE 558.13 FEET ALONG THE ARC A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2190.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°47'50" E, 600.00 FEET TO A POINT OF CURVATURE; THENCE 339.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 942.00 FEET AND A CENTRAL ANGLE OF 20°37'20"; TO A POINT OF REVERSE CURVATURE; THENCE 298.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 19°54'13"; TO A POINT OF COMPOUND CURVATURE; THENCE 45.17 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 75°34'57"; THENCE N 00°28'54" E, 100.73 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, RUN N 89°29'11" W, 1258.00 FEET; THENCE N 00°00'15" W, 363.60 FEET; THENCE N 89°23'50" W, 529.23 FEET TO THE POB.

EXHIBIT

III. PARCEL C

COMMENCE AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°27'02" E, 493.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/S.R.55; THENCE RUN S 00°00'25" W, 1117.61 FEET ALONG SAID RIGHT-OF-WAY; THENCE S 40°33'36" E, 199.80 FEET FOR A POINT OF BEGINNING; THENCE N 00°01'28" E, 1267.87 FEET; THENCE N 00°03'41" E, 43.82 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 (SAID SOUTHWEST CORNER BEING THE POB OF SAID PARCEL); THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES N 89°59'19" E 100.00 FEET; THENCE 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET AND A CENTRAL ANGLE OF 10°59'56"; THENCE S 79°01'33" E, 123.57 FEET; THENCE 593.41 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 67°59'59"; THENCE N 33°03'07" E, 246.55 FEET; THENCE 368.65 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 960.00 FEET AND A CENTRAL ANGLE OF 22°00'07"; THENCE 167.59 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 460.00 FEET AND A CENTRAL ANGLE OF 20°52'28"; THENCE S 13°20'16" E, 1.99 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, (THE "HABEN BOULEVARD EXTENSION" PARCEL); THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID HABEN BOULEVARD EXTENSION THE FOLLOWING COURSES; N 75°55'53" E, 101.94 FEET THENCE 536.70 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2106.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°30'28" E, 600.00 FEET; THENCE 308.39 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 20°35'38", TO A POINT OF REVERSE CURVATURE, THENCE 341.49 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 492.00 FEET AND A CENTRAL ANGLE OF 20°46'15"; THENCE N 89°39'34" E, 106.37 FEET; THENCE N 00°20'26" E, 208.80 FEET TO THE END OF SAID HABEN BOULEVARD EXTENSION PARCEL; THENCE S 89°29'11" E ALONG THE SOUTHERLY BOUNDARY OF THAT PARCEL DESCRIBED IN ORB 370 PAGE 303 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, 433.84 FEET; THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARIES OF THAT PARCEL DESCRIBED AS "PARCEL 1" IN ORB 1435 PAGE 6874 (ALSO IN ORB 1180 PAGE 537) THE FOLLOWING TWO COURSES; S 00°23'51" W, 234.00 FEET; THENCE S 89°21'41" E, 154.00 FEET; THENCE S 00°00'53" W, 734.60 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13 SAID POINT BEING 66 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE N 89°21'48" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, 599.46 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE S 00°38'10" W ALONG THE EAST LINE OF U.S. GOVERNMENT LOT 3, 1354.95 FEET; THENCE S 76°20'28" W, 2500.08 FEET; THENCE N 15°09'23" W, 225.00 FEET; THENCE N 64°04'34" W 891.58 FEET; THENCE N 40°33'36" W, 143.46 FEET TO THE POINT OF BEGINNING.

LESS:

Exhibit "B"

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE CIVIC CENTER PARCEL), SAID POINT BEGINNING, BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04 FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41 E, 43.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH' RANGE 17 EAST, MANATEE COUNTY, FLORIDA

IV. PARCEL C-1

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE CIVIC CENTER PARCEL), SAID POINT BEGINNING, BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04 FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41 E, 43.82 FEET TO THE POINT OF BEGINNING.

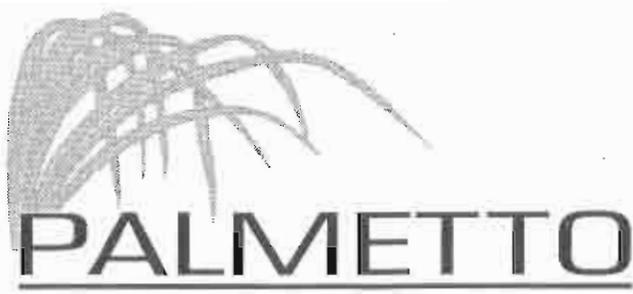
THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH' RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

V. PARCEL D

TOGETHER WITH NON-EXCLUSIVE EASEMENTS SET FORTH IN TRUSTEE'S DEED BY AND BETWEEN BARNETT BANK OF MANATEE COUNTY, NA, AS TRUSTEE, AND MANATEE COUNTY CIVIC CENTER AUTHORITY, RECORDED IN OFFICIAL RECORD BOOK 1054, PAGE 1788, AND SET FORTH IN RIGHT-OF-WAY RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN MANATEE GATEWAY NO.1, A JOINT VENTURE, AND BARNETT BANK OF MANATEE COUNTY AS TRUSTEE, AND THE MANATEE COUNTY CIVIC CENTER AUTHORITY RECORDED IN OFFICIAL RECORD BOOK 1054, PAGE 1801, ALL OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE PURPOSES OF INGRESS, EGRESS, DRAINAGE, AND UTILITIES, PEDISTRIAN WALKWAYS AND OVERHEAD ARCHITECTURAL CONNECTION, OVER, UNDER, AND ACROSS THE LANDS DESCRIBED IN SAID INSTRUMENTS.

VI. PARCEL E

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR A PERIOD OF 25 YEARS FROM SEPTEMBER 12, 1991, WAS SET FORTH IN SOVEREIGN SUBMERGED LANDS EASEMENT GRANTED BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA IN FAVOR OF MANATEE GATEWAY I, A JOINT VENTURE, A FLORIDA



516 8th Avenue West  
P.O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570  
Fax: (941) 723-4576  
Suncom: 516-0829  
E-mail: [chgeneral@palmettofl.org](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

March 8, 2004

NOPC

Ray Eubanks  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee FL 32399-1200

Dear Ray Eubanks,

Please find enclosed:

- Small Scale-Comprehensive Plan Amendment PA0304 adopted by ordinance number 04-793
- Notice of Proposed Change adopted by ordinance number 04-796. I wasn't sure what I needed to put together for this as it has been reviewed by DCA and TBRPC, so I put everything in there.

Sincerely,

Jessica McCann  
City Planner/Zoning Administrator  
City of Palmetto

CC: TBRPC Attn: Gerald Smelt

**ORDINANCE NO. 04-796**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI#236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on August 29, 2003 W. C. Riviera Partners, L.C., hereinafter referred to as "Developer", filed a Notice of Proposed Change ("NOPC") with the City of Palmetto pursuant to Section 380.06, Florida Statutes; and

**WHEREAS**, the City Council of the City of Palmetto as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the authority to consider and approve an amended Development Order for the Development; and

**WHEREAS**, the Planning and Zoning Board of the City of Palmetto, as the City of Palmetto's local planning agency, has reviewed the NOPC and the report of the Tampa Bay Regional Planning Council ("TBRPC"), held public hearings and has filed a recommendation with City Council; and

**WHEREAS**, the City Council has received and considered the comments of the Planning and Zoning Board and the TBRPC; and

**WHEREAS**, the City Council on March 1, 2004 held a duly noticed public hearing on the NOPC, and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, City agencies and the Developer.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALMETTO IN A REGULAR MEETING ASSEMBLED THIS THE FIRST DAY OF MARCH, 2004 AS FOLLOWS:**

**Section 1. Findings of Fact.** The City Council hereby makes the following findings of fact:

- A. All of the recitals are adopted as findings of fact.
- B. The Developer has received City approval and has commenced development in accordance with Ordinance No. 665.
- C. The owner of the not yet developed or sold property and the Development is W. Riviera Partners, LC.
- D. The authorized agent for the Developer is Linda J. Svenson.
- E. The real property which is the subject of this Development Order is legally described on Exhibit "B" of this Ordinance.

**Section 2. Conclusion of Law.** Based upon the pervious findings of fact and the following conditions of Development Approval, the City Council concluded that:

- A. The Development is consisted with the local land development regulations and is consistent with the City and State Comprehensive Plan.
- B. These preceding have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as describe herein, subject to the conditions restrictions and limitations set forth below.

**Section 3. Amendment to Ordinance.** Section 4 Subsection E, and Section 6 Subsection G. Table 3, of Ordinance 665 (as amended) are hereby amended and indicated section are replaced in their entirety as follows:

Section 4. Land use Exchange Matrix. The developer may exchange land uses with the DRI in accordance with the following:

- E. Any exchange of land uses shall not increase total residential units above the maximum 752 units. The maximum number of hotel rooms cannot except 200 rooms.

Section 6. Development Conditions

**Table 3 Required Improvements**

Location	Total Traffic LOC prior to improvement	Project Traffic Impact (percent)	Required Improvement/ number of trips to generate need
<b>Roadway Improvements (1)</b>			
U.S. 41/U.S. 301 (south side of intersection of Haben Boulevard to U.S. 301 ramps)	F	7.2	Construct NB thru lane /430*/529** (at 44% of build out)
U.S. 41/U.S. 301 (6th Avenue E to Manatee Avenue)	F	6.6	Construction NB and SB thru lanes/695*/856**(at 71% build out)
<b>Intersection Improvements (2)</b>			
U.S. 301 at Haben Boulevard	F	10.9	Re-stripe NB approach from exclusive LT, thru and RT lanes to share left-thru and dual RT lanes. Change signal phasing/ 441*/543**/(at 45% build out)
U.S 41 at Haben Boulevard	F	7.8	Re-stripe existing RT lanes as thru lane. Construct second SB LT lane. Construct new SB and NB receiving lanes/430*/543** (at 44% of build out)

U.S. 41 at 7th Street West	F	5.5	Signalized when warranted by the MUTCD and approved by FDOT or alternative solution/ 49*/60** (at 5% of build out)
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\*Net external trips  
PM peak hour

\*\* gross external  
trips pm peak hour

**Notes:**

1. Project traffic impact based on ratio of two-way peak hour DRI volume to peak hour peak season approach capacity for the roadway segment
2. Project traffic impact based on ration of DRI approach volume to peak hour peak season approach capacity for the intersection.

**Acronym Listing:**

EB - Eastbound	MUTCD - Manual of Uniform Traffic Control Devices
WB - West Bound	LT - Left
NB - North Bound	Turn
SB - South Bound	RT Right Turn

**Section 4.** It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provisions or portions shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 5.** Ordinance No. 665, except as amended herein, shall remain in full force and effect.

**Section 6.** The Ordinance shall become effective in accordance with Section 13 of the City Charter; provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal.

Ord. No. 04-796  
Page 4

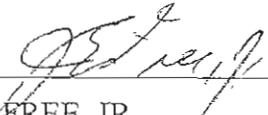
**APPROVED AND ADOPTED**, in open session with a quorum present and voting this  
1<sup>st</sup> day of March 2004.

First Reading: February 16, 2004

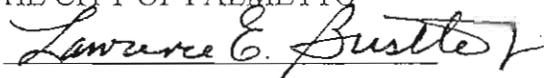
Publication: February 20, 2004

Second Reading and  
Public Hearing: March 1, 2004

Attest: J. E. FREE, JR  
CITY CLERK

By:   
\_\_\_\_\_  
J. E. FREE, JR  
CITY OF PALMETTO, FLORIDA

CITY OF PALMETTO, FLORIDA BY  
AND THROUGH ITS CITY COUNCIL  
OF THE CITY OF PALMETTO

BY:   
\_\_\_\_\_  
LAWRENCE E. BUSTLE, JR.,  
MAYOR

# BRADENTON HERALD

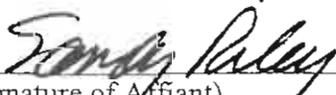
www.bradenton.com  
P.O. Box 921  
Bradenton, FL 34206-0921  
102 Manatee Avenue West  
Bradenton, FL 34205-8894  
941/748-0411 ext. 7065

Bradenton Herald  
Published Daily  
Bradenton, Manatee, Florida

STATE OF FLORIDA  
COUNTY OF MANATEE;

Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **NOTICE OF PUBLIC HEARING** in the Court, was published in said newspaper in the issues of, **2/20, '04**

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
(Signature of Affiant)

Sworn to and subscribed before me this  
20th Day of Feb, 2004

DIANE S. BACRO  
Notary Public, State of Florida  
My comm. exp. Aug. 15, 2007  
Comm. No. DD 206531

  
SEAL & Notary Public  
Personally Known X OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

## CITY OF PALMETTO NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to Section 166.041 (3) (a), Florida Statutes that the Palmetto City Council will hold a public hearing during its meeting of March 1, 2004 beginning at 7:00 PM at Palmetto City Hall, 516 8th Avenue West, Palmetto, Florida, or as soon thereafter as the issue may be heard, to consider adoption of the following:

ORDINANCE  
NO. 04-796

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI #236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

The Public Hearing may be continued from time to time until final action is taken by the City Council.

All interested persons are invited to appear and be heard. Written comments filed at City Hall will be heard and considered.

Copies of the proposed ordinance are available for inspection in the Office of the City Clerk, Palmetto City Hall, 516 8th Avenue West, Palmetto, Florida on Monday thru Friday from 8:00 AM until 5:00 PM.

If any person desires to appeal any decision of the City Council or any other Board or Commission of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Anyone requiring reasonable accommodation for this meeting as provided for in the American with Disabilities Act should contact the City Clerk at 941-723-4570 or FAX 941-723-4576. E-Mail - jfree@palmettofl.org.

City of Palmetto,  
Florida  
J. E. Free, Jr.  
City Clerk  
2/20/04

**BRADENTON HERALD**  
**CLASSIFIED ADVERTISING**

**Legal Advertising Memo Bill**

Order Information					
Order #:	131152796	Class:	4995	P.O. #:	
Phone:	(941) 723-4570	Start Date:	02/20/2004	Rate:	LE
Account:	4089	Stop Date:	02/20/2004	Charges:	\$ 0.00
Name:	n/a,	Insertions:	1	Net Price:	\$ 132.80
Firm:	CITY PALMETTO	Lines:	109	Payments:	\$ 0.00
Run-	2/20 1x	Inches:	9.872	Balance:	\$ 132.80
Text					
CITY OF PALMETTO NOTICE OF PUBLIC HEARING Notice is hereby given, pursuant to Section 166.041 (3) (a), Florida Statutes that the Palmetto City Council will hold a public hearing during its meeting of March 1, 2004 beginning at 7:00 PM at Palmetto City					

---

102 Manatee Avenue West  
 Bradenton, FL 34205  
 Classified Dept. (941) 746-SELL (7355)  
 Classified Legal and Official Advertising (941) 745-7064  
 Fax: (941) 745-7090 E-mail: bhclassified@bradentonherald.com

**City of Palmetto – DRI #236 Rivera Dunes  
Notice of Proposed Change (NOPC)**

**GENERAL LOCATION**

Southwest corner of U.S. 41 and Haben Boulevard. North of the Manatee River.

**INFRASTRUCTURE IMPACTS**

There are no adverse impacts to the water, sewer, or solid waste collection as per a letter dated November 12, 2003 from Chris Lukowiak, Director of Public Works.

There are no adverse impacts to roads and traffic according to our City Engineer (ZNS). The exchange matrix developed for ordinance No. 03-774 was specifically designed based on potential traffic impacts of trading multi-family, commercial, or a hotel development. The formula developed were designed so that trades could be made between uses resulting in no net difference in traffic counts or impacts.

**SUMMARY AND STAFF RECOMMENDATIONS**

**Background Summary**

On December 20, 1999 the Palmetto City Council adopted Ordinance No. 665, constituting a Development Order for Riviera Dunes Resorts, Inc. This Development Order authorized construction of a 202.25 acres mixed use project. Upon February 13, 2005 buildout, Riviera Dunes would contain: 250 single family and 367 multi family residential units; 141,500 square feet of “Specialty” retail; a 3,500 square feet convenience market; a 125-room hotel; a 15,000 square foot family golf center; and 400 wet slips.

The Development Order was amended on May 19, 2003 (Ord. No. 03-774) to formally include hurricane mitigation measures and modify the land use equivalency matrix. This modification allowed a greater flexibility of exchanges between currently approved land uses. Ord. No. 03-774 also increase the number of residential units available for trade from 619 to 690 units.

**Current NOPC Modification Requests**

- The applicant has requested modifications to the development order, Ordinance No. 665 to:
  - Amend “Table 3 Required Improvements” by deleting the southbound thru lane improvements required at 44% build-out. The traffic study conducted by the developer and concurred to by the City Engineer indicate that there is not enough traffic to support this requirement.
  - Amend “Table 1, Development Area and Uses to increase the total number of residential units available for exchange within the exchange matrix to 752 units. This is an increase of 62 multi-family units to be located on Parcels 9, 11B and 12A.

Tampa Bay Regional Planning Council (TBRPC) has approved this NOPC on January 12<sup>th</sup>, 2004. Although Manatee County had concerns regarding the traffic study, they withdrew their objection and the measure passed on the consent agenda.

TBRPC recommended to DCA and City of Palmetto that the developer has substantial information to refute this change being a Substantial Deviation [F.S. 380.06(19)(e)3].

### **Staff Recommendation**

#### **Adding Units:**

According to the exchange matrix, approve with Ord. No. 03-774, the increase in the number of residential units is to be at the expense of 23,846 square feet of specialty retail space or 74.4 hotel rooms. Adding residential units does not constitute an over all increase in total density of Riviera Dunes, just a change in the use. The increase of residential units is to accomplish a residential/commercial balance between the number of residential units and the commercial establishments.

For the specific parcels, according to appendix B, The Zoning Code, PD-MU is allowed up to 16 units per acre. The number of residential units per acre on the overall development is 3.4. Obviously, there are sections of Riviera Dunes Resort that are denser than others are. This NOPC would increase the density the over all residential density to 3.7 residential units per acre.

To compare this to other multi-family development in Riviera Dunes Resort, Laguna was approved (Ord. No. 01-771) for 250 units on 18.75 acres. This is a density of about 13 units per acre. Parcel 18 is another approved multi-family parcel. This was approved for 117 units on 7 acres. This is a density of about 16 units per acre. The maximum number of units applicable for parcels 9, 11B and 12A (9 acres times 16 units per acre) is 144 units.

16 units per acre are compatible with what City Council has already approved for various multi-family developments and Riviera Dunes as a whole. This request is compatible with the Palmetto Zoning Code and the Development Order for this site.

This NOPC meets the City's Comprehensive Plan Objective 1.2; policy 1.2.1 – 1.2.4, Objective 1.7; Policy 1.7.1 – 1.7.4, Objective 1.8 Policy 1.8.1 – 1.8.7 and the approved Community Re-Development Plan indicate that higher residential densities ought to be located in this general area.

#### **Deleting the obligation for the south bound thru lane at 44% build out.**

The developer was asked to investigate the possibility of deleting this obligation as the request of Palmetto Public Works Department. The justification for this request was two fold.

- The over all traffic flow problems are created due to constriction of the U.S. 301 bridge, not the residents at Riviera Dunes. Two south bound lanes would open to be three lanes for a matter of 1000 feet only to be reduced again to two lanes going over the bridge.

- Previous to the CRA creating Estuary Park that has been designated for commercial use. Since the use has dramatically changed for these parcels, the traffic studies show that the south bound lane is no longer necessary. These findings were approved on the consent agenda of TBRPC. The City Engineer would like the City to ensure it retains the 60 feet of Right-of Way for future needs.

Staff recommends **APPROVAL** of the Notice of Proposed Change to allow the increase in the multi family units by 62, and to eliminate the obligation to build the southbound thru lane.

#### **PLANNING AND ZONING BOARD RECOMMENDATIONS**

The Planning and Zoning Board recommends **APPROVE THE NOPC WITH THE CONDITION THAT THE CITY MAINTAIN THE 60-FOOT RIGHT-OF-WAY SOUTH BOUND (WEST) SIDE OF U.S. 301.**

#### **REQUIRED CITY COUNCIL ACTION**

The City Council shall **APPROVE, APPROVE WITH CONDITIONS, OR DENY,** the NOPC.

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF RESOURCE PLANNING AND MANAGEMENT  
BUREAU OF STATE PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
850-488-4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED  
DEVELOPMENT OF REGIONAL IMPACT (DRI)  
SUBSECTION 380.06 (19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Linda J. Svenson, the undersigned authorized representative of W. C. Riviera Partners, LC hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning Riviera Dunes development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to City of Palmetto, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

August 29, 2003  
Date

Signature

Linda J. Svenson

2. Owner (name, address and phone)

W. C. Riviera Partners, LC  
104 Haben Blvd.  
Palmetto, Florida 34221  
941-722-2690

3. Authorized Agent (name, address and phone)

Linda J. Svenson  
W. C. Riviera Partners, LC  
104 Haben Blvd.  
Palmetto, Florida 34221  
941-722-2690

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

City of Palmetto, Manatee County, Florida Section 13 and 24, Township 34 South, Range 17 East.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

The proposed change is to modify Table 3 Required Improvements by deleting the south bound thru land improvement required at 44% of build-out. And to increase the total number of residential units available for exchange within the exchange matrix.

Indicate such changes on the project master plan site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

A revised Map "H" is included.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

See attached Substantial Deviation Chart (Attachment #1).

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project.?

Ordinance No. 662 (November 15, 1999) – original Development Order adoption  
Ordinance No. 665 (December 20, 1999) – amended to include modifications suggested by the Department of community Affairs  
Ordinance No. 03-774 (May 19, 2003) – Notice of Proposed Change adopted

Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued?

No.

8. Describe any lands purchased or optioned within ¼ mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.

W. C. Riviera Partners, LC has not purchased or optioned any land within ¼ mile of the original DRI site subsequent to the original approval or issuance of the DRI development order.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

The Criteria are not applicable as there are no increases in development.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

The criteria are not applicable as there are no increases in development.

10. Does the proposed change result in a change to the build-out date or any phasing date of the project?

The proposed change will not result in a change to the build-out date or any phasing date of the project.

11. Will the proposed change require an amendment to the local government comprehensive plan?

This change will not require an amendment to the local government comprehensive plan.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S. and 9J-2.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

A revised Map "H" is included.

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language should assess and quantify:

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to commitments and described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed;

Proposed changes to the Development Order are attached in a add/delete format (Attachment #2).

- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

Not applicable.

- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

Not applicable.

- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

Not applicable.

- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

Not applicable.

- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.

None.

Attachment #1  
RIVIERA DUNES  
NOTICE OF PROPOSED CHANGE - (August 29, 2003)  
SUBSTANTIAL DEVIATION DETERMINATION CHART

Type of Land Use

Industrial

- Number of Parking Spaces
- Building (gross square feet):
- Number of Employees:
- Chemical Storage (barrels and lbs.):
- Site locational changes:
- Number of External Vehicle Trips:
- D.O. Conditions:
- ADA Representations:
- Previous D.O. Change and Date:

N/A

Mining Operations

- Acreage mined (year):
- Water Withdrawal (gallons per day):
- Size of Mine (acres), including drainage, ROW, easements, etc.:
- Site locational changes:
- Number of External Vehicle Trips:
- D.O. Conditions:
- ADA Representations:
- Previous D.O. Change and Date:

N/A

Office

- Acreage, including drainage, ROW, easements, etc.:
- Building (gross square feet):
- Number of Parking Spaces
- Number of Employees:
- Site locational changes:
- Number of External Vehicle Trips:
- D.O. Conditions:
- ADA Representations:
- Previous D.O. Change and Date:
- Status

Type of Land Use

Petroleum/Chemical Storage

Change Category

N/A

Acreage, including drainage, ROW, easements, etc.:

Attachment #1  
RYLIERA DUNES  
NOTICE OF PROPOSED CHANGE - ( August 29, 2003)  
SUBSTANTIAL DEVIATION DETERMINATION CHART

Trips:  
D.O. Conditions:  
ADA Representations:  
Previous D.O. Change and Date:

N/A

Number of boats, wet storage:  
Number of boats, dry storage:  
Dredge and fill (cubic yards):  
Petroleum storage (gals):  
Site locational changes:  
Port acreage, including drainage, ROW, easements, etc.:  
Number of External Vehicle Trips:  
D.O. Conditions:  
ADA Representations:  
Previous D.O. Change and Date:

Request increase from 690 to 752.

Residential  
  
Number of dwelling units:  
Type of dwelling units:  
Number of lots:  
Acreage, including drainage, ROW, easements, etc.:  
Site locational changes:  
Number of External Vehicle Trips:  
D.O. Conditions:  
Previous D.O. Change and Date:

Change Category  
  
Status

Type of Land Use  
  
Wholesale, Retail Service

Storage Capacity (barrels and/or lbs.):  
Distance to Navigable Waters (feet):  
Site locational changes:  
Facility Acreage, including drainage, ROW, easements, etc.:  
Number of External Vehicle

N/A

Attachment #1  
RYLIERA PUNES

NOTICE OF PROPOSED CHANGE - (August 29, 2003)  
SUBSTANTIAL DEVIATION DETERMINATION CHART

Site locational changes:  
Number of External Vehicle Trips:  
D.O. Conditions:  
ADA Representations:  
Previous D.O. Change and Date:

Hotel/Motel

Number of Rental Units  
Floor Space (gross square feet):  
Number of Parking Places:  
Number of Employees:  
Site locational changes:  
Acreage, including drainage, ROW, easements, etc.:  
Number of External Vehicle Trips:  
D.O. Conditions:  
ADA Representations:  
Previous D.O. Change and Date:

R. V. Park

Acreage, including drainage, ROW, easements, etc.:  
Number of Parking Spaces:  
Buildings (gross square feet):  
Number of Employees:  
Site locational changes:  
Number of External Trips:  
D.O. Conditions:  
ADA Representations:  
Previous D.O. Change and Date:  
Status:

Acreage, including drainage,  
ROW, easements, etc.:  
Floor Space (gross square  
feet):  
Number of Parking Spaces:  
Number of Employees:

N/A

N/A

N/A

Attachment #1  
RIVIERA DUNES  
NOTICE OF PROPOSED CHANGE - (August 29, 2003)  
SUBSTANTIAL DEVIATION DETERMINATION CHART

Type of Land Use	Site locational changes: Type of open space: D.O. Conditions: ADA Representations: Previous D.O. Change and Date:	
Open Space (All natural and vegetated nonimpervious surfaces.		N/A
Preservation, Buffer or Special Protection Areas	Acreage: Site locational changes: Development of site proposed: D.O. Conditions: ADA Representations: Previous D.O. Change and Date:	

U:\Darcid\Forms\Land  
Use\Topo\Substantial Deviation  
Determination Chart.doc August 27, 2003  
(9:55AM)

Status  
N/A

Change Category  
Acreage:



# Tindale-Oliver and Associates, Inc.

Planning and Engineering

April 25, 2003

Ms. Linda Svenson  
Riviera Dunes Resorts, Inc.  
104 Haben Blvd.  
Palmetto, FL 34221

*Subject: Revisitation of US 41/US 301 at Haben Boulevard Intersection Analysis*

Dear Ms. Svenson:

At your request, we have revisited the analysis of the US 41/US 301 at Haben Boulevard intersection for the current traffic volumes and current development proposals for the Riviera Dunes DRI because the original Application for Development Approval traffic analysis, prepared in April, 1999, was conducted under the understanding a fourth leg would be added to this intersection to access development on the west side of US 41/US 301. Since that time the proposal to develop land on the west side of US 41/US 301 has been abandoned and this development will be relocated to the east side of US 41/US 301.

We have also reviewed recent Florida DOT traffic volume counts at Florida DOT traffic count station #0031, located on US 41/US 301 between Haben Boulevard and the Manatee River, approximately one quarter mile to the south of Haben Boulevard. The traffic count data has indicated that traffic volumes at this location have not grown as quickly as had been estimated in the ADA traffic analysis. These changes have resulted in a determination that a third southbound through lane is not necessary to maintain acceptable roadway operating conditions at this intersection; however, the third northbound through lane will remain necessary. Worksheets documenting this analysis and its findings are attached to this letter. We trust this information will be helpful to you.

Should you have any questions regarding the foregoing please contact me, and please feel free to submit this analysis to the City of Palmetto, the Florida Department of Transportation, the Tampa Bay Regional Planning Council, and/or the Florida Department of Community Affairs as you deem appropriate.

Very truly yours,

*Tindale-Oliver and Associates, Inc.*

William E. Oliver, P.E., PTOE  
Senior Vice President

Attachments

WEO:dlmt

H:\19401\correspondence\Svensonltr042503.doc

**Attachment A**  
**Analysis Worksheets**

Florida Department of Transportation  
 Transportation Statistics Office  
 Historical AADT Report

County: 13 - MANATEE

Site 0031

SR 55/US 41/301/1ST ST, NORTH OF MANATEE RIVER

<u>Year</u>	<u>AAADT</u>	<u>Direction 1</u>	<u>Direction 2</u>
2001	F 55,500	N 27,500	S 28,000
2000	C 55,500	N 27,500	S 28,000
1999	C 51,000	N 25,500	S 25,500
1998	C 49,500	N 23,500	S 26,000
1997	C 51,000	N 25,500	S 25,500
1996	C 47,500	N 23,000	S 24,500
1995	C 44,500	N 22,000	S 22,500
1994	C 44,500	N 22,500	S 22,000
1993	C 45,500	N 22,500	S 23,000
1992	C 43,500	N 21,500	S 22,000
1991	41,116	N 19,954	S 21,162
1990	43,691	N 21,893	S 21,798
1989	39,869	N 19,811	S 20,058
1988	42,001	N 20,898	S 21,103
1987	42,282	N 21,351	S 20,931
1986	38,480	N 19,467	S 19,013
1985	37,850	N 18,737	S 19,113
1984	36,621	N 18,186	S 18,435
1983	34,094	N 16,357	S 17,737
1982	31,677	N 15,539	S 16,138
1980	47,229	N 23,603	S 23,626
1979	46,245	N 23,184	S 23,061
1978	44,703	N 22,349	S 22,354
1977	43,363	N 21,680	S 21,683
1976	42,473	N 21,204	S 21,269
1975	42,176	N 21,162	S 21,014
1974	35,717	N 18,230	S 17,487
1973	31,410	N 15,470	S 15,940
1972	27,619	N 14,044	S 13,575
1971	25,332	N 12,656	S 12,676
1970	26,827	N 12,827	S 14,000

A-1

Historical AADT Report

County: 13 - MANATEE

Site 0031 Actual US-41/US-301, north of Manatee River

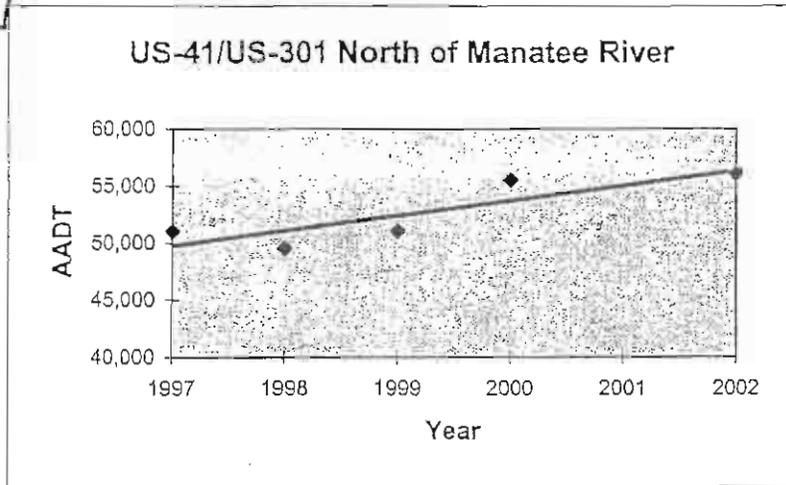
Year	Actual AADT	Regression-based AADT
1997	51,000	49,716
1998	49,500	51,027
1999	51,000	52,338
2000	55,500	53,649
2002	56,000	56,270
2003		57,581
2004		58,892
2005		60,203

Growth Rate  
1.02507619

Regression-based AADT estimate for 2005

SUMMARY OUTPUT

Regression Statistics	
Multiple R	0.856064
R Square	0.732845
Adjusted R	0.643794
Standard E	1757.865
Observatio	5



ANOVA

	df	SS	MS	F	Significance F
Regression	1	25429730	25429730	8.229446	0.064118
Residual	3	9270270	3090090		
Total	4	34700000			

	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	Lower 95.0%	Upper 95.0%
Intercept	-2567973	913505.4	-2.81112	0.06723	-5475158	339211.6	-5475158	339211.6
X Variable	1310.811	456.9353	2.868701	0.064118	-143.3626	2764.984	-143.3626	2764.984

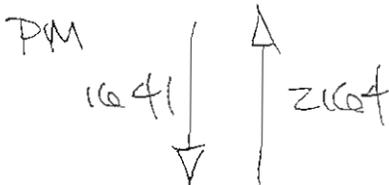
RESIDUAL OUTPUT

Observation	Predicted Y	Residuals
1	49690.48	1309.524
2	51047.62	-1547.619
3	52404.76	-1404.762
4	53761.9	1738.095
5	55119.05	380.9524
6	56476.19	-476.1905
7	55345.24	154.7619

County: 13 NOT COUNTED IN 2001  
 Station: 0031  
 Description: SR 55/US 41/301/1ST ST, NORTH OF MANATEE RIVER  
 Start Date: 07/05/2000  
 Start Time: 1145

Time	Direction: N					Direction: S					Combined Total	
	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total		
0000	68.0	50.0	49.0	42.0	209.0	65.0	45.0	53.0	52.0	215.0	424.0	
0100	53.0	33.0	37.0	33.0	156.0	46.0	27.0	24.0	30.0	127.0	283.0	
0200	42.0	30.0	49.0	32.0	153.0	28.0	23.0	30.0	20.0	101.0	254.0	
0300	33.0	18.0	36.0	41.0	128.0	23.0	27.0	29.0	22.0	101.0	229.0	
0400	44.0	44.0	48.0	54.0	190.0	29.0	52.0	47.0	55.0	183.0	373.0	
0500	102.0	130.0	163.0	145.0	540.0	91.0	150.0	162.0	192.0	595.0	1135.0	
0600	224.0	269.0	343.0	390.0	1226.0	307.0	459.0	444.0	393.0	1603.0	2829.0	
0700	356.0	372.0	390.0	380.0	1498.0	463.0	567.0	597.0	484.0	2111.0	3609.0	
0800	331.0	284.0	348.0	286.0	1249.0	449.0	426.0	384.0	348.0	1607.0	2856.0	
0900	334.0	311.0	308.0	304.0	1257.0	364.0	331.0	357.0	347.0	1399.0	2656.0	
1000	312.0	322.0	308.0	334.0	1276.0	335.0	386.0	326.0	345.0	1392.0	2668.0	
1100	369.0	380.0	331.0	345.0	1425.0	317.0	321.0	344.0	356.0	1338.0	2763.0	
1200	395.0	335.0	335.0	350.0	1415.0	349.0	358.0	370.0	353.0	1430.0	2845.0	
1300	331.0	346.0	366.0	360.0	1403.0	379.0	365.0	376.0	356.0	1476.0	2879.0	
1400	379.0	387.0	417.0	424.0	1607.0	404.0	383.0	356.0	360.0	1503.0	3110.0	
1500	438.0	483.0	496.0	513.0	1930.0	377.0	403.0	396.0	374.0	1550.0	3480.0	
1600	479.0	487.0	474.0	566.0	2006.0	437.0	417.0	386.0	427.0	1667.0	3673.0	
1700	607.0	517.0	476.0	439.0	2039.0	407.0	421.0	351.0	378.0	1557.0	3596.0	
1800	403.0	333.0	312.0	292.0	1340.0	318.0	328.0	298.0	316.0	1260.0	2600.0	
1900	323.0	236.0	289.0	210.0	1058.0	288.0	237.0	258.0	234.0	1017.0	2075.0	
2000	269.0	229.0	256.0	210.0	964.0	242.0	261.0	277.0	232.0	1012.0	1976.0	
2100	217.0	160.0	157.0	168.0	702.0	232.0	222.0	267.0	243.0	964.0	1666.0	
2200	158.0	127.0	112.0	129.0	526.0	196.0	178.0	165.0	148.0	687.0	1213.0	
2300	120.0	103.0	86.0	77.0	386.0	124.0	87.0	72.0	65.0	348.0	734.0	
24-Hour Totals:					24683						25243	49926

	Direction: N		Peak Information Direction: S		Combined Directions	
	Hour	Volume	Hour	Volume	Hour	Volume
A.M.	0645	1508	0700	2111	0700	3609
P.M.	1645	2166	1600	1667	1630	3805
Daily	1645	2166	0700	2111	1630	3805
Truck Percentage	6.00		6.00		6.00	

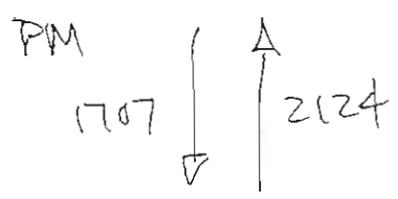


Peak hour directional volume

County: 13  
 Station: 0031  
 Description: SR 55/US 41/301/1ST ST, NORTH OF MANATEE RIVER  
 Start Date: 07/06/2000  
 Start Time: 1145

Time	Direction: N					Direction: S					Combined Total	
	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total		
0000	64.0	56.0	45.0	40.0	205.0	71.0	55.0	39.0	57.0	222.0	427.0	
0100	44.0	34.0	33.0	32.0	143.0	34.0	35.0	30.0	27.0	126.0	269.0	
0200	39.0	38.0	35.0	38.0	150.0	23.0	31.0	18.0	20.0	92.0	242.0	
0300	33.0	27.0	27.0	37.0	124.0	17.0	27.0	36.0	29.0	109.0	233.0	
0400	40.0	43.0	53.0	54.0	190.0	37.0	63.0	51.0	73.0	224.0	414.0	
0500	82.0	140.0	157.0	163.0	542.0	95.0	141.0	175.0	196.0	607.0	1149.0	
0600	228.0	273.0	315.0	368.0	1184.0	305.0	420.0	448.0	386.0	1559.0	2743.0	
0700	374.0	390.0	389.0	389.0	1542.0	473.0	547.0	600.0	472.0	2092.0	3634.0	
0800	325.0	312.0	351.0	297.0	1285.0	487.0	412.0	394.0	330.0	1623.0	2908.0	
0900	306.0	306.0	299.0	280.0	1191.0	309.0	353.0	387.0	323.0	1372.0	2563.0	
1000	298.0	327.0	310.0	349.0	1284.0	351.0	324.0	338.0	352.0	1365.0	2649.0	
1100	369.0	381.0	352.0	318.0	1420.0	360.0	341.0	356.0	370.0	1427.0	2847.0	
1200	372.0	339.0	361.0	342.0	1414.0	349.0	374.0	355.0	356.0	1434.0	2848.0	
1300	349.0	356.0	337.0	354.0	1396.0	347.0	372.0	356.0	354.0	1429.0	2825.0	
1400	400.0	385.0	400.0	422.0	1607.0	388.0	386.0	361.0	350.0	1485.0	3092.0	
1500	469.0	465.0	452.0	475.0	1861.0	344.0	394.0	396.0	397.0	1531.0	3392.0	
1600	525.0	511.0	482.0	519.0	2037.0	436.0	408.0	427.0	447.0	1718.0	3755.0	
1700	590.0	533.0	484.0	443.0	2049.0	389.0	444.0	423.0	370.0	1626.0	3675.0	
1800	388.0	334.0	309.0	293.0	1324.0	351.0	337.0	297.0	288.0	1273.0	2597.0	
1900	295.0	254.0	248.0	241.0	1038.0	256.0	275.0	271.0	213.0	1015.0	2053.0	
2000	239.0	242.0	230.0	216.0	927.0	239.0	195.0	190.0	235.0	859.0	1786.0	
2100	226.0	180.0	140.0	147.0	693.0	217.0	214.0	177.0	178.0	786.0	1479.0	
2200	158.0	149.0	99.0	116.0	522.0	146.0	164.0	147.0	108.0	565.0	1087.0	
2300	121.0	107.0	91.0	83.0	402.0	102.0	87.0	83.0	61.0	333.0	735.0	
24-Hour Totals:					24530						24872	49402

	Direction: N		Peak Information Direction: S		Combined Directions	
	Hour	Volume	Hour	Volume	Hour	Volume
A.M.	0700	1542	0715	2106	0700	3634
P.M.	1645	2126	1600	1718	1630	3831
Daily	1645	2126	0715	2106	1630	3831
Truck Percentage	6.00		6.00		6.00	



Peak hour directional volumes

**TINDALE-OLIVER & ASSOCIATES**

1000 North Ashley Drive  
 Suite 100  
 TAMPA, FLORIDA 33602  
 (813) 224-8862

JOB R DUNES  
 SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
 CALCULATED BY DAK DATE 4-3-03  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 SCALE 1/4" = 100'

Find AM & PM Directional Split (%) for AM & PM Peak Hour

FDOT COUNT STATION 13-0031

			AM	
7-5-00	DAY 1	49926	2111 (0700) SB	3609 two-way
7-6-00	DAY 2	49402	2092 (0700) SB	3634

$$\frac{\text{AM PEAK}}{\text{DAILY}} = \frac{(3609 + 3634)}{(49926 + 49402)} = 7.292\% \text{ observed}$$

$$\text{AM D}_{\text{dir}} = \frac{(2111 + 2092)}{(3609 + 3634)} = \underline{\underline{0.5803 *}}$$

$$\text{ADT} = \frac{(49926 + 49402)}{2} = 49664 * \underline{\underline{1.11}} = 55127 \text{ AADT}$$

			PM	
7-5-00	DAY 1		2164 (1630) NB	3805 two-way
7-6-00	DAY 2		2124 (1630) NB	3831 two-way

$$\frac{\text{AM}}{\text{PM}} = \underline{\underline{0.9485}}$$

$$\text{PM D}_{\text{dir}} = \underline{\underline{0.5615 *}}$$

TINDALE-OLIVER & ASSOCIATES

1000 North Ashley Drive  
Suite 316  
TAMPA, FLORIDA 33602  
(813) 224-8862

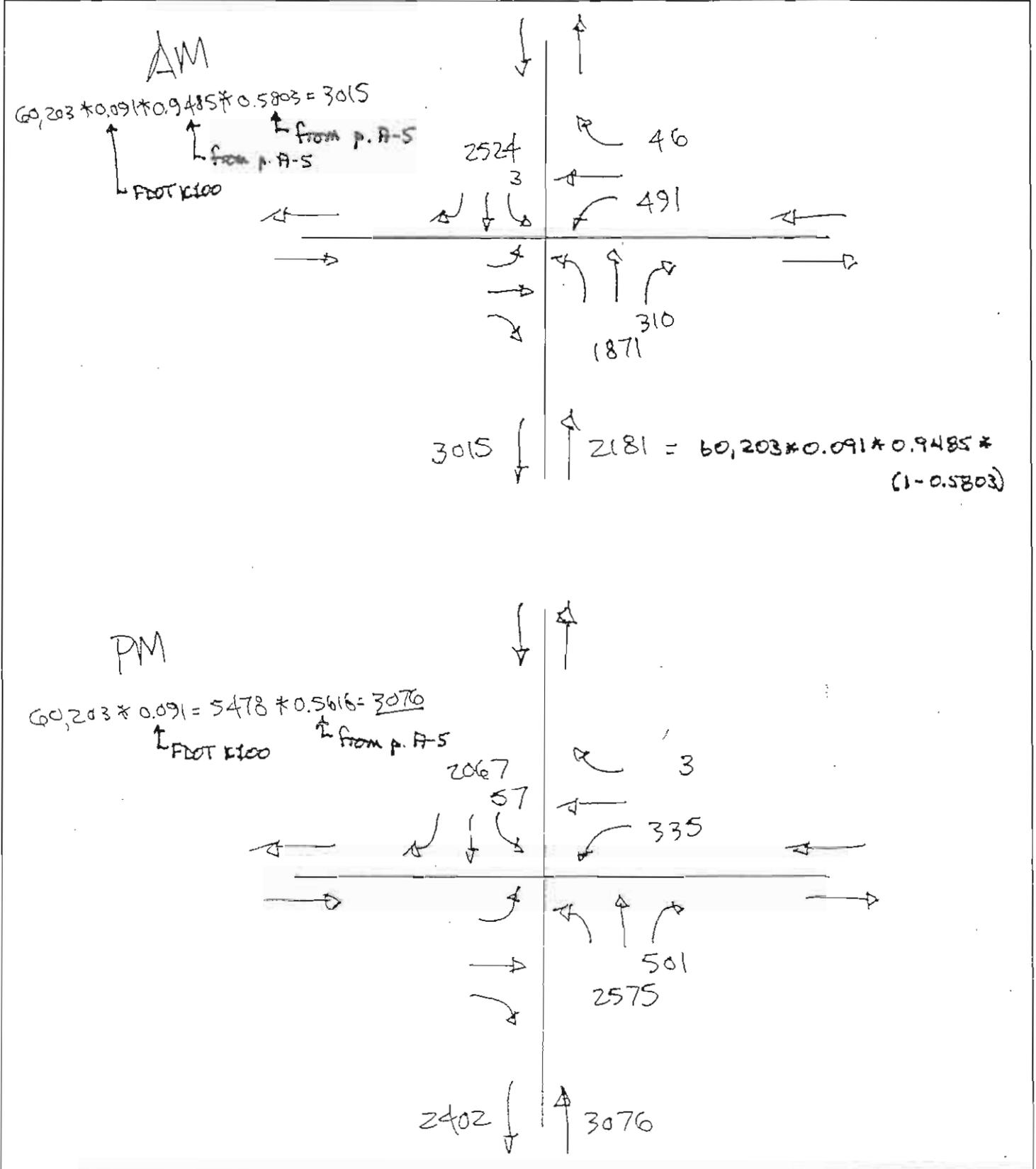
JOB \_\_\_\_\_

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

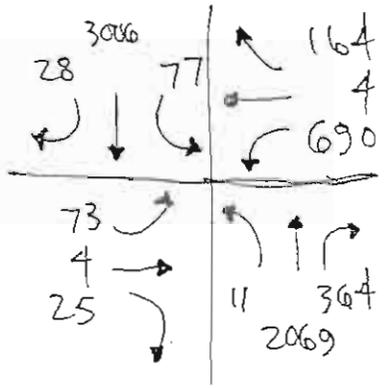
REVISED BACKGROUND VOLUMES SCALE



AM

W/PROPS  
Total volume

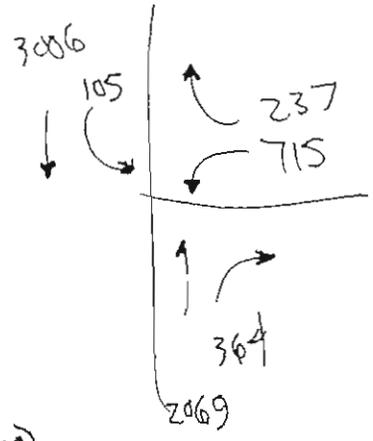
(A)



This worksheet documents moving the volumes from development originally proposed on the west side of USH/USSE to the east side.

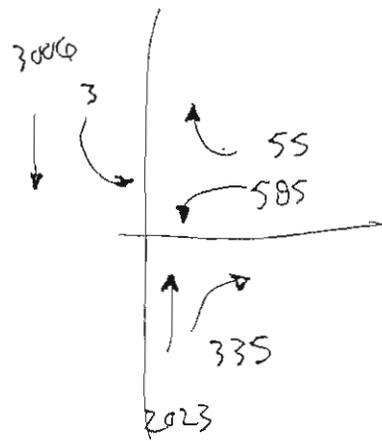
W/PROJECT  
MODIFIED

(B) = (A) volumes moved to ~~west~~ east side.



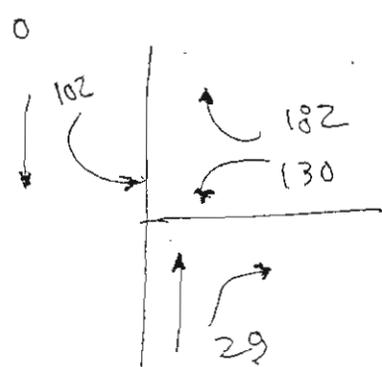
BACKGROUND ONLY  
from original (April, 1999) analysis.

(C)



PROJECT ONLY

(D) = (B) - (C)

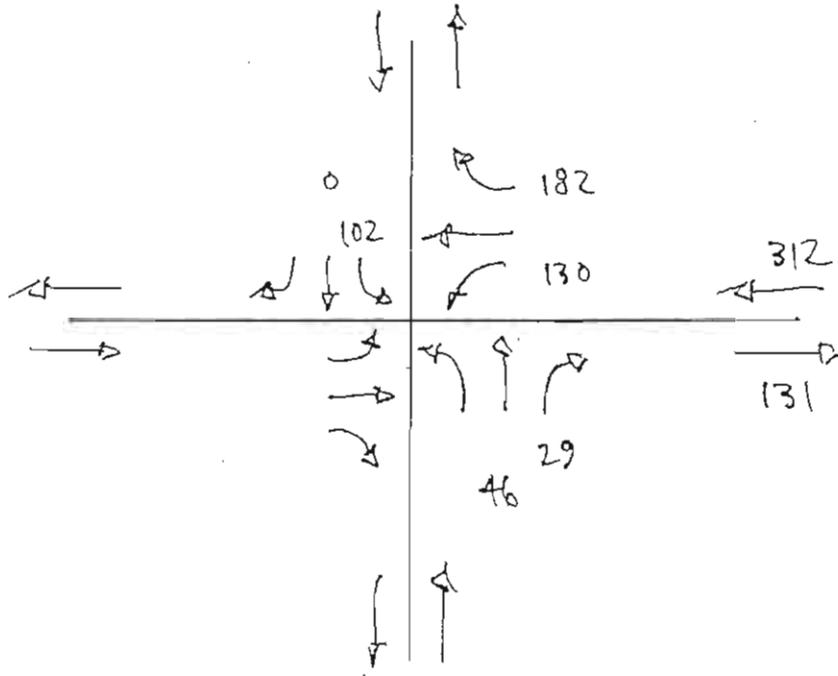


TINDALE-OLIVER & ASSOCIATES  
 1000 North Ashley Drive  
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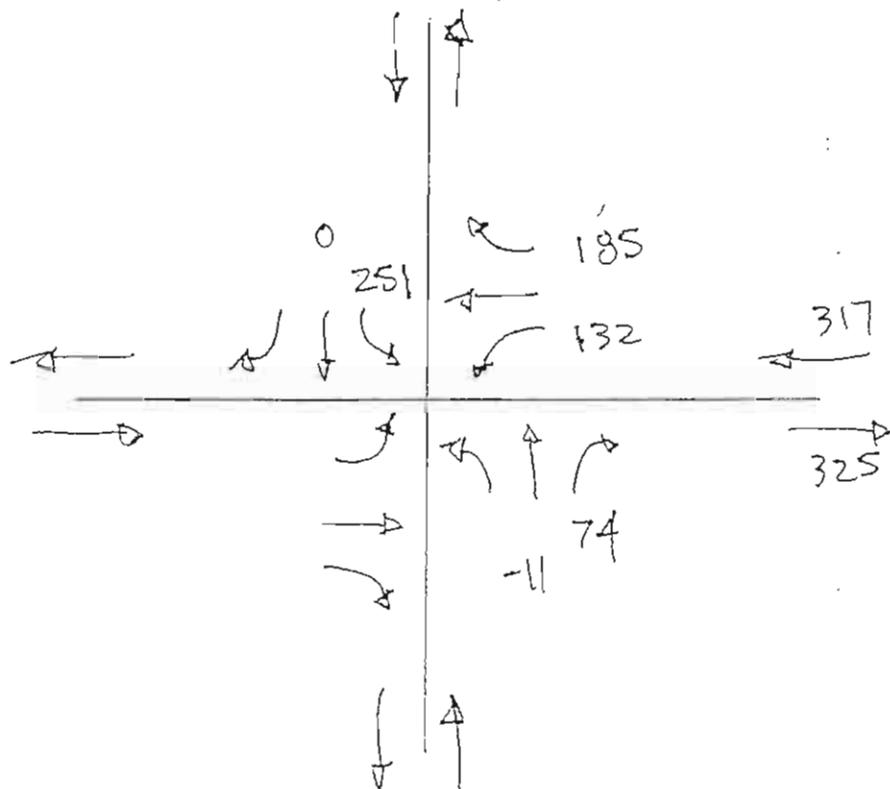
JOB \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
 CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 SCALE \_\_\_\_\_

# PROJECT TRAFFIC SUMMARY

AM



PM



TINDALE-OLIVER & ASSOCIATES

1000 North Ashley Drive  
Suite 316  
TAMPA, FLORIDA 33602  
(813) 224-8862

JOB \_\_\_\_\_

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

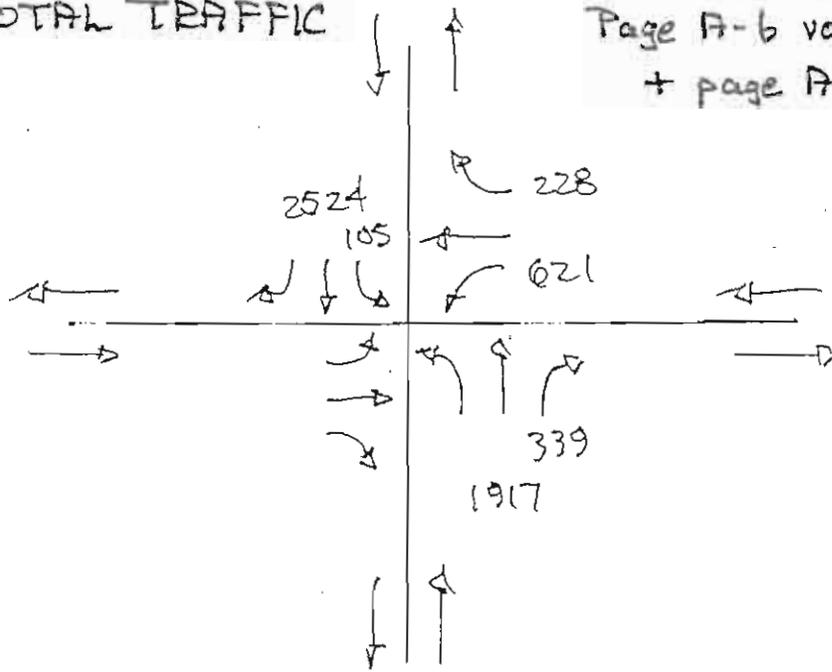
REVISED WITH PROJECT

2005 TOTAL TRAFFIC

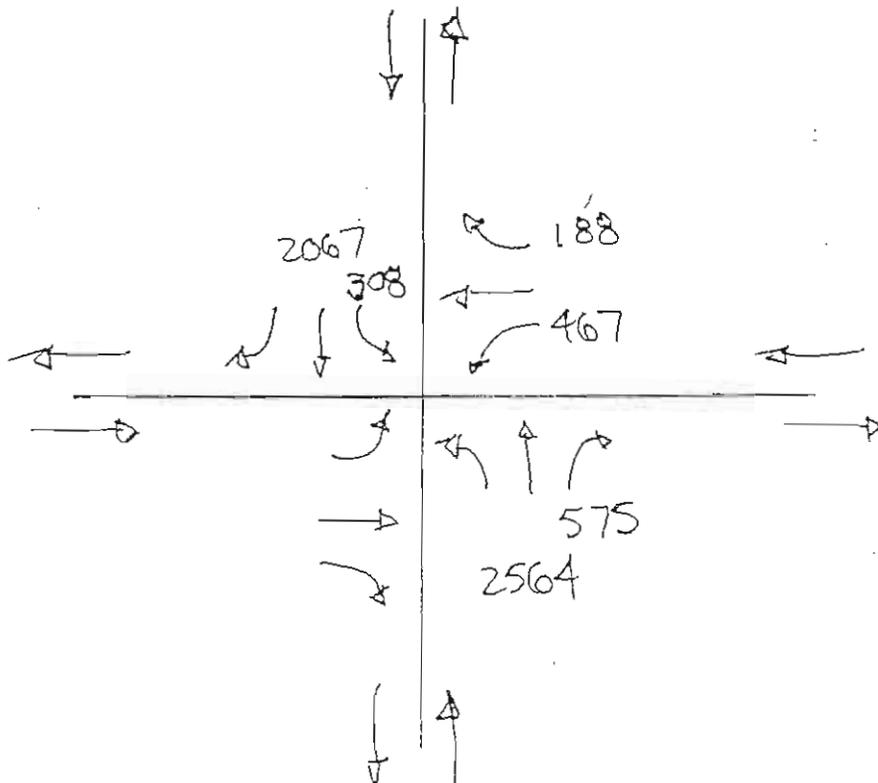
AM

Page A-6 volumes

+ page A-8 volumes



PM



Riviera Dunes DRI

3: Haben Blvd. & US 41/US 301 - 2005 AM Peak Hour

4/25/2003

	↙	↖	↑	↗	↘	↓
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↖↖	↗	↑↑↑	↗	↖↖	↑↑
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	350		600	600	
Storage Lanes	2	1		1	2	
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (ft)	50	50	50	50	50	50
Trailing Detector (ft)	0	0	0	0	0	0
Turning Speed (mph)	15	9		9	15	
Satd. Flow (prot)	3433	1583	4940	1583	3433	3438
Flt Permitted	0.950				0.069	
Satd. Flow (perm)	3433	1583	4940	1583	249	3438
Right Turn on Red		Yes		Yes		
Satd. Flow (RTOR)		26				
Link Speed (mph)	35		55			55
Link Distance (ft)	3016		2880			2560
Travel Time (s)	58.8		35.7			31.7
Volume (vph)	621	228	1917	399	105	2524
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92 ✓
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	5%	2%	2%	5% ✓
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Lane Group Flow (vph)	675	248	2084	434	114	2743
Turn Type		Perm		pm+ov	Perm	
Protected Phases	8		2	8		6
Permitted Phases		8		2	6	
Total Split (s)	28.0	28.0	102.0	28.0	102.0	102.0
Act Effct Green (s)	24.1	24.1	98.0	130.0	98.0	98.0
Actuated g/C Ratio	0.19	0.19	0.75	1.00	0.75	0.75
v/c Ratio	1.06	0.79	0.56	0.27	0.61	1.06
Uniform Delay, d1	53.0	45.1	6.8	0.0	7.3	16.0
Delay	93.6	52.0	6.9	0.0	10.1	48.5
LOS	F	D	A	A	B	D
Approach Delay	82.4		5.7			47.0
Approach LOS	F		A			D

all x 1/0.92 ✓

Intersection Summary:

Area Type: Other  
 Cycle Length: 130  
 Actuated Cycle Length: 130  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 1.06  
 Intersection Signal Delay: 35.7  
 Intersection Capacity Utilization 101.8%

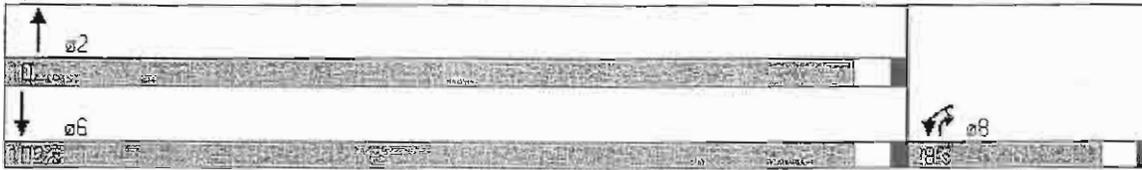
Intersection LOS: D  
 ICU Level of Service F

Riviera Dunes DRI

3: Haben Blvd. & US 41/US 301

4/25/2003

Splits and Phases: 3: Haben Blvd. & US 41/US 301



	↙	↖	↑	↗	↘	↓
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↙↙	↖	↑↑↑↑	↗	↘↘	↓↓
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	350		600	600	
Storage Lanes	2	1		1	2	
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (ft)	50	50	50	50	50	50
Trailing Detector (ft)	0	0	0	0	0	0
Turning Speed (mph)	15	9		9	15	
Satd. Flow (prot)	3433	1583	4940	1583	3433	3438
Flt Permitted	0.950				0.950	
Satd. Flow (perm)	3433	1583	4940	1583	3433	3438
Right Turn on Red		Yes		Yes		
Satd. Flow (RTOR)		1		42		
Link Speed (mph)	35		55			55
Link Distance (ft)	3016		2880			2560
Travel Time (s)	58.8		35.7			31.7
Volume (vph)	467	188	2564	575	308	2067
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92 ✓
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	5%	2%	2%	5% ✓
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Lane Group Flow (vph)	508	204	2787	625	335	2247
Turn Type		pm+ov		pm+ov	Prot	
Protected Phases	8	1	2	8	1	6
Permitted Phases		8		2		
Total Split (s)	27.0	22.0	81.0	27.0	22.0	103.0
Act Effect Green (s)	22.5	42.8	76.1	102.7	16.3	96.5
Actuated g/C Ratio	0.18	0.34	0.60	0.81	0.13	0.76
v/c Ratio	0.84	0.38	0.94	0.49	0.76	0.86
Uniform Delay, d1	50.4	31.8	23.3	3.5	53.4	10.6
Delay	54.7	32.4	27.8	3.8	53.9	11.2
LOS	D	C	C	A	D	B ✓
Approach Delay	48.3		23.4			16.7
Approach LOS	D		C			B

all < 1/ptf (1/0.92)

Intersection Summary

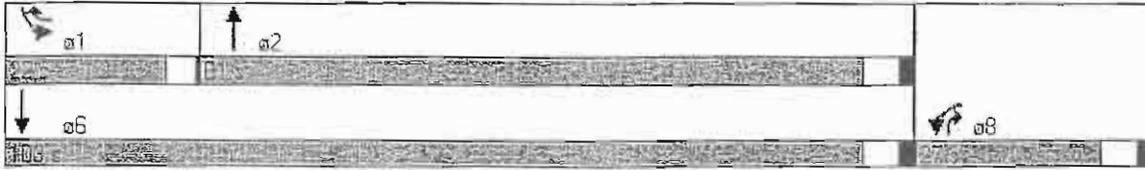
Area Type: Other  
 Cycle Length: 130  
 Actuated Cycle Length: 127  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 0.94  
 Intersection Signal Delay: 23.5  
 Intersection Capacity Utilization 87.9%

Intersection LOS: C ✓  
 ICU Level of Service D

Riviera Dunes DRI  
3: Haben Blvd. & US 41/US 301

4/25/2003

Splits and Phases: 3: Haben Blvd. & US 41/US 301



## Attachment #2

Section 4. Land Use Exchange Matrix. The Developer may exchange land uses within the DRJ in accordance with the following:

- A. Multi-family residential units may be exchanged for Specialty Retail, Hotel, Senior Living and/or Assisted Living units provided the external traffic trips generated by the Specialty Retail, Hotel, Senior Living and/or Assisted Living units shall not exceed the number of external trips generated by the multi-family residential units used for the exchange based upon the most recent edition of the Institute of Transportation Engineers (ITE) Manual.
- B. Specialty Retail square footage may be exchanged for Hotel Rooms, Quality Restaurant, Multi-family residential, and/or other retail provided the external traffic trips generated by the Hotel Rooms, Quality Restaurant, multi-family residential, and/or other retail shall not exceed the number of external trips generated by the specialty retail square footage used for the exchange based upon the most recent edition of the Institute of Transportation Engineers (ITE) Manual.
- C. Hotel Rooms may be exchanged for Specialty Retail and/or Multi-family residential units provided the external traffic trips generated by the Specialty Retail and/or Multi-family residential units, shall not exceed the number of external trips generated by the Hotel Rooms used for the exchange based upon the most recent edition of the Institute of Transportation Engineers (ITE) Manual.
- D. Any exchange of land uses identified with an application for Preliminary Site Plan or General Development Plan (PSP/GDP) approval shall require the Developer to notify the Department of Community Affairs (DCA) and the TBRPC contemporaneously with Developer's submission of its application for PSP/GDP approval to the City. Additionally, any exchange of land uses shall be dated and document with each Annual Report submitted.
- E. Any exchange of land uses shall not increase total residential units above the maximum ~~690~~ 752 units. The maximum number of hotel rooms cannot exceed 200 rooms.
- F. Any exchange of land uses consistent with this section shall not require the filing of a Notice of Proposed Change. However, an exchange of Multi-family for Assisted Living shall be subject to filing a Notice of Proposed Change pursuant to Florida Statutes Chapter 380.06, except for an exchange of 20 Multi-family units on Parcel 18 for 120 Assisted Living beds on Parcel 18.

- G. For purposes of this DRI, land use exchange may be made by the Developer without further approval if such exchanges are in conformance with the units and square feet set forth on the following table:

Table 2  
Land Use Exchange Matrix

	SR	HR	SrL	ALF	QR	MF
Specialty Retail (1000 Sq. ft.)		3.2rm			235 sf	2.6 units
Multi-family (per 1 unit)**	385 sf	1.2 rm	2.7 units	4.3 units		
Hotel Rooms (per 1 unit)**	312 sf					.8 unit

SR=Specialty Retail; HR=Hotel Rooms; SrL=Senior Living; ALF=Assisted Living Facility; QR=Quality Retail; OR\*=Other Retail

\*Requires independent calculation at time of exchange due to variety of land uses based on the most recent ITE Manual.

\*\*For density purposes, an exchange or Multi-family for Senior Living shall be at a one-to-one ratio.

\*\*\*Pursuant to this exchange, the maximum number of hotel rooms cannot exceed a total of 200 rooms.

## G. TRANSPORTATION

1. Transportation system improvements required to maintain adopted service levels based upon the buildout of the entire project, and the number of external trips that cause this project to generate more than 5% of the adopted level of service capacity or generate the need for such improvements are identified in Table 3 below:

2. Funding Commitments. Any approval to proceed with this project shall require funding commitments from responsible entities for those roadway link and intersection improvements identified in Table 3 (Required Improvements). Without funding commitments for these improvements, preliminary site plan/general development plan approvals shall not be issued for any development in this project. For purposes of this Order, funding commitments shall be defined as identified in Rule 9J-2.045, F.A.C.

Table 3  
Required Improvements

Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement/ number of trips to generate need
<b>Roadway Improvements<sup>(1)</sup></b>			
U.S. 41/U.S. 301 (6 <sup>th</sup> Avenue E to Manatee Avenue)	F	6.6	Construct NB and SB thru lanes/695*/856** (at 71% of buildout)
U.S. 41/U.S. 301 (south side of intersection of Haben Boulevard to U.S. 301 ramps)	F	7.2	Construct NB and SB thru lanes/430*/529** (at 44% of buildout)
<b>Intersection Improvements<sup>(2)</sup></b>			
U.S. 301 at Haben Boulevard	F	10.9	Re-stripe NB approach from exclusive LT, thru and RT lanes to share left-thru and dual RT lanes. Change signal phasing/ 441*/ 543**/(at 45% of buildout)
U.S. 41 at Haben Boulevard	F	7.8	Re-stripe existing RT lane as thru lane. Construct second SB LT lane. Construct new SB RT lane. New SB and NB receiving lanes/430* / 543** (at 44% of buildout)

U.S. 41 at 7<sup>th</sup>  
Street W.

F

5.5

Signalize when warranted  
by the MUTCD and  
approved by FDOT or  
alternative solution/ 49\*/  
60\*\* (at 5% of buildout)

\* net external trips pm peak hour

\*\*gross external trips pm peak hour

Acronym Listing:

EB - East Bound

WB - West Bound

NB - North Bound

SB - South Bound

MUTCD - Manual of Uniform Traffic Control Devices

LT - Left Turn

RT - Right Turn

- Notes: (1) Project traffic impact based on ratio of two-way peak hour DRI volume to peak hour peak season approach capacity for the roadway segment.  
(2) Project traffic impact based on ratio of DRI approach volume to peak hour peak season approach capacity for the intersection.

Commitments include the placement of construction monies for the improvements in the adopted Five-Year Capital Improvements Schedule of the City of Palmetto or appropriate governmental entity having jurisdiction, or the adopted Florida Department of Transportation Five-Year Work Program, provided that the required transportation facility is scheduled to be commenced within the first three years, or a requirement by the City for construction of the improvement by the Developer concurrent with the construction of the substage triggering the need for the required improvement.

3. Level of Service Monitoring - Substaging. The developer may proceed with substages on this project, based on the need to maintain the level of service standards on the roadways identified in Table 3. Specific approval is granted up to 271 dwelling units (430 net external p.m. peak hour trips or 529 gross external p.m. peak hour trips whichever comes first) or its equivalent land uses. For each additional substage, the Developer shall submit an amended Section 380.06(19), Florida Statutes, traffic analysis to the City of Palmetto, the Tampa Bay Regional Planning Council, FDOT and the Department. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the regional roadway facilities defined in Table 3 at, or above the City of Palmetto's and Manatee County's adopted peak hour LOS standard. Any changes as a result of this option shall be implemented by an amendment to the development order, pursuant to the Notice of Proposed Change provisions of Section 380.06, Florida Statutes.

4. Proportionate Share Payments. Any required improvement may be mitigated if the City and the affected extra-jurisdictional local government, or the Florida Department of Transportation for facilities on the State Highway System, have agreed to a proportionate share payment methodology as adequately mitigating the extra-jurisdictional impacts of the development on the significantly impacted state and regional roadways within their jurisdiction pursuant to an amendment to this Development Order in accordance with Notice of Proposed Change provisions of Section 380.06, Florida Statutes.

5. The Developer shall conduct a biennial monitoring program to provide peak-hour counts at the project entrances in order to verify that the projected number of external trips for the development are not exceeded. Counts will continue through build-out. This information shall be provided within the required Annual Reports. If the Annual Report indicates that the total trips exceed projected counts by more than 15 percent, the City of Palmetto shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the developer or reviewing agencies to request Development Order amendments.

If the traffic counts exceed the projections provided in the transportation analysis by more than 15 percent, the developer will be required to provide a revised transportation analysis required pursuant to Subsection 380.06(19), F.S. An additional transportation methodology meeting will be required prior to preparation of this new analysis.

6. The Developer shall pay its fair share for the signalization of Canal Road/U.S. 301 when it is Warranted by the MUTCD and approved by FDOT. The fair share shall be calculated as the total signalization cost times development project traffic as a percentage of total traffic in the movements used to show that a signal is warranted by MUTCD, provided that if Development traffic does not exceed 5.0 percent of the adopted service capacity of the roadway analysis segments approaching the Canal Road/U.S. 301 intersection at the time a traffic signal is found to be Warranted, then the Developer has no fair share obligation.

7. Access from the project to U.S. 41 and Haben Boulevard shall be as shown on Map H, except that, with a General Development Plan, the City may approve, at the City's discretion, upon review of its effect on internal and external traffic circulation, one additional access point approved by the Florida Department of Transportation limited to right-in only from U.S. 41 to Parcels 10/12.

DRAFT

DRI #236 RIVIERA DUNES

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI#236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 29, 2003 W. C. Riviera Partners, LC., hereinafter referred to as "Developer", filed a Notice of Proposed Change ("NOPC") with the City of Palmetto pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the City Council of the City of Palmetto as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the authority to consider and approve an amended Development Order for the Development; and

WHEREAS, the Planning and Zoning Board of the City of Palmetto, as the City of Palmetto's local planning agency, has reviewed the NOPC and the report of the Tampa Bay Regional Planning Council ("TBRPC"), held public hearings and has filed a recommendation with City Council; and

WHEREAS, the City Council has received and considered the comments of the Planning and Zoning Board and the TBRPC; and

WHEREAS, the City Council on held a duly noticed public hearing on the NOPC, and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, City agencies and the Developer.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALMETTO IN A REGULAR MEETING ASSEMBLED THIS THE AS FOLLOWS:

Section 1. Findings of Fact. The City Council hereby makes the following findings of fact:

- A. All of the recitals are adopted as findings of fact.
- B. The Developer has received City approval and has commenced development in accordance with Ordinance No. 665.
- C. The owner of the not yet developed or sold property and the Development is W. C. Riviera Partners, LC.

Table 3  
Required Improvements

DRAFT

Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement/ number of trips to generate need
<b>Roadway Improvements<sup>(1)</sup></b>			
U.S. 41/U.S. 301 (south side of intersection of Haben Boulevard to U.S. 301 ramps)	F	7.2	Construct NB thru lane /430*/529** (at 44% of buildout)
<b>Intersection Improvements<sup>(2)</sup></b>			
U.S. 301 at Haben Boulevard	F	10.9	Re-stripe NB approach from exclusive LT, thru and RT lanes to share left-thru and dual RT lanes. Change signal phasing/ 441*/ 543**/(at 45% of buildout)
U.S. 41 at Haben Boulevard	F	7.8	Re-stripe existing RT lane as thru lane. Construct second SB LT lane. Construct new SB RT land. New SB and NB receiving lanes/430* / 543** (at 44% of buildout)
U.S. 41 at 7 <sup>th</sup> Street W.	F	5.5	Signalize when warranted by the MUTCD and approved by FDOT or alternative solution/ 49*/ 60** (at 5% of buildout)

\* net external trips pm peak hour

\*\* gross external trips pm peak hour

Acronym Listing:

EB - East Bound  
WB - West Bound  
NB - North Bound  
SB - South Bound

MUTCD - Manual of Uniform Traffic Control Devices  
LT - Left Turn  
RT - Right Turn

- Notes: (1) Project traffic impact based on ratio of two-way peak hour DRI volume to peak hour peak season approach capacity for the roadway segment.  
(2) Project traffic impact based on ratio of DRI approach volume to peak hour peak season approach capacity for the intersection.

DRAFT

Section 4. It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then such provisions or portions shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Ordinance No. 665, except as amended herein, shall remain in full force and effect.

Section 6. The Ordinance shall become effective in accordance with Section 13 of the City Charter; provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal.

**APPROVED AND ADOPTED**, in open session with a quorum present and voting this

First Reading:  
Publication:  
Second Reading and  
Public Hearing:

Attest: J. E. FREE, JR  
CITY CLERK

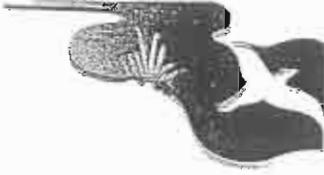
CITY OF PALMETTO, FLORIDA  
BY AND THROUGH ITS CITY COUNCIL  
OF THE CITY OF PALMETTO

BY: \_\_\_\_\_  
J.E. FREE, JR CITY CLERK

BY: \_\_\_\_\_  
LAWRENCE E. BUSTLE, JR., MAYOR

# Riviera Dunes

R E S O R T S



\* Resubmitted

- DPC comments due

11/28/03

November 14, 2003

Mr. John Meyer  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard  
Suite 219  
St. Petersburg, Florida 33702-2491

Re: DRI #236-Riviera Dunes, Notice of Proposed Change, City of Palmetto

Dear Mr. Meyer:

Provided below are responses to the comments and questions raised by the City of Palmetto, Manatee County, The Tampa Bay Regional Planning Council and the Florida Department of Transportation. We hope that these responses will clarify and address all of the concerns and questions regarding the Notice of Proposed Change.

We are available for additional clarification if required.

## General

The applicant is requesting authorization to convert approved uses to increase the number of residential units through the Land Use Equivalency Matrix.

4. Please confirm that the maximum number of residential units proposed within the Riviera Dunes DRI will be 752.

This request is to increase the maximum number of residential units to 752.

5. What quantities, uses and in which parcel(s) are entitlements being reduced to accommodate the additional residential development? Are the (assumed) 62 additional residential units single-family or multi-family? On which parcel(s) would these additional residential units be located? The proposed Master Development Plan indicates that two additional units will be located on Parcel 5, 29 additional units on Parcel 6, four additional units on Parcel 7 and 31 units are now proposed for Parcel 9. Please account for the surplus of four residential units (i.e.  $2 + 29 + 4 + 31 = 66$ ). Please revise the proposed Master Development Plan as appropriate using the revised information.

- a) The goal is to increase the maximum number of residential units in order to ensure adequate flexibility in the trade matrix to meet future development needs. Parcel #'s 9, 11B and 12A would have the ability to trade either "Specialty Retail" square footage or "Hotel Rooms" for the residential (Multi-Family) units.
  
- b) The revised Master Plan (Map "H") shows the following changes to the residential Parcels 5, 6 & 7:

Parcel #5	+2 units
Parcel #6	-29 units
Parcel #7	-4 units

There are a total of 31 Single-Family residential units in surplus. We wish to assign these residential units to Parcel #9 to be used as future Multi-Family units.

- 6. Since residential uses will likely have greater water and wastewater demands than typical commercial uses, please provide correspondence from the City of Palmetto indicating their ability to meet the anticipated additional demands.

Please see attached correspondence from the City of Palmetto acknowledging ability to meet greater residential demands.

### Revised Master Development Plan

The following comments are based on a comparison of the existing Master Development Plan with the proposed Master Development Plan, each of which has been provided. It is assumed that the Map containing the handwritten word "Revised" constitutes a (proposed) revised Master Development Plan.

- 7. Please include a date on the revised map to reflect when the map was last prepared and/or modified. This date shall be modified with each new rendition through and following adoption. This will prevent confusion in the future. In addition, please reference this revised map within the Development Order amendatory language and include this map as a separate exhibit.

The revised "Map H" will be dated August 29, 2003. We will provide a date on any future revisions.

8. It is noted that the configurations of Parcels 9, 10, 11 and 12 have changed considerably as currently depicted as Parcels 9, 10A, 10B, 11A, 11B, 12A, 12B, 12C and 12D. What was the purpose for the proposed reconfiguration?

During the site Engineering process it was determined that the roadway needed to be re-located, therefore changing the parcel configurations.

The Parcel number changes are a reflection of subdividing the larger commercial parcels.

9. Why has the proposed number of slips associated with the Harbor/Public Marina increased by 20 slips (to 220) while the number of proposed residential docks has decreased by this same number (to 180)?

The USCOE and FDEP issued a permit allowing 400 boat slips within the Riviera Dunes Project. Originally, we divided the slips equally between the Public Marina and the residential docks. It later became evident that more slips were needed in the Public Marina; therefore, we allocated additional slips to the Marina changing the slip count to 220 in the Public Marina and 180 for the residential docks.

This re-allocation of slip locations within the Riviera Dunes Project was approved by the City of Palmetto.

10. Parcels 9 and 11B indicate residential development within the map legend. What type and quantity of residential development is proposed within each of these parcels (i.e. single-family or multi-family). Please revise the Legend accordingly.

The residential unit type will be Multi-Family units. The number of units per Parcel is not known at this time since the site plans are not yet finalized. The trade matrix was developed for just this purpose, to enable the Development to progress as Market demands change without the need for revision to the DRI with each site plan submittal.

11. Please depict the acreages associated with Parcels 9 and 12A on the legend of the revised Master Development Plan.

Map "H" will be revised to reflect the acreages for Parcel 9 and 12A.

Parcel #9 is 2.5 acres

Parcel #12A is 3.2 Acres

12. Please confirm that the darkened parcel located at the northeast corner of U.S. 41 and Haben Boulevard is actually Parcel #15. Please depict as such on the Revised Master Development Plan.

Parcel #15 is located in the Southwest corner of the Map. It is directly South of Parcel #16 on the West side of U.S. 41.

13. What type(s) of "recreational" amenity(ies) are intended for Parcel #8. It is noted that this Parcel was formerly approved as "Future Residential/Family Golf Center".

The planned amenities include a clubhouse, which may house a health club, meeting rooms, clubroom, bath and locker room and other common facilities. Also planned are recreational facilities including a golf range and practice facility, tennis courts, swimming pool, artificial beach, volleyball facilities and a jogging track. Multiple uses for the lake are planned including a driving range, and an artificial beach area.

14. It is noted that Parcel #9 is proposed to be "Specialty Retail/Residential". It was formerly approved as a "Family Golf Center". What happened to the aqua-range and associated pro shop? Will or do these uses still exist? If so, on which parcel?

The Aqua Range and Practice Facility are existing. Any associated retail shops such as a pro shop will be housed in the specialty retail square footage to be built on Parcel #9.

15. The revised Master Development Plan depicts the following quantities of specialty retail uses: 25,925 sq. ft. (Parcel 9) + 30,000 sq. ft. (Parcel 10B) + 16,000 sq. ft. (Parcel 11A) + 38,860 sq. ft. (Parcel 11B) + 13,000 sq. ft. (Parcel 12B) + 13,000 sq. ft. (Parcel 12C) + 13,000 sq. ft. (Parcel 12D) = 149,875 square feet. Please note that the project was initially approved to contain a cumulative 141,500 sq. ft. of specialty retail development.

The initial approval was for 141,500 square feet of "Specialty Retail" plus 15,000 square feet of "Specialty Retail" at the Golf Center; equally 156,500 total square feet of "Specialty Retail".

The new square footage total of 149,875 square feet plus the 6,500 square feet on Parcel #17 equals 156,375 total square feet. The 6,500 square feet of "Specialty Retail" on Parcel #17 (future City Park) has not yet been re-allocated.

ALL TRANSPORTATION RESPONSES ARE INCLUDED ON THE ATTACHED  
"EXHIBIT C"

Proposed Development Order Language

16. Please provide a complete copy of the proposed amendatory language in its entirety. The reviewer's copy consists of three pages: the first page of the amendment concludes with Section 1. C; the second page is the proposed (revised) Table 3; and the third final page starts with "Section 4" and concludes with the City signatory lines. Section 2 and Section 3 have not been included in the reviewer's copy. Assumably these sections, at minimum, would describe and authorize the proposed changes if and when approved.

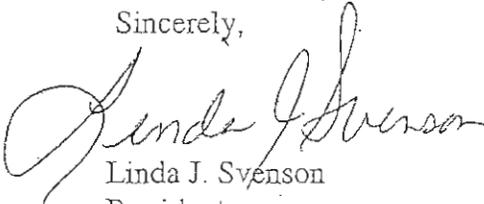
A full copy of the Draft Ordinance language is enclosed.

17. Please modify Table 2 of the existing Development Order to better characterize what land uses "SR", "HR", "SrL", "ALF", "QR" and "MF" actually represent?

There is a paragraph located at the bottom of Table 2, which provides additional information naming the land uses. I am willing to modify Table 2, if this information needs further clarification.

18. The Tampa Bay Regional Planning Council reserves the rights to comment on any aspect of the amendatory language through adoption.

Sincerely,



Linda J. Svenson  
President



Dept. of Public Works  
600 17th St. W.  
Palmetto, FL 34221  
Phone (941) 723-4580  
Suncom 599-4580  
FAX (941) 723-4539

November 12, 2003

Riviera Dunes Resort  
Ms. Linda Svenson  
104 Haben Boulevard  
Palmetto, Florida 34221

Re: Riviera Dunes Resorts  
Water, Sewer and Solid Waste

Dear Ms. Svenson:

In follow up to your telephone call requesting information regarding availability of water, sewer and solid waste collection services for the above referenced project, we would like to offer the following information.

A letter was issued on December 4, 1998 and was part of the DRI Study that you performed. That letter stated that the City of Palmetto had sufficient capacity for water, sewer and sanitation services to meet the needs associated with the DRI Study. The position of the City of Palmetto remains the same.

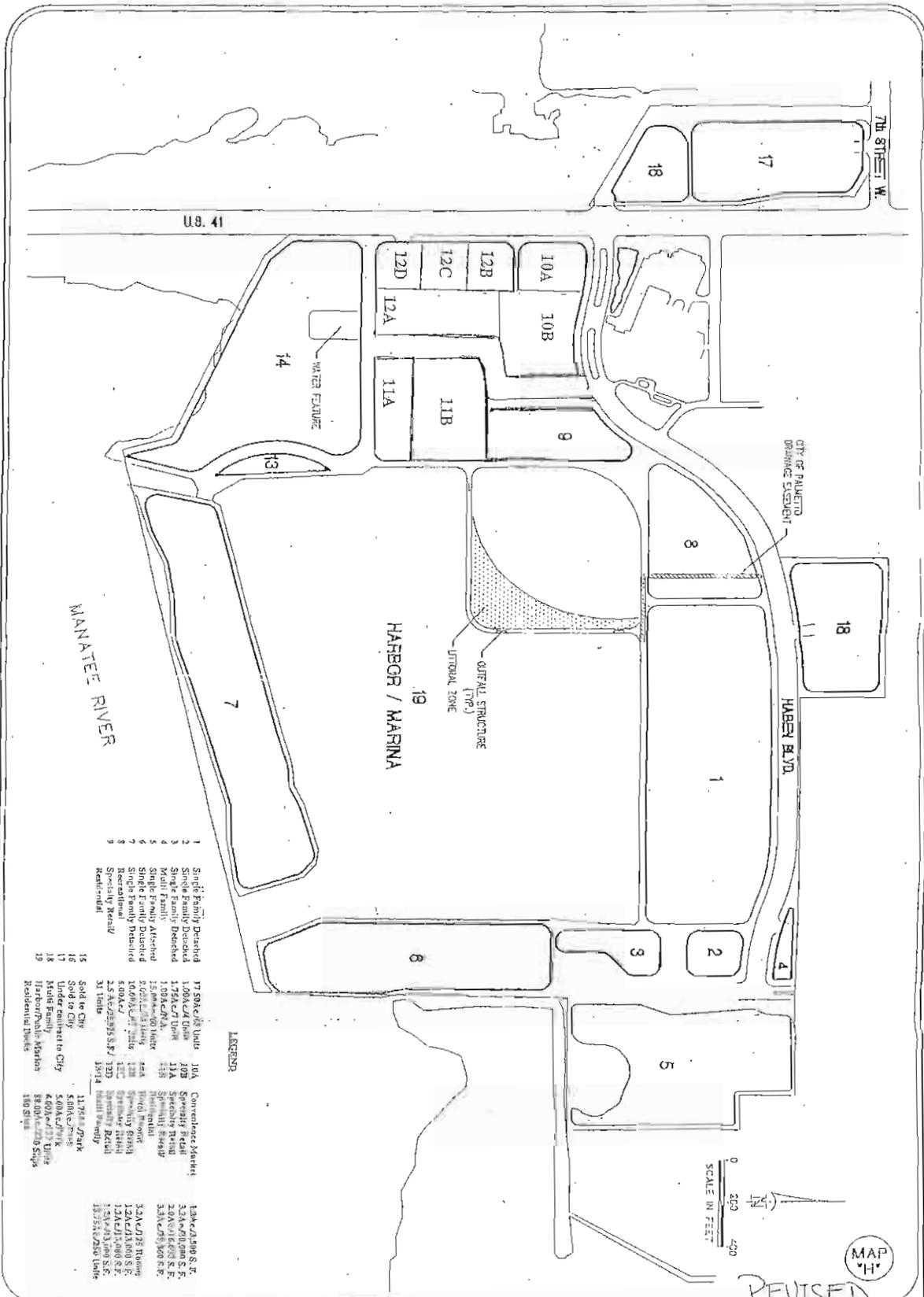
I trust that this information is sufficient for your purposes. If you have any questions please call me a (941)723-4580.

Sincerely,

Chris Lukowiak  
Director of Public Works

CL/lm

\\Sausage\City Profiles\johnson\My Documents\Admin\Letters\Riviera Dunes 111203 L Svenson.doc



**LEGEND**

1	Single Family Detached	17,500 sq. ft. lot	10A	Convenience Market	133A-133B S.E.
2	Single Family Detached	1,000 sq. ft. lot	10B	Specialty Retail	32A-32B S.E.
3	Single Family Detached	1,750 sq. ft. lot	11A	Specialty Retail	33A-33B S.E.
4	Multi Family	1,000 sq. ft. lot	11B	Specialty Retail	34A-34B S.E.
5	Single Family Detached	15,000 sq. ft. lot	12A	Residential	35A-35B S.E.
6	Single Family Detached	10,000 sq. ft. lot	12B	Specialty Retail	36A-36B S.E.
7	Single Family Detached	10,000 sq. ft. lot	12C	Specialty Retail	37A-37B S.E.
8	Residential	10,000 sq. ft. lot	12D	Specialty Retail	38A-38B S.E.
9	Residential	10,000 sq. ft. lot	13A	Specialty Retail	39A-39B S.E.
10	Residential	10,000 sq. ft. lot	13B	Specialty Retail	40A-40B S.E.
11	Residential	10,000 sq. ft. lot	13C	Specialty Retail	41A-41B S.E.
12	Residential	10,000 sq. ft. lot	13D	Specialty Retail	42A-42B S.E.
13	Residential	10,000 sq. ft. lot	13E	Specialty Retail	43A-43B S.E.
14	Residential	10,000 sq. ft. lot	13F	Specialty Retail	44A-44B S.E.
15	Sold to City	11,700 sq. ft. lot	13G	Specialty Retail	45A-45B S.E.
16	Underground	5,000 sq. ft. lot	13H	Specialty Retail	46A-46B S.E.
17	Underground	5,000 sq. ft. lot	13I	Specialty Retail	47A-47B S.E.
18	Multi Family	4,000 sq. ft. lot	13J	Specialty Retail	48A-48B S.E.
19	Harbor/Public Marina	88,000 sq. ft. lot	13K	Specialty Retail	49A-49B S.E.
	Residential District	180 sq. ft. lot	13L	Specialty Retail	50A-50B S.E.



**RIVIERA DUNES**  
CITY OF PALMETTO, FLORIDA  
MASTER DEVELOPMENT PLAN

AUGUST 29, 2003

ORD. NO. 665  
DEC 20, 1999  
EXHIBIT "A"

DRAFT

DRJ #236 RIVIERA DUNES

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT; DRI#236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 29, 2003 W. C. Riviera Partners, LC., hereinafter referred to as "Developer", filed a Notice of Proposed Change ("NOPC") with the City of Palmetto pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the City Council of the City of Palmetto as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the authority to consider and approve an amended Development Order for the Development; and

WHEREAS, the Planning and Zoning Board of the City of Palmetto, as the City of Palmetto's local planning agency, has reviewed the NOPC and the report of the Tampa Bay Regional Planning Council ("TBRPC"), held public hearings and has filed a recommendation with City Council; and

WHEREAS, the City Council has received and considered the comments of the Planning and Zoning Board and the TBRPC; and

WHEREAS, the City Council on held a duly noticed public hearing on the NOPC, and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, City agencies and the Developer.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALMETTO IN A REGULAR MEETING ASSEMBLED THIS THE AS FOLLOWS:

Section 1. Findings of Fact. The City Council hereby makes the following findings of fact:

- A. All of the recitals are adopted as findings of fact.
- B. The Developer has received City approval and has commenced development in accordance with Ordinance No. 665.
- C. The owner of the not yet developed or sold property and the Development is W. C. Riviera Partners, LC.

- D. The authorized agent for the Developer is Linda J. Svenson.
- E. The real property which is the subject of this Development Order is legally described on Exhibit "B" to this Ordinance.

Section 2. Conclusions of Law. Based upon the previous findings of fact and the following conditions of Development Approval, the City Council concluded that:

- A. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan.
- B. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.

Section 3. Amendment to Ordinance. Section 4 Subsection E, and Section 6 Subsection G. Table 3, of Ordinance 665 (as amended) are hereby amended and the indicated sections are replaced in their entirety as follows:

Section 4. Land Use exchange Matrix The Developer may exchange land uses within the DRI in accordance with the following:

- A. *Any exchange of land uses shall not increase total residential units above the maximum 752 units. The maximum number of hotel rooms cannot exceed 200 rooms.*

Section 6. Development Conditions

Table 3  
Required Improvements

Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement/ number of trips to generate need
Roadway Improvements <sup>(1)</sup>			
U.S. 41/U.S. 301 (6 <sup>th</sup> Avenue E to Manatee Avenue)	F	6.6	Construct NB and SB thru lanes/695*/856** (at 71% of buildout)

Table 3  
Required Improvements

DRAFT

Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (Percent)	Required Improvement/ number of trips to generate need
<b>Roadway Improvements<sup>(1)</sup></b>			
U.S.41/U.S.301 (south side of intersection of Haben Boulevard to U.S. 301 ramps)	F	7.2	Construct NB thru lane /430*/529** (at 44% of buildout)
<b>Intersection Improvements<sup>(2)</sup></b>			
U.S. 301 at Haben Boulevard	F	10.9	Re-stripe NB approach from exclusive LT, thru and RT lanes to share left-thru and dual RT lanes. Change signal phasing/ 441*/543**/(at 45% of buildout)
U.S. 41 at Haben Boulevard	F	7.8	Re-stripe existing RT lane as thru lane. Construct second SB LT lane. Construct new SB RT land. New SB and NB receiving lanes/430* / 543** (at 44% of buildout)
U.S. 41 at 7 <sup>th</sup> Street W.	F	5.5	Signalize when warranted by the MUTCD and approved by FDOT or alternative solution/ 49*/60** (at 5% of buildout)

\* net external trips pm peak hour

\*\*gross external trips pm peak hour

Acronym Listing:

EB - East Bound  
WB - West Bound  
NB - North Bound  
SB - South Bound

MUTCD - Manual of Uniform Traffic Control Devices  
LT - Left Turn  
RT - Right Turn

Notes: (1) Project traffic impact based on ratio of two-way peak hour DRI volume to peak hour peak season approach capacity for the roadway segment.  
(2) Project traffic impact based on ratio of DRI approach volume to peak hour peak season approach capacity for the intersection.

DRAFT

Section 4. It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then such provisions or portions shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Ordinance No. 665, except as amended herein, shall remain in full force and effect.

Section 6. The Ordinance shall become effective in accordance with Section 13 of the City Charter; provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal.

**APPROVED AND ADOPTED**, in open session with a quorum present and voting this

First Reading:  
Publication:  
Second Reading and  
Public Hearing:

Attest: J. E. FREE, JR  
CITY CLERK

CITY OF PALMETTO, FLORIDA  
BY AND THROUGH ITS CITY COUNCIL  
OF THE CITY OF PALMETTO

BY: \_\_\_\_\_  
J.E. FREE, JR CITY CLERK

BY: \_\_\_\_\_  
LAWRENCE E. BUSTLE, JR., MAYOR

Riviera Dunes DRI NOPC  
Response to Comments

City of Palmetto

1. Developer should provide documentation for turning movement splits at Haben and US 301/41 for both the background and modified project scenarios.

AM and PM peak period (7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m.) turning movement counts were collected on October 28 and 29, 2003, at the US-41/US-301/Haben Boulevard intersection. The observed turning movement volumes were used as the “seed” to develop future background turning movement volumes from forecast 2005 AADT times  $K_{100}$  approach volumes using an iterative factoring method described in *Highway Traffic Data for Urbanized Area Project Planning and Design* (National Cooperative Highway Research Program (NCHRP) Report No. 255). Turning movement splits for Riviera Dunes DRI project-generated traffic were based on the gravity model and select-zone assignment functions of the Sarasota Manatee Area Transportation Study (SMATS) computer travel demand model developed by the Sarasota/Manatee County MPO. Detailed documentation is attached.

Tampa Bay Regional Planning Council

1. The applicant revised the Year 2005 background traffic volumes from those used in the original DRI analysis for the intersection of US 41/US 301 at Haben Boulevard. The revised volumes were based on historical growth trends documented in the vicinity of the project. Use of the historical growth trends may underestimate background traffic projections because traffic from approved but not constructed/occupied land uses may not be recognized in the historical growth trends.

Please utilize the background traffic projections approved in the original DRI or update the background projections based upon the methodology agreed to in the original DRI for projecting background traffic. Furthermore, it will be necessary to have current A.M. and P.M. peak hour turning movement counts at the subject intersection to appropriately consider reducing the extent of the required improvement.

The background traffic growth rate used in the original traffic analysis (*Riviera Dunes DRI Mixed-Use Development Traffic Impact Analysis*, Tindale-Oliver and Associates, Inc., April 12, 1999) was 2.178 percent per year. That growth rate was developed by comparing 2005 SMATS model study network vehicle-miles of travel (VMT) with 1990 SMATS model study network VMT and was determined to be higher than historical background traffic growth rates based on data published by FDOT at that time.

A similar procedure was followed to identify the background traffic growth rate used for the analysis summarized in these responses, the difference being that the SMATS model has been updated since the time of the original Riviera Dunes DRI traffic analysis. The background traffic growth rate derived by comparing 2005 SMATS model study network VMT with 1995 SMATS model study network VMT is 1.684 percent per year. The growth rate derived from historical growth trends in the vicinity of the project site based on currently available data published by FDOT is 2.5 percent per year. In the updated traffic analysis summarized in these responses, a background traffic growth rate of 2.5 percent per year was used.

AM and PM peak period (7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m.) turning movement counts were collected on October 28 and 29, 2003, at the US-41/US-301/Haben Boulevard intersection.

2. The 2005 A.M. and P.M. peak hour intersection analyses (pages A-10 and A-12) utilize 4 seconds total lost time for each cycle phase. Manatee County uses 4.5 seconds yellow plus one second all red on US 41/US 301 and 4.0 seconds yellow plus 1 second all red on the Haben side street approach. Please revise the analysis to use the lost times actually in place at the subject intersection.

The analysis has been updated using the specified yellow and all-red times.

3. The A.M. peak hour intersection analysis (page A-10) indicates an overall LOS D condition. However, the southbound through movement is reporting a v/c ratio of 1.06, which indicates that the demand for the southbound through vehicles is greater than the capacity provided by the signal.

The southbound through movement is the major movement in the A.M. peak hour and approximately equals the volume of the opposite northbound through movement in the P.M. peak hour. The applicants intersection analysis indicates that removing the required additional southbound through lane would result in this movement failing during the A.M. peak hour.

TBRPC's policy requires that the overall intersection operate at the established level of service standard and that the movement v/c ratios be less than or equal to 1.0. Please revise the intersection analysis accordingly.

The traffic analysis submitted with the NOPC application, dated April 25, 2003, has been updated based on comments received from review agencies. In the updated traffic analysis summarized in these responses, the following procedure was used to develop 2005 analysis year peak hour US-41/US-301/Haben Boulevard intersection turning movement volumes with full buildout of Riviera Dunes DRI:

2003 existing AADT volumes on US-41/US-301 south of the US-41/US-301/Haben Boulevard intersection were estimated to be 57,581 vehicles per day (vpd) based on a regression analysis of recent historical AADT data published by FDOT;

2003 existing AADT volumes on the north and east legs of the US-41/US-301/Haben Boulevard intersection were estimated based on the relationship of two-way traffic volumes observed during the four hours of peak period turning movement counts collected on October 28 and 29, 2003. That is, two-way traffic volumes on the north leg are about 83 percent of two-way traffic volumes on the south leg and two-way traffic volumes on the east leg are about 22 percent of two-way traffic volumes on the south leg;

Existing Riviera Dunes DRI daily traffic volumes—estimated using data published in *Trip Generation* (Institute of Transportation Engineers, 6<sup>th</sup> edition, 1997) and assigned to the US-41/US-301/Haben Boulevard intersection based on a trip distribution identified through the gravity model and select-zone assignment functions of the SMATS model—were subtracted from estimated AADTs;

The remaining 2003 background traffic volumes were factored up to 2005 background traffic volumes using a background traffic growth rate of 2.5 percent per year based on a regression analysis of recent historical AADT data published by FDOT;

2005 AM and PM peak hour background traffic approach volumes for the study intersection were estimated using peak-to-daily ratios published by FDOT and directional factors observed during the turning movement counts collected on October 28 and 29, 2003;

Riviera Dunes DRI buildout AM and PM peak hour traffic volumes—estimated using data published in *Trip Generation* and assigned to the US-41/US-301/Haben Boulevard intersection based on a trip distribution identified through the gravity model and select-zone assignment functions of the SMATS model—were added to the estimated 2005 AM and PM peak hour background traffic approach volumes to estimate 2005 AM and PM peak hour approach volumes with full buildout of Riviera Dunes DRI; and, finally,

2005 design year with full buildout of Riviera Dunes DRI AM and PM peak hour turning movement volumes were estimated using the observed turning movement volumes as the “seed” for the iterative factoring method described in *Highway Traffic Data for Urbanized Area Project Planning and Design*.

The updated analysis arrives at results similar to the previous analysis. Calculated operations of LOS D were obtained at the US-41/US-301/Haben Boulevard intersection during the AM peak hour. For the critical southbound thru and westbound left turn movements, the volume-to-capacity ratio was calculated to be 1.04, which is less than the reciprocal of the peak hour factor ( $1 / 0.92 = 1.087$ ). As summarized in the attached FDOT position paper, this is an appropriate hourly

intersection capacity check indicating sufficient physical capacity over the course of the AM peak hour. Therefore, the US-41/US-301/Haben Boulevard intersection is expected to operate at LOS D with sufficient capacity under 2005 with full buildout of Riviera Dunes DRI conditions, without a third southbound thru lane.

#### Florida Department of Transportation

1. The submittal does not contain sufficient data to review the traffic volume estimates. We therefore have based our review on the assumption that the traffic volumes provided by Tindale-Oliver are correct.

Unfortunately, some of the traffic analysis appendix pages were not included in the NOPC submittal. We have tried to include sufficient documentation with this submittal. If additional information is required, please contact Tindale-Oliver and Associates, Inc., at (813) 224-8862.

2. The Level of Service (LOS) analysis for the P.M. peak hours is adequate, and the results are reasonable.

No response required.

3. The LOS analysis for the A.M. peak hour is in error as the southbound left turn movement has permitted phasing, which is not allowed with dual turn lanes. When this is corrected the resulting LOS will be significantly worse.

Protected-only phasing for the southbound dual left turn lanes is reflected in the updated analysis. This correction does not significantly affect the results at this T-intersection, since green time for the protected southbound left turn phase is available from the non-critical northbound thru phase.

4. Although the results show the overall intersection operating at the LOS D during the A.M. peak hour, the west approach operates at LOS F. This is not acceptable because the signal operation would not actually be timed in such an unbalanced manner. A more balanced timing pattern would show the southbound through movement also operating below LOS D.

The timing plans for the previous analysis and for the revised analysis were optimized using the Synchro (Version 5.0) software, which balances signal timings in terms of critical movement v/c ratios, rather than average delay per vehicle. Manual balancing of the signal timings in terms of average delay per vehicle results in LOS D, for the intersection as a whole (while increasing overall intersection delay by four seconds per vehicle), and LOS E, or better, for each individual movement.

5. The next critical movement after the westbound left turn, is the southbound through movement, which is shown to operate at LOS D, which, with only two southbound through lanes, has no excess capacity to be shared with the westbound left movement. This indicates that the third southbound through lane is required to provide the additional capacity to

give more green time to the east approach, and provide a more realistic timing pattern.

The critical movements during the AM peak hour are the southbound thru and westbound left turn movements. As shown in the analysis, these movements would each experience a calculated volume-to-capacity ratio of 1.04, which is less than the reciprocal of the peak hour factor ( $1 / 0.92 = 1.087$ ), indicating sufficient physical capacity over the course of the AM peak hour. Therefore, the US-41/US-301/Haben Boulevard intersection is expected to operate at LOS D with sufficient capacity under 2005 with full buildout of Riviera Dunes DRI conditions, without a third southbound thru lane.

6. In conclusion, our review indicates that the third southbound through lane is required for acceptable operation of the intersection.

The analysis indicates sufficient physical capacity over the course of the AM peak hour. The US-41/US-301/Haben Boulevard intersection is expected to operate at LOS D with sufficient capacity under 2005 with full buildout of Riviera Dunes DRI conditions, without a third southbound thru lane.

#### Manatee County

1. Manatee County is particularly concerned about your proposal to eliminate the requirement for the third southbound thru-lane at the U.S. 41 and Haben Blvd. intersection. We concur that the information submitted does not support such a change.

The previously submitted analysis and the currently submitted analysis indicate sufficient physical capacity over the course of the AM peak hour. The US-41/US-301/Haben Boulevard intersection is expected to operate at LOS D with sufficient capacity under 2005 with full buildout of Riviera Dunes DRI conditions, without a third southbound thru lane.

2. New a.m. and p.m. traffic turning movement counts should be taken and the Peak Season Factor should be utilized for those counts (not the weekly factor). A new future traffic distribution should be utilized, as the SMATS model has changed since 1999 and the development is proposed to be changed from the west side to the east side. Then the intersections should be analyzed.

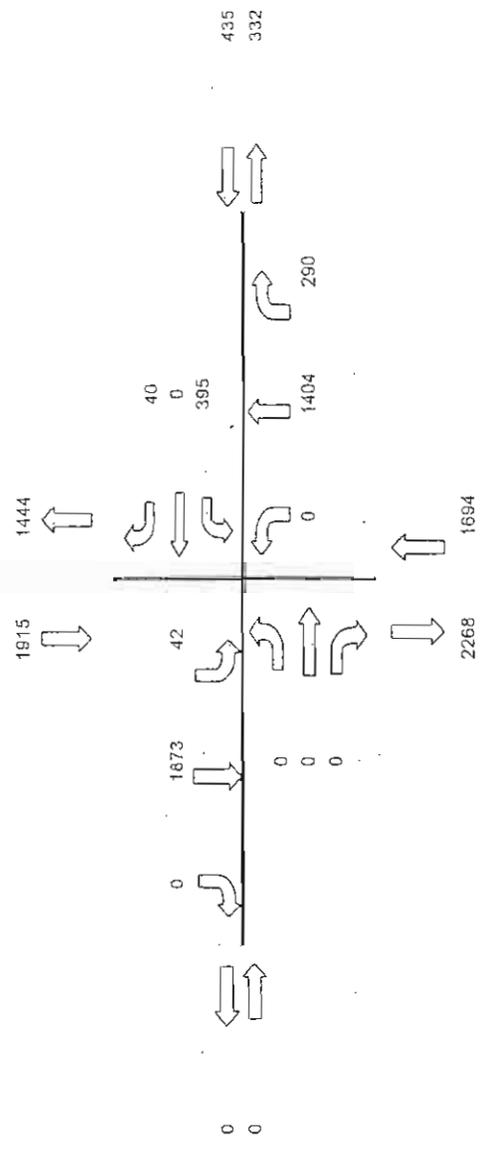
AM and PM peak period (7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m.) turning movement counts were collected on October 28 and 29, 2003, at the US-41/US-301/Haben Boulevard intersection. The weekly factor is the appropriate factor to use to convert daily traffic counts collected during a given week to estimated AADT volumes. AADT times  $K_{100}$  time D-factor was used to estimate analysis hour approach volumes. Please see response to City of Palmetto comment 1 and Tampa Bay Regional Planning Council comment 3, above, for a full discussion of the methodology and findings of the analysis.

**Attachment A**  
**Analysis Worksheets**

AM TMC

Location: US-41 and Haben Boulevard  
 Date: October 28, 2003  
 Source: KFS, LR

Time	Northbound			Southbound			Eastbound			Westbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
7:00 - 7:15	0	305	56	7	402	0	0	0	0	58	0	5	833
7:15 - 7:30	0	331	54	4	426	0	0	0	0	91	0	11	917
7:30 - 7:45	0	344	70	8	457	0	0	0	0	89	0	6	974
7:45 - 8:00	0	384	88	11	535	0	0	0	0	107	0	6	1131
8:00 - 8:15	0	345	78	19	455	0	0	0	0	109	0	17	1022
8:15 - 8:30	0	368	64	12	382	0	0	0	0	51	0	8	898
8:30 - 8:45	0	314	58	11	416	0	0	0	0	101	0	7	907
8:45 - 9:00	0	296	62	17	330	0	0	0	0	90	0	12	807
PM PEAK HOUR 7:15 - 8:15	0	1404	290	42	1873	0	0	0	0	395	0	40	4044
PEAK HOUR FACTOR	#DIV/0!	0.91	0.82	0.55	0.88	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	0.91	#DIV/0!	0.59	0.89



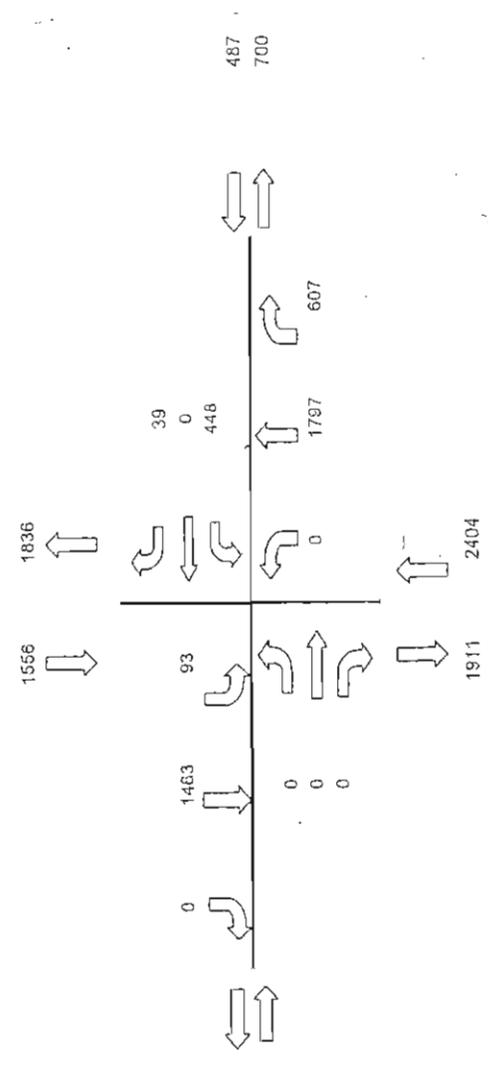
D-1

PM TMC

Location: US-41 and Haben Boulevard  
 Date: October 29, 2003  
 Source: KFS, LR

Time	Northbound			Southbound			Eastbound			Westbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4:00 - 4:15	0	435	177	29	375	0	0	0	0	97	0	10	1123
4:15 - 4:30	0	477	163	17	352	0	0	0	0	112	0	10	1131
4:30 - 4:45	0	425	139	24	393	0	0	0	0	138	0	14	1133
4:45 - 5:00	0	460	128	23	343	0	0	0	0	101	0	5	1060
5:00 - 5:15	0	409	130	9	400	0	0	0	0	103	0	15	1066
5:15 - 5:30	0	495	127	12	367	0	0	0	0	82	0	5	1108
5:30 - 5:45	0	504	144	6	417	0	0	0	0	75	0	15	1162
5:45 - 6:00	0	473	82	4	380	0	0	0	0	60	0	9	1008
PM PEAK HOUR 4:00 - 5:00	0	1797	607	93	1463	0	0	0	0	448	0	39	4447
PEAK HOUR FACTOR	#DIV/0!	0.94	0.86	0.80	0.93	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	0.81	#DIV/0!	0.70	0.98

A-2



11/10/2003

Tindale-Oliver and Associates, Inc.

ITE Trip Generation Estimates-11-05-03a.xls

MAILED VMT GROWTH

Growth Rate Based on Study Network VMT

On	From	To	Distance Mile	1995 Volume		2005 Volume		1995 Volume		2005 Volume		1995 VMT	2005 VMT
				N/E	S/W	N/E	S/W	Two-way	Two-way	Two-way	Two-way		
US-301/SR-45	Haben	>>	0.15	15559	14914	17446	17173	30473	34619	4571	5193		
US-301/SR-45	>>	>>	0.11	15122	14929	17074	17273	30051	34347	3306	3778		
US-301/SR-45	>>	>>	0.5	15113	14993	17212	17401	30106	34613	15053	17307		
US-301/SR-45	>>	>>	0.4	14983	14863	16908	17096	29846	34004	11938	13602		
US-301/SR-45	>>	CR-683	0.33	14672	14534	16559	16763	29206	33322	9638	10996		
7th St	US-41(Bus)	>>	0.07	653	662	3230	3425	1315	6655	92	466		
7th St	>>	>>	0.06	686	691	5177	5100	1377	10277	83	617		
7th St	>>	US-41/US-301	0.46	0	0	5196	5197	0	10393	0	4781		
Haben Blvd	US-41/US301	>>	0.11	6795	6991	9404	10633	13786	20037	1516	2204		
Haben Blvd	>>	US-301/SR-43	0.95	5330	5499	7616	9018	10829	16634	10288	15802		
US-41/US-301	7th St	>>	0.2	22213	22078	25896	24587	44291	50483	8858	10097		
US-41/US-301	>>	>>	1.3	29008	29069	35115	35036	58077	70151	75500	91196		
US-41/US-301	>>	>>	0.09	27437	28131	30306	26592	55568	56898	5001	5121		
US-41/US-301	>>	>>	0.06	26972	25671	22680	21749	52643	44429	3159	2666		
US-41/US-301	>>	>>	0.1	26831	25671	22680	21749	52502	44429	5250	4443		
US-41/US-301	>>	>>	0.14	29816	28534	25717	25307	58350	51024	8169	7143		
US-41/US-301	>>	13th Ave	0.11	30012	28730	25911	25501	58742	51412	6462	5655		
Canal Rd	US-301/SR-43	>>	0.24	1045	972	929	940	3886	1869	933	449		
Canal Rd	>>	17th St	0.27	1165	1074	1146	1154	4539	2300	1226	621		
Total										171043	202137		
Growth										1.01684			

A-3

Florida Department of Transportation  
 Transportation Statistics Office  
 Historical AADT Report

County: 13 - MANATEE

Site 0031

SR 55/US 41/301/1ST ST, NORTH OF MANATEE RIVER

Year	AADT	Direction 1	Direction 2
2001	F 55,500	N 27,500	S 28,000
2000	C 55,500	N 27,500	S 28,000
1999	C 51,000	N 25,500	S 25,500
1998	C 49,500	N 23,500	S 26,000
1997	C 51,000	N 25,500	S 25,500
1996	C 47,500	N 23,000	S 24,500
1995	C 44,500	N 22,000	S 22,500
1994	C 44,500	N 22,500	S 22,000
1993	C 45,500	N 22,500	S 23,000
1992	C 43,500	N 21,500	S 22,000
1991	41,116	N 19,954	S 21,162
1990	43,691	N 21,893	S 21,798
1989	39,869	N 19,811	S 20,058
1988	42,001	N 20,898	S 21,103
1987	42,282	N 21,351	S 20,931
1986	38,480	N 19,467	S 19,013
1985	37,850	N 18,737	S 19,113
1984	36,621	N 18,186	S 18,435
1983	34,094	N 16,357	S 17,737
1982	31,677	N 15,539	S 16,138
1980	47,229	N 23,603	S 23,626
1979	46,245	N 23,184	S 23,061
1978	44,703	N 22,349	S 22,354
1977	43,363	N 21,680	S 21,683
1976	42,473	N 21,204	S 21,269
1975	42,176	N 21,162	S 21,014
1974	35,717	N 18,230	S 17,487
1973	31,410	N 15,470	S 15,940
1972	27,619	N 14,044	S 13,575
1971	25,332	N 12,656	S 12,676
1970	26,827	N 12,827	S 14,000

PA

AADT Flags: C = Computed; E = Manual Estimate; F = First Year Est;  
 S = Second Year Est; T = Third Year Est; X = Unknown

# REGRESSION ANALYSIS

County: 13 - MANATEE

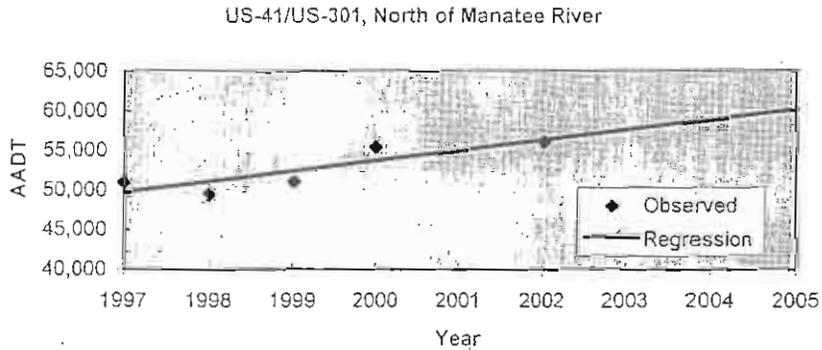
Site 0031 US-41/US-301, north of Manatee River

Year	AADT	Regression
1997	51,000	49,716
1998	49,500	51,027
1999	51,000	52,338
2000	55,500	53,649
2002	56,000	56,270
2003		57,581
2004		58,892
2005		60,203

Growth Rate  
1.02507619

### SUMMARY OUTPUT

Regression Statistics	
Multiple R	0.8560638
R Square	0.73284524
Adjusted R Square	0.64379365
Standard Error	1757.86521
Observations	5



### ANOVA

	df	SS	MS	F	Significance F
Regression	1	25429729.7	25429729.7	8.22944606	0.06411842
Residual	3	9270270.27	3090090.09		
Total	4	34700000			

	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	Lower 95.0%	Upper 95.0%
Intercept	-2567972.97	913505.396	-2.81111966	0.06723041	-5475157.57	339211.625	-5475157.57	339211.625
X Variable 1	1310.81081	456.935303	2.86870111	0.06411842	-143.36262	2764.98424	-143.36262	2764.98424

### RESIDUAL OUTPUT

Observation	Predicted Y	Residuals
1	49716.2162	1283.78378
2	51027.027	-1527.02703
3	52337.8378	-1337.83784
4	53648.6486	1851.35135
5	56270.2703	-270.27027

VOLUME FORECAST

2005 Future Volume Derivation Worksheet

Segments	Estimated AADT	2003 Existing Project Traffic Distribution	Daily Volume	Growth Rate	2005 Background										2005 Future Project Traffic						2005 With Project					
					2005 AADT	D-Factor		K-100		AM Peak Hour		PM Peak Hour		Traffic Distribution	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour					
						AM	PM	AM	PM	N/E	S/W	N/E	S/W		N/E	S/W	N/E	S/W	N/E	S/W	N/E	S/W	N/E	S/W		
US-41, north of Haben Blvd	47,933	27%	921	2.50%	49,077	0.57	0.55	0.086	0.091	1,815	2,406	2,456	2,010	25%	97	47	104	130	1,912	2,453	2,590	2,740				
US-41, south of Haben Blvd	57,581	48%	1,637	2.50%	58,776	0.57	0.55	0.086	0.091	2,174	2,881	2,942	2,207	48%	90	185	250	199	2,254	3,056	3,192	2,606				
Haben Blvd, east of US-41	12,611	75%	2,538	2.50%	10,562	0.57	0.59	0.086	0.091	391	518	557	394	73%	137	282	380	302	528	800	947	695				

# RIVIERA DUNES DRI

## EXISTING AND BUILD-OUT

### TRIP GENERATION ESTIMATES

Proposed Total Developments of Riviera Dunes

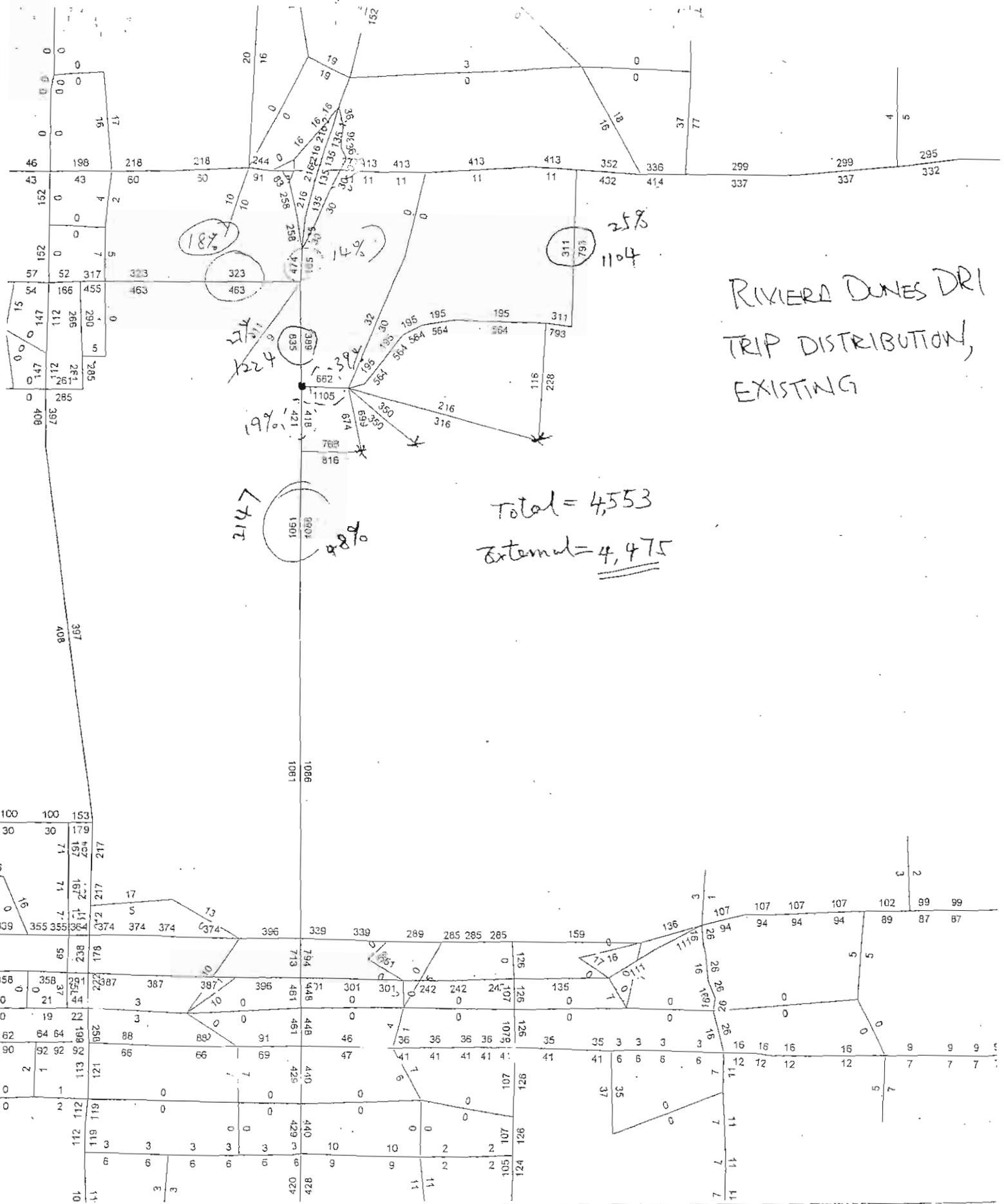
Trip Generation Estimate

ITE Land Use, Code, and Size	Daily Trips	AM Peak Hour		PM Peak Hour		Total
		In	Out	In	Out	
Currently Proposed Land Use						
Single-Family Detached Housing	250 du	46	138	157	88	245
Multi-Family Residential	117 du	10	51	55	27	82
Residential Condominium	250 du	18	88	88	43	131
Hotel	125 rm	39	29	36	38	74
County Park	0 Acres	0	0	0	0	0
Marina	420 (Average Rate)	6	12	25	17	42
Multipurpose Rec Facility	0 Acres	0	0	0	0	0
Specialty Retail Center	156,285 sf	6,356	0	174	231	405
Convenience Market	3,500 sf	2,583	115	114	94	188
<b>Total</b>		<b>15,366</b>	<b>234</b>	<b>432</b>	<b>538</b>	<b>1,167</b>
Less Internal Capture						
Less Pass-by						
Specialty Retail Center	25.00 %	-1,589	-46	-46	-55	-96
Convenience Market	40.00 %	-1,033	-92	-35	-36	-71
<b>Net New External</b>		<b>12,744</b>	<b>188</b>	<b>386</b>	<b>414</b>	<b>934</b>

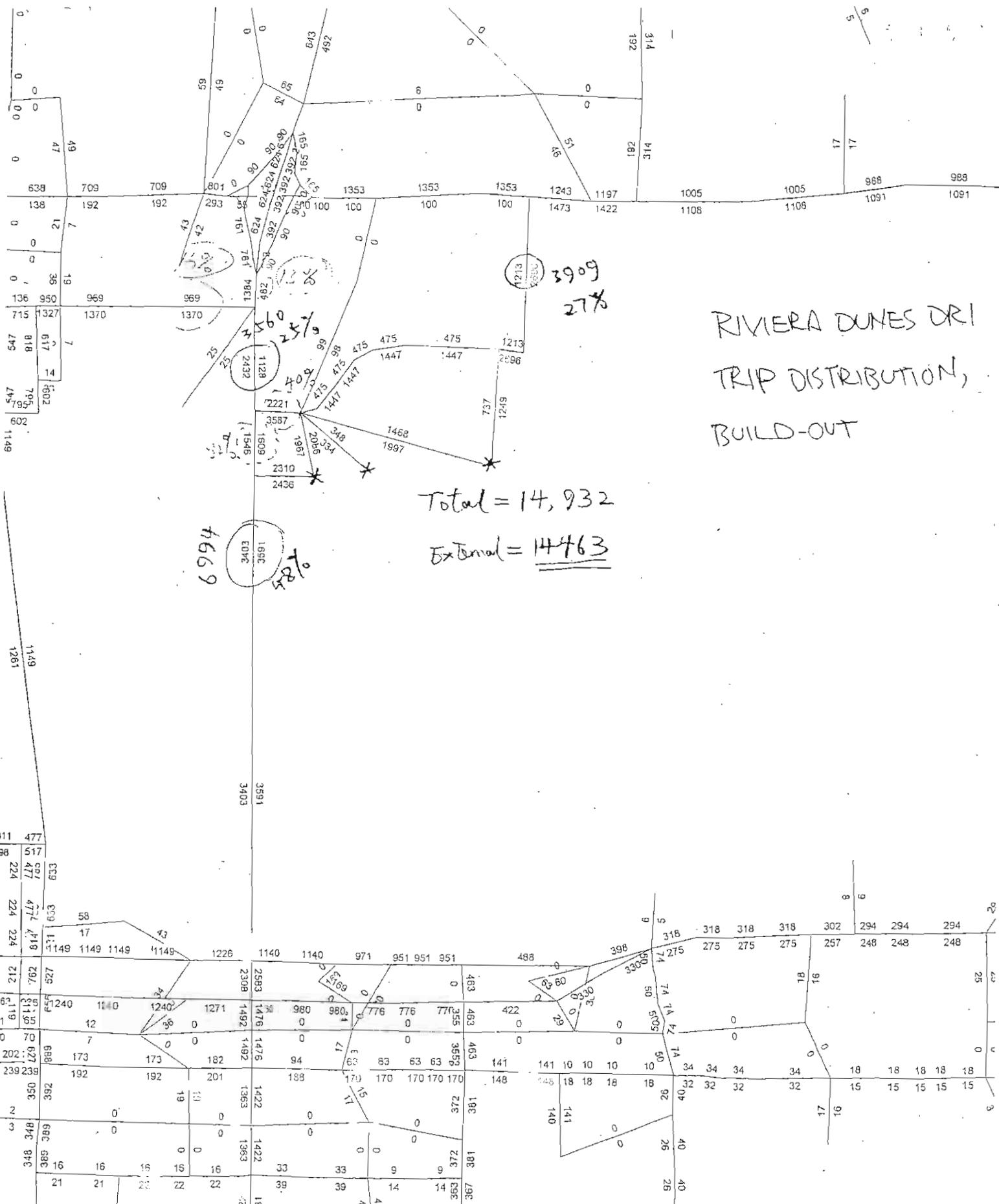
Current Status of Riviera Dunes

Trip Generation Estimate

ITE Land Use, Code, and Size	Daily Trips	AM Peak Hour		PM Peak Hour		Total
		In	Out	In	Out	
Currently Proposed Land Use						
Single-Family Detached Housing	85 du	17	52	60	33	93
Multi-Family Residential	0 du	0	0	0	0	0
Residential Condominium	0 du	0	0	0	0	0
Hotel	0 rm	0	0	0	0	0
County Park	0 Acres	0	0	0	0	0
Marina	420 (Average Rate)	6	12	25	17	42
Multipurpose Rec Facility	0 Acres	0	0	0	0	0
Specialty Retail Center	10,400 sf	423	0	12	15	27
Convenience Market	3,500 sf	2,583	115	114	94	188
<b>Total</b>		<b>4,550</b>	<b>-138</b>	<b>178</b>	<b>159</b>	<b>350</b>
Less Internal Capture						
Less Pass-by						
Specialty Retail Center	25.00 %	-106	-46	-3	-3	-6
Convenience Market	40.00 %	-1,033	-92	-35	-36	-71
<b>Net New External</b>		<b>3,411</b>	<b>92</b>	<b>132</b>	<b>110</b>	<b>252</b>



2005 SMATS Model  
 Selected Zone Assignment (Existing)



RIVIERA DUNES DRI  
TRIP DISTRIBUTION,  
BUILD-OUT

Total = 14,932  
External = 14463

2005 SMATS Model  
Selected Zone Assignment (Total Proposed Developments)

# AM TURNING MOVEMENT ESTIMATE

Job No.: 19402.03  
 Project Name: Riviera Dunes DRI  
 Date: 11/10/03  
 Location: US-41/Haben Blvd  
 Analysis Period: AM Peak Hour  
 Analyst: JY

(2005 with Project)

Development Volume: (Net external, two-way volume. Directional split must be addressed in assignment percents.)

Forecast Year Approach Total Estimates:

	Raw:		Balanced (Goal):		
	IN	OUT	INS	INS	OUTS
NB	2264	1912	NB	2262	1914
SB	2453	3066	SB	2451	3069
EB	0	528	EB	0	529
WB	800	0	WB	799	0
Total	5517	5505	Total	5512	5512

Base Year TMC:

	EB	WB	NB	SB	
L	0	395	0	42	
T	0	0	1404	1873	
R	0	40	290	0	
Total Ins:	0	435	1694	1917	4044
Total Outs:	332	0	1444	2368	4144

Development Traffic Assignment (Percent of Two-Way Net External Traffic)

	EB	WB	NB	SB
L	0.0%	0.0%	0.0%	0.0%
T	0.0%	0.0%	0.0%	0.0%
R	0.0%	0.0%	0.0%	0.0%

Future Year Background Traffic:

	EB	WB	NB	SB
L	0	717	0	69
T	0	0	1822	2368
R	0	78	456	0

Future Year Development Traffic:

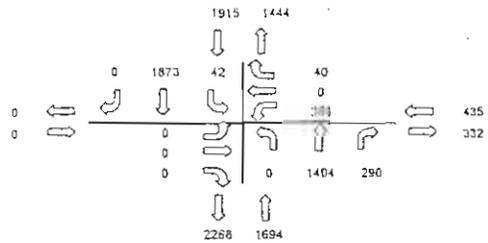
	EB	WB	NB	SB
L	0	0	0	0
T	0	0	0	0
R	0	0	0	0

Future Year Total Traffic:

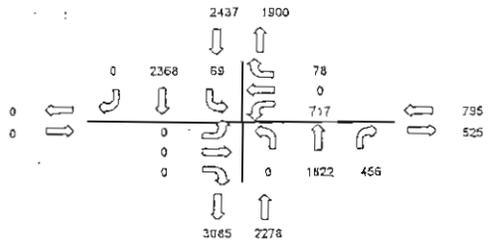
	EB	WB	NB	SB
L	0	717	0	69
T	0	0	1822	2368
R	0	78	456	0
Total Ins:	0	796	2278	3438
Total Outs:	525	0	1900	3085

Closure: 99.45%

Source: Tindale-Oliver and Associates, Inc.



Base Year TMC



Future Year Turning Volume

A-10

# PM TRIP VOLUME MOVEMENT ESTIMATE

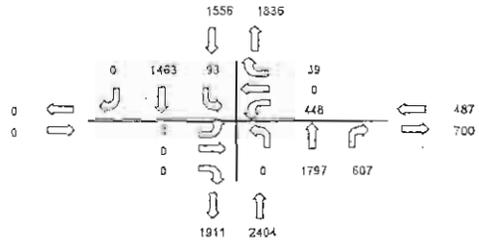
Job No.: 19402.03  
 Project Name: Riviera Dunes DRT (2005 with Project)  
 Date: 11/10/03  
 Location: US-41/Habit Blvd  
 Analysis Period: PM Peak Hour  
 Analyst: JY  
 Development Volume: (Net external, two-way volume. Directional split must be addressed in assignment percent.)

**Forecast Year Approach Total Estimates:**

	Raw:		Balanced (Goal):		
	IN	OUT	NB	INS	OUTS
NB	3192	2560	NB	3215	2542
SB	2140	2505	SB	2155	2588
EB	0	947	EB	0	940
WB	396	0	WB	701	0
<b>Total</b>	<b>6028</b>	<b>6113</b>	<b>Total</b>	<b>6071</b>	<b>6071</b>

**Base Year TMC:**

	EB	WB	NB	SB	Total Ins	Total Outs
L	0	448	0	93		
T	0	0	1797	1463		
R	0	39	607	0		
<b>Total Ins:</b>	<b>0</b>	<b>487</b>	<b>2404</b>	<b>1556</b>	<b>4447</b>	<b>4447</b>
<b>Total Outs:</b>	<b>700</b>	<b>0</b>	<b>1836</b>	<b>1911</b>		



**Base Year TMC**

**Development Traffic Assignment (Percent of Two-Way Net External Traffic)**

	EB	WB	NB	SB
L	0.0%	0.0%	0.0%	0.0%
T	0.0%	0.0%	0.0%	0.0%
R	0.0%	0.0%	0.0%	0.0%

**Future Year Background Traffic:**

	EB	WB	NB	SB
L	0	628	0	145
T	0	0	2454	1988
R	0	66	789	0

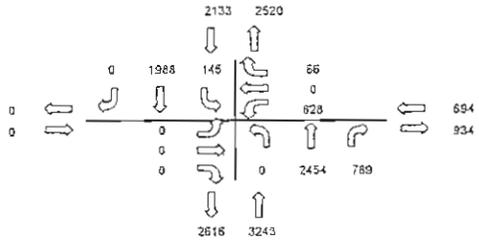
**Future Year Development Traffic:**

	EB	WB	NB	SB
L	0	0	0	0
T	0	0	0	0
R	0	0	0	0

**Future Year Total Traffic:**

	EB	WB	NB	SB	Total Ins	Total Outs
L	0	628	0	145		
T	0	0	2454	1988		
R	0	66	789	0		
<b>Total Ins:</b>	<b>0</b>	<b>694</b>	<b>3243</b>	<b>2133</b>	<b>694</b>	<b>934</b>
<b>Total Outs:</b>	<b>935</b>	<b>0</b>	<b>2520</b>	<b>2616</b>		

Closure: 99.15%



**Future Year Turning Volume**

Source: Tindale-Oliver and Associates, Inc.

AM PEAK HOUR

Riviera Dunes DRI

3: Haben Blvd. & US 41/US 301

SYNCHRO-BALANCE CRITICAL MOVEMENT  $\frac{1}{6}$  11/10/2003



Lane Group	WBL	WBR	NBT	NBR	SEL	SEB
Lane Configurations	↔↔	↗	↑↑↑	↗	↔↔	↑↑
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	350		600	600	
Storage Lanes	2	1		1	2	
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (ft)	50	50	50	50	50	50
Trailing Detector (ft)	0	0	0	0	0	0
Turning Speed (mph)	15	9		9	15	
Satd. Flow (prot)	3433	1583	4940	1583	3433	3438
Flt Permitted	0.950				0.950	
Satd. Flow (perm)	3433	1583	4940	1583	3433	3438
Right Turn on Red		Yes		Yes		
Satd. Flow (RTOR)		16		161		
Link Speed (mph)	35		55			55
Link Distance (ft)	3016		2880			2560
Travel Time (s)	58.8		35.7			31.7
Volume (vph)	717	78	1822	456	69	2368
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	5%	2%	2%	5%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Lane Group Flow (vph)	779	85	1980	496	75	2574
Turn Type		pm+ov		pm+ov	Prot	
Protected Phases	8	1	2	8	1	6
Permitted Phases		8		2		
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	22.5	9.5	22.5	22.5	9.5	22.5
Total Split (s)	32.3	10.7	87.0	32.3	10.7	97.7
Total Split (%)	25%	8%	67%	25%	8%	75%
Maximum Green (s)	27.3	5.2	81.5	27.3	5.2	92.2
Yellow Time (s)	4.0	4.5	4.5	4.0	4.5	4.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0
Lead/Lag		Lead	Lag		Lead	
Lead-Lag Optimize?		Yes	Yes		Yes	
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Minimum Gap (s)	3.0	3.0	3.0	3.0	3.0	3.0
Time Before Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Time To Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Recall Mode	None	None	Min	None	None	Min
Walk Time (s)	5.0		5.0	5.0		5.0
Flash Dont Walk (s)	11.0		11.0	11.0		11.0
Pedestrian Calls (#/hr)	0		0	0		0
Act Effct Green (s)	28.3	39.0	82.9	115.3	6.8	93.7



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Actuated g/C Ratio	0.22	0.30	0.64	0.89	0.05	0.72
v/c Ratio	1.04	0.17	0.63	0.35	0.42	1.04
Uniform Delay, d1	50.8	27.0	14.2	0.7	59.7	18.1
Delay	84.4	27.5	14.3	0.8	60.1	43.5
LOS	F	C	B	A	E	D
Approach Delay	78.8		11.6			44.0
Approach LOS	E		B			D
90th %ile Green (s)	27.3	5.2	81.5	27.3	5.2	92.2
90th %ile Term Code	Max	Max	Hold	Max	Max	Max
70th %ile Green (s)	27.3	5.2	81.5	27.3	5.2	92.2
70th %ile Term Code	Max	Max	Hold	Max	Max	Max
50th %ile Green (s)	27.3	5.2	81.5	27.3	5.2	92.2
50th %ile Term Code	Max	Max	Hold	Max	Max	Max
30th %ile Green (s)	27.3	5.2	81.5	27.3	5.2	92.2
30th %ile Term Code	Max	Max	Hold	Max	Max	Max
10th %ile Green (s)	27.3	5.2	81.5	27.3	5.2	92.2
10th %ile Term Code	Max	Max	Hold	Max	Max	Max
Queue Length 50th (ft)	~365	43	344	26	31	~1230
Queue Length 95th (ft)	#492	86	390	39	59	#1357
Internal Link Dist (ft)	2936		2800			2480
50th Up Block Time (%)						
95th Up Block Time (%)						
Turn Bay Length (ft)		350		600	600	
50th Bay Block Time %	6%					17%
95th Bay Block Time %	30%					21%
Queuing Penalty (veh)	15					14

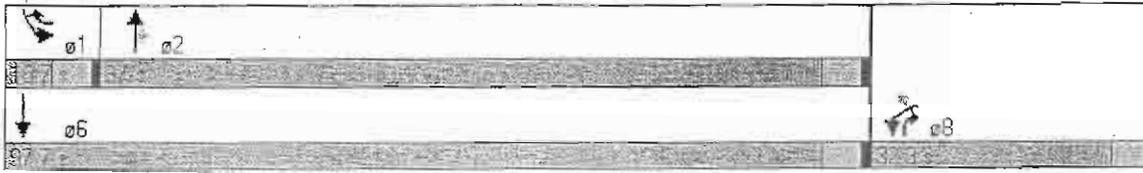
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**Intersection Summary**

Area Type: Other  
 Cycle Length: 130  
 Actuated Cycle Length: 130  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 1.04  
 Intersection Signal Delay: 35.6  
 Intersection Capacity Utilization: 100.0%  
 90th %ile Actuated Cycle: 130  
 70th %ile Actuated Cycle: 130  
 50th %ile Actuated Cycle: 130  
 30th %ile Actuated Cycle: 130  
 10th %ile Actuated Cycle: 130  
 ~ Volume exceeds capacity, queue is theoretically infinite.  
 Queue shown is maximum after two cycles.  
 # 95th percentile volume exceeds capacity, queue may be longer.  
 Queue shown is maximum after two cycles.

Intersection LOS: D  
 ICU Level of Service F

Splits and Phases: 3: Haben Blvd. & US 41/US 301



Riviera Dunes DRI

AM PEAK HOUR

3: Haben Blvd. & US 41/US 301 MANUALLY-BALANCED CRITICAL MOVEMENT DELAY 11/10/2003

	↙	↖	↑	↗	↘	↓
Lane Group	WBL	WBR	NET	NBR	SBL	SBT
Lane Configurations	↖↖	↖	↑↑↑↑	↖	↖↖	↑↑
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	350		600	600	
Storage Lanes	2	1		1	2	
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (ft)	50	50	50	50	50	50
Trailing Detector (ft)	0	0	0	0	0	0
Turning Speed (mph)	15	9		9	15	
Satd. Flow (prot)	3433	1583	4940	1583	3433	3438
Flt Permitted	0.950				0.950	
Satd. Flow (perm)	3433	1583	4940	1583	3433	3438
Right Turn on Red		Yes		Yes		
Satd. Flow (RTOR)		13		176		
Link Speed (mph)	35		55			55
Link Distance (ft)	3016		2880			2560
Travel Time (s)	58.8		35.7			31.7
Volume (vph)	717	78	1822	456	69	2368
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	5%	2%	2%	5%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Lane Group Flow (vph)	779	85	1980	496	75	2574
Turn Type		pm+ov		pm+ov	Prot	
Protected Phases	8	1	2	8	1	6
Permitted Phases		8		2		
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	22.5	9.5	22.5	22.5	9.5	22.5
Total Split (s)	35.5	11.0	83.4	35.5	11.0	94.5
Total Split (%)	27%	8%	64%	27%	8%	73%
Maximum Green (s)	30.5	5.5	77.9	30.5	5.5	89.0
Yellow Time (s)	4.0	4.5	4.5	4.0	4.5	4.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0
Lead/Lag		Lead	Lag		Lead	
Lead-Lag Optimize?		Yes	Yes		Yes	
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Minimum Gap (s)	3.0	3.0	3.0	3.0	3.0	3.0
Time Before Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Time To Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Recall Mode	None	None	Min	None	None	Min
Walk Time (s)	5.0		5.0	5.0		5.0
Flash Dont Walk (s)	11.0		11.0	11.0		11.0
Pedestrian Calls (#/hr)	0		0	0		0
Act Effct Green (s)	31.5	42.5	79.6	115.1	7.0	90.5

Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Actuated g/C Ratio	0.24	0.33	0.61	0.89	0.05	0.70
v/c Ratio	0.94	0.16	0.66	0.35	0.41	1.08
Uniform Delay, d1	48.3	26.1	16.4	0.7	59.5	19.7
Delay	59.0	26.6	16.6	0.8	59.8	58.7
LOS	E	C	B	A	E	E
Approach Delay	55.8		13.4			58.8
Approach LOS	E		B			E
90th %ile Green (s)	30.5	5.5	78.0	30.5	5.5	89.0
90th %ile Term Code	Max	Max	Hold	Max	Max	Max
70th %ile Green (s)	30.5	5.5	78.0	30.5	5.5	89.0
70th %ile Term Code	Max	Max	Hold	Max	Max	Max
50th %ile Green (s)	30.5	5.5	78.0	30.5	5.5	89.0
50th %ile Term Code	Max	Max	Hold	Max	Max	Max
30th %ile Green (s)	30.5	5.5	78.0	30.5	5.5	89.0
30th %ile Term Code	Max	Max	Hold	Max	Max	Max
10th %ile Green (s)	30.5	5.5	78.0	30.5	5.5	89.0
10th %ile Term Code	Max	Max	Hold	Max	Max	Max
Queue Length 50th (ft)	334	43	373	25	31	~1268
Queue Length 95th (ft)	#454	84	423	39	58	#1396
Internal Link Dist (ft)	2936		2800			2480
50th Up Block Time (%)						
95th Up Block Time (%)						
Turn Bay Length (ft)		350		600	600	
50th Bay Block Time %						21%
95th Bay Block Time %	21%					25%
Queuing Penalty (veh)	9					17

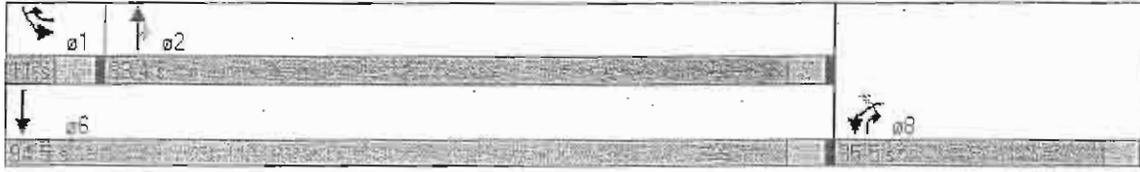
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Intersection Summary

Area Type: Other  
 Cycle Length: 130  
 Actuated Cycle Length: 130  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 1.08  
 Intersection Signal Delay: 39.6  
 Intersection Capacity Utilization 100.0%  
 90th %ile Actuated Cycle: 130  
 70th %ile Actuated Cycle: 130  
 50th %ile Actuated Cycle: 130  
 30th %ile Actuated Cycle: 130  
 10th %ile Actuated Cycle: 130  
 ~ Volume exceeds capacity, queue is theoretically infinite.  
 Queue shown is maximum after two cycles.  
 # 95th percentile volume exceeds capacity, queue may be longer.  
 Queue shown is maximum after two cycles.

Intersection LOS: D  
 ICU Level of Service F

Splits and Phases: 3: Haben Blvd. & US 41/US 301



	↙	↖	↑	↗	↘	↓
Lane Group	WBL	WBR	NBL	NBR	SBL	SBT
Lane Configurations	↙↙	↖	↑↑↑↑	↗	↘↘	↓↓
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	350		600	600	
Storage Lanes	2	1		1	2	
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (ft)	50	50	50	50	50	50
Trailing Detector (ft)	0	0	0	0	0	0
Turning Speed (mph)	15	9		9	15	
Satd. Flow (prot)	3433	1583	4940	1583	3433	3438
Flt Permitted	0.950				0.950	
Satd. Flow (perm)	3433	1583	4940	1583	3433	3438
Right Turn on Red		Yes		Yes		
Satd. Flow (RTOR)		2		51		
Link Speed (mph)	35		55			55
Link Distance (ft)	3016		2880			2560
Travel Time (s)	58.8		35.7			31.7
Volume (vph)	628	66	2454	789	145	1988
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	5%	2%	2%	5%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Lane Group Flow (vph)	683	72	2667	858	158	2161
Turn Type		pm+ov		pm+ov	Prot	
Protected Phases	8	1	2	8	1	6
Permitted Phases		8		2		
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	22.0	9.5	22.5	22.0	9.5	22.5
Total Split (s)	35.0	13.0	82.0	35.0	13.0	95.0
Total Split (%)	27%	10%	63%	27%	10%	73%
Maximum Green (s)	30.0	7.5	76.5	30.0	7.5	89.5
Yellow Time (s)	4.0	4.5	4.5	4.0	4.5	4.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0
Lead/Lag		Lead	Lag		Lead	
Lead-Lag Optimize?		Yes	Yes		Yes	
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Minimum Gap (s)	3.0	3.0	3.0	3.0	3.0	3.0
Time Before Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Time To Reduce (s)	0.0	0.0	0.0	0.0	0.0	0.0
Recall Mode	None	None	Min	None	None	Min
Walk Time (s)	5.0		5.0	5.0		5.0
Flash Dont Walk (s)	11.0		11.0	11.0		11.0
Pedestrian Calls (#/hr)	0		0	0		0
Act Effct Green (s)	29.6	42.6	74.7	108.4	9.0	87.8



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Actuated g/C Ratio	0.24	0.34	0.60	0.86	0.07	0.70
v/c Ratio	0.84	0.13	0.91	0.62	0.64	0.90
Uniform Delay, d1	45.6	27.8	22.2	2.3	56.6	15.2
Delay	48.4	29.3	23.3	2.4	59.5	17.0
LOS	D	C	C	A	E	B
Approach Delay	46.6		18.2			19.9
Approach LOS	D		B			B
90th %ile Green (s)	30.0	7.5	76.5	30.0	7.5	89.5
90th %ile Term Code	Max	Max	Max	Max	Max	Max
70th %ile Green (s)	30.0	7.5	76.5	30.0	7.5	89.5
70th %ile Term Code	Max	Max	Max	Max	Max	Max
50th %ile Green (s)	30.0	7.5	76.5	30.0	7.5	89.5
50th %ile Term Code	Max	Max	Max	Max	Max	Max
30th %ile Green (s)	30.0	7.5	76.5	30.0	7.5	89.5
30th %ile Term Code	Max	Max	Max	Max	Max	Hold
10th %ile Green (s)	23.4	7.5	60.8	23.4	7.5	73.8
10th %ile Term Code	Gap	Max	Gap	Gap	Max	Hold
Queue Length 50th (ft)	283	41	678	131	68	701
Queue Length 95th (ft)	357	78	758	192	#107	846
Internal Link Dist (ft)	2936		2800			2480
50th Up Block Time (%)						
95th Up Block Time (%)						
Turn Bay Length (ft)		350		600	600	
50th Bay Block Time %			6%			7%
95th Bay Block Time %	4%		9%			11%
Queuing Penalty (veh)	1		63			14

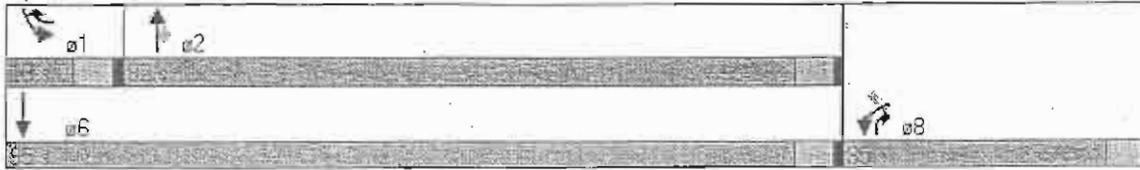
**Intersection Summary**

Area Type: Other  
 Cycle Length: 130  
 Actuated Cycle Length: 125.5  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 0.91  
 Intersection Signal Delay: 22.1  
 Intersection Capacity Utilization 85.9%  
 90th %ile Actuated Cycle: 130  
 70th %ile Actuated Cycle: 130  
 50th %ile Actuated Cycle: 130  
 30th %ile Actuated Cycle: 130  
 10th %ile Actuated Cycle: 107.7

Intersection LOS: C  
 ICU Level of Service D

# 95th percentile volume exceeds capacity, queue may be longer.  
 Queue shown is maximum after two cycles.

Splits and Phases: 3: Haben Blvd. & US 41/US 301



## Position Paper on How ARTPLAN Should Address the Relationship of Arterial LOS and Signalized Intersection Capacity

### Problem Issues

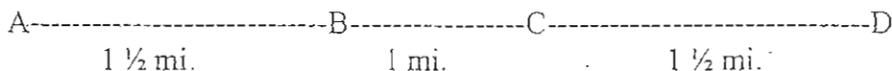
If the arterial level of service (LOS) criterion of the Highway Capacity Manual (HCM) is achieved, but one of the roadway's intersection's capacity is exceeded for the full hour, how should the LOS be determined for the facility? Furthermore, how should the Florida Department of Transportation's (FDOT) planning and preliminary engineering level of service analysis tool address that relationship?

### Background

#### Project case

An issue has come up in Florida in which the average travel speed LOS criterion of the HCM arterial chapter is achieved, but one of the roadway's intersection's capacity is exceeded for the full hour. Clarification is desired on how to analyze the roadway and how FDOT's planning and preliminary engineering LOS software program ARTPLAN should be programmed to address this situation.

The following is illustrative of the project case:



A = freeway

B and C = signalized intersections with non-state roads,  $v/c < 1.0$  for full hour

D = signalized intersection with state arterial,  $v/c > 1.0$  for full hour

Peak 15-minute period is the first period

After the first 15-minute period the queue gradually gets smaller during the hour, but does not dissipate

Free flow speed = 50 mph

Average travel speed from A to C for the full hour = 40 mph (includes signalized intersection random and uniform delays)

Average travel speed from A to D for the full hour = 22 mph (includes signalized intersection random, uniform, and initial queue delays)

HCM Class I arterial

HCM Class I LOS D average travel speed threshold = 21 mph

### Coordination with HCM Committee members

In addition to talking with representatives of the immediately affected local government, a consulting company and FDOT's district office, FDOT informally consulted with the following current and former members of the committee that oversees the HCM

- Jim Bonneson (former Arterials Subcommittee Chair, professor)
- Bob Bryson (current Planning and Preliminary Engineering Subcommittee Chair, local government public works director)
- Ken Courage (former Interrupted Flow Group Leader, professor)
- Martin Guttenplan (current committee member, FDOT)
- Doug McLeod (current member of the Arterials Subcommittee, former Planning and Preliminary Engineering Subcommittee Chair, FDOT)
- Bill McShane (former Arterials Subcommittee Chair, professor)
- Elena Prassas (current Signalized Intersection Chair, professor)
- Mark Vandehey (current Arterials Subcommittee Chair, consultant)

### HCM v/c background information and interpretation

Prior to the 1985 edition of the HCM, demand volume to capacity ratios (v/c) formed the LOS thresholds for all facility types. Beginning in 1985, LOS thresholds were tied to traveler perceptions with average travel speed the service measure for arterials and delay for signalized intersections. Although the v/c ratio of signalized intersections along arterials is an important determinant of each service measure, it neither serves as the determinant for LOS for arterials nor for signalized intersections. The v/c was allowed to be as high 1.2 for a 15-minute time period. Concerns about allowing such a high v/c ratio throughout an hour were raised in the early 1990's, such that in the 1994 HCM Update a supplemental criterion that demand volumes could not exceed the capacity of intersections was implemented. Essentially, the concept is that in an hour there are only so many vehicles that can pass through an intersection and it is inappropriate to use a volume higher than that capacity. Thus, in 1994 there was an upper limit placed on the v/c ratio of 1.00 divided by the peak hour factor (i.e., 1/PHF). Reflecting this new HCM requirement, FDOT's 1995 ARTPLAN software was programmed to state once any of the arterial's intersection's v/c ratio for the peak 15-minute travel period exceeded 1/PHF, then the LOS for the arterial was F.

The 2000 edition of the HCM has moved toward a multiple time period approach. A new delay term, initial queue delay ( $d_3$ ), was added to account for residual queues from previous time periods. According to Courage, with this new term the Signalized Intersection Subcommittee felt it did not need to be explicit about including the 1/PHF check any more. With this change FDOT's preliminary 2002 edition of ARTPLAN removed the 1/PHF criterion. However, according to Courage, with hindsight this should not have been done. The intent of the subcommittee was not to eliminate the concept that demand must be less than or equal to the capacity during the applicable study period; apparently it assumed that the periods of analysis would extend until the queue dissipated, even for an hour.

FDOT's arterial planning and preliminary engineering software program (ARTPLAN)

ARTPLAN is a software program specifically developed to address planning and preliminary engineering applications of the arterial chapter of the HCM. It is as compatible as possible with the HCM and where differences exist they appear in FDOT's Quality/Level of Service Handbook. Differences may exist because of simplifying assumptions or advances that have not made it into the HCM yet (e.g., tying volume to mid-block running speeds).

ARTPLAN has two primary calculation processes based on traffic, roadway and signalization inputs. First is to solve for average travel speed (and thus, LOS) based on traffic volume. Second is to calculate service volumes based on HCM average travel speed LOS thresholds.

Issue: For an hourly arterial LOS analysis does average travel speed solely determine LOS or must there also be a requirement that the demand volume be less than or equal to capacity?

Of the eight HCM committee members asked to give their initial thoughts on this subject, three general groups could be discerned: (1) average travel speed only (2 members); (2) average travel speed and demand volume less than or equal to capacity (4 members); and (3) non-committal at this point (2 members). It should be noted that some of these committee members had not been introduced to the topic beforehand and did not have the benefit of collaborative discussions; their positions could change based on discussions with others.

Major justifications taken by those who favored the average travel speed only criterion were:

- Average travel speed is the appropriate service measure for arterials;
  - As long as travelers attain a reasonable average travel speed it is OK for them to experience relatively high delays at individual intersections;
  - The level of analysis is at a facility level and analysts shouldn't confuse point (i.e., signalized intersection) analyses with a facility analyses;
  - Whereas, it is totally appropriate to state that if an intersection can not adequately handle demand over a full hour the intersection is operating at LOS F, that does not mean the whole arterial is F so long as motorists reach a reasonable overall average travel speed over the arterial; and
- Nowhere in the 2000 HCM does it indicate any criterion other than average travel speed is appropriate.

Major justifications taken by those who favored the demand volume also must be less than or equal to capacity were:

- While mathematically achieving the average travel speed criterion, it was never the intent of HCM committee to allow oversaturated conditions for an hour to be deemed "acceptable";

- Physically, volume cannot exceed capacity in an hour and, therefore, to show average travel speeds for hourly volumes higher than capacity is meaningless;
- There will be great potential for misuse of the analysis (e.g., by developers);
  - Preliminary design applications should never allow for oversaturated conditions;
  - User based LOS analyses need to be supplemented by capacity analyses when analyzing proposed improvements;
    - Traffic specialists, local planners, developers, and others are faced with the true impact of added traffic;
- Without capacity checks, “hot spots” are washed out or masked and needed improvements may not be forthcoming;
  - Too much focus may be placed on the arterial, and not where true problems arise;
- As long as the analysis is at a planning level, which uses a single period of analysis (i.e., the peak 15-minute traffic volume period), the hourly capacity check is needed because subsequent periods will have greater delays than the first period (caused by the addition of the initial queue delay).

All or nearly all committee members felt that

- In the analysis of an arterial if a signalized intersection cannot process the demand volume in an hour that intersection should be highlighted in some way;
- The issue of a supplemental hourly capacity threshold to average travel speed should be addressed at least at the Arterial Subcommittee meeting in July 2003; and;
- FDOT should avoid “artificial” means of addressing the issue and stay as faithful as possible to the HCM calculation procedure. (One of the alternatives evaluated was to work with the HCM arterial speed criteria unless a queue backs into a previous signalized intersection.)

FDOT’s position on why ARTPLAN needs a supplemental hourly intersection capacity check for arterials

As a planning and preliminary engineering tool ARTPLAN should continue to use the supplemental 1/PHF check for two primary reasons. First, to properly analyze the project case described above, the computational model would require the capability of analyzing multiple time periods and queue spillbacks. Analyzing multiple periods, which include variable initial queue delays in those time periods, is far beyond the realm of a planning and preliminary engineering software tool. Second, is the importance of consistency in the calculation process of LOS and service volumes. In both situations ARTPLAN uses traffic, roadway, and signalization data to solve for one unknown: (1) average travel speed (and LOS) given volume, and (2) volume given average travel speed. By introducing varying 1/PHF values and/or queue discharge speeds immensely complicates the calculation of service volumes. Keeping the 1/PHF requirement greatly simplifies the program and allows consistency in the two calculation processes.

Keeping the 1/PHF supplemental criterion in ARTPLAN will not result in significant variability when compared to the average travel speed only criterion. Only when the v/c ratio is slightly over the 1/PHF value will the disparity occur. The initial queue delay term ( $d_3$ ) is relatively large and if a queue is formed and not dissipated over an hour, meeting a LOS A-E threshold would be an unusual case. In the project case illustrated above, even though there is great lane storage before intersection D, the speed criterion would only be met if the intersection's v/c is close to the 1/PHF. In summary, FDOT's use of the 1/PHF supplemental criterion should affect relatively few projects and those that it does, results should be only slightly conservative.

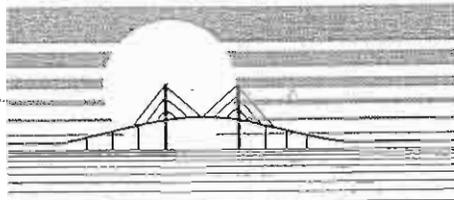
#### Treatment of the hourly intersection capacity check in ARTPLAN

In addition to highlighting the arterial's overall average travel speed and LOS, ARTPLAN will call attention to critical intersections by highlighting the v/c ratios that exceed 1/PHF. When an intersection's v/c ratio exceeds 1/PHF a "\*\*\*\*" will appear in the arterial's average travel speed box and an "F\*\*\*\*" will appear in the LOS box. Footnoted below those entries the following will appear, "Intersection capacity(ies) are exceeded for the full hour; an operational level analysis tool is more appropriate for this situation." With this footnote FDOT acknowledges that the results from a professionally accepted operational tool (e.g., HCS, CORSIM) may indicate that the average travel speed is greater than the HCM LOS criterion. FDOT would accept the non-F average travel speed results from such tools.

#### FDOT follow-up actions

In the next update of its Quality/Level of Service Handbook FDOT intends to provide text on the subject covered by this position paper.

FDOT will request the HCM Arterials Subcommittee at its next meeting address the overall issue of the appropriateness/inappropriateness of having a supplemental intersection capacity check in the calculation of an arterial's LOS.



*Tampa Bay Regional Planning Council*

Chair  
Commissioner Steve Simon

Vice-Chair  
Commissioner Jane von Hahmann

Secretary/Treasurer  
Mr. Robert Kersten

Executive Director  
Manny Pumariega

January 12, 2004

The Honorable Larry Bustle  
Mayor of the City of Palmetto  
P. O. Box 1209  
Palmetto, FL 34220

*Subject: DRI #236 - Riviera Dunes, Notice of Proposed Change, City of Palmetto*

Dear Mayor Bustle:

The enclosed agenda item regarding the above-referenced matter was considered and approved by the Tampa Bay Regional Planning Council at its January 12, 2004 meeting.

Please contact the Council staff if further information concerning this item is needed.

Sincerely,



Steve Simon  
Chairman

SS/bj

Enclosure

cc: Ms. Linda Svenson  
Ms. Jessica McCann  
Ms. Marina Pennington



# Council Agenda

[www.tbrpc.org](http://www.tbrpc.org)

4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33781  
Phone (727) 570-5151 Suncom 513-5066 FAX (727) 570-5118

January 12, 2004  
10:00 a.m.

\*\*\* THIS MEETING IS OPEN TO THE PUBLIC \*\*\*

Call to Order	Chairman Simon
Invocation and Pledge	Commissioner Jan Platt
Roll Call	Recording Secretary
Voting Conflict Report	Recording Secretary

1. **Approval of Minutes** Sec/Treasurer Kersteen  
Approve minutes from the October 13, 2003 regular meeting (report attached).  
Staff contact: Lori Denman, ext. 213. Email: [lori@tbrpc.org](mailto:lori@tbrpc.org)
2. **Budget Committee** Sec/Treasurer Kersteen
  - A. Approve Financial report for the period ending 09/30/03 (report attached).  
Staff contact: John Jacobsen, ext. 214. Email: [johnj@tbrpc.org](mailto:johnj@tbrpc.org)
3. **Consent Agenda** Chairman Simon
  - A. Budget and Contractual - **None**.
  - B. Intergovernmental Coordination & Review (IC&R) Program
    1. IC&R Reviews by Jurisdiction (report attached).
    2. December, 2003 IC&R Database (report attached).Action Recommended : None (Information Only)  
Staff Contact: John Meyer, ext. 255. E-mail: [johnm@tbrpc.org](mailto:johnm@tbrpc.org)
  - C. DRI Development Order Reports (DOR) - **None**.
  - D. DRI Development Order Amendment Reports (DOAR)
    1. DRI # 191, Fishhawk Ranch, Hillsborough County (report attached).  
Staff Contact: John Meyer, ext. 255. Email: [johnm@tbrpc.org](mailto:johnm@tbrpc.org)
  - E. Notice of Proposed Change (NOPC) Reports
    1. DRI # 236, Riviera Dunes, City of Palmetto (report attached).Recommended Action: Approve staff reports  
Staff Contact: John Meyer, ext. 255. Email: [johnm@tbrpc.org](mailto:johnm@tbrpc.org)
  - F. Annual Report Summaries (ARS)
    1. DRI # 66 - Tara, RY 2002-03, Manatee County (report attached).
    2. DRI # 68 - Cargill Riverview Facility, RY 2002-03, Hillsborough County (report attached).
    3. DRI # 102 - Creekwood, RY 2002-03, Manatee County (report attached).

4. DRI # 116 - Tampa Telecom Park, RY 2002-03, City of Temple Terrace (report attached).
5. DRI # 221 - Pinellas Criminal Courts Complex/Jail, RY 2002-03, Pinellas County (report attached).
6. DRI # 227 - Fountain Square, RY 2002-03, Hillsborough County (report attached).
7. DRI # 236 - Riviera Dunes, RY 2002-03, City of Palmetto (report attached).

Staff Contact: John Meyer, ext. 255. Email: johnm@tbrpc.org

G. DRI Status Report

Information Only. (report attached).

Staff Contact: John Meyer, ext. 255. Email: johnm@tbrpc.org

H. Local Government Comprehensive Plan Amendments Reviewed

1. DCA # 03-2, City of Tampa (report attached).
2. DCA # 04-1, Pasco County (report attached).
3. DCA # 03-2, Pinellas County (report attached).
4. DCA # 03-2, City of Indian Rocks Beach (report attached).
5. DCA # 03-1, Manatee County (report attached).
6. DCA # 03-2, Hillsborough County (report attached).
7. DCA # 03-2, Pasco County (report attached).
8. DCA # 04-1, City of Bradenton (report attached).
9. DCA # 04-1, Pinellas County (report attached).
10. 2003 Local Government Comprehensive Plan Amendment Regional Report. (report attached).

Recommended Action: Approve staff report(s).

Staff contact: Gerald Smelt, ext. 288. Email: gerry@tbrpc.org

I. Tampa Bay EPCRA Awareness Week Resolution

Each year the State Emergency Response Commission for Hazardous Materials and the Governor proclaim Florida Hazardous Materials Awareness Week in recognition of the Emergency Planning and Community Right-To-Know Act (EPCRA). This year Governor Bush is proclaiming February 22 through 28, 2004 as EPCRA Awareness Week. Local city councils and commissions are urged to pass a similar resolution proclaiming EPCRA Awareness Week in their communities.

Recommended Action: Motion to have the Chair sign Resolution 2004-1, proclaiming February 22 through 28, 2004 as EPCRA Awareness Week. (report attached).

Staff contact: Bill Lofgren, ext. 248. Email: bill@tbrpc.org.

4. **Item(s) Removed from Consent Agenda, Addendum Item(s) or Any Other Item Requiring Council Discussion**

*Council members should notify Chairman of any items they wish to be pulled from the Consent Agenda. These items will be discussed and voted on separately after the remainder of the consent agenda is approved.*

5. **Review Item(s) for Discussion - None.**
  
6.
  - A. **Assessment of Regional and Intermodal Transportation Planning in Florida**  
Ms. Sally Patrenos, Assistant Executive Director of the Florida Transportation Commission will provide a presentation of the final report on the Assessment of Regional and Intermodal Transportation Planning in Florida.
  
  - B. **Courtney Campbell Scenic Highway Program Update**  
Commissioner Bill Jonson, City of Clearwater, will give an update on the status of the Courtney Scenic Highway Program as it prepares to submit its Corridor Management Plan to the Florida Scenic Highway. A three (3) minute video will be shown.  
Staff contact: Wren McAllister, ext. 221. Email: [wren@tbrpc.org](mailto:wren@tbrpc.org).
  
7. **Council Members' Comments** Chairman Simon
  
8. **Program Reports**
  - A. Agency on Bay Management (ABM) - Mayor Mary Maloof, Chair  
The Agency on Bay Management will not meet in January. The Agency's committees will meet on Thursday, February 12<sup>th</sup>, 2004. Times will be set according to the length of the agendas. The agendas will be issued on February 2<sup>nd</sup>.  
Staff contact: Suzanne Cooper, ext. 240. Email: [suzanne@tbrpc.org](mailto:suzanne@tbrpc.org)
  
  - B. Clearinghouse Review Committee (CRC) - **No Report.**  
Staff Contact: Avera Wynne, ext. 215. Email: [avera@tbrpc.org](mailto:avera@tbrpc.org)
  
  - C. Local Emergency Planning Committee (LEPC)  
The Tampa Bay Regional LEPC, District VIII, did not meet in December. The next scheduled meeting will be Wednesday, January 21, 2004. Staff attended the State Emergency Response Committee Meeting on January 9, 2004 in Key West. Additionally, staff will be attending the Annual Florida Emergency Preparedness Association meeting in Orlando January 26-30, 2004. A recap of SERC as well as the January LEPC meeting will be provided at the February 9, 2004 Council meeting.  
Staff contact: Bill Lofgren, ext. 248. Email: [bill@tbrpc.org](mailto:bill@tbrpc.org)
  
  - D. Emergency Management  
Staff will provide a status report of emergency management program activities.  
Staff contact: Betti Johnson, ext. 242. Email: [betti@tbrpc.org](mailto:betti@tbrpc.org)
  
  - E. Legislative Committee - Commissioner Deborah Kynes, Chair  
Commissioner Kynes will provide a brief report.  
Staff contact: Wren McAllister, ext. 221. Email: [wren@tbrpc.org](mailto:wren@tbrpc.org).
  
  - F. Regional Planning Advisory Committee (RPAC) - **No Report.**  
Staff contact: Avera Wynne, ext. 215. Email: [avera@tbrpc.org](mailto:avera@tbrpc.org)

9. **Executive/Budget Committee Report** - Chairman Simon
10. **Other Council Reports**
  - A. Building Report  
Additional material:
    1. Building Budget Synopsis (report attached).
    2. Building Time Line (report attached).
11. **Chair's Report** - Chairman Simon
12. **Executive Director's Report** - Manny Pumariega
13. **Next Meeting** - Monday, February 9 at 10:00 a.m. - Council Offices

## Adjournment

*The Council, in accordance with its adopted rules of procedure, may only take action on matters not on the printed agenda involving the exercise of agency discretion and policy-making upon a finding by the Council of an emergency situation affecting the public's health, safety, and welfare. Council meetings are Public Meetings within the context of Section 286.011, Florida Statutes. Council meetings are not Public Hearings within the context of Section 120.54, Florida Statutes. The Chairman has full discretion as to whether or not to recognize speakers other than Council members or staff, and is not required to recognize individuals to speak on issues before the Council. Public Hearings on issues before the Council are conducted by individual local governments, and are the proper forum for public comment.*

*Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, s/he will need a record of the proceedings, and for such purpose, s/he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons wishing to speak at a Council meeting are required to complete the form provided at the entrance to the meeting room. The form, after being completed, must be given to the Recording Secretary.*

*If you are a person with a disability who needs any accommodation in order to participate in this meeting you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tampa Bay Regional Planning Council at 727-570-5151 within 3 working days of the meeting.*

EXHIBIT 1

12/17/2003 15:21

8133870085

GRIMAIL CRAWFORD INC

PAGE 02



December 17, 2003

Mr. John Meyer  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard, Suite 219  
St. Petersburg, FL 33702-2491

Re: DRI #236-Riviera Dunes, NOPC Sufficiency Comments

Dear John:

Grimail Crawford has reviewed the transportation related sufficiency responses provided under letter dated November 14, 2003 from Ms. Linda J. Svenson. We are satisfied with the technical data provided in response to our earlier comments and do not request any further responses.

The applicant has provided sufficient data indicating that the intersection of US 41/ US 301 and Haben Boulevard will operate at LOS C condition in the P.M. peak hour without the additional southbound through lane provided as currently required in the Development Order.

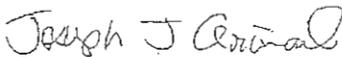
Furthermore, the applicant has provided data relative to the subject intersection for the A.M. peak hour indicating an overall LOS D condition for the intersection without the Development Order required additional southbound through lane. However, the analysis worksheets do indicate a LOS E condition for the subject southbound movement (without the additional lane) with a v/c ratio of 1.08 and an intersection capacity utilization of 100 percent. The v/c ratio being greater than 1.0 indicates that the southbound through movement will not have adequate capacity to handle the traffic volumes for at least one-quarter of the peak hour.

However, the applicant has also provided supporting documentation from an FDOT position paper indicating that a level of congestion for a time period of less than the entire peak hour might be acceptable if the peak hour capacity was greater than the peak hour volume. The applicant's analysis represents that the period of congestion for the southbound through movements is maintained for approximately the entire peak hour.

Based on the applicants analysis as summarized above, we find that the information submitted in support of modifying Table 3, Required Improvements, to remove the addition of a southbound through-lane at US 41 and Haben Boulevard is satisfactory and demonstrates compliance with the DRI criteria for acceptable level of service of the overall intersection.

This concludes our review of the subject NOPC application response to comments. Please call if you have any questions on this matter.

Sincerely,  
GRIMAIL CRAWFORD, INC.

  
Joseph J. Grimail, P.E.

3444 Bay Center Drive • Suite 204 • Tampa, Florida 33609-3400

Received Time Dec 17 4:24 PM (813) 387-0085 • www.gc-inc.com

**MPO**  
Metropolitan  
Planning  
Organization

[www.sarasota-manateeempo.org](http://www.sarasota-manateeempo.org)

Commissioner Stewart Staub, Chair

Commissioner Joe McClure, Vice Chair

Commissioner Terry Blyden  
City of Sarasota

Mayor Larry Bostic  
City of Palmetto

Commissioner Ron Getman  
Manatee County

Commissioner W. John Kuylen  
Town of Longboat Key

Commissioner Richard Lockhart  
City of North Port

Commissioner Joe McClure  
Manatee County

Commissioner David Miller  
Sarasota County

Commissioner Nora Patterson  
Sarasota County

Mayor Wayne Poston  
City of Bradenton

Commissioner Mary Anne Sevin  
City of Sebring

Commissioner Simpson Staub  
Sarasota County

Councilwoman Vicki Taylor  
City of Venice

Commissioner Robert Wenzler  
Sarasota-Manatee Airport Authority

Mayor Carol Whitmore  
Anna Maria, Bradenton Beach & Holmes Beach

Commissioner Jane von Holtzman  
Manatee County

Rick Langley, District Secretary  
Florida Department of Transportation

December 17, 2003

Mr. John Meyer  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard, Suite 219  
St. Petersburg, Florida 33702-2491

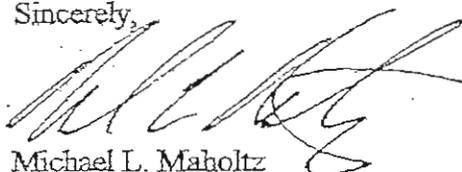
RE: Riviera Dunes Notice of Proposed Change (NOPC)

Dear Mr. Meyer:

The information pertaining to the above-described NOPC application has been reviewed by MPO staff. Based on our review, staff has no comments at this time.

Please contact me at 941-359-5772 if you have any questions or need additional information.

Sincerely,



Michael L. Maholtz  
Transportation Planner

MM:pe

a:\Staff\Maholtz\NOPC dec 03



Michael W. Guy  
Executive Director

Sarasota/Manatee  
Metropolitan Planning Organization

7632 15<sup>th</sup> Street East  
Sarasota, Florida 34245-3248

(941) 359-5772  
Sun/Con 516-1156

Fax (941) 359-5779  
Sun/Con (Ext. Line) 516-1163

E-mail [mpo@sarasota-manatee-mpo.org](mailto:mpo@sarasota-manatee-mpo.org)

Regional Transportation Planning for the Sarasota/Manatee Unincorporated Area

Received Time Dec. 17. 10:12AM



# MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT  
"TO SERVE WITH EXCELLENCE"

October 8, 2003

Ms. Linda J. Svenson  
W.C. Riviera Partners, L.C.  
104 Haben Blvd.  
Palmetto, Fl. 34221

Re: Riviera Dunes DRI NOPC - Manatee County Review Comments

Dear Ms. Svenson:

Manatee County has reviewed the above noted NOPC application filed on September 4, 2003.

In general terms, we concur with the review comments issued by the Tampa Bay Regional Planning Council and FDOT and look forward to reviewing the revised information those agencies requested. Our specific comments are noted below.

1. Manatee County is particularly concerned about your proposal to eliminate the requirement for the third southbound thru-lane at the U.S. 41 and Haben Blvd. intersection. We concur that the information submitted does not support such a change.
2. New a.m. and p.m. traffic turning movement counts should be taken and the Peak Season Factor should be utilized for those counts (not the weekly factor). A new future traffic distribution should be utilized, as the SMATS model has changed since 1999 and the development is proposed to be changed from the west side to the east side. Then the intersections should be analyzed.

Please contact Mr. Michel Tenney at (941) 749-3070 should you have any questions.

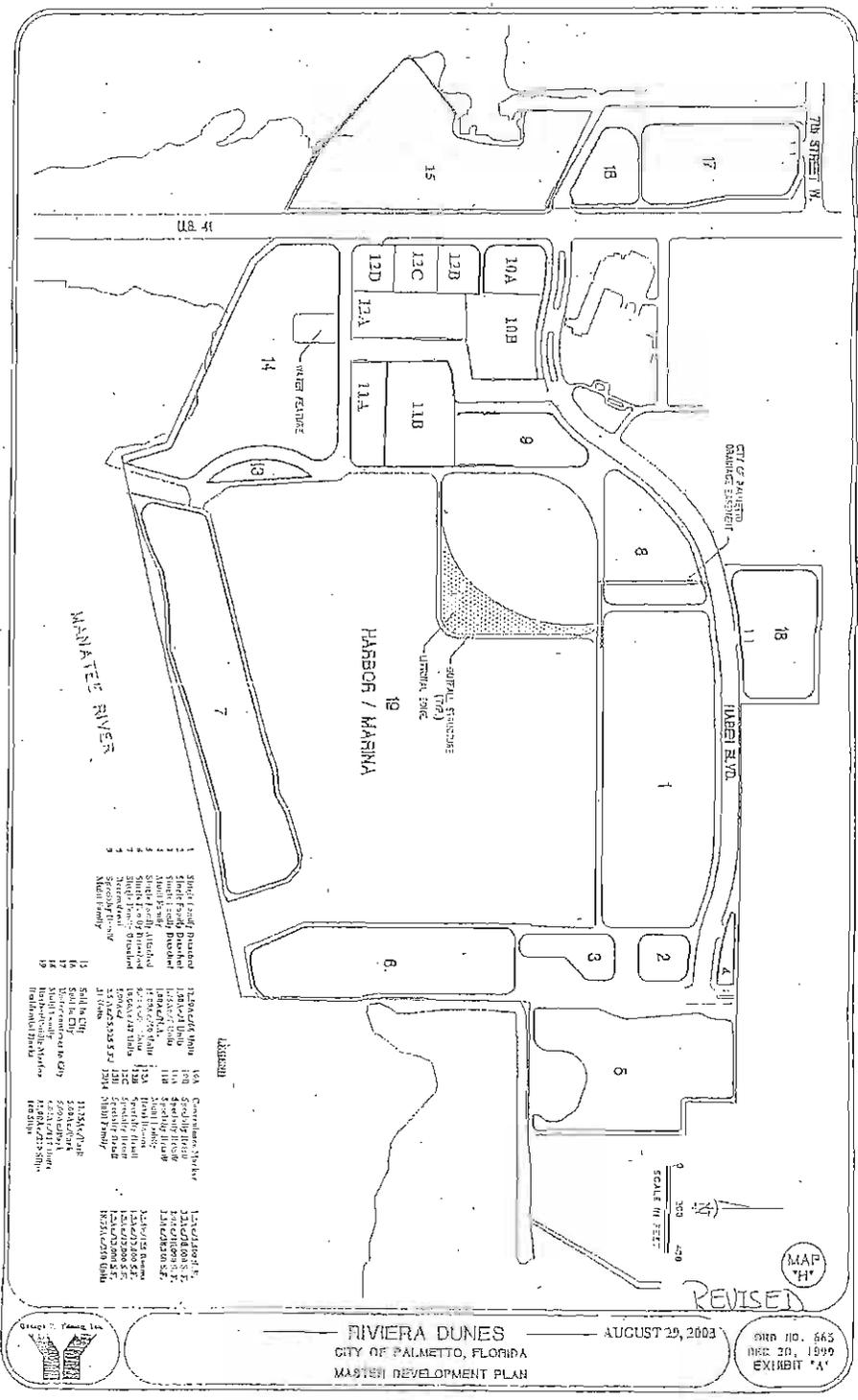
Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Pederson", is written over a horizontal line.

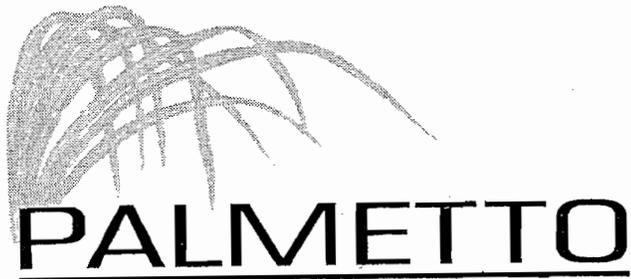
Robert H. Pederson  
Community Planning Administrator

- cc. John Meyer, TBRPC  
Marina Pennington, DCA  
John Czerepak, FDOT  
Jessica McCann, City of Palmetto  
Joe Grimail, Grimail-Crawford  
Jerome Gostkowski, Manatee County  
Michel Tenney, Manatee County

# EXHIBIT 2



#236



516 8th Avenue West  
P.O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570  
Fax: (941) 723-4576  
Suncom: 516-0829  
E-mail: [chgeneral@palmettofl.org](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

June 18, 2003

Mr. D. Ray Eubanks  
Community Program Administrator  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Re: Riviera Dunes; File Number ADA-899-012

Dear Mr. Eubanks:

Enclosed you will find a **certified copy** of Ordinance No. 03-774, together with pertinent attachments submitted to our City Council.

Please contact me should you require further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Ponder".

Diane Ponder  
Administrative Assistant to  
the City Clerk

cc: Mr. John Meyer, TBRPC

**ORDINANCE NO. 03-774  
DRI#236 RIVIERA DUNES**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI#236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on September 30, 2002 W.C. Riviera Partners, L.C., hereinafter referred to as "Developer", filed a Notice of Proposed Change ("NOPC") with the City of Palmetto pursuant to Section 380.06, Florida Statutes; and

**WHEREAS**, the City Council of the City of Palmetto as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the authority to consider and approve an amended Development Order for the Development; and

**WHEREAS**, the Planning and Zoning Board of the City of Palmetto, as the City of Palmetto's local planning agency, has reviewed the NOPC and the report of the Tampa Bay Regional Planning Council ("TBRPC"), held public hearings on January 13, 2003 and has filed a recommendation with the City Council; and

**WHEREAS**, the City Council has received and considered the comments of the Planning and Zoning Board and the TBRPC; and

**WHEREAS**, the City Council on May 19, 2003 held a duly noticed public hearing on the NOPC, and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, City agencies and the Developer.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALMETTO IN A REGULAR MEETING ASSEMBLED THIS THE 19TH DAY OF MAY, 2003 AS FOLLOWS:**

**Section 1. Findings of Fact.** The City Council hereby makes the following findings of fact:

- A. All of the recitals are adopted as findings of fact.
- B. The Developer has received City approval and has commenced development in accordance with Ordinance No. 665.
- C. The owner of the not yet developed or sold property and the Development is W.C. Riviera Partners, L.C.
- D. The authorized agent for the Developer is Linda J. Svenson.

E. The real property which is the subject of this Development Order is legally described on Exhibit "B" to this Ordinance.

**Section 2. Conclusions of Law.** Based upon the previous findings of fact and the following Conditions of Development Approval, the City Council concluded that:

A. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Final Report on the Development and the City of Palmetto Comprehensive Plan.

B. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.

**Section 3. Amendments to Ordinance.** Section 4 and Section 6, Subsection I. 5., of Ordinance 665 (as amended) are hereby amended and the indicated sections are replaced in their entirety as follows:

*Section 4. Land Use Exchange Matrix. The Developer may exchange land uses within the DRI in accordance with the following:*

- A. *Multi-family Residential units may be exchanged for Specialty Retail, Hotel, Senior Living and/or Assisted Living units provided the external traffic trips generated by the Specialty Retail, Hotel, Senior Living and/or Assisted Living units shall not exceed the number of external trips generated by the Multi-family Residential units used for the exchange based upon the most recent edition of the Institute of Transportation Engineers (ITE) Manual.*
- B. *Specialty Retail square footage may be exchanged for Hotel Rooms, Quality Restaurant, Multi-family residential, and/or Other Retail provided the external traffic trips generated by the Hotel Rooms, Quality Restaurant, Multi-family Residential, and/or Other Retail shall not exceed the number of external trips generated by the Specialty Retail square footage used for the exchange based upon the most recent edition of the Institute of Transportation Engineers (ITE) Manual.*
- C. *Hotel Rooms may be exchanged for Specialty Retail and/or Multi-family Residential units provided the external traffic trips generated by the Specialty Retail and/or Multi-family Residential, shall not exceed the number of external trips generated by the Hotel Rooms used for the exchange based upon the most recent edition of the Institute of Transportation Engineers (ITE) Manual.*
- D. *Any exchange of land uses identified within an application for Preliminary Site Plan or General Development Plan (PSP/GDP) approval shall require the Developer to notify the Department of Community Affairs (DCA) and the TBRPC*

contemporaneously with Developer's submission of its application for PSP/GDP approval to the City. Additionally, any exchange of land uses shall be dated and document with each Annual Report submitted.

- E. Any exchange of land uses shall not increase total residential units above the maximum 690 units. The maximum number of hotel rooms cannot exceed 200 rooms.
- F. Any exchange of land uses consistent with this section shall not require the filing of a Notice of Proposed Change. However, an exchange of Multi-family Residential for Assisted Living shall be subject to filing a Notice of Proposed Change pursuant to Florida Statutes Chapter 380.06, except for an exchange of 20 Multi-family units on Parcel 18 for 120 Assisted Living beds on Parcel 18.
- G. For purposes of this DRI, land use exchanges may be made by the Developer without further approval if such exchanges are in conformance with the units and square feet set forth on the following table:

**Table 2**  
**Land Use Exchange Matrix**

	SR	HR	SrL	ALF	QR	MF
Specialty Retail(per 1000 sq.ft.)		3.2 rm			235 sf	2.6 units
Multi-family (per 1 unit)**	385 sf	1.2 rm	2.7 units	4.3 units		
Hotel Rooms (per 1 unit)***	312 sf					.8 unit

SR= Specialty Retail; HR=Hotel Room; SrL=Senior Living; ALF= Assisted Living Facility; QR= Quality Retail; MF = Multi-Family

\* Requires independent calculation at time of exchange due to variety of land uses based on the most recent ITE Manual.

\*\* For density purposes, an exchange of Multi-family for Senior Living shall be at a one-to-one ratio

\*\*\* Pursuant to this exchange, the maximum number of hotel rooms cannot exceed a total of 200 rooms.

## Section 6. Development Conditions

### I. HURRICANE PREPAREDNESS

5. The Developer has worked with Manatee County Emergency Management (MCEM) and the Manatee County Red Cross (MCRC) to determine the mitigative measures for the development's impact on emergency public shelter space. The amount is based upon a locally adopted formula as outlined below and as was provided by the MCEM and MCRC. Upon adoption of this amended Development Order, the Developer shall determine the number of shelter spaces impacted pursuant to the formula, utilizing the number of permits issued as of the date of adoption. Within 30 days of adoption of this Development Order, the Developer shall provide payment to Manatee County for those units already constructed. Thereafter, on the anniversary date of the amended Development Order, the Developer shall make the required payment for permits issued within the one year period. These payments shall be monitored through the Annual Report. Payments shall continue through buildout of the project and shall reflect any previous land use conversions for additional residential units.

*Number of Units x 2.3 x .25 = Impact Figure*

*Impact Figure x \$128 = Shelter Mitigation Fee*

**Section 4.** It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then such provisions or portions shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 5.** Ordinance No. 665, except as amended herein, shall remain in full force and effect.

**Section 6.** This Ordinance shall become effective in accordance with Section 13 of the City Charter; provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal.

**APPROVED AND ADOPTED**, in open session with a quorum present and voting this 19th day of May 19, 2003.

First Reading: May 5, 2003  
Publication: May 9, 2003  
Second Reading and  
Public Hearing: May 19, 2003

ATTEST: J. E. FREE, JR.  
CITY CLERK

CITY OF PALMETTO, FLORIDA  
BY AND THROUGH ITS CITY COUNCIL  
OF THE CITY OF PALMETTO

BY: *J. E. Free, Jr.*  
J. E. FREE, JR., CITY CLERK

BY: *Lawrence E. Bustle, Jr.*  
LAWRENCE. E BUSTLE, JR., MAYOR

I, J. E. Free, Jr., City Clerk of the City of Palmetto HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 03-774 as approved by the City Council at its regular meeting held May 19, 2003 which is on file in the office of the City Clerk.

Witness my hand and official seal this 18th day of June, 2003.

*J. E. Free, Jr.*  
J. E. Free, Jr.  
City Clerk  
City of Palmetto

**CITY OF PALMETTO - DRI #236 RIVIERA DUNES  
NOTICE OF PROPOSED CHANGE (NOPC)**

**GENERAL LOCATION**

Southeast corner of U.S. 41 and Haben Boulevard. North of the Manatee River.

**INFRASTRUCTURE IMPACTS**

There are no adverse impacts to the infrastructure per a letter dated September 18, 2002 from Michael S. Hickey, Director of Public Works, City of Palmetto.

**SUMMARY AND STAFF RECOMMENDATION**

**Summary.**

The applicant has requested modifications to the Development Order:

Amend Condition I.5 of the Development Order to reflect mitigation measures agreed upon by Manatee County Emergency Management and the Manatee County Red Cross; and

Amend Land Use Exchange Matrix (Section 4. A-C) to allow multi-family residential to be exchanged for hotel use, specialty retail square footage to be exchanged for multi-family residential, and hotel rooms to be exchanged for multi-family residential. These exchanges will not increase the trip generation of the original mix of uses.

Amend Land Use Exchange Matrix (Section 4.E) to increase the maximum total residential units from 617 units to 690 units.

Tampa Bay Regional Planning Council (TBRPC) approved this Notice of Proposed Change on January 13, 2003.

**Staff Recommendation.**

Staff recommends APPROVAL of this Notice of Proposed Change to allow the flexibility in the Land Use Exchange Matrix, the increase the maximum residential units by 73, and to allow the mitigation measures agreed upon with Manatee County Emergency Management and the Manatee County Red Cross.

**PLANNING AND ZONING BOARD RECOMMENDATION**

The Planning and Zoning Board shall APPROVE, APPROVE WITH CONDITIONS, OR DENY the requested change of zoning or the amendment to the Comprehensive Plan.

**REQUIRED CITY COUNCIL ACTION**

The City Council shall APPROVE, APPROVE WITH CONDITIONS, OR DENY the requested change of zoning or the amendment to the Comprehensive Plan.



516 8th Avenue West  
P. O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570 Suncom 516-0829  
FAX (941) 723-4576

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Z074060635

December 27, 1999

Mr. John M. Meyer  
DRI Coordinator  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard, Suite 219  
St. Petersburg, Florida 33702-2491

Re: Riviera Dunes Development Order  
Ordinance No. 665 - City of Palmetto

Dear Mr. Meyer:

In accordance with Section 14 of Ordinance No. 665, enclosed herewith is a certified copy of the Development Order for Riviera Dunes. This Development Order was adopted by the Palmetto City Council on December 20, 1999.

I trust that the Order will be found acceptable to the Department. On behalf of the City, I am taking this opportunity to thank the Region for working with us during the preparation of this Order.

Should you have any questions regarding the enclosed information, please do not hesitate to call me at (941) 723-4570.

Sincerely,

Margaret C. Tusing  
City Planner/Zoning Administrator  
Enclosure

cc: Riviera Dunes Resorts, Inc.  
Department of Community Affairs



516 8th Avenue West  
P. O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570 Suncom 516-0829  
FAX (941) 723-4576

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Z074060660

December 27, 1999

Ms. Marina Pennington  
Community Programs Administrator  
State of Florida, Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: Riviera Dunes Development Order  
Ordinance No. 665 - City of Palmetto

Dear Ms. Pennington:

In accordance with Section 14 of Ordinance No. 665, enclosed herewith is a certified copy of the Development Order for Riviera Dunes. This Development Order was adopted by the Palmetto City Council on December 20, 1999.

I trust that the Order will be found acceptable to the Department. On behalf of the City, I am taking this opportunity to thank the Department for working with us during the preparation of this Order.

Should you have any questions regarding the enclosed information, please do not hesitate to call me at (941) 723-4570.

Sincerely,

Margaret C. Tusing  
City Planner/Zoning Administrator  
Enclosure

cc: Riviera Dunes Resorts, Inc.  
Tampa Bay Regional Planning Council



516 8th Avenue West  
P. O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570 Suncom 516-0829  
FAX (941) 723-4576

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Z074060658

December 27, 1999

Ms. Linda J. Svenson, President  
Riviera Dunes Resorts, Inc.  
590 Haben Boulevard  
Palmetto, Florida 34221

Re: Riviera Dunes Development Order  
Ordinance No. 665 - City of Palmetto

Dear Ms. Svenson:

In accordance with Section 14 of Ordinance No. 665, enclosed herewith is a certified copy of the Development Order for Riviera Dunes. This Development Order was adopted by the Palmetto City Council on December 20, 1999.

I trust that the Order will be found acceptable to the Department. On behalf of the City, I am taking this opportunity to thank you for working with us during the preparation of this Order.

Should you have any questions regarding the enclosed information, please do not hesitate to call me at (941) 723-4570.

Sincerely,

Margaret C. Tusing  
City Planner/Zoning Administrator  
Enclosure

cc: Tampa Bay Regional Planning Council  
Department of Community Affairs



516 8th Avenue West  
P. O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570 Suncom 516-0829  
FAX (941) 723-4576

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Z074060659

December 27, 1999

Mr. Caleb Grimes  
Grimes, Goebel, Grimes, Hawkins & Gladfelter  
1023 Manatee Avenue  
Bradenton, Florida 34205

Re: Riviera Dunes Development Order  
Ordinance No. 665 - City of Palmetto

Dear Mr. Grimes:

In accordance with Section 14 of Ordinance No. 665, enclosed herewith is a certified copy of the Development Order for Riviera Dunes. This Development Order was adopted by the Palmetto City Council on December 20, 1999.

I trust that the Order will be found acceptable to the Department. On behalf of the City, I am taking this opportunity to thank you for working with us during the preparation of this Order.

Should you have any questions regarding the enclosed information, please do not hesitate to call me at (941) 723-4570.

Sincerely,

Margaret C. Tusing  
City Planner/Zoning Administrator  
Enclosure

cc: Tampa Bay Regional Planning Council  
Department of Community Affairs

**ORDINANCE NO. 665  
DRI # 236 RIVIERA DUNES**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING AND REPLACING ORDINANCE NO. 662 IN ITS ENTIRETY AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI #236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on December 17, 1998 Riviera Dunes Resorts, Inc., the predecessor in title to W.C. Riviera Partners, L.C., hereinafter referred to as the "Developer," filed an Application for Development Approval ("ADA") of a Development of Regional Impact ("DRI") with the City of Palmetto pursuant to the provisions of Section 380.06, Florida Statutes, and filed additional information through Sufficiency Responses dated April 20, 1999 and July 7, 1999; and

**WHEREAS**, the ADA proposed construction of a multi-use project on approximately 202 acres located in the City of Palmetto, adjacent to U.S. 41 and Haben Boulevard, hereinafter referred to as the "Riviera Dunes DRI" or the "Development"; and

**WHEREAS**, Riviera Dunes Resorts, Inc. entered into a Preliminary Development Agreement on April 8, 1998 with the Department of Community Affairs ("DCA") for preliminary development within the Riviera Dunes DRI and amended same on February 26, 1999; and

**WHEREAS**, the City Council of the City of Palmetto as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve a Development Order for the Development; and

**WHEREAS**, the Planning and Zoning Board of the City of Palmetto, as the City of Palmetto's local planning agency, has reviewed the ADA and the report of the Tampa Bay Regional Planning Council ("TBRPC"), held public hearings on October 11, 1999 and October 25, 1999 and has filed a recommendation with the City Council; and

**WHEREAS**, the City Council has received and considered the comments of the Planning and Zoning Board and the TBRPC; and

**WHEREAS**, the City Council on November 1, 1999 and November 15, 1999 held duly noticed public hearings on the ADA, and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, City agencies and the Developer; and

WHEREAS, the City Council on November 15, 1999, approved Ordinance No. 662 approving the Riviera Dunes DRI development order; and

WHEREAS, the Florida Department of Community Affairs has suggested modifications and clarifications to Ordinance No. 662, which modifications and clarifications are beneficial to the City and the Development; and

WHEREAS, to avoid confusion, Ordinance No. 662 should be amended and replaced by this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALMETTO IN A REGULAR MEETING ASSEMBLED THIS THE 20<sup>th</sup> DAY OF DECEMBER 1999 AS FOLLOWS:**

**Section 1. Findings of Fact.** The City Council hereby makes the following findings of fact:

A. All of the recitals are adopted as findings of fact.

B. The Developer has received City approval and has commenced development in accordance with the PDA.

C. The proposed Development is found to be consistent with the requirements of the City of Palmetto Comprehensive Plan provided the Development proceeds in accordance with the Development Conditions specified in Section 6 and the Developer Commitments specified in Section 7 of this Development Order.

D. The real property which is the subject of this Development Order is legally described in Section 7 of this Development Order.

E. The Development is not located in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

F. The owner of the property and the Development is W.C. Riviera Partners, L.C.

G. The authorized agent for the Developer is Linda J. Svenson.

H. A comprehensive review of the impact generated by the Development has been conducted by the appropriate departments of the City, the Planning and Zoning Board, the City Council, the TBRPC and the DCA.

**Section 2. Conclusions of Law.** Based upon the previous findings of fact and the following Conditions of Development Approval, the City Council concluded that:

A. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Final Report on the Development and the City of Palmetto Comprehensive Plan.

B. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.

C. The review by the City, the Planning and Zoning Board, TBRPC and other participating agencies and interested citizens reveals that the impacts of the Development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes. To the extent that the ADA is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

**Section 3. Development Components.** The development set forth in the following Table 1 and as set forth on Map H, attached hereto as Exhibit "A" is specifically approved subject to the conditions found within this Development Order:

<b>Land Use</b>	<b>Amount</b>	<b>Acreage</b>
<b>Residential</b>		
Single Family(Residential)	250 units	54.25± Acres
Multifamily*(Residential)	367 units	26.05± Acres
<b>Commercial (Retail and Service and Hotel and Motel)</b>		
Specialty Retail/Hotel**	141,500 sq ft and 125rooms	23.5± Acres
Convenience Retail	3,500 sq ft	2.5± Acres
Golf Center	15,000 sq ft	7.5± Acres
<b>Harbor/Marina(Port Facilities)</b>	200 slips-public	88.0± Acres
	200 slips-private	

Uses listed in parentheses are uses as defined in Section 380.06 Florida Statutes; others are as used in the Institute of Transportation Engineers Manual.

\* Includes Senior Living or ALF subject to exchange provisions in Section 4. below.

\*\* Includes Quality Restaurant and Other Retail subject to exchange provisions in Section 4. below.

**Section 4. Land Use Exchange Matrix.** The Developer may exchange land uses within the DRI in accordance with the following:

- A. Multifamily residential units may be exchanged for Specialty Retail, Senior Living and/or Assisted Living units provided the external traffic trips generated by the Specialty Retail, Senior Living and/or Assisted Living units shall not exceed the number of external trips generated by the multifamily residential units used for the exchange based upon the most recent edition of the Institute of Transportation Engineers (ITE) Manual.
- B. Specialty Retail square footage may be exchanged for Hotel Rooms, Quality Restaurant and/or other retail provided the external traffic trips generated by the Hotel Rooms, Quality Restaurant and/or other retail shall not exceed the number of external trips generated by the Specialty Retail used for the exchange based upon the most recent edition of the Institute of Transportation Engineers (ITE) Manual.
- C. Hotel Rooms may be exchanged for Specialty Retail provided the external traffic trips generated by the Specialty Retail shall not exceed the number of external trips generated by the Hotel Rooms used for the exchange based upon the most recent edition of the Institute of Transportation Engineers (ITE) Manual.
- D. Any exchange of land uses identified within an application for Preliminary Site Plan or General Development Plan (PSP/GDP) approval shall require the Developer to notify the Department of Community Affairs (DCA) and the TBRPC contemporaneously with Developer's submission of its application for PSP/GDP approval to the City. Additionally, any exchange of land uses shall be dated and documented with each Annual Report submitted.
- E. Any exchange of land uses shall not increase total residential units above the maximum of 617 units. The maximum number of hotel rooms cannot exceed 200 rooms.
- F. Any exchange of land uses consistent with this section shall not require the filing of a Notice of Proposed Change. However, an exchange of Multifamily for Assisted Living shall be subject to filing a Notice of Proposed Change pursuant to Florida Statutes Chapter 380.06, except for an exchange of 20 Multifamily units on Parcel 18 for 120-assisted living beds on Parcel 18.
- G. For purposes of this DRI, land use exchanges may be made by the Developer without further approval if such exchanges are in conformance with the units and square feet set forth on the following table:

**Table 2  
Land Use Exchange Matrix**

	SR	HR	SrL	ALF	QR	OR*
Specialty Retail(per 1000 sq.ft. )		3.2rms			235sq.ft.	x
Multifamily (per 1 unit)**	385sq.ft.		2.7units	4.3units		
Hotel Rooms (per 1 room)***	312sq.ft.					

SR=Specialty Retail; HR=Hotel Room; SrL=Senior Living; ALF = Assisted Living Facility; QR=Quality Restaurant; OR=Other Retail

\* requires independent calculation at time of exchange due to variety of land uses based on the most recent ITE Manual.

\*\*For density purposes, an exchange of Multifamily for Senior Living shall be at a one-to-one ratio

\*\*\*Pursuant to this exchange, the maximum number of hotel rooms cannot exceed a total of 200 rooms.

**Section 5. Definitions.** For purposes of this Ordinance, the following definitions shall apply:

**A. Application for Development Approval or ADA** shall mean The Riviera Dunes Resorts Development of Regional Impact Application for Development Approval, dated December 17, 1998 and sufficiency responses submitted by the Developer dated April 20, 1999 and July 7, 1999.

**B. Best Management Practices** shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and air quality and quantity objectives.

**C. City** shall mean the City of Palmetto, Florida

**D. Developer** shall mean W.C. Riviera partners, L.C., its heirs, assigns, designees, agents, and successors in interest as to the Riviera Dunes Development and all its stipulations.

**E. Development** shall mean the land uses by area, square footage, density, phase and type as described in the ADA, and/or this Development Order, to be constructed on the real property described in Section 8.

**F. Development Approval** shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or construction drawing approval where site plans or subdivision plats are not required.

**G. Lake Management Plan** shall mean a plan for the maintenance of the storm water system lakes in conformance with Southwest Florida Water Management District or Department of Environmental Protection rules and regulations.

H. **PDA** shall mean the Preliminary Development Agreement dated April 8, 1998 and as amended on February 26, 1999.

I. **Warranted** shall mean a determination by the City, based on generally accepted transportation engineering practices, that the adopted 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 the Development.

The definitions contained in Chapter 380, Florida Statutes, shall also apply to this Development Order.

**Section 6. Development Conditions.** The following development conditions shall apply to this Project:

**A. VEGETATION, WILDLIFE AND WETLANDS**

1. In the event that any additional state or federally listed species are discovered on-site during project development, the Developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection consistent with Rule 9J-2.041, F.A.C..

2. Nuisance and exotic plant species shall be removed from the project site during site development. A plan shall be developed and submitted to the City for approval by the City in the first annual report, as to how the project site will be maintained free of nuisance and exotic species.

3. Maintenance of mitigation, conservation and preservation areas shall be assured through the incorporation of a plan submitted to the City for approval by the City prior to the occupancy of the first residential unit.

4. The Developer shall adhere to the manatee protection plan set forth in the Army Corp of Engineers and DEP permits, as same may be modified from time to time, for the construction of the Harbor.

5. Conservation easements and deed restrictions shall serve to protect habitat from degradation due to property owners' activities.

6. Each annual report shall provide an updated map showing the locations and acreage of upland and wetland preservation.

7. Wetland buffers along the Manatee River and tidal creeks shall be an average of 25', with a minimum of 15' and shall be at least 15' for other wetlands. Upland buffers between on-site wetlands, marshes or rivers and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction in the area. Use of these buffers shall be limited to passive uses. The use of pesticides, herbicides or fertilizers shall be prohibited in these buffers and the wetlands they protect.

8. The Developer shall conduct annual inspections until the expiration of this Development Order of each surface water management system to ensure that each system is being properly maintained in keeping with its design and is capable of accomplishing the level of stormwater storage/treatment for which it was designed and intended. Inspection results shall be included in the Annual Report.

9. The on-site wetland systems, buffers and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas shall have their developmental uses restricted by easements conveyed to the local government, a state or federal agency or any organization dedicated to conservation. A description and summary of the acres preserved shall be included in the Annual Report.

10. Any shoreline banks created along on-site storm water wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in or allowed to be colonized by, native emergent and submergent vegetation. The Developer shall ensure, by supplemental replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for the duration of the project.

B. WATER QUALITY AND STORM WATER MANAGEMENT. A Lake Management Plan for the storm water system lakes shall be developed, and approved by the City of Palmetto and the Southwest Florida Water Management District or Department of Environmental Protection prior to the start of construction.

C. SOILS. Best Management Practices shall be employed during site preparation and construction to prevent soil erosion and subsequent water quality impacts.

D. FLOOD PLAINS

1. All habitable structures shall be constructed above the 100-year flood elevation.
2. Compensation for the loss of 100-year flood storage capacity shall be provided.

3. All real estate disclosure forms, deeds of sale or lease agreements for land and/or structures in the 100-year flood plain on the project site, shall be accompanied by a hazard disclosure statement generally describing the property's relative probability of damage from coastal and fresh water flooding. This disclosure may also list mitigation strategies including elevation, construction of safe rooms, window protection (shutters/security film) and where the builder has exceeded coastal construction codes.

4. There shall be no impervious surfaces constructed within the 25-year flood plain.

#### E. WATER SUPPLY

1. Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.) and City codes.

2. Potable water in sufficient quantities to serve the project, including water supply for fire fighting is available from the City of Palmetto. The Development shall connect to the City's water system and shall dedicate the project's water system to the City for maintenance and control.

3. The water conservation measures referenced in the ADA shall be required.

4. The Developer will use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the project with the following sources, in order of preference; 1) treated wastewater, 2) treated storm water; 3) non-potable quality groundwater. The Project shall connect to the City's reclaimed water system. The City shall furnish to the Developer the necessary pipe and shall reimburse to the Developer the costs of installing the reclaimed water pipeline from the project to the existing reclaimed water line located at 7<sup>th</sup> Street West and 6<sup>th</sup> Avenue West. The reimbursement shall come from the sewer and water impact fees collected from the Project or any other appropriate funding source, pursuant to an Agreement to be entered into between the City and the Developer.

5. For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances and other water conserving devices is required. This shall include the use of toilets requiring no more than 1.6 gallons per flush and installation of self-closing and/or metered water faucets in all public and commercial restroom facilities.

6. For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles is recommended in all landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated.

7. Irrigation systems shall be designed, installed and operated for maximum water use efficiency and shall be developed by an irrigation contractor licensed or certified by the State of Florida. The irrigation system shall include the following:

- a. Irrigation zones with differing water requirements such as golf tees, landscaped entryways, turf and common areas shall be irrigated separately.
- b. Low-volume irrigation system components will be used to the maximum extent practical.
- c. High-frequency irrigation areas shall be limited.
- d. The irrigation system must include rain sensors with automatic rain shutoff devices which shall be installed on each controller within the irrigation system.
- e. Maintenance of the irrigation system will include resetting the automatic controllers according to the season and checking, adjusting and repairing irrigation devices to ensure optimum operation efficiency.
- f. All residential irrigation systems will include rain sensors and automatic shutoff devices.

F. WASTEWATER MANAGEMENT. The project shall connect to the City of Palmetto wastewater treatment system at the existing force main at the intersection of 7<sup>th</sup> Street West and 5<sup>th</sup> Avenue West. The City shall reimburse to the Developer the cost of oversizing the line, if oversizing is required by the City.

#### G. TRANSPORTATION

1. Transportation system improvements required to maintain adopted service levels based upon the buildout of the entire project, and the number of external trips that cause this project to generate more than 5% of the adopted level of service capacity or generate the need for such improvements are identified in Table 3 below:

2. Funding Commitments. Any approval to proceed with this project shall require funding commitments from responsible entities for those roadway link and intersection improvements identified in Table 3 (Required Improvements). Without funding commitments for these improvements, preliminary site plan/general development plan approvals shall not be issued for any development in this project. For purposes of this Order, funding commitments shall be defined as identified in Rule 9J-2.045, F.A.C.

**Table 3  
Required Improvements**

<b>Location</b>	<b>Total Traffic LOS Prior to Improvement</b>	<b>Project Traffic Impact (Percent)</b>	<b>Required Improvement/ number of trips to generate need</b>
<b>Roadway Improvements<sup>(1)</sup></b>			
U.S. 41/U.S. 301 (6 <sup>th</sup> Avenue E to Manatee Avenue)	F	6.6	Construct NB and SB thru lanes/695*/856** (at 71% of buildout)
U.S.41/U.S.301 (south side of intersection of Haben Boulevard to U.S. 301 ramps)	F	7.2	Construct NB and SB thru lanes/430*/529** (at 44% of buildout)
<b>Intersection Improvements<sup>(2)</sup></b>			
U.S. 301 at Haben Boulevard	F	10.9	Re-stripe NB approach from exclusive LT, thru and RT lanes to share left-thru and dual RT lanes. Change signal phasing/ 441*/543**/(at 45% of buildout)
U.S. 41 at Haben Boulevard	F	7.8	Re-stripe existing RT lane as thru lane. Construct second SB LT lane. Construct new SB RT land. New SB and NB receiving lanes/430* / 543** (at 44% of buildout)

U.S. 41 at 7<sup>th</sup>  
Street W.

F

5.5

Signalize when warranted  
by the MUTCD and  
approved by FDOT or  
alternative solution/ 49\*/  
60\*\* (at 5% of buildout)

\* net external trips pm peak hour

\*\*gross external trips pm peak hour

Acronym Listing:

EB - East Bound

WB - West Bound

NB - North Bound

SB - South Bound

MUTCD - Manual of Uniform Traffic Control Devices

LT - Left Turn

RT - Right Turn

- Notes: (1) Project traffic impact based on ratio of two-way peak hour DRI volume to peak hour peak season approach capacity for the roadway segment.
- (2) Project traffic impact based on ratio of DRI approach volume to peak hour peak season approach capacity for the intersection.

Commitments include the placement of construction monies for the improvements in the adopted Five-Year Capital Improvements Schedule of the City of Palmetto or appropriate governmental entity having jurisdiction, or the adopted Florida Department of Transportation Five-Year Work Program, provided that the required transportation facility is scheduled to be commenced within the first three years, or a requirement by the City for construction of the improvement by the Developer concurrent with the construction of the substage triggering the need for the required improvement.

3. Level of Service Monitoring - Substaging. The developer may proceed with substages on this project, based on the need to maintain the level of service standards on the roadways identified in Table 3. Specific approval is granted up to 271 dwelling units (430 net external p.m. peak hour trips or 529 gross external p.m. peak hour trips whichever comes first) or its equivalent land uses. For each additional substage, the Developer shall submit an amended Section 380.06(19), Florida Statutes, traffic analysis to the City of Palmetto, the Tampa Bay Regional Planning Council, FDOT and the Department. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the regional roadway facilities defined in Table 3 at, or above the City of Palmetto's and Manatee County's adopted peak hour LOS standard. Any changes as a result of this option shall be implemented by an amendment to the development order, pursuant to the Notice of Proposed Change provisions of Section 380.06, Florida Statutes.

4. Proportionate Share Payments. Any required improvement may be mitigated if the City and the affected extra-jurisdictional local government, or the Florida Department of Transportation for facilities on the State Highway System, have agreed to a proportionate share payment methodology as adequately mitigating the extra-jurisdictional impacts of the development on the significantly impacted state and regional roadways within their jurisdiction pursuant to an amendment to this Development Order in accordance with Notice of Proposed Change provisions of Section 380.06, Florida Statutes.

Ordinance No. 665

11 of 19

5. The Developer shall conduct a biennial monitoring program to provide peak-hour counts at the project entrances in order to verify that the projected number of external trips for the development are not exceeded. Counts will continue through build-out. This information shall be provided within the required Annual Reports. If the Annual Report indicates that the total trips exceed projected counts by more than 15 percent, the City of Palmetto shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the developer or reviewing agencies to request Development Order amendments.

If the traffic counts exceed the projections provided in the transportation analysis by more than 15 percent, the developer will be required to provide a revised transportation analysis required pursuant to Subsection 380.06(19), F.S. An additional transportation methodology meeting will be required prior to preparation of this new analysis.

6. The Developer shall pay its fair share for the signalization of Canal Road/U.S. 301 when it is Warranted by the MUTCD and approved by FDOT. The fair share shall be calculated as the total signalization cost times development project traffic as a percentage of total traffic in the movements used to show that a signal is warranted by MUTCD, provided that if Development traffic does not exceed 5.0 percent of the adopted service capacity of the roadway analysis segments approaching the Canal Road/U.S. 301 intersection at the time a traffic signal is found to be Warranted, then the Developer has no fair share obligation.

7. Access from the project to U.S. 41 and Haben Boulevard shall be as shown on Map H, except that, with a General Development Plan, the City may approve, at the City's discretion, upon review of its effect on internal and external traffic circulation, one additional access point approved by the Florida Department of Transportation limited to right-in only from U.S. 41 to Parcels 10/12.

#### H. AIR QUALITY

1. Best Management Practices shall be employed during site preparation and construction to minimize air quality impacts, including but not limited to: water spraying or the use of nontoxic surfactants to reduce dust; hydromulching, seeding, sodding or landscaping to control dust and soil erosion.

2. Project ingress and egress shall be designed to minimize queuing and delays.

#### I. HURRICANE PREPAREDNESS

1. The Developer shall promote awareness of hurricane flooding hazard, preparedness and hazard mitigation through public information and/or neighborhood association newsletters.

2. The Developer shall promote awareness of hurricane hazards and mitigation of damage to boats at the marina through a specific Marina Hurricane Plan and Boaters Guide.

3. The Developer shall develop a plan for evacuation and recovery to ensure the safe and orderly evacuation of vulnerable residents, hotel guests, and employees after an official evacuation order is issued by (1) ordering all buildings in the evacuated areas closed for the duration of, a hurricane evacuation order; (2) informing all residents, guests and employees of evacuation routes out of the flood prone area amid measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation and re-entry/recovery plans. This plan shall be submitted to the City of Palmetto for approval and to the Manatee County Emergency Management Department for review and comment and shall be included in the first annual report submitted after occupancy of any portion of the project.

4. If Developer elects to construct Assisted Living, Developer shall submit to the City, the TBRPC, and Manatee County Emergency Management an evacuation plan. This submittal shall occur with the PSP/GDP for such development and shall be approved by the City.

5. The Developer shall work with Manatee County Emergency Management and the Manatee County Red Cross to identify measures to mitigate the development's impact on emergency public shelter. Provisions shall be consistent with Rule 9J-2.0256 FAC. This Development Order shall be amended to include the agreed upon mitigative measures. This amendment shall be submitted to the City pursuant to the Notice of Proposed Change provisions of Section 380.06, Florida Statutes, no later than June 1, 2000.

6. The Developer shall continue to work with the City to correct an off-site drainage problem that causes Haben Boulevard, the Development's major evacuation route, to flood during 25-year flood events.

7. The Declaration of Covenants, Conditions, Easements and Restrictions shall contain a section that outlines the emergency procedures, disclosure on the potential flooding vulnerability of this Development and the need for Flood Insurance in addition to standard homeowner policies. The document should also contain information on property loss mitigation strategies including elevation, construction of safe rooms, window protection (impact resistant windows/shutters/security film). Builders are encouraged to offer this hurricane resistant home package which include the above-mentioned strategies.

J. POLICE AND FIRE PROTECTION. If the City passes an impact fee ordinance providing for a police impact fee, Developer agrees to abide by the ordinance.

K. RECREATION AND OPEN SPACE. A system of bicycle and pedestrian trails shall be developed to link the residential, commercial and recreational areas.

L. EDUCATION. The Developer shall cooperate with the Manatee County School Board to accurately assess the most effective means of minimizing any potential negative impacts resulting from the project.

M. HEALTH CARE. The Developer shall continue to cooperate with the Manatee County Division of Emergency Management, to ensure that Emergency Medical Service is capable of being provided to the project's residents and users of its public facilities in a manner consistent with acceptable response times.

N. ENERGY. The energy conservation measures referenced on pages 104 and 105 of the ADA shall be required. The Developer shall ensure the use of xeriscape landscaping wherever possible to reduce both water and energy consumption.

#### O. PORTS AND MARINA FACILITIES

1. Live-aboards, defined as any individual spending 10 or more nights per month on a boat docked at the marina, shall not be allowed.

2. No maintenance or repair activities shall be allowed at the marina or private docks, with the exception of emergency repairs.

3. The manatee protection measures outlined in FDER Permit Number 411783719, and as amplified in the Agency's letter of May 7, 1999, both of which are on file with the City shall be implemented.

4. The marina shall implement the elements of the Florida Clean Marina Program to minimize the introduction of deleterious substances into the marina basin that would be detrimental to water quality.

5. The long-term agreements required by FDER Permit Number 411783719 shall be executed prior to occupancy or operation of the marina. These agreements relate to mitigation area monitoring, manatee protection, water quality monitoring, spill contingency planning, sewage disposal, and stormwater management. Implementation of these plans shall be reported in each DRI annual report.

6. Each Annual Report shall include a report on marina/private dock operation, including the number of slips occupied; and any incidents of fuel spills.

7. The provisions of the Pollution Discharge Act outlined in Section 376, Florida Statutes, and Chapter 62N, Florida Administrative Code, shall be strictly adhered to.

P. GENERAL CONDITIONS

1. Any change to the project which meets the criteria set forth in Subsection 380.06(19), F.S. shall constitute a substantial deviation.

2. Should Development significantly depart from the parameters set forth in the ADA or this Development Order, the project will be subject to substantial deviation review pursuant to Section 380.06, F.S.

3. Payment for any future activities of the TBRPC with regard to this Development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the Developer in accordance with the Rule 9J-2.0252, FAC.

**Section 7. Developer Commitments.** The Developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses (SR) which shall be honored by the Developer, except as they may be superseded by specific terms of this Development Order, are attached hereto as Exhibit "B."

**Section 8. Legal Description.** The legal description of the Development is set forth on Exhibit "C" attached hereto and made a part hereof.

**Section 9. Deadline for Commencement of Development.** Physical development of the Development shall commence within three (3) years of approval of this Development Order unless the time period for commencement is extended by the City Council; however no development shall occur until the expiration of the appropriate appeal for this Development Order has expired. If more than five years shall have elapsed between approval of this Development Order and commencement of development under City Development Approval, or if any five year period shall expire without significant development activity on the site, the City Council may conduct a public hearing in accordance with its regulations, and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on 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, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

**Section 10. Restrictions on Down-zoning.** Prior to November 15, 2004, the City may not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the City can demonstrate that:

A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or

B. The Order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the City to be essential to the public health, safety, or welfare.

Any down-zoning or reduction in density or intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for change in local land development regulations.

For the purposes of this Development Order, the term “down-zone” shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Development Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Development Order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the City to down-zone or alter the density of the Development, but is included herein to comply with Paragraph 380.06(15) (c)3, Florida Statutes.

**Section 11. Order Binding upon Developer.** This Order shall be binding upon the Developer, its successors, assigns, or successors in interest.

**Section 12. Compliance with Codes, Ordinances.** All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically authorized herein.

**Section 13. Termination of Preliminary Development Agreement.** This Development Order shall supercede and replace the PDA in its entirety, effective on the later of the following: (i) the expiration of any appeal period applicable to this Ordinance without the filing of an appeal, or (ii) the final resolution of any timely filed appeal of this Ordinance.

**Section 14. Rendition.** The City Clerk is hereby directed to send via first class U.S. mail, certified return receipt requested or hand delivery or other delivery service for which receipt of proof of service is required, certified copies of this Development Order and all pertinent attachments to the Bureau of State Planning, Florida Department of Community Affairs, the Tampa Bay Regional

Planning Council, and the developer within ten days of the City Council approval date of this Development Order.

**Section 15. Notice of Recording.** The Developer shall record a notice of adoption of this Development Order in accordance with Section 380.06 (15) (f), Florida Statutes, and shall furnish the City with a copy of the recorded notice.

**Section 16. Severability.** It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

**Section 17. Incorporation of Documents.** The Applicant for Development Approval and all Sufficiency Responses, the Preliminary Development Agreement and all other relevant written documents are incorporated herein by reference.

**Section 18. Monitoring of Development.** The City of Palmetto shall be responsible for monitoring of the Development and for assuring the Development's compliance with the Development Order. This shall be accomplished through the required Annual Report.

**Section 19. Annual Report.** The Developer, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to the City of Palmetto, TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on November 15th of each year until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Planning Department in the City of Palmetto, which shall review the report for compliance with the terms and conditions of this Development Order and which may submit an appropriate report to the City Council should the Planning Department decide further Orders and Conditions are necessary. The Developer shall be notified of any City Council hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the city Council shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

A. Any changes in the plan of Development, or in the representation contained in the ADA for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;

D. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the original DRI site since the Development Order was issued;

E. An assessment of the Developer's and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Exhibit "B" and which have been identified by the City, TBRPC, or the DCA as being significant;

F. Any known requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;

G. An indication of a change, if any, in local government jurisdiction for any portion of the Development since the Development Order was issued;

H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

I. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes; and

J. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes.

**Section 20. Project Termination and Expiration of Development Order.** The build-out date and termination date for the Development shall be five years from the effective date of the Development Order. The Development Order shall expire five years from the effective date of the Development Order.

**Section 21. Repeal of Ordinance No. 662.** Ordinance No. 662 is hereby amended and replaced in its entirety.

**Section 22. Effective Date.** This Ordinance shall become effective in accordance with Section 13 of the City Charter; provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal.

**APPROVED AND ADOPTED**, in open session with a quorum present and voting this 20th day of December 1999.

First Reading: December 6, 1999  
Publication: December 10, 1999  
Second Reading and  
Public Hearing: December 20, 1999

ATTEST:

CITY OF PALMETTO, FLORIDA  
BY AND THROUGH ITS CITY COUNCIL OF  
THE CITY OF PALMETTO

Mary Ann Forrester  
City Clerk  
A:\FINALDO.wpd|c|g|December 16, 1999

By: Pat Whitesel  
Pat Whitesel, Mayor

**Exhibit B**  
**DEVELOPER COMMITMENTS**

**VEGETATION, WILDLIFE, AND WETLANDS**

1. The mangrove forest, which is located in the northeast portion of the site, is not to be disturbed. (ADA, pg. 30)
2. In the event of unavoidable impacts to the (Leather) ferns, a permit from Florida Department of Agriculture and Consumer Services will be secured. (All required permits have been secured for removal and/or transplantation and all work will be done in accordance with said permits.) (ADA, pg. 33)
3. During the construction, the contractor will perform the acknowledged activities (listed on page 34 of the ADA) for the protection of manatees.
4. During operation, a minimum of six manatee awareness signs will be posted and a permanent educational display will be established. (ADA, pg. 34)
5. Wetland A (the shore of the Manatee River) will remain in its existing state except for the excavation of channels and augmented with native marsh and mangrove plants as per the FDER and USACOE permits. (ADA, pg. 36)
6. Only Wetland D will have an average 25-foot buffer surrounding each jurisdictional boundary. The pre- and post-development watershed analysis will be examined to ensure that the remaining wetland areas will have adequate drainage and maintenance of their former hydroperiods. (ADA, pg. 37)
7. Conservation easements will be given along the southern and eastern shores to preclude individual owners from altering the shoreline. (SR1, pg. 2)
8. Following the sale of each lot, the (federal) permit will be assigned to each buyer that owns property that adjoins any jurisdictional waters, including all wetlands, the Harbor and the Manatee River. (SR1, pg. 29)
9. Deed restrictions will prohibit the removal of mangrove vegetation from the (Manatee River waterfront) property, except as provided by law or permit. (SR1, pg. 35)
10. There will be a fringe of mangroves planted along the river on the south shoreline. (SR1, pg. 73)

## WATER AND STORM WATER MANAGEMENT

1. Turbidity control devices will be properly installed and maintained prior to, and throughout, the entire dredging activity to ensure compliance with State water quality standards. (ADA, pg. 37)
2. Monitoring will be performed pursuant to the State permit, to ensure no water quality violations during pump-down of the basin. Corrective actions will be taken if there are any problems. (ADA, pg. 54)
3. Measures will be taken to prevent or minimize potential adverse impacts on surface water quality. (listed in the permits and on ADA pg. 56)
4. Design of the development will prevent or minimize adverse impacts to the surface waters.(listed in the permits and on ADA pg. 56)
5. Construction and operation practices will be implemented to prevent exposure of the surficial aquifer to contaminants. (listed on ADA pg. 57)
6. Uncontaminated fill will be used to fill in those areas of the basin that might contact the intermediate aquifer. Any wells discovered on the site will be properly abandoned to prevent inter-aquifer exchange of groundwater. (ADA, pg. 57)
7. The proposed drainage system will provide for the biological treatment of the first one-half inch of rainfall through a planted littoral zone. (ADA, pg. 76)
8. Rip-rap will be constructed as energy dissipaters at discharge points during marina construction, and a silt fence will be provided on the perimeter of the project. (ADA, pg. 76)
9. Skimmer baffles will be constructed to remove grease and oils from the runoff prior to discharge into the harbor. (SR1, pg. iii)
10. Side slopes (of the dikes) will be at a minimum 4:1 with a shallower exterior shelf to be used as required wetland mitigation area. (SR1, pg. 3)
11. Design of the (driving range) structure will incorporate devices (i.e. spreader swales, rip-rap, and energy dissipaters) to allow for slow release of water into the harbor, and for avoiding dead water zones in the marina. A littoral zone constituted of plant material will be constructed in front of these outfall structures. (SR1, pg. 36)
12. Fertilizers will be required to have a high percentage of nitrogen in the organic form and be

of a slow-release type. Lawn and bush cuttings will be required to be removed from areas draining into surface waters. Other stipulations relating to the Lake Management Plan are included. (SR1, pg. 37)

13. All private owners will be required to use the public (sewage disposal) facility at the Marina or they will be subject to fines as stipulated in their homeowners deed restrictions and any penalties that are enforceable under the USACOE permit. (SR1, pg. 37)
14. All lots and properties fronting the harbor will have rear lot swales which will divert any runoff to the retention ponds. (SR1, pg. 42)

### **SOILS**

During construction the following measures will be taken to prevent both wind and water erosion:

1. A silt fence will be constructed around the perimeter of the project. A turbidity curtain will be installed along the edge of the lake to prevent any soil erosion or turbidity conditions.
2. Water trucks will be used to keep the dust or wind erosion under control.
3. Sod or hydromulch cleared areas and lake banks immediately upon completion of grading activities. (ADA, pg. 58-59).

### **FLOODPLAINS**

1. In the post-development conditions, all habitable finished floor elevations will be set to a minimum elevation of 8.5' MSL. In order to minimize any fill within the flood areas, parking and roadways will remain at lower elevations therefore subject to a 100-year flooding potential (ADA, pg.61)
2. Every habitable structure of the project will be constructed to meet 100-year flood criteria. (SR1, pg. 62)
3. The Developer will provide all educational material to the buyers about flooding, flood protection, and the conditions that can be expected periodically, including potential flood water heights and potential problems with vehicular access. (SR1, pg. 62)
4. Seawalls will be constructed within all hurricane and storm surge guidelines. (SR1, pg. 62)

## **WATER SUPPLY**

1. Educational materials from the Southwest Florida Water Management District (SWFWMD) will be distributed to all residents to address water conservation measures.
2. Drought tolerant and native plants and species will be used to the maximum extent possible for the common areas.

## **WASTEWATER MANAGEMENT**

1. Dry reuse lines will be constructed as part of the development.
2. SWFWMD brochures shall be distributed to all single-family homeowners to encourage water efficiency and conservation of xeriscaping and high efficiency irrigation systems.

## **SOLID WASTE/ HAZARDOUS WASTE/ MEDICAL WASTE**

The Developer stated that no laboratories, storage facilities, and warehouses which store or generate hazardous materials or waste, would be permitted.

## **HURRICANE PREPAREDNESS**

The Developer will provide each resident with the annual *Hurricane Guide*. Additional copies of this *Guide* will be placed on the bulletin board in each community recreation building.

## **POLICE AND FIRE PROTECTION**

If the City passes an impact fee ordinance providing for a police impact fee, Developer agrees to abide by the ordinance.

## **RECREATION AND OPEN SPACE**

A parcel will be donated to the City for use as recreation and/or open space to satisfy city zoning code requirements.

## **ENERGY**

Development will include energy conservation provisions such as: increased insulation, high efficiency appliances and air-conditioning systems, cross ventilation, window orientation and the availability of natural gas throughout the entire development.

## PORTS AND MARINA FACILITIES

1. The marina will be required to minimize bottom scraping over or near the water and to prevent and reduce the pollutants entrained in storm water runoff. (ADA, pg. 56)
2. There will be no live-aboards allowed in the basin. (ADA, pg. 56)
3. Fuel tanks at the marina will be of the double-walled, above-ground, type to facilitate inspection and timely cleanup in the event of leaks or spills. (ADA, pg. 57)
4. The federal and state permits for the marina facility have been accepted by the applicant, therefore the conditions become commitments. (ADA, Pg. 113-116)
5. Residential docks will not be constructed along the River. (SR1, pg. iii)
6. No boat maintenance facilities or activities will be allowed on-site. (SR1, pg. 24)
7. All docks will be located internally on the harbor, not externally on the River side. Construction of the docks will be phased over a four-five year period. The speed zone will be lengthened and more educational signage (than required in the permit) will be provided.(SR1, pg. 25-26)
8. Impacts to Manatees due to increased boat traffic will be reduced by the following:
  - phasing construction of the slips over a 4-5 year period;
  - additional educational signage "Manatee Awareness";
  - lengthening of controlled speed zones in our channel;
  - additional channel markers;
  - agreement for Riviera Dunes and its residents to not hamper, delay or in any way fight the future speed zones being implemented by the FDEP (SR1, pg. 47)
9. There will be no boat ramp. (SR1, pg. 72)
10. There will be no provisions to perform mechanical/repair work. (SR1, pg. 75)

I. PARCEL A

BEGIN AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN S 00°33'40" W ALONG THE WEST LINE OF SECTION 24, 574.82 FEET; THENCE S 40°33'36" E, 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/S.R. 55; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, N 00°00'25" E, 1117.61 FEET TO ITS INTERSECTION WITH A LINE BEARING S 89°27'02" E FROM THE POB; THENCE N 00°02'04" E, 656.58 FEET; THENCE N 10°59'44" W, 7.30 FEET; THENCE N 10°50'28" W, 196.50 FEET; THENCE N00°02'33" E, 300.00 FEET; THENCE N 59°59'28" W, 131.41 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 7th STREET; THENCE N89°27'14" W ALONG SAID SOUTHERLY RIGHT-OF-WAY OF 7th STREET, 299.99 FEET; THENCE S 00°32' 20" W, 1220.94 FEET TO THE POINT OF BEGINNING.

LESS:

COMMENCE AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE 'CIVIC CENTER PARCEL ) SAID POINT BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF US HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE S 89°58'43" W, 130.26 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF AFORMENTIONED U.S. HIGHWAY 301/41 FOR A POINT OF BEGINNING; THENCE S 89°59'19" W, 125.00 FEET; THENCE N 00°02'04" E PARALLEL TO THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301 217.92 FEET; THENCE N 65°59'14" W, 366.00 FEET TO THE WEST LINE OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE S 00°32'20" W ALONG SAID WESTERLY LINE OF SECTION 13, 404.58 FEET TO THE SOUTHWEST CORNER OF SECTION 13 (ALSO BEING THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST); THENCE S 00°33'40" W ALONG THE WESTERLY LINE OF SECTION 24 574.82 FEET; THENCE S 40°33'36" E 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE AFORMENTIONED U.S. HIGHWAY 301/41; THENCE N 00°00'25" E, 1117.61 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO A POINT BEING S 89°-27-02 E, 493.00 FEET FROM THE NORTHWEST CORNER OF SECTION 24-34S-17E; THENCE N 00°02'04" E ALONG THE WESTERLY RIGHT-OF-WAY OF U.S.HIGHWAY 301/41, 42.27 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY FLORIDA,

II. PARCEL 'B' (BEING NORTH OF HABEN BOULEVARD):

BEGIN AT THE NORTHEAST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE "CIVIC CENTER" PARCEL); THENCE RUN S 00°10'42" W, ALONG THE EAST LINE OF THE ABOVE REFERENCED "CIVIC CENTER" PARCEL, 465.37 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PRMCF (THE "HABEN BOULEVARD EXTENSION"); THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES: N 76°04'37" E, 80.36 FEET TO A POINT OF CURVATURE; THENCE 558.13 FEET ALONG THE ARC A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2190.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°47'50" E, 600.00 FEET TO A POINT OF CURVATURE; THENCE 339.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 942.00 FEET AND A CENTRAL ANGLE OF 20°37'20" , TO A POINT OF REVERSE CURVATURE; THENCE 298.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 19°54'13", TO A POINT OF COMPOUND CURVATURE; THENCE 46.17 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 75°34'57"; THENCE N 00°28'54" E, 100.73 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, RUN N 89°29'11" W, 1258.00 FEET; THENCE N 00°00'16" W, 363.50 FEET, THENCE N 99°23'50" W, 629.23 FEET TO THE POB.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA

III. PARCEL C

COMMENCE AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°27'02" E, 493.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF WAY OF U.S. HIGHWAY 301/S.R.55; THENCE RUN S 00°00'25" W, 1117.81 FEET ALONG SAID RIGHT-OF-WAY; THENCE S 40°33'36" E, 199.80 FEET FOR A POINT OF BEGINNING; THENCE N 00°01'28" E, 1267.87 FEET; THENCE N 00°03'41" E, 43.82 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1798 (SAID SOUTHWEST CORNER BEING THE POB OF SAID PARCEL), THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES N 89°59'19" E 100.00 FEET; THENCE 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET AND A CENTRAL ANGLE OF 10°59'56"; THENCE S 79°01'33" E, 123.57 FEET; THENCE 593.41 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 87°59'59"; THENCE N 33°03'07" E, 246.55 FEET; THENCE 368.65 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 960.00 FEET AND A CENTRAL ANGLE OF 22°00'07"; THENCE 167.59 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 480.00 FEET AND A CENTRAL ANGLE OF 20°52'28"; THENCE S 13°20'16" E, 1.99 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PUBLIC RECORDS OF MANTEE COUNTY, FLORIDA, (THE "HABEN BOULEVARD EXTENSION" PARCEL); THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID HABEN BOULEVARD EXTENSION THE FOLLOWING COURSES; N 75°55'53" E, 101.94 FEET THENCE 536.70 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2106.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°30'28" E, 600.00 FEET; THENCE 308.39 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 20°35'38", TO A POINT OF REVERSE CURVATURE, THENCE 341.49 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 492.00 FEET AND A CENTRAL ANGLE OF 20°48'15"; THENCE N 89°39'34" E, 106.37 FEET; THENCE N 00°20'26" E, 208.80 FEET TO THE END OF SAID HABEN BOULEVARD EXTENSION PARCEL; THENCE S 89°29'11" E ALONG THE SOUTHERLY BOUNDARY OF THAT PARCEL DESCRIBED IN ORB 370 PAGE 303 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, 433.84 FEET; THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARIES OF THAT PARCEL DESCRIBED AS "PARCEL 1" IN ORB 1435 PAGE 6874 (ALSO IN ORB 1180 PAGE 537) THE FOLLOWING TWO COURSES; S 00°23'51" W, 234.00 FEET; THENCE S 89°21'41" E, 154.00 FEET; THENCE S 00°00'53" W, 734.60 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13 SAID POINT BEING 66 FEET WEST OF THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, 599.46 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13; THENCE N 89°21'48" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, 599.46 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13; THENCE S 00°38'10" W ALONG THE EAST LINE OF U.S. GOVERNMENT LOT 3, 1354.95 FEET; THENCE S 76°20'28" W, 2500.08 FEET; THENCE N 15°09'23" W, 225.00 FEET; THENCE N 64°04'34" W 891.58 FEET; THENCE N 40°33'36" W, 143.46 FEET TO THE POINT OF BEGINNING.

LESS:

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1782-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE CIVIC CENTER 'PARCEL), SAID POINT BEGINNING, BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04 FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41 E, 43.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA

IV. PARCEL C-1

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE CIVIC CENTER 'PARCEL), SAID POINT BEGINNING, BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04 FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41 E, 43.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

V. PARCEL D

TOGETHER WITH NON-EXCLUSIVE EASEMENTS SET FORTH IN TRUSTEE'S DEED BY AND BETWEEN BARNETT BANK OF MANATEE COUNTY, NA, AS TRUSTEE, AND MANATEE COUNTY CIVIC CENTER AUTHORITY, RECORDED IN OFFICIAL RECORD BOOK 1054, PAGE 1788, AND SET FORTH IN RIGHT-OF-WAY RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN MANATEE GATEWAY NO.1, A JOINT VENTURE, AND BARNETT BANK OF MANATEE COUNTY AS TRUSTEE, AND THE MANATEE COUNTY CIVIC CENTER AUTHORITY RECORDED IN OFFICIAL RECORD BOOK 1054, PAGE 1801. ALL OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE PURPOSES OF INGRESS, EGRESS, DRAINAGE, AND UTILITIES, PEDISTRIAN WALKWAYS, AND OVERHEAD ARCHITECTURAL CONNECTION, OVER, UNDER, AND ACROSS THE LANDS DESCRIBED IN SAID INSTRUMENTS.

VI. PARCEL E

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR A PERIOD OF 25 YEARS FROM SEPTEMBER 12, 1991, WAS SET FORTH IN SOVEREIGN SUBMERGED LANDS EASEMENT GRANTED BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA IN FAVOR OF MANATEE GATEWAY I, A JOINT VENTURE, A FLORIDA GENERAL PARTERSHIP, AND RECORDED IN OFFICIAL RECORD BOOK 1376, PAGE 1557, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. FOR THE PURPOSE OF AN ACCESS CHANNEL AND FLUSHING CHANNEL OVER, UNDER, AND ACROSS THE SOVEREIGN LANDS DESCRIBED IN SAID INSTRUMENT