

#254



Building and Development Services  
Public Hearing Division  
Post Office Box 1000  
Bradenton, FL 34206  
Phone: (941) 748-4501  
www.mymanatee.org

December 29, 2014

Sent via email: dbailey@williamsparke.com

Charles D. (Dan) Bailey, Jr.  
Williams Parker Harrison Dietz & Getzen  
200 South Orange Avenue  
Sarasota, Florida 34236

Re: Request for Extension Pursuant to House Bill 7023 – Effective July 1, 2014  
Project Name: Sarasota Bradenton International Airport – Phase 2 – Outparcel 3  
Project Type: DRI – Conceptual Site Plan  
Project Number: DRI #15/Ordinance 05-35(EXT3)  
DTS #: 20140539  
Previous Extension Approvals: Tropical Storms Debby & Isaac – 05/01/2015

Dear Mr. Bailey:

We received your request to extend the expiration date for the above referenced project. Your extension request is pursuant to House Bill 7023 (HB 7023) that requires the holder of a valid permit to notify the County in writing by December 31, 2014 in order to be eligible for an extension; authorizes any Development Order, including Certificate of Level of Service (CLOS), having an expiration date between January 1, 2014 and January 1, 2016, be extended and renewed for a period of 2 years after its previously scheduled date of expiration; and extensions granted under this Bill and previous Bills (SB 360, SF 1752, HB 7207, HB 503 or HB 7019) shall not exceed 4 years in total.

Our records reflect the following:

- The extension request was filed on December 26, 2014.
- The buildout date currently expires on May 1, 2015.
- This phase was granted a 1-year and 121 day extension under the Tropical Storm Debby and Isaac Executive Orders.

Your extension application complies with the criteria of HB 7023; therefore, your request is granted. With approval of this 2-year extension, the buildout date will now expire on 05/01/2017.

No other changes were reviewed or approved with this request. Please keep in mind that all conditions of the previous approval remain in effect.

Please accept this letter as confirmation of the extension. The extension reflected above for the Sarasota Bradenton International Airport DRI Development Order and Zoning Ordinance are also hereby confirmed for the corresponding date shown on the associated Map H and the General Development Plan. At the next NOPC or amendment for this DRI, the development order and zoning ordinance will need to be updated to reflect this new date. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note this changed date by placing a copy of this letter in their files. A copy of this letter will also be placed in our DRI files to document the extension and all future GDP, NOPC, or Substantial Deviation requests will recognize the extension.

Please do not hesitate to contact me if you have any questions.

Sincerely,

  
Margaret C. Tusing  
Principal Planner

Cc: John Meyer, Tampa Bay Regional Planning Agency (email)  
DRI #15 File



## MANATEE COUNTY FLORIDA

May 10, 2013

Charles D. (Dan) Bailey, Jr.  
Williams, Parker, Harrison, Dietz & Getzen  
200 South Orange Avenue  
Sarasota, Florida 34236

Re: **REVISED LETTER** – (Add note regarding Phase II\* and correct typographical error)  
Project Name: **Sarasota Bradenton International Airport, DRI # 15**  
Request: **Extensions for Tolling and Extensions of Permits and other Authorizations Under Executive Orders for Tropical Storm Debby (12-140, 12- 192, 12-217); and Executive Order for Tropical Storm Isaac (12-199)**  
Project Number: **DRI #15/ORD-05-35(EXT2) (Related to PDMU-99-07) DTS #: 201200503**

Dear Mr. Bailey:

In 2012 the Florida Legislature authorized the tolling of permits for the duration of a state of emergency declared by the Governor and for an additional six (6) month time period after termination of the emergency for both Tropical Storm Debby and Tropical Storm Isaac.

*Florida Statute Section 252.363 "Tolling and extension of permits and other authorizations." This statute allows for the tolling and extension to the expiration of a development order issued by a local government, the expiration of a building permit and to developments of regional impact build out dates (and other defined permits and development orders) for emergency declarations covering the time period for the declaration and six months following the tolled period.*

**Tropical Storm Debby: (Executive Orders 12-140, 12-192, and 12-217):**

- On June 25, 2012, a State of Emergency (Executive Order 12-140) was declared for Tropical Storm Debby. The emergency declaration applied statewide and was for a period of 60 days. The State of Emergency initially extended through August 24, 2012. On August 20, 2012, Executive Order Number 12-192 extended the State of Emergency for thirty days from August 20 to September 19, 2012 for the following Counties: Baker, Bradford, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Duval, Franklin, Gilchrist, Gulf, Hamilton, Hernando, Highlands, Hillsborough, Jefferson, Lafayette, Lee, Levy, Liberty, Madison, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Suwannee, Taylor, Union, and Wakulla Counties. On September 19, 2012, Executive Order Number 12-217 extended again the State of Emergency for 5 additional days from September 19, 2012 to September 24, 2012 for the following Counties: Baker, Bradford, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Duval, Franklin, Gilchrist, Gulf, Hamilton, Hernando, Highlands, Hillsborough, Jefferson, Lafayette, Lee, Levy, Liberty, Madison, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Suwannee, Taylor, Union, and Wakulla Counties.
- The deadline for notification (request) is December 23, 2012.
- Extension length of the tolling period and the six month extension (FS.252.363) cumulative with the tolling for Executive Order 12 -140, 12-192, and 12-217 is 91 days and six months (FS 252.363)

**Tropical Storm Isaac (Executive Order 12-199):**

- On August 25, 2012, a State of Emergency (Executive Order 12-199) was declared for Tropical Storm Isaac. The emergency declaration applied statewide and was for a period of 60 days. The State of Emergency initially extended through October 24, 2012.

Building and Development Services Department  
Mailing Address: P. O. Box 1000 Street Address: 1112 Manatee Avenue West, Bradenton, FL 34206-1000  
WEB: [www.mymanatee.org](http://www.mymanatee.org) \* PHONE: 941.748.4501 \* FAX: 941.749-3071

- The deadline for notification to the Manatee County is January 22, 2013.
- Since you have applied for an extension pursuant to both Tropical Storm Debby and Isaac, only the tolling period for Isaac that has not "overlapped" with the tolling period for Tropical Storm Debby, and the six month period (FS 252.363)
- Extension length of the tolling period and the six month extension (FS.252.363) cumulative with the tolling for Executive Order 12 -199 is 30 days and six months.

You have applied for extensions of your development approvals for Tolling and Extension of Permits and other Authorizations under Executive Orders 12-140, 12-192, 12-217 and 12-199 pursuant to Florida Statutes Section 252.363 relative to the Sarasota Bradenton International Airport Development of Regional Impact (DRI). Manatee County has determined that if you make a proper application and meet the other requirements of the law, then the deadlines are extended for the length of the tolling period and a six month period extension for each emergency declaration – totaling a 1 year and 121 day extension. As you have made an application and the development otherwise qualifies, your deadlines for the Sarasota Bradenton International Airport DRI Ordinance and its associated General Development Plan are eligible for the extension and have been extended as follows, with the dates set forth below reflecting the previous HB 503 (issued for Phase I only) and the additional Tropical Storm Debby and Isaac extensions (12-140, 12-192, 12-217 and 12-199):

The Phase I buildout date currently expires on 12/31/2014. With the additional 1 year and 121 day extension under the Tropical Storm Debby and Isaac Executive Orders pursuant to FS 252.363, the buildout date is extended to 04/30/2016.

The Phase II\* (Outparcels 2, 4, 5, 6, and Airport Aviation Related Development) buildout dates currently expires on 12/31/2018. With the additional 1 year and 121 day extension under the Tropical Storm Debby and Isaac Executive Orders pursuant to FS 252.363, the buildout date is extended to 04/30/2020.

The Phase II\* (Outparcel 3) buildout date currently expires on 12/31/2013. With the additional 1 year and 121 day extension under the Tropical Storm Debby and Isaac Executive Orders pursuant to FS 252.363, the buildout date is extended to 05/01/2015.

\*Phase II is conceptually approved. Phase I is the only phase that has been specifically approved.

P (5) The Development Order shall expire on 12/31/2018 04/30/2020. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this development order.

Please accept this letter as confirmation of the extension. The extensions reflected above for the Sarasota Bradenton International Airport DRI Development Order and Zoning Ordinance are also hereby confirmed for those corresponding dates shown on the associated Map H and the General Development Plan, respectively. At the next NOPC or amendment for your DRI, the development order and zoning ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files. A copy of this letter will also be placed in all our DRI files to document the extensions and all future GDP, NOPC, or Substantial Deviation requests will recognize the extensions.

Please contact me should you have any questions regarding the above information.

Sincerely,



Lisa Barrett  
Planning Division Manager

cc: John Meyer, Tampa Bay Regional Planning Agency (email)  
Katie Labarr, AICP – Building and Development Services (email)



# MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT  
"TO SERVE WITH EXCELLENCE"

#254  
—

December 19, 2007

Fredrick J. Piccolo  
SBIA  
6000 Airport Circle  
Sarasota, FL 34243

Re: Sarasota Bradenton International Airport DRI – Extension of phase, buildout, and expiration dates

Dear Mr. Piccolo:

During the 2007 legislative session, Section 380.6(19)(c) Florida Statutes was amended to extend all , buildout, and expiration dates for DRI's that were under "active construction" as of July 1, 2007. Manatee County has determined that the Sarasota Bradenton International Airport DRI was under active construction on July 1<sup>st</sup>.

On October 9, 2007 the Board of County Commissioners adopted Resolution No. R-07-180 to recognize the automatic three-year extensions granted pursuant to the Section 380.06(19)(c) F.S. Accordingly, the following phase, buildout, and expiration dates for DRIs are extended for three years from their stated expiration dates:

- A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;
- B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and
- C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

The Board also authorized the Planning Department to review all current DRI Development Orders and give notice of the extended dates for the DRI. Copies of this letter and the Resolution No. R-07-180 will be placed in all DRI files to document the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions. The extended dates for the Sarasota Bradenton International Airport DRI are set forth below:

Manatee County Ordinance 05-35 is now amended to read as follows:

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida • Tel. (941) 749-3070

**SECTION 5. DEVELOPMENT CONDITIONS.**

**DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS.**

A(1). This Development Order approval shall constitute approval of the Substantial Deviation, subject to the conditions set forth herein and shall be limited to the development amounts set forth in Tables 1, 2, 3, 4, 5, 6, and 7 below. Development is approved in two (2) phases. Phase 1 allows for development to occur between 2003 and ~~2009~~ 2012, and is specifically approved. The land uses proposed in Phase 2 are approved in concept, however, the Developer\* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements for Phase 2 . The Developer\* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380, Florida Statutes and the rules and policies of the SWFRPC, TBRPC and DCA.

**TABLE 2  
Sarasota Bradenton International Airport – Outparcel #2  
Allowed Development Totals**

Outparcel #2					
Land Use [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Light Industrial [380.0651(3)©]	50,000* s.f.	160,000* sf		210,000 s.f.	32
Warehouse [380.0651(3)©]	108,530** s.f.	n.a.	n.a.	108,530 s.f.	14.9
Manufacturing [380.0651(3)©]	9,917*** s.f.	n.a.	n.a.	9,917 s.f.	1.0
Heavy Commercial (Tire Store) [380.0651(3)(f)]	7,144*** s.f.	n.a.	n.a.	7,144 s.f.	1.4
General Commercial (Auto care center/ truck repair) [380.0651(3)(f)]	16,000 s.f.	n.a.	n.a.	16,000 s.f.	1.5
<b>Build-out Total</b>	191,591 s.f.	160,000		351,591sf	50.79
<b>Build-out dates</b>		<u>12/31/09</u> <u>12/31/12</u>	<u>12/31/15</u> <u>12/31/18</u>	<u>12/31/15</u> <u>12/31/18</u>	

**TABLE 3**  
**Sarasota Bradenton International Airport - Outparcel #3**  
**Allowed Development Totals**

Outparcel #3					
Type [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Office [380.0651(3)(d)]	n.a.	15,000 s.f.	n.a.	15,000 s.f.	3.57
Quality Restaurant [380.0651(3)(f)]	n.a.	7,000 s.f.	n.a.	7,000 s.f.	1.57
Fast Food [380.0651(3)(f)]	n.a.	3,000 s.f.	n.a.	3,000 s.f.	1.86
<b>Build-out Total</b>				25,000 s.f.	7.00
<b>Build-out Dates</b>		<u>12/31/09</u> <u>12/31/12</u>	<u>12/31/10</u> <u>12/31/13</u>		

**TABLE 4**  
**Sarasota Bradenton International Airport - Outparcel #4**  
**Allowed Development Totals**

Outparcel #4					
Type (380.0651 Guidelines)	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Hotel [380.0651(3)(g)]	n.a.	200 rooms	n.a.	200 rooms	5.33
Office [380.0651(3)(d)]	n.a.	5,000 s.f.	20,000	25,000 s.f.	2.55
Auto Sales [380.0651(3)(f)]	n.a.	25,000 s.f.	n.a.	25,000 s.f.	3.19
<b>Build-out Total</b>	n.a.	30,000 s.f.	20,000 s.f.	50,000 s.f. 200 rooms	11.07
<b>Build-out Dates</b>		<u>12/31/09</u> <u>12/31/12</u>	<u>12/31/15</u> <u>12/31/18</u>		

**TABLE 5**  
**Sarasota Bradenton International Airport - Outparcel #5**  
**Allowed Development Totals**  
**(Located entirely in the City of Sarasota)**

Type [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Office [380.0651(3)(d)]	n.a.	200,000 s.f.	n.a.	200,000 s.f.	4.34
Hotel [380.0651(3)(g)]	n.a.	200 room	n.a.	200 room	3.50
Quality Restaurant [380.0651(3)(f)]	n.a.	150 seat	n.a.	150 seat	
Build-out Total		200,000 s.f. 200 rooms 150 seats	n.a.	200,000 s.f. 200 rooms 150 seats	7.84
Build-out Dates		<u>12/31/09</u> <u>12/31/12</u>	<u>12/31/15</u> <u>12/31/18</u>		

**TABLE 6**  
**Sarasota Bradenton International Airport - Outparcel #6**  
**Allowed Development Totals**

Type [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Light Industrial, Research & Development, Small Commercial, Professional Office, Warehouse [380.0651(3)(c)]	n.a.	50,000 s.f.	n.a.	50,000 s.f.	16.86
Build-out Total		50,000 s.f.	n.a.	50000 s.f.	16.86
Build-out Dates		<u>12/31/09</u> <u>12/31/12</u>	<u>12/31/15</u> <u>12/31/18</u>		

**TABLE 7**  
**Sarasota Bradenton International Airport Allowed Development Totals**

Airport and Aviation Related Development					
Type (380.0651 - Airports)	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Runway 14/32, including associated taxiways and connectors, aprons, lighting, security, access, roads, utilities, and other infrastructure	7,003 l.f.	2,500 l.f.		9,503 l.f.*	1,123.45 Total Acres  with  902.4 In Manatee County
Noise Barrier Berms and Walls	n.a.	[COMPLETED]			
Terminal Expansion	305,000 s.f. 13 gates		175,000 s.f. 9 Air carrier or commuter gates	175,000 s.f.**	
Enplanements - Commercial Carriers	561,506***	930,000***	1,274,000		
General Aviation Operations	88,000	202,536	256,273		
General Aviation Hangars	208	237		445	
Parking Garage			800 spaces	800 spaces	
Airport Maintenance Warehouse		62,000 sf			
<b>Build-out dates</b>		<b><u>12/31/2009</u></b> <b><u>12/31/2012</u></b>	<b><u>12/31/2015</u></b> <b><u>12/31/2018</u></b>		

**GENERAL CONDITIONS.**

P(5). This Development Order shall expire on December 31, ~~2015~~ 2018. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

Please contact me should you have any questions regarding the above information.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Pederson", written in a cursive style.

Robert H. Pederson, AICP  
Community Planning Administrator

RESOLUTION NO. R-07-180

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AUTHORIZING THE EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR PROJECTS THAT ARE DEVELOPMENTS OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06(19)(c), FLORIDA STATUTES; AUTHORIZING AND DIRECTING THE PLANNING DIRECTOR TO CARRY OUT NECESSARY ACTIONS; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, pursuant to Part II, Chapter 163, Florida Statutes, and Chapter 380, Florida Statutes, has issued development orders for developments of regional impact ("DRIs") for land development within the unincorporated areas of the County, with such stated expiration dates as are authorized and required pursuant to applicable law; and

WHEREAS, during the 2007 legislative session, the Florida Legislature amended Section 380.06(19)(c), Florida Statutes, to provide that *"In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection"*; and

WHEREAS, in order to comply with the amendments to Section 380.06(19)(c), Florida Statutes, the Board wishes to adopt this Resolution to authorize and direct the Planning Director to memorialize such statutory extensions as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

**SECTION 1. EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR DRIS.** The Board hereby recognizes the automatic three-year extension granted pursuant to Section 380.06(19)(c), Florida Statutes, for phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007. In order to comply with the letter and intent of such provision, the following phase, buildout, and expiration dates for such DRIs shall be deemed extended by a period of three years from their stated expiration dates:

- A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;
- B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and

C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

**SECTION 2. EXTENSION OF IMPROVEMENT COMPLETION DEADLINES.**

Deadlines for completion of individual improvements, or any other deadlines not specifically addressed in Section 1 above, shall be evaluated on a case-by-case basis to determine whether such deadlines should be extended in order to comply with Section 380.06(19)(c), Florida Statutes. An applicant bears the responsibility of identifying any such deadlines that it believes should be extended, and obtaining a written determination from the Planning Department, before any such deadlines should be treated as extended by the applicant.

**SECTION 3. DIRECTION TO PLANNING DIRECTOR.** The Board hereby authorizes and directs the Planning Director, and such other necessary County officers and staff, subject to and in accordance with the terms and conditions of this Resolution and Section 380.06(19)(c), Florida Statutes, to review existing DRI development orders and related approvals and to provide written notice to applicants of the extensions recognized in to Section 1. The Planning Director is also authorized to consider and act upon requests of DRI applicants for extensions of other deadlines pursuant to Section 2.

**SECTION 4. INCORPORATION INTO BOARD APPROVALS.** For any DRI affected by this Resolution, the Planning Director shall include in any future ordinance, development order or other approval submitted to the board, language and expiration dates to assure that the Board action provides for the recognition of the extensions provided pursuant to Section 380.06(19)(c), Florida Statutes, as implemented pursuant to this Resolution.

**SECTION 5. EFFECT OF RESOLUTION.** This Resolution adopted solely for the purpose of implementing the statutory extensions made pursuant to Section 380.06(19)(c), Florida Statutes. Accordingly, this Resolution (a) shall be construed in a manner consistent with the intent of such statutory provision, and (b) shall not be construed to confer extensions or other development rights beyond those authorized and required pursuant to such statutory provision.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

R-07-180

ADOPTED THIS 9<sup>TH</sup> DAY OF OCTOBER, 2007.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Greg Stein*  
Chairman of the Board of County  
Commissioners

ATTEST:

R.B. SHORE, Clerk of the Circuit Court

By: *Lusana Romera*  
Deputy Clerk



## MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

<b>SUBJECT</b>	Resolution No. R-07-180. Statutory extension of DRI phasing, buildout, and expiration dates	<b>TYPE AGENDA ITEM</b>	Consent
<b>DATE REQUESTED</b>	October 9, 2007	<b>DATE SUBMITTED/REVISED</b>	October 1, 2007
<b>BRIEFINGS? Who?</b>	None Required	<b>CONSEQUENCES IF DEFERRED</b>	Delay in notification to applicants and interested parties
<b>DEPARTMENT/DIVISION</b>	Planning/Community Planning	<b>AUTHORIZED BY TITLE</b>	Carol B. Clarke, AICP, Planning Director <i>CBC</i>
<b>CONTACT PERSON TELEPHONE/EXTENSION</b>	Robert H. Pederson, Community Planning Administrator. Ext. 6833	<b>PRESENTER/TITLE TELEPHONE/EXTENSION</b>	Robert H. Pederson, Community Planning Administrator. Ext. 6833
<b>ADMINISTRATIVE APPROVAL</b>			

### ACTION DESIRED

INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

**Adoption of Manatee County Resolution R-07-180 authorizing the Planning Director to review DRI Development Orders and related approvals and to provide written notice to applicants of the extensions authorized by Section 380.06(19)(c), Florida Statutes**

### ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

- Chapter 380.06 Florida Statutes

### BACKGROUND/DISCUSSION

- During the 2007 legislative session, Section 380.06(19)(c) was amended to extend all phase, buildout, and expiration dates for DRIs that are under "active construction" on July 1, 2007.
- The amendment was in recognition of the real estate market conditions in Florida.
- The attached Resolution recognizes the automatic 3 years extensions and authorizes the Planning Director to review all current DRI Development Orders and notify the applicants of the extensions and the new phase, buildout, and expiration dates for their DRI.
- Copies of this Resolution will be placed in all DRI files to documents the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions.

### COUNTY ATTORNEY REVIEW

<b>Check appropriate box</b>	<b>APPROVED IN OPEN SESSION</b>
<input type="checkbox"/>	<b>REVIEWED</b> Written Comments: <span style="float: right;">OCT 09 2007</span>

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

	<input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: ____ )
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input checked="" type="checkbox"/>	OTHER The County Attorney's Office prepared the draft Resolution and has reviewed this agenda memorandum

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
<ul style="list-style-type: none"> <li>Resolution No. R- 07-180</li> </ul>		<ul style="list-style-type: none"> <li>Please forward a copy of the adopted Resolution to:  County Attorney's Office – Bill Clague  Planning Department – Bobbi Roy</li> </ul>	
COST:	N/A	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A



# MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT  
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 06000024 5577 1781

June 9, 2005

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

Re: Development Order for the Sarasota-Bradenton International Airport

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 05-35 the Development Order for the Sarastoa-Bradenton International Airport Development of Regional Impact, as adopted in open session by the Manatee County Board of County Commissioners on May 24, 2005, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP  
Community Planning Administrator

RHP/ks  
Enlclosure

ORDINANCE NO. 05-35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, AND A DETERMINATION OF WHETHER THE FOLLOWING CHANGES CONSTITUTE A SUBSTANTIAL DEVIATION TO THE SARASOTA-BRADENTON INTERNATIONAL AIRPORT DEVELOPMENT OF REGIONAL IMPACT AND REVISE THE DEVELOPMENT ORDER TO ELIMINATE THE LOCATION REQUIREMENTS FOR GENERAL AVIATION HANGARS WITHIN THE AIRPORT PARCEL AND THE FIXED BASE OPERATORS; CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #15; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

FILED FOR RECORD  
R. B. SHORE  
2005 JUN -3 AM 11:13  
CLERK OF DISTRICT COURT  
MANATEE CO. FLORIDA

**WHEREAS**, The Sarasota Manatee Airport Authority (referred to as "SMAA" or "Authority"), possesses a Final Order approved by the Florida Land and Water Adjudicatory Commission on November 26, 1986 (Initial Development Order) for the Sarasota Bradenton International Airport (SBIA); and

**WHEREAS**, on December 15, 1999, the Board of County Commissioners of Manatee County rendered an amended and restated development order pursuant to Chapter 380, Florida Statutes that included all development approved in the Preliminary Development Agreement in addition to other newly proposed airport aviation related, and outparcel development on lands owned by the Authority ; and;

**WHEREAS**, on May 7, 2002 the Board of County Commissioners of Manatee County approved an amendment to the Development Order which amended, replaced, and superceded Ordinance 99-50, to move 6.28 acres from Outparcel #4 to the Airport Proper and refer to all hangars as "general aviation hangars"; and

**WHEREAS**, on December 14, 2004 the Board of County Commissioners approved a Substantial Deviation to the Sarasota-Bradenton International Airport Development of Regional Impact Development Order to: combine the existing phases 1 & 2 into a new and revised phase 1 and extend the buildout by 4-years to 12/31/09; eliminate the existing phase 3 and move the phase 3 entitlements into a new and revised phase 2 and extend the buildout by 5 years to 12/31/15. Move 84,000 square feet of light industrial from the current phase 3 to new phase 1 and add 36,000 square feet of light industrial uses on Outparcel #2; add ±16.86 acres (located on the north side of Tallevast Road) to the DRI to be developed with 50,000 s.f. of light industrial, research and development, small commercial, professional office, and warehouse uses (to be known as Outparcel #6); add 200,000 s.f. of office space, a 150-seat restaurant, and 200 hotel rooms on the Airport Parcel along University Parkway and east of the airport entrance (known as Innovation Green and located in the City of Sarasota); add 62,000 s.f. of airport maintenance and warehouse uses (located in the City of Sarasota) and 175 hangar spaces (located in Manatee County) to the Airport Parcel; approval of a Land Use Equivalency Matrix to exchange land uses among the outparcels; clarify the acreages devoted to each land use within Outparcels #1 and #3 and amend the overall acreage for each of these outparcels; amend Map H to reflect the above changes; and various other changes to the development order including terminology, formatting, clarification changes; and to denote stipulations that have been complied with or requirements that have been completed; and

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MANATEE COUNTY, FLORIDA

**WHEREAS**, the Sarasota-Manatee Airport Authority has made application for a Notice of Proposed Change to the DRI to revise the Development Order to eliminate the location requirements for General Aviation Hangars within the Airport Parcel and the Fixed Base Operators; and

**WHEREAS**, the Tampa Bay Regional Planning Council, The Southwest Florida Regional Planning Council, the City of Sarasota, Sarasota County, and Florida Department of Community Affairs were provided copies of the Notice of Proposed Change \*by the SMAA and were, therefore, afforded the opportunity to comment on the proposed change; and

**WHEREAS**, the Planning Commission has reviewed the Notice of Proposed Change and has filed a recommendation on said Application with the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant on the pending Notice of Proposed Change; and

**WHEREAS**, portions of the described project lie within the unincorporated area of Manatee County; and

**WHEREAS**, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT:**

**SECTION 1. FINDINGS OF FACT:**

The Board of County Commissioners, after considering the testimony, evidence, the Notice of Proposed Change the recommendation and findings of the Planning Commission, and all other matters presented at the public hearings, hereby makes the following findings of fact:

- A. All "**WHEREAS**" clauses preceding Section 1 of this Resolution are adopted as findings of fact.
- B. On March 9, 2005, Fredrick J. Piccolo, authorized agent for the Applicant, Sarasota-Manatee Airport Authority ("SMAA") submitted to Manatee County an Application for a Notice of Proposed Change, known as Sarasota Bradenton International Airport.
- C. The Sarasota Bradenton International Airport ("Airport") formerly known as Sarasota Bradenton Airport, consists of approximately 1,123.45 acres and is located in Manatee County, the City of Sarasota, and Sarasota County, and is described in Attachment A of this Development Order. Approximately 902.34 acres of the total DRI are located within unincorporated Manatee County.
- D. Development of the site is currently governed by DRI Development Orders of the jurisdictions listed below:
  - (1) Manatee County:

- a. Final Order approved by the Florida Land and Water Adjudicatory Commission on November 26, 1986 (Initial Development Order).
- b. Resolution No. 90-98, approved July 26, 1990. (First Amendment).
- c. Ordinance No. 99-50, approved December 15, 1999.(Second Amendment)
- d. Ordinance No. 02-23, approved May 7, 2002. (Third Amendment)
- e. Ordinance No. 04-34, approved December 14, 2004. (Fourth Amendment)

(2) Sarasota County:

- a. Resolution No. 85-48, approved October 15, 1985. (Initial Development Order).
- b. Resolution No. 86-78, approved February 11, 1986. (First Amendment).
- c. Resolution No. 87-516, approved October 6, 1987. (Second Amendment).
- d. Resolution No. 85-151, approved May 16, 1989. (Third Amendment).
- e. Resolution No. 94-201, approved July 26, 1994. (Fourth Amendment).
- f. Ordinance No. 2000-028, adopted March 15, 2000. (Fifth Amendment)
- g. Resolution No. 2004-088, adopted May 11, 2004. (Sixth Amendment)

(3) City of Sarasota:

- a. Resolution approved November 4, 1985 (Initial Development Order).
- b. Resolution approved on February 26, 1986 (First Amendment).
- c. Resolution approved on August 18, 1986 (Second Amendment).
- d. Resolution No. 00R-1263 approved on April 3, 2000.(Third Amendment)
- e. Ordinance No. 02-04394 approved on August 5, 2002 (Fourth Amendment)
- f. Resolution No. 04R-1751 approved on May 17, 2004 (Fifth Amendment).

E. The foregoing development orders have resulted in the existing, authorized, and approved development of the site, including development that existed on July 1, 1973, the effective date of Chapter 380, Florida Statutes, as follows:

- (1) Primary runway 14-32: 9,500 ft. x 150 ft.; 190,500 lbs pavement strength
- (2) Secondary runway 4-22: 5,004 ft. x 150 ft.; 115,000 lbs. pavement strength
- (3) Taxiways A, B, C, and F and taxiways for Dolphin Aviation and Jones Aviation
- (4) Air carrier apron: 895,500 s.f.
- (5) FAA air traffic control tower
- (6) General aviation aprons: 43,560 s.f.; 104 tie down spaces
- (7) General aviation hangars: 445
- (8) Air carrier terminal: 305,000 s.f.; 13 gates
- (9) General aviation terminals: 15,100 s.f.

- (10) Fuel farms:
  - a. commercial airlines: 130,000 gal.
  - b. general aviation: 174,000 gal.
- (11) Automobile parking
  - a. Public: 1,431 spaces
  - b. Employee: 446 spaces
  - c. Car rental ready return: 259 spaces
  - d. General aviation: 110 spaces
- (12) Miscellaneous aviation facilities:
  - a. Air freight terminal: 19,746 s.f.
  - b. Fire rescue station: 12,286 s.f.
  - c. Toll plaza operations: 1,066 s.f.
  - d. Auditorium/office: 6,220 s.f.
  - e. Facilities/O'Day Bldg.: 39,780 s.f.
  - f. New electrical vault: 1,725 s.f.
  - g. Old electrical vault: 425 s.f.
  - h. Restroom D: 484 s.f.
  - i. Restroom J: 484 s.f.
  - j. Agape Flight hangar/office: 5,760 s.f.
  - k. F.I. International hangar/office: 1,600 s.f.
- (13) Rental car maintenance facilities:
  - a. Alamo Rent A Car, Inc.: 5,880 s.f.
  - b. Avis Rent A Car System, Inc.: 2,613 s.f.
  - c. Budget Rent A Car Systems, Inc.: 6,000 s.f.
  - d. Hertz: 3,720 s.f.
  - e. National Car Rental Systems: 3,780 s.f.
  - f. Dollar Rent A Car, Inc.: 1,243 s.f.
- (14) Non-aviation tenant facilities:
  - a. Quonset Hut No. 1335 (Dynasty Boats): 10,260 s.f.
  - b. Quonset Hut No. 1206:(Treadco Tire & Security 1<sup>st</sup> Storage) 26,404 s.f.
  - c. Airport Shell: 2,343 s.f.
  - d. Airport Plaza Ltd. (Silk Warehouse): 32,980 s.f.
  - e. Airport Flyers, Inc. (Airport Mall): 35,700 s.f.
  - f. Asolo Theater (FSU Foundation): 21,680 s.f.
  - g. County Line Investments (Gilbert Waters): 30,616 s.f.
  - h. Gulf Coast Karting: Racetrack
  - i. University Self Storage (f.k.a. Sassaman): 9,843 s.f.
  - j. 1349 University Parkway: 16,572 s.f.
- (15) Daily enplanements: 1,700 passengers
- (16) External vehicle trips: 10,277 (average daily trips; 591 Total PM peak hour trips comprised of 296 in and 295 out at build-out.

F. The SMAA ADA received approval of the following with Ordinance 99-50:

- (1) Runway 14-32 extension: add 1,150 feet at the southeast end and 1,350 feet at the northwest end, for total runway length of approximately 9,500 feet.
- (2) Expansion of terminal by 175,000 s.f., including a maximum of nine additional air carrier or commuter gates, and associated infrastructure such

- as aprons, taxiway lanes and connectors, lighting, security, access roads, and utilities.
- (3) Public parking structure: 800 spaces (Height not to exceed height of existing terminal)
- (4) General aviation facilities (LUC 022) consisting of:
  - a. 100 new T-hangars to be located on land not currently under lease to any fixed base operator (FBO).
  - b. 23 T-hangars to be located on airport land under lease by Dolphin Aviation, a FBO.
  - c. Corporate hangars to accommodate up to six aircraft, to be located on land not currently under lease to any FBO.
  - d. One corporate hangar to accommodate up to seven aircraft, located on airport land leased by Dolphin Aviation, an FBO.
  - e. Two corporate hangars to cumulatively accommodate up to eight aircraft to be located on airport land leased by Jones Aviation, a FBO.
- (5) Replacement of the existing picnic shelter building with the shelter not to exceed 10,000 s.f.
- (6) Wash facilities for equipment and vehicles.
- (7) Signs.
- (8) Outparcel development:

Outparcel No.	Land Use	Intensity
1.	a. Commercial or warehouse (LUC 814)	32,980 s.f.
	b. Golf Drive Range (LUC 430) Par-3 golf course Accessory pro-shop	1,200 s.f. (±21.32 total acres)
2.	(± 50.79 acres):	
	a. Light Industrial (LUC 11)	174,000 s.f.
	b. Warehouse	108,530 s.f.
	c. Heavy Commercial (Tire Store)	7,144 s.f.
	d. Manufacturing	9,917 s.f.
	e. General Commercial (Auto Care Center/Truck Repair)	16,000 s.f.

\* Includes 70,000 sq. ft. authorized under the 1<sup>st</sup> amended PDA and 10,200 sq. ft. authorized under the 2<sup>nd</sup> amended PDA .

\*\* Represents a Cumulative Total of 108,530 sq. ft. of Vested Warehouse space (35,700 sq. ft./Airport Mall; 28,258 sq. ft./County Line Investments; 9,843 sq. ft./Sassaman Self-Storage; 16,572 sq. ft./Sassaman Self Storage; and 18,157 sq. ft./Security First Storage).

\*\*\* Existing and vested development

- 3. (±6.79 acres):
  - a. Office (LUC 715) 15,000 s.f.
  - b. Fast Food 3,000 s.f.
  - c. Quality Restaurant 7,000 s.f.
- 4. (±17.35 acres):
  - a. Hotel (LUC 312) 200 rooms

- b. Office (LUC 715) 25,000 s.f.
- c. Automotive Sales (LUC 715) 25,000 s.f.

- G. The SMAA received approval to move 6.28 acres from Outparcel #4 to the Airport Proper and refer to all hangars as "general aviation hangars" with Ordinance 02-23.
- H. On October 7, 1993, the SMAA adopted a master plan which was accepted by the FAA, including an airport layout plan (ALP) which was approved by the Federal Aviation Administration (FAA). The master plan and ALP set forth the types of development needed to meet the short and long term air transportation needs of the air service area and to ensure compatibility of the Airport with its environs.
- I. The SMAA received approval of the following with adoption of Ordinance 04-34: combine the existing phases 1 & 2 into a new and revised phase 1 and extend the buildout by 4-years to 12/31/09; eliminate the existing phase 3 and move the phase 3 entitlements into a new and revised phase 2 and extend the buildout by 5 years to 12/31/15. Move 84,000 square feet of light industrial from the current phase 3 to new phase 1 and add 36,000 square feet of light industrial uses on Outparcel #2; add +16.86 acres (located on the north side of Tallevast road) to the DRI to be developed with 50,000 s.f. of light industrial, research and development, small commercial, professional office, and warehouse uses (to be known as Outparcel #6); add 200,000 s.f. of office space, a 150-seat restaurant, and 200 hotel rooms on the Airport Parcel along University Parkway and east of the airport entrance (known as Innovation Green and located in the City of Sarasota); add 62,000 s.f. of airport maintenance and warehouse uses (located in the City of Sarasota) and 175 hangar spaces (located in Manatee County) to the Airport Parcel; approval of a land use equivalency matrix to exchange land uses among the outparcels; clarify the acreages devoted to each land use within Outparcels #1 and #3 and amend the overall acreage for each of these outparcels; amend Map H to reflect the above changes; and various other changes to the Development Order including terminology, formatting, clarification changes; and to denote stipulations that have been complied with or requirements that have been completed;
- J. In April, 2005 the Tampa Bay Regional Planning Council received the Notice of Proposed Change application pursuant to Section 380.06, Florida Statutes, and issued a report recommending the Notice of Proposed Change is consistent with the Council's Final Report adopted on February 9, 2004.
- K. On May 12, 2005, the Manatee County Planning Commission held a duly noticed public hearing on the Notice of Proposed Change, received all pertinent testimony and evidence, including the Tampa Bay Regional Planning Council and the Southwest Florida Regional Planning Council reports and recommendations, and recommended that the Notice of Proposed Change does not constitute a Substantial Deviation.
- L. On May 24, 2005, The Board of County Commissioners held a public hearing regarding the Notice of Proposed Change, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.

- M. The Board of County Commissioners of Manatee County, considered all matters relevant to the proposed Notice of Proposed Change, including the report and recommendations of the Tampa Bay Regional Council and the Southwest Florida Regional Planning Council, the State of Florida Department of Community Affairs, the Manatee County Planning Commission, and all pertinent testimony and evidence, and found that the proposed changes do not create any unmitigated regional impacts.
- N. The real property which is the subject of the current ADA is legally described in Section 15 of this Ordinance.
- O. The development is not in an area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

## **SECTION 2: CONCLUSIONS OF LAW**

**Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:**

- A. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.
- B. These proceedings have been duly conducted pursuant to applicable laws 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 County, TBRPC, SWFRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

## **SECTION 3. AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #15 (TBRPC DRI #124).**

The first Development Order for the Sarasota-Bradenton International Airport in Manatee County, which was the Final Order issued by the Florida Land and Water Adjudicatory Commission on November 26, 1986 and subsequently amended by Manatee County Resolution 90-98, Ordinance 99-50, Ordinance 02-23, and Ordinance 04-34 is hereby amended and replaced by this Ordinance, as follows:

## **SECTION 4. DEFINITIONS.**

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Manatee County Comprehensive Plan. Level of Service

"D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.

- B. "Application" and "Application for Development Approval" or "ADA" shall mean Sarasota Manatee Airport Authority's two DRI Substantial Deviation Applications for Development Approval submitted on 1) November 30, 1996 with sufficiency responses submitted on June 30, 1997, December 1, 1997, February 4, 1998 and March 5, 1999, and 2) February 25, 2003 with sufficiency responses submitted on June 4, 2003 and October 27, 2003. The term "current ADA," as used herein, shall mean only the February 25, 2003 Application for Development Approval with its sufficiency responses.
- C. "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 quantity objectives of the Land Development Code.
- D. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- E. "County Transportation Authority" shall mean the County entity responsible for roadway approvals.
- F. "Developer", "SMAA", or "Authority" shall mean Sarasota Manatee Airport Authority, their heirs, assigns, designees, agents, and successors in interest as to the Sarasota Bradenton International Airport DRI.
- G. "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.
- H. "Funding Commitments" shall mean to assure completion of any improvement required by this Development Order, or any combination of the following:
  - 1. binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, in a form satisfactory to the County; or
  - 2. actual construction; or
  - 3. the placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required, as long as the improvement is within the first two

years of the responsible entity's work plan at the time of Preliminary Site Plan approval of a subphase or phase; or

4. a local development agreement as defined by Florida Statutes or the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development. Compliance with Conditions B.(3), (4), and (5) shall also constitute a funding commitment.
- I. "General Aviation Hangars" shall mean a space or spaces within a building of sufficient size and configuration to house a single general aviation aircraft. "General aviation aircraft" shall mean a non-military aircraft other than one used for the transportation of persons, property, or cargo on a scheduled basis.
- J. "Horizontal Development" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development\* (e.g., roadways, drainage, water, sewer, communications, utilities, etc.).
- K. "Master Development Plan" shall mean General Development Plan Maps H, H1, H2, H3, H4 H5, and H6 are attached, and incorporated by reference.
- L. "Owner" shall mean the Sarasota Manatee Airport Authority and their assigns, designees, agents, and successors in interest.
- M. "Phase\*" shall mean the development totals listed in Tables 1, 2, 3, 4, 5, 6, and 7.
- N. "Transportation Impact Area\*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by this project in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally based on data submitted with the ADA.
- O. "Vertical Development" shall mean and be deemed to include the new construction of any building or structure or the addition to any existing structure.
- P. "Warranted" shall mean a determination by the County based on generally accepted transportation engineering practices that the Acceptable Level of Service\* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- Q. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order.

Note: An asterisk (\*) in the text of this Development Order denotes that the word is defined.

## **SECTION 5. DEVELOPMENT CONDITIONS.**

### **DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS.**

- A(1). This Development Order approval shall constitute approval of the Substantial Deviation, subject to the conditions set forth herein and shall be limited to the development amounts set forth in Tables 1, 2, 3, 4, 5, 6, and 7 below. Development is approved in two (2) phases. Phase 1 allows for development to occur between 2003 and 2009, and is specifically approved. The land uses proposed in Phase 2 are approved in concept, however, the Developer\* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements for Phase 2. The Developer\* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380, Florida Statutes and the rules and policies of the SWFRPC, TBRPC and DCA.
- Prior to construction of the proposed parking garage, the SMAA shall conduct a study to ascertain whether such development is likely to cause the carbon monoxide ambient air quality standards of Rule 62-204.240 F.A.C. to be exceeded. If the study shows that such standards will likely be exceeded, or the development will generate peak hour flow inside the parking garage equal to or greater than 750 vehicles per hour, the SMAA will be required to address the impact through a NOPC, pursuant to Subsection 380.06 (19), F.S.
- A(2). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Development Order and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order.
- A(3). The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Certificate of Level of Service for Phase 1.
- A(4). The ADA and all sufficiency responses are hereby incorporated by reference.

**TABLE 1**  
**Sarasota Bradenton International Airport - Outparcel #1**  
**Allowed Development Totals**

Outparcel #1 [COMPLETED]					
Land Use [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Golf Driving Range [380.0651(3)(f)]	19.03 acres	n.a.	n.a.	19.4 acres	19.4
Pro Shop [380.0651(3)(f)]	1,200 s.f.		n.a.	1,200 s.f.	
Commercial/ Warehouse [380.0651(3)(c)&(f)]	32,980 s.f.	n.a.	n.a.	32,980 s.f.	1.86
<b>Build-out dates</b>					20.89

**TABLE 2**  
**Sarasota Bradenton International Airport - Outparcel #2**  
**Allowed Development Totals**

Outparcel #2					
Land Use [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Light Industrial [380.0651(3)(c)]	50,000* s.f.	160,000* sf		210,000 s.f.	32
Warehouse [380.0651(3)(c)]	108,530** s.f.	n.a.	n.a.	108,530 s.f.	14.9
Manufacturing [380.0651(3)(c)]	9,917*** s.f.	n.a.	n.a.	9,917 s.f.	1.0
Heavy Commercial (Tire Store) [380.0651(3)(f)]	7,144*** s.f.	n.a.	n.a.	7,144 s.f.	1.4
General Commercial (Auto care center/ truck repair) [380.0651(3)(f)]	16,000 s.f.	n.a.	n.a.	16,000 s.f.	1.5
<b>Build-out Total</b>	191,591 s.f.	160,000		351,591sf	50.79
<b>Build-out dates</b>		12/31/09	12/31/15	12/31/15	

- \* Includes 70,000 sq. ft. authorized under the 1<sup>st</sup> amended PDA and 10,200 sq. ft. authorized under the 2nd amended PDA .
- \*\* Represents a Cumulative Total of 108,530 sq. ft. of Vested Warehouse space (35,700 sq. ft./Airport Mall; 28,258 sq. ft./County Line Investments; 9,843 sq. ft./Sassaman Self-Storage; 16,572 sq. ft./Sassaman Self Storage; and 18,157 sq. ft./Security First Storage).
- \*\*\* Existing and vested development

**TABLE 3**  
**Sarasota Bradenton International Airport - Outparcel #3**  
**Allowed Development Totals**

Outparcel #3					
Type [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Office [380.0651(3)(d)]	n.a.	15,000 s.f.	n.a.	15,000 s.f.	3.57
Quality Restaurant [380.0651(3)(f)]	n.a.	7,000 s.f.	n.a.	7,000 s.f.	1.57
Fast Food [380.0651(3)(f)]	n.a.	3,000 s.f.	n.a.	3,000 s.f.	1.86
<b>Build-out Total</b>				25,000 s.f.	7.00
<b>Build-out Dates</b>		12/31/09	12/31/10		

**TABLE 4**  
**Sarasota Bradenton International Airport - Outparcel #4**  
**Allowed Development Totals**

Outparcel #4					
Type (380.0651 Guidelines)	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Hotel [380.0651(3)(g)]	n.a.	200 rooms	n.a.	200 rooms	5.33
Office [380.0651(3)(d)]	n.a.	5,000 s.f.	20,000	25,000 s.f.	2.55
Auto Sales [380.0651(3)(f)]	n.a.	25,000 s.f.	n.a.	25,000 s.f.	3.19
<b>Build-out Total</b>	n.a.	30,000 s.f.	20,000 s.f.	50,000 s.f. 200 rooms	11.07
<b>Build-out Dates</b>		12/31/09	12/31/15		

**TABLE 5**  
**Sarasota Bradenton International Airport - Outparcel #5**  
**Allowed Development Totals**  
**(Located entirely in the City of Sarasota)**

Type [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Office [380.0651(3)(d)]	n.a.	200,000 s.f.	n.a.	200,000 s.f.	4.34
Hotel [380.0651(3)(g)]	n.a.	200 room	n.a.	200 room	3.50
Quality Restaurant [380.0651(3)(f)]	n.a.	150 seat	n.a.	150 seat	
<b>Build-out Total</b>		200,000 s.f. 200 rooms 150 seats	n.a.	200,000 s.f. 200 rooms 150 seats	7.84
<b>Build-out Dates</b>		12/31/ 09	12/31/ 15		

**TABLE 6**  
**Sarasota Bradenton International Airport - Outparcel #6**  
**Allowed Development Totals**

Type [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Light Industrial, Research & Development, Small Commercial, Professional Office, Warehouse  [380.0651(3)(c)]	n.a.	50,000 s.f.	n.a.	50,000 s.f.	16.86
<b>Build-out Total</b>		50,000 s.f.	n.a.	50000 s.f.	16.86
<b>Build-out Dates</b>		12/31/ 09	12/31/ 15		

**TABLE 7**  
**Sarasota Bradenton International Airport Allowed Development Totals**

<b>Airport and Aviation Related Development</b>					
<b>Type (380.0651 - Airports)</b>	<b>Existing Amount</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total Amount</b>	<b>Total Acres</b>
Runway 14/32, including associated taxiways and connectors, aprons, lighting, security, access, roads, utilities, and other infrastructure	7,003 l.f.	2,500 l.f.		9,503 l.f.*	1,123.45 Total Acres  with  902.4 In Manatee County
Noise Barrier Berms and Walls	n.a.	[COMPLETED]			
Terminal Expansion	305,000 s.f. 13 gates		175,000 s.f. 9 Air carrier or commuter gates	175,000 s.f.**	
Enplanements - Commercial Carriers	561,506***	930,000***	1,274,000		
General Aviation Operations	88,000	202,536	256,273		
General Aviation Hangars	208	237		445	
Parking Garage			800 spaces	800 spaces	
Airport Maintenance Warehouse		62,000 sf			
<b>Build-out dates</b>		<b>12/31/2009</b>	<b>12/31/2015</b>		

\* The southeasterly 1,150 l.f. extension of runway 14/32 is located in Sarasota County.

\*\* The Terminal building is partially located within Manatee County.

\*\*\* The approved number of commercial enplanements includes those occurring before July 1, 1973 (i.e., vested with respect to DRI requirements) and enplanements authorized as a result of the current development order (FLWAC Final Order) for which required mitigation was completed. Existing number based on the current ADA submittal.

A(5). The maximum allowable height for all structures at the Airport and Outparcels shall comply with all FAA regulations relative to clear zones, imaginary surfaces, etc. In addition, the maximum height of structures on the five outparcels located in Manatee County shall be limited by Manatee County Land Development Code requirements and any specific height limits specified in Manatee County Zoning Ordinance PDMU-97-02(Z)(G), as revised.

## **TRANSPORTATION CONDITIONS.**

- B(1). The Developer has provided for a bus stop at a location within the project. The provision of this bus stop meets all current requirements for Transportation System Management actions required by the reviewing agencies.
- B(2). The Developer shall continue to implement a biennial monitoring program to verify that the actual number of trips generated by the SBIA DRI is reflective of the transportation analysis. The program shall provide annual P.M. peak hour project driveway counts at all project entrances. The monitoring program shall commence two years after approval of Ordinance 04-34 (September 28, 2006). Traffic monitoring shall revert to an annual basis once 930,000 annual enplanements have been surpassed.

The monitoring program shall consist of weekday P.M. peak hour directional counts from 4:00 - 6:00 p.m., with subtotals at 15-minute increments, at all project entrance driveways (through volumes on adjacent roads will not have to be counted). The sum of the project entrance trips will be totaled in 15-minute increments, and the highest four consecutive 15-minute totals will be summed to determine the project's total P.M. peak hour traffic volume. This total will include vested trips, net external trips, and pass-by-trips. The total p.m. peak hour project traffic at the driveways was estimated to be 2,971 trips.

The required monitoring data shall be included in each Annual Report. If the monitoring results demonstrate that the project is generating more than 15% above the number of trips estimated in the analysis (as stated above) or if an Annual Report is not submitted within 30 days of its due date, Manatee County 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 revised Transportation Analysis shall be subject to review by all appropriate review entities.

- B(3). Prior to any Preliminary Site Plan, Final Site Plan, or Construction Plan approval in Phase 2, the applicant shall submit a new transportation analysis for further 380.06 review, as described in Condition A(1), above.

## **AIR QUALITY AND LAND.**

- C(1). Manatee County shall reserve the right to require mitigation measures or a revision of the General Development Plan to alleviate potential impacts of the project on ambient air quality. Manatee County shall not require any additional or new air quality mitigation measures unless such measures are also being required of other developments in the vicinity of the project.
- C(2). Prior to construction of the proposed parking garage, the SMAA shall conduct a study to determine if it is likely to cause significant impact on air quality as defined by Rule 9J-2.046(3)(a), Florida Administrative Code.

- C(3). The soil conservation measures and the measures to reduce erosion, fugitive dust, and air emissions referenced in the ADA shall be implemented. The measures to reduce erosion, fugitive dust and air emissions referenced on pages 15-3 and 22-1 of the ADA, at minimum, shall be implemented.
- C(4). Phase 2 approval shall not be granted without Section 380.06, F.S., review of the air quality impacts associated with traffic generated by the project.

#### **WATER QUALITY, WETLANDS, AND DRAINAGE.**

- D(1). Airport water quality management shall use a combination of structural and nonstructural Best Management Practices to achieve the pollutant load reduction criteria of FAC 62-40 and meet the water quality criteria of FAC 62-302. These Best Management Practices shall also be consistent with FAA Advisory Circular 150/5200-33 "Hazardous Wildlife Attractants on or Near Airports." The stormwater management system shall be designed, constructed, and maintained to meet or exceed the applicable requirements of Chapters 40D-4, 62-25, 62-40, and 62-302, FAC.
- D(2). A ground water quality monitoring program shall be required if additional wells are constructed on-site. The requirements of the ground water monitoring program shall be set forth, if deemed necessary, by SWFWMD in the permit documents.
- D(3). The Developer\* shall be responsible for operation and maintenance for all portions of the Surface Water Management System, within the DRI boundaries except for those portions which are dedicated to and accepted by the County.
- D(4). Airport water quality management shall reduce peak flows to the Bowlees Creek basin to levels below the existing peak discharge during the 25-year, 24-hour storm event. Airfield drainage shall also be consistent with FAA Advisory Circular 150/5320-5b "Airport Drainage" and Advisory Circular 150/5200-33 "Hazardous Wildlife Attractants on or Near Airports".
- D(5). The Airport Authority shall assure the continuance of the daily (at least five times per week) vacuum/magnetic pick up cleaning of the aircraft parking apron, and three times per week cleaning of the auto parking areas.
- D(6). The Airport Authority shall assume all maintenance responsibilities for the stormwater management system.
- D(7). Drainage infrastructure improvements constructed before the Section 380.06, F.S. review if completed shall be the developers risk and shall not vest subsequent development rights.

- D(8). During construction, appropriate measures shall be taken to prevent erosion, turbidity, oils and lubricants from impacting surface waters. The use of sediment basins in conjunction with absorbent filter pads (to aid in the removal of oils and grease) plus other appropriate controls shall be provided by the Airport Authority.
- D(9). If dewatering and impounding during construction activities results in a body of transitory water standing more than 72 hours, the Airport Authority shall notify all applicable county mosquito control district in order that appropriate control measures may be undertaken.
- D(10). The Airport Authority shall provide stocking of mosquito eating fish (i.e. Killi Fish, Gambusia) in retention/detention ponds or other permanent water holding areas, in consultation with all applicable county mosquito control districts.
- D(11). The Sarasota-Manatee Airport Authority shall routinely maintain and monitor all stormwater retention/detention systems and the perimeter ditch. If necessary, the Airport Authority shall provide restoration measures at the above to ensure proper and continual functioning as designed for.
- D(12). The Sarasota-Manatee Airport Authority shall be responsible for the routine maintenance of all open space areas within the project site, including retention/detention areas and the perimeter ditch.
- D(13). If any new or altered stormwater management systems utilizing a non-presumptive design are approved, the SMAA shall implement a surface water quality monitoring program approved by the SWFWMD prior to any site alteration activities. Details of the monitoring program shall be approved by SWFWMD. Appropriate mitigation, including additional water treatment, will be required if the treated stormwater does not meet appropriate standards.
- D(14). Best Management Practices for reducing water quality impacts shall be implemented, including the practices listed in the ADA.

#### **FLOODPLAIN.**

- E(1). Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

## **ECONOMICS.**

- F(1). The SMAA shall promote entrepreneurship and small and minority-owned business start up, and encourage non-discriminatory employment opportunities.

## **WILDLIFE HABITAT AND VEGETATION.**

- G(1). In the event any species listed in Rule 68A-27.003 through Rule 68A-27.005, FAC are observed frequenting the sites of Outparcels 1, 2, 3, 4, or 6 for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Florida Fish and Wildlife Commission (FFWC) and Manatee County EMD. This may include a wildlife management plan which contains information on impacts to listed species, site maintenance, and boundary protection. With respect to the Airport property, the requirements stated above shall not preclude SMAA from utilizing the provision of Rule 68A-27.002, F.A.C. if aircraft safety and human lives are in imminent jeopardy.

## **ARCHAEOLOGICAL AND HISTORICAL RESOURCES.**

- H(1). Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with DHR and Manatee County. Treatment of such resources must be completed before resource disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in subsequent annual reports, to be submitted for review to DHR in addition to Manatee County.

## **WASTEWATER.**

- I(1). Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Works Department guidelines with several means of back-up to provide assurance against equipment failure and discharge to the environment. This design shall include:
- a. lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
  - b. stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
  - c. wet wells to contain sewage line surcharges or overflows.
  - d. emergency by-pass pumpouts for tank trucks.

- e. 100 percent redundancy in lift station pumping equipment.
  
- I(2). The Developer\* previously submitted to Manatee County a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer\*. This plan was approved by Manatee County, and identified the entity responsible for the monitoring and time schedule for conducting the inspections. Any new infrastructure shall be built and maintained in accordance with this approval. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings, and repairs shall be submitted to the Utilities Operations Department.
  
- I(3). Disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (98-28), or its successors.
  
- I(4). The Developer\* shall not utilize on-site wastewater treatment.
  
- I(5). The SMAA shall comply with all current design, construction, and maintenance requirements of the public utilities departments of all applicable local governments with regard to wastewater collection and disposition.
  
- I(6). The SMAA shall finance expansion/construction of the entire on-site wastewater treatment system and any necessary off-site expansion to assure that adequate wastewater capacity exists to accommodate the project. Additionally, the SMAA or their tenants shall pay the required connection fees, facility investment fees, and costs of any off-site improvements that may be required by the public utilities departments of all applicable local governments as a result of the project.
  
- I(7). Prior to the granting of specific Phase 2 approval, the applicant shall attain verification from Manatee County that wastewater treatment capacity exists to serve the additional demands associated with further Airport (and outparcel) expansion.

#### **WATER.**

- J(1). The Developer\* shall use only non-potable water to meet non-potable demands to the maximum extent practicable. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public potable water utility. If reclaimed water is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer to use reclaimed water for irrigation purposes.
  
- J(2). Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.). For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices shall be 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. In areas not suitable for wastewater reuse, landscaping shall utilize xeriscaping principles, except in areas set aside for bedding plants.

- J(3). The SMAA shall comply with all current design, construction and maintenance requirements of the public utilities departments of all applicable local governments with regard to water supply and distribution.
- J(4). The SMAA shall finance expansion/construction of the entire on-site water distribution system and any necessary off-site expansion to assure that adequate water capacity exists to accommodate the project. Additionally, SMAA or their tenants shall pay the required connection fees, facility investment fees, and costs of any off-site improvements that may be required by Manatee County as a result of the project.
- J(5). The SMAA shall maintain all water lines and fire hydrants in accordance with that certain agreement between the SMAA and Manatee County dated February 28, 1995.
- J(6). Adequate fire flow and water pressure shall be maintained within the project's water supply system.
- J(7). Prior to the granting of specific Phase 2 approval, the applicant shall attain verification from Manatee County that sufficient potable water and non-potable water supplies exist to meet the increased projected demands.

#### **SOLID WASTE.**

- K(1). The applicant shall provide to all warehouse and industrial outparcel tenants/developers information that:
  - A. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the special-designated containers or areas;
  - B. Describes construction requirements for hazardous waste holding areas; and
  - C. Advises of applicable statutes and regulations regarding hazardous wastes and materials.
- K(2). The Developer\* shall notify all commercial tenants of their responsibility to comply with all applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).
- K(3). Separate hazardous waste storage areas within the project shall be provided by SMAA for its operations and tenants shall be required to provide separate

hazardous waste storage areas if not permitted to use those of SMAA. These areas shall be accessible to all businesses and shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in Subsection 403.703(21), F.S., and listed in Title 40 CFR part 261).

K(4). The SMAA shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

#### **ENERGY.**

L(1). The Developer\* shall notify all tenants and businesses that the following related practices are encouraged:

- a. energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible.
- b. energy audits provided by energy companies or other qualified agencies.
- c. water heater timers and water heaters set at 130 degrees Fahrenheit or lower.
- d. energy conservation by employees.
- e. reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate.
- f. recycling programs.
- g. energy efficient packaging or recyclable materials.

L(2). The Developer\* shall designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses.

#### **RECREATION AND OPEN SPACE.**

M(1). All open space areas not dedicated to the County or other state agencies shall be maintained by the Developer.

## NOISE.

### Noise Barriers

N(1). In order to mitigate noise exposure in areas located within close proximity to the end of the proposed Runway 14 extension, and prior to use of such runway extension, the SMAA shall construct noise barriers (earthen berms or wall structures or combination of both) between the end of extended Runway 14 and the impacted areas southwest and north of the runway, as proposed in the ADA, with the designs to be in substantial conformance with the SMAA's "Proposed Noise Barriers Testing Methodology" dated November 9, 1998 and incorporated herein as Exhibit 6. The appearance of the noise barriers is a local issue. **(COMPLETED)**

### Noise Barriers and Reflective Traffic Noise

N(2). For those portions of the noise barriers required under Condition N(1), above, that include walls, the SMAA shall incorporate sound absorptive materials in the final design of the noise barrier walls if the walls have the potential to reflect noise from adjacent roadways back into residential communities. The SMAA shall show through field testing documentation that reflective noise resulting from the noise wall will be below perceptual levels within these communities. This field testing shall be accomplished through the following methodology.

- a. Surface traffic noise monitoring shall be performed prior to the construction of the barrier wall. Surface traffic noise levels will be monitored at three locations west of U.S. 41 adjacent to the wall. At two of the locations, the monitor shall be located where there is a direct line of sight from both the proposed barrier wall location and U.S. 41 and where existing reflective surfaces would not influence the results. At the third location, monitoring shall be accomplished at the closest accessible residential area. **[COMPLETED]**
- b. The surface traffic noise monitoring and analysis shall be conducted consistent with Florida Department of Transportation methodology to assure that a statistically valid sample of surface traffic analyzed. This would include monitoring a LAeq level for traffic along U.S. 41 while at the same time counting the number of cars, light trucks, and heavy trucks to assure a statistically valid sample is reached. Using the field traffic counts and the monitor location, a LAeq shall also be determined through the use of the FDOT noise model. The results of the modeled and monitored conditions would be compared to validate the accuracy of the model for the monitored location. The model is considered validated if the modeled and monitored results are within 3 Db. **[COMPLETED]**
- c. Following the construction of the noise barrier, surface traffic noise monitoring and traffic counts shall be conducted in the same manner as b., above. The results of the monitored condition (with the wall) will be

compared with the modeled condition for surface traffic counted during the (with the wall) monitoring. The differences between the modeled condition with the wall and monitored condition with the wall will identify the amount of reflective noise resulting from the noise wall. A difference of 3 dB or less would be considered a non-perceptible impact. **(COMPLETED)**

### Operational Noise Requirements

N(3). The SMAA shall continue to expeditiously and without further delays, seek approval from FAA of the 270° radial turn for planes departing on Runway 32. In the event the approval is not received prior to the start of Phase 2, construction of the expansion of the terminal building and parking garage shall not be authorized until either :

- a. the 270°radial turn departure procedure is approved and operational or,
- b. the SMAA can demonstrate to the County the Notice of Proposed Change pursuant to Section 380.06, Florida Statutes, that the SMAA has exerted good faith in a continued effort to gain approval of said turn. Such good faith effort shall be determined solely in the reasonable discretion of the Board of County Commissioners of Manatee County.

N(4). All noise abatement measures as described in Table 6-10 of the FAR Part 150 NCP (Noise Compatibility Plan) dated February 1997 shall be implemented as described with the modifications herein:

- a. All aircraft weighing over 25,000 pounds and all jet aircraft departing on Runway 32 shall be instructed to turn left at 0.9 DME to join the Sarasota 270° radial outbound to at least 7 DME, then proceed on course as directed by Air Traffic Control (ATC). Should, after implementation, the turn at the 7DME result in splay of aircraft that is further east than anticipated, the aircraft shall be instructed to proceed outbound to the 270° radial to the 8DME, then proceed on course as instructed by ATC. Should approval of the turn to the 270° radial be denied by the FAA because of airspace constraints, the current procedure shall be maintained until such time as the turn to the 270° radial becomes feasible. That is, all aircraft weighing over 25, 000 pounds and all jet aircraft departing northbound on Runway 32 shall be instructed to turn left at 0.9DME to join the Sarasota 295° radial outbound , then proceed on course as instructed by ATC; and all aircraft weighing over 25,000 pounds and all jet aircraft departing southbound on Runway 32 shall be instructed to turn left at 0.9 DME to a heading of 270°, then proceed on course as instructed by ATC.
- b. Arriving aircraft on Runway 32 would be allowed to make visual approaches to the airport and turn to the runway heading as soon as cleared to do so by the Air Traffic Control Tower.

- c. All aircraft weighing over 25,000 pounds and all jet aircraft departing on Runway 14 shall be instructed to maintain runway heading until reaching 3,000 feet, then proceed on course.
  - d. Continue balanced runway use program. The goal of this program is equal use of Runway 14 and Runway 32 for air carrier departures, and equal use of Runway 14 and Runway 32 for air carrier arrivals.
  - e. Encourage the airlines to make maximum use of their own internal quiet departure techniques, guided by FAA Advisory Circular 91-53A, " Noise Abatement Departure Profiles."
  - f. All departing aircraft, to the extent feasible, should be issued unrestricted climb to their requested en route altitude.
  - g. The departure of Stage 2 aircraft shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., excluding only aircraft in use for emergency services such as police, ambulance, and military functions.
  - h. The prohibited hours for non-emergency engine maintenance run-ups shall be between the hours of 10:00 p.m. and 7:00 a.m.
  - i. The use of Auxiliary Power Units is prohibited between the hours of 10:00 p.m. to 7:00 a.m. unless ground power units are inoperative.
  - j. Training operations with larger aircraft on Runway 14 and Runway 32 shall be prohibited between the hours of 12:00 p.m. and 6:00 a.m.
- N(5). The use of external public address systems shall be prohibited between the hours of 10:00 p.m. to 7:00 a.m.
- N(6). All departures of Stage 2 air carrier or cargo aircraft weighing over 75,000 pounds on Runway 14 shall commence their take-off roll at the current runway threshold. All other aircraft may use the declared distance runway length for Runway 14. All aircraft may also use the declared distance runway length for Runway 32 departures.
- N(7). The SMAA shall diligently pursue Land Use Measures as described in Table 6-11 of the NCP dated February 1997 and establish a reasonable time line for implementation of the measures 1 through 3.
- N(8). The SMAA shall employ and maintain a full time professional, management level staff person, who is responsible for the administration of the noise abatement program. This program includes:
- a. Conducting a periodic noise monitoring program.

- b. Conducting periodic recalculation of noise contours.
- c. Conducting complaint and response functions.
- d. Provide public information and involvement functions.
- e. Expedite the purchase of fee simple interest from homeowners who purchased their current home prior to January 1, 1980, and who are located within the 65+ DNL contour of the 2000 Noise Exposure Map in Sarasota and Manatee counties. In addition, priority shall be given to homeowners located within the 70+ DNL of the 1995 Noise Exposure Map, and that priority ranking shall be based upon length of ownership. Homes purchased by the SMAA shall be sound insulated only where feasible and cost effective. All homes purchased by the SMAA shall be placed on the market for resale with an aviation easement reserved.
- f. Expedite the purchase aviation easements from homeowners located within the 65+ DNL contour of the 2000 Noise Exposure map in Sarasota and Manatee counties, who purchased their current home prior to December 15, 1986. In addition, priority shall be given to homeowners located within the 70+ DNL of the 1995 Noise Exposure map, and that priority ranking shall be based upon length of ownership.
- g. Expedite offers to provide sound insulation to homeowners located within the 65+ DNL contour of the 2000 Noise Exposure map in Sarasota and Manatee counties, only where feasible and cost effective, and in exchange for an aviation easement. It is recommended that the SMAA offer to provide sound insulation to homeowners located within the 65+ DNL: contour of the 2000 Noise Exposure Map in Sarasota and Manatee Counties, who purchased their current home prior to December 15, 1986. In addition, it is recommended the priority be given to homeowners located within the 70+ DNL of the 1995 Noise Exposure Map, and that priority ranking be based upon length of ownership.
- h. Modify the NCP, subject to FAA approval, to allow for expanded participation by impacted residents in the SMAA's land use program. This request shall be made within one year of adoption of this Ordinance. Specifically, the revised NCP shall provide for a modification to the eligibility dates for program participation, as follows:
  - Purchase and resale with aviation easement and sound insulation - revise eligibility date for participation from January 1, 1980 to December 15, 1986.
  - Sound Insulation - revise eligibility date from December 15, 1986 to on or after May 7, 1997.
  - Avigation easement - revise eligibility date from December 15, 1986 to on or after May 7, 1997.
  - All program participants - the priority for homeowners as established in the 1995 Noise Exposure Map be changed to the 2000 Noise Exposure Map.

The SMAA shall tender offers for participation to all eligible homeowners within five years of receipt of FAA approval, or shall provide documentation acceptable to Manatee County of good faith effort to meet this requirement.

- i. Seek guidance and assistance in the preparation of further noise control programs or measures from the adjacent local governments in matters

- relating to land use compatibility and development regulations continuing to substantially reduce incompatible land uses within the 70-75 Ldn contours.
- j. Present a quarterly noise abatement report to the SMAA Board specifically addressing all noise abatement issues as identified in this Development Order. This report shall specifically identify non-complying entities and any sanctions or corrective actions taken. Copies of this report shall be available to the public and included in the annual report submitted to TBRPC and Manatee County. The report shall specifically include a tabulation of the number of units in each category (e, f, g, and h), and the status of implementation, including offers made, offers accepted, and offers rejected. The report shall also include any unresolved noise complaints which have occurred within each quarter.
  - k. The Airport Authority shall work cooperatively with Manatee County to resolve any noise problems which may be identified in the future.

### Noise Exposure Monitoring - Noise Barrier Testing Protocol

- N(9). In addition to surface traffic noise monitoring required under N(2), above, the SMAA shall monitor noise exposure under the no-project alternative condition and monitor again following the construction of the required noise barriers (berms or walls) and runway extension (project condition). The monitoring shall be accomplished by measuring the noise level from a calibrated noise source (the exact same noise source to be used for both monitoring conditions). The monitoring shall be required to show that the noise wall reduces noise exposure to a level which represents no significant increase (less than 1.5 DNL) in noise sensitive areas behind the wall (when comparing the extended runway condition and the no-project condition). This shall be accomplished through the following methodology.
- a. The noise source to be used for the monitoring shall be a loudspeaker, which simulates the noise levels and location of engines associated with an MD 80 Series aircraft located at the extended runway threshold. This type of aircraft is simulated since it represents one of the noisier Stage 3 aircraft and has engines located higher above the ground than most other aircraft projected to use the Airport. Two noise monitors shall be located at sites west of U.S. 41 and two noise monitors located at sites north of the north barrier location.  
**[COMPLETED]**
  - b. Each noise monitor (microphone) shall:
    - Be located where the noise level from the extended runway, without the barrier, would be more than 1.5 dB greater than for the unextended runway;
    - Have line of sight to the aircraft at the threshold of the extended runway;
    - One monitor should be 50 feet from busy roads and the second should be at least 200 feet from any busy roads;
    - Be at least 20 feet clear of hard surfaces (neighboring buildings, concrete walls, etc.) as to avoid reflections of sound, and not be between two buildings with parallel walls;

- Be at least 5 feet above the ground;
- Be sufficiently far from intruding sound sources (e.g., air-conditioners, sprinklers, children at play, etc.);
- Have easy access for set-up, monitoring, and take-down; and
- If monitor must be left unattended, be at a safe and secure location to avoid theft and vandalism.

**[COMPLETED]**

- c. With the loud speaker turned on, noise levels at the four monitoring sites (two per barrier) will be recorded. A second loudspeaker location will be established to simulate an aircraft located between the existing runway threshold and the extended runway threshold and the test will be conducted for a second time. These noise levels would represent the "without barrier" condition. **[COMPLETED]**
- d. Following the construction of noise barriers, noise levels shall be monitored using the same loud speaker equipment, the same noise source levels and heights above the ground, and the same monitoring sites as used in a., above. The resulting noise levels will represent the condition "with the noise barriers". The difference in noise levels shall be determined by comparing the noise levels measured without the barrier and with the barrier at each monitored site. These differences shall be compared with the levels of reduction previously determined through computer modeling (the results of which are included in the ADA-DRI).  
**(COMPLETED)**
- e. Prior to initiating the testing for the noise reduction effectiveness of the noise barriers, the SMAA will monitor single even noise from aircraft departing on Runway 14 for a minimum of seven (7) days. The noise monitoring will be located at a point along the proposed U.S. 41 noise barrier wall. The purpose of this monitoring is for the SMAA to provide documentation to Manatee County of the extent of variance of departure noise levels generated by aircraft (particularly the variance between the same models of aircraft). **(COMPLETED)**

**Noise Exposure Monitoring - Requirements if the Effectiveness of Noise Barriers is Successfully Demonstrated**

N(10). Should the comparison of results of the noise barrier testing protocol required under N(9)., above, indicate that the noise reductions resulting from the barriers are greater than or equal to those predicted (1.5 DNL increase or less) then no further action by the SMAA would be required. **(COMPLETED)**

N(11). Prior to initiating the noise-monitoring program, the specific procedures to be followed will be provided to Manatee County. In addition, representatives of Manatee County will be invited to observe any monitoring activity which takes place.  
**(COMPLETED)**

## **PUBLIC SAFETY.**

- O(1). All facilities of the Sarasota Bradenton International Airport shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012, FAC, and be in compliance with the Manatee County Comprehensive Plan and Land Development Code and Building Code requirements.
- O(2). The Developer shall maintain an approved natural disaster plan pursuant to FAA Part 139.
- O(3). The developer shall coordinate with the Manatee County Public Safety to plan for the safe evacuation of the facility and the use of the facility as a staging area, if necessary, to the recovery of the area. The applicant should work with the County to address shelter needs, building closings, security and safety precautions, and evacuation plans.

## **GENERAL CONDITIONS.**

- P(1). The Developer shall be required to adhere to any and all commitments made in the ADA incorporated herein, unless that commitment is superseded by a Development Order Condition, in which case the Development Order Condition shall prevail.
- P(2). The Developer shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, DCA, and other agencies as may be appropriate, on July 16th, and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. For purposes of such report, the "anniversary" of the effective date of this Development Order shall mean the anniversary of the date on which the last of the three local governments adopts a Substantial Deviation DRI Development Order approving the SBIA Substantial Deviation. Six (6) copies of this report shall be submitted to the Manatee County Planning Director or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The annual report shall contain the following:
  - a. any changes in the plan of development, or in the representations contained in the ADA, or in the phasing 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 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 ADA and which have been identified by the County, TBRPC, or DCA as being significant;
- f. any 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 statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes; and,
- j. a copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer pursuant to Subsection 380.06(15)(f), Florida Statutes, during the year of the annual report.

P(3). Any changes in the Development from the parameters approved and set forth in this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.

P(4). The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Project\* and ensuring its compliance with this Development Order. The data necessary for monitoring the Project\* shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

P(5). This Development Order shall expire on December 31, 2015. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

- P(6). This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- P(7). In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of Community Affairs, then the Developer\* shall pay all reasonable costs and fees of County\* staff and attorneys relating to said appeal or legal challenge at the rate for processing this Development Order under the current Planning fee schedule. Payment of all billings by the Developer\* related to such fees and costs shall be paid within forty five (45) days of submittal of an invoice.
- P(8). The project shall be consistent with Rule 9J-2, F.A.C. for the following sections of the D.O.: Listed Plant and Wildlife Resources (9J-2.041 F.A.C.); Archaeological and Historical Resources (9J-2.043 F.A.C.); Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities (9J-2.044 F.A.C.); Transportation (9J-2.045 F.A.C.); Air Quality (9J-2.046 F.A.C.), and Adequate Housing (9J-2.048 F.A.C.).
- P(9) Phase 2 approval shall not be granted without Section 380.06, F.S., review of affordable housing generated by the expanded project.
- P(10). Should development significantly depart from the parameters set forth in the ADA, the project will be subject to Substantial Deviation review pursuant to Section 380.06, F.S.
- P(11). Any approval of the SBIA shall, at a minimum, satisfy the provisions of Subsection 380.06(15), F.S., and 9J-2.025, FAC, which specify the inclusion of certain provisions in the Development Order.
- P(12). Land uses may be exchanged as shown on the Land Use Equivalency Matrix (Exhibit A). Any modification to the matrix shall require a Substantial Deviation determination through the Notice of Proposed Change process.

## **SECTION 6. DEVELOPER\* COMMITMENTS**

Developer\* commitments set forth in the ADA shall be honored by the Developer\*, except as they may be superseded by specific terms of this Development Order.

## **SECTION 7. COMMENCEMENT OF DEVELOPMENT**

The Sarasota Bradenton international Airport is an ongoing project. Physical development has commenced.

## **SECTION 8. RESTRICTIONS ON DOWN-ZONING**

Prior to December 31, 2005, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the 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 County to be essential for the public health, safety, or welfare.

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

For the purposes of this 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 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 order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County 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 9. BINDING ORDER UPON DEVELOPER\***

This order shall be binding upon the Developer\* and Owners\*.

## **SECTION 10. EFFECTIVE DATES**

This Ordinance shall take effect upon a certified copy of the Ordinance being filed with the Secretary of State 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. However, this is not intended to suspend development previously authorized pursuant to Ordinance 04-34 during the pendency of any appeal.

## **SECTION 11. RENDITION**

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval effective date of this Development Order to the Developer\*, the DCA, the SWFRPC, and the TBRPC.

**SECTION 12. COMPLIANCE AND MONITORING**

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the amended Development Order.

**SECTION 13. NOTICE OF RECORDING**

The Developer\* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

**SECTION 14. SEVERABILITY**

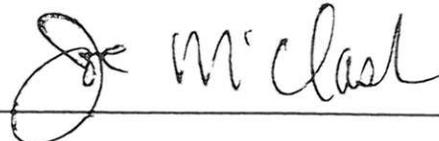
It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Resolution or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or applications of this Ordinance, and to this end the provisions of this Ordinance are declared severable.

**SECTION 15. LEGAL DESCRIPTION**

Development of the Sarasota Bradenton International Airport and six associated outparcels shall be restricted to that portion of the +1,123.45-acres of land, described in eight separate legal descriptions included as Attachment "A," attached to and made a part of this Development Order, that is located within unincorporated Manatee County, unincorporated Sarasota County, and the City of Sarasota.

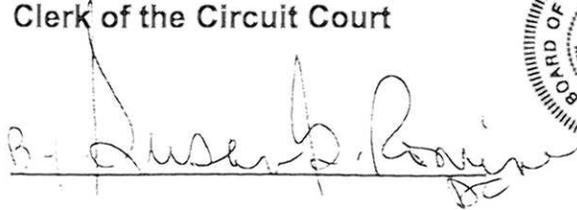
PASSED AND DULY ADOPTED with a quorum present by the Board of County Commissioners of Manatee County, Florida this 24<sup>th</sup> day of May, 2005.

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

BY: 

FIRST VICE-CHAIRMAN

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





Attachment A

Legal Description for the Sarasota Bradenton International Airport and ~~four (4)~~ six (6) outparcels  
(Prepared by MEA Group, Inc.)

DESCRIPTION OF PARCEL A:

A PARCEL OF LAND BEING AND LYING IN SECTIONS 25, 26, 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST AND SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AND SECTION 1, TOWNSHIP 36 SOUTH, RANGE 17 EAST AND SECTION 6, TOWNSHIP 36 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE, COUNTY, FLORIDA; THENCE N.88°41'11"W., ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 50.01 FEET; THENCE S.00°18'11"W., A DISTANCE OF 47.01 FEET FOR THE POINT OF BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF TALLEVAST ROAD AND THE WESTERLY RIGHT-OF-WAY OF FIFTEENTH STREET EAST (FORMERLY US 301 - 100 FEET WIDE); THENCE S.00°18'11"W., ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 2594.22 FEET; THENCE S.00°32'17"W., CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 1499.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1195.92 FEET, A CENTRAL ANGLE OF 89°48'46", A CHORD BEARING OF S.44°22'06"E. AND A CHORD LENGTH OF 1688.51 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1874.63 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°16'29"E., ALONG THE SOUTHERLY RIGHT-OF-WAY OF WEST UNIVERSITY PARKWAY, A DISTANCE OF 146.47 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (150 FEET WIDE); THENCE S.00°22'02"W., ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 2542.42 FEET TO THE NORTHERLY RIGHT-OF-WAY OF UNIVERSITY PARKWAY (FORMERLY DE SOTO ROAD); THENCE N.89°07'19"W., ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 1263.52 FEET TO THE EASTERLY RIGHT-OF-WAY OF OLD BRADENTON ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

- 1) N.00°42'10"E., A DISTANCE OF 356.00 FEET;
- 2) N.89°17'50"W., A DISTANCE OF 10.00 FEET;
- 3) N.00°42'10"E., A DISTANCE OF 918.52 FEET TO A POINT ON THE NORTH LINE OF THE CITY OF SARASOTA;

THENCE N.89°11'33"W., ALONG SAID NORTH LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE LINE BETWEEN RANGE 17 EAST AND RANGE 18 EAST; THENCE CONTINUING ALONG SAID NORTH LINE, N.89°24'22"W., A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OLD BRADENTON ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES:

- 1) S.00°42'10"W., A DISTANCE OF 23.30 FEET;
- 2) S.36°28'21"W., A DISTANCE OF 22.35 FEET;
- 3) N.85°44'10"W., A DISTANCE OF 25.00 FEET;
- 4) S.04°15'50"W., A DISTANCE OF 50.00 FEET;
- 5) S.85°44'10"E., A DISTANCE OF 30.00 FEET;
- 6) S.31°38'36"E., A DISTANCE OF 20.89 FEET;
- 7) S.00°42'10"W., A DISTANCE OF 549.15 FEET;
- 8) N.89°17'50"W., A DISTANCE OF 10.00 FEET;
- 9) S.00°42'10"W., A DISTANCE OF 616.03 FEET TO THE NORTHERLY RIGHT-OF-WAY OF UNIVERSITY PARKWAY (FORMERLY DE SOTO ROAD);

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING SIX (6) COURSES:

- 1) N.89°20'17"W., A DISTANCE OF 1275.18 FEET;
- 2) S.01°09'43"W., A DISTANCE OF 10.00 FEET;
- 3) S.89°42'44"W., A DISTANCE OF 301.68 FEET;
- 4) N.89°20'17"W., A DISTANCE OF 300.00 FEET;
- 5) N.88°57'22"W., A DISTANCE OF 300.01 FEET;

6) N.88°45'54"W., A DISTANCE OF 57.51 FEET;

THENCE N.00°43'16"E., A DISTANCE OF 783.34 FEET; THENCE N.43°22'47"W., A DISTANCE OF 139.87 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 936.93 FEET, A CENTRAL ANGLE OF 18°07'04", A CHORD BEARING OF N.34°19'15"W. AND A CHORD LENGTH OF 295.04 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 296.27 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, HAVING: A RADIUS OF 1703.02 FEET, A CENTRAL ANGLE OF 12°07'11", A CHORD BEARING OF N.19°10'31"W. AND A CHORD LENGTH OF 359.57 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 360.24 FEET TO THE END OF SAID CURVE; THENCE N.89°19'02"W., A DISTANCE OF 991.13 FEET TO THE EASTERLY RIGHT-OF-WAY OF US 41; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1) N.17°07'22"W., A DISTANCE OF 836.22 FEET;

2) N.14°23'06"W., A DISTANCE OF 343.16 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 5789.58 FEET, A CENTRAL ANGLE OF 03°32'37", A CHORD BEARING OF N.20°55'04"W. AND A CHORD LENGTH OF 358.01 FEET;

3) ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 358.07 FEET;

THENCE S.89°19'22"E., A DISTANCE OF 117.41 FEET; THENCE N.00°23'40"E., A DISTANCE OF 464.66 FEET; THENCE N.26°31'22"W., A DISTANCE OF 363.19 FEET; THENCE S.89°19'22"E., A DISTANCE OF 45.00 FEET; THENCE N.26°31'22"W., A DISTANCE OF 245.01 FEET; THENCE N.89°19'22"W., A DISTANCE OF 384.35 FEET TO THE EASTERLY RIGHT-OF-WAY OF US 41; THENCE N.26°31'22"W., ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 1183.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1849.86 FEET, A CENTRAL ANGLE OF 08°36'29", A CHORD BEARING OF N.22°13'07"W. AND A CHORD LENGTH OF 277.66 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 277.92 FEET TO THE END OF SAID CURVE; THENCE S.89°04'34"E., A DISTANCE OF 545.08 FEET; THENCE N.00°24'00"E., A DISTANCE OF 484.53 FEET; THENCE N.89°51'19"W., A DISTANCE OF 175.00 FEET; THENCE N.00°24'00"E., A DISTANCE OF 223.02 FEET; THENCE N.89°51'19"W., A DISTANCE OF 149.87 FEET; THENCE N.00°24'00"E., A DISTANCE OF 262.89 FEET; THENCE N.89°50'56"W., A DISTANCE OF 224.86 FEET; THENCE N.00°20'44"E., A DISTANCE OF 218.14 FEET; THENCE N.89°47'22"W., A DISTANCE OF 149.87 FEET; THENCE N.00°22'13"E., A DISTANCE OF 227.54 FEET; THENCE N.89°49'15"W., A DISTANCE OF 219.83 FEET; THENCE N.31°27'47"W., A DISTANCE OF 430.24 FEET; THENCE N.89°52'14"W., A DISTANCE OF 2.92 FEET; THENCE N.00°25'43"E., A DISTANCE OF 40.00 FEET; THENCE N.89°52'14"W., A DISTANCE OF 168.68 FEET TO THE EASTERLY RIGHT-OF-WAY OF US 41; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1) N.31°26'22"W., A DISTANCE OF 1056.33 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 894.93 FEET, A CENTRAL ANGLE OF 04°07'00", A CHORD BEARING OF N.29°22'52"W. AND A CHORD LENGTH OF 64.29 FEET;

2) ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 64.30 FEET TO THE POINT OF TANGENCY OF SAID CURVE;

3) N.27°19'22"W., A DISTANCE OF 557.00 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY AND THE EASTERLY RIGHT-OF-WAY OF PONCE DE LEON (50 FEET WIDE) BEING A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 1032.17 FEET, A CENTRAL ANGLE OF 05°01'05", A CHORD BEARING OF N.22°09'45"E. AND A CHORD LENGTH OF 90.37 FEET;

THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 90.40 FEET TO THE NORTHWESTERLY CORNER OF LOT 7, WHITFIELD ESTATES, RECORDED IN PLAT BOOK 4, PAGE 48, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.89°36'47"E., ALONG THE NORTHERLY LINE OF SAID LOT 7 A DISTANCE OF 181.50 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 7; THENCE N.00°27'38"E., ALONG THE EASTERLY BOUNDARY OF SAID WHITFIELD ESTATES, A DISTANCE OF 675.98 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF TALLEVAST ROAD (FORMERLY NICHOLSON ROAD); THENCE S.89°48'15"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 1328.00 FEET TO THE WEST LINE OF SECTION 25, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE S.00°27'44"W., ALONG SAID WEST LINE, A DISTANCE OF 658.47 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE S.88°48'19"E., ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 668.82 FEET; THENCE N.44°38'52"E., A DISTANCE OF 287.76 FEET; THENCE S.39°39'04"E., A DISTANCE OF 301.57 FEET; THENCE S.59°24'11"E., A DISTANCE OF 721.52 FEET; THENCE S.45°22'31"E., A DISTANCE OF 420.64 FEET; THENCE S.88°42'05"E., A DISTANCE OF 685.22 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 36; THENCE S.88°41'11"E., ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 2226.83 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF

TALLEVAST ROAD; THENCE S.81°59'43"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 403.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 935.24 ACRES, MORE OR LESS.

**DESCRIPTION OF "CHUNG" PARCEL (Outparcel 6):**

A PARCEL OF LAND BEING AND LYING IN SECTION 26, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 26; THENCE S.89°48'04"E., ALONG THE NORTH LINE OF SAID SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼, ALSO BEING THE SOUTH LINE OF BLOCK "G", BROOKSIDE ADDITION TO WHITFIELD ESTATES, RECORDED IN PLAT BOOK 17, PAGES 33-36, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 1048.57 FEET TO THE SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK "G" AND TO THE WESTERLY CANAL RIGHT-OF-WAY LINE AS DESCRIBED IN DEED BOOK 360, PAGE 453, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES:

1) S.00°27'34"W., A DISTANCE OF 50.00 FEET;

2) S.89°48'04"E., A DISTANCE OF 229.44 FEET;

3) S.00°27'44"W., A DISTANCE OF 533.58 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NICHOLSON AVENUE AS DESCRIBED IN OFFICIAL RECORD BOOK 1230, PAGE 1862, OF SAID PUBLIC RECORDS; THENCE N.89°48'15"W., ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1278.00 FEET TO THE WEST LINE OF THE AFORESAID NORTHEAST ¼ OF THE SOUTHEAST ¼; THENCE N.00°27'38"E. ALONG SAID WEST LINE OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼, ALSO BEING THE EAST LINE OF BLOCK "62" OF WHITFIELD ESTATES, RECORDED IN PLAT BOOK 4, PAGE 48, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 583.65 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 26, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 16.86 ACRES, MORE OR LESS.

**DESCRIPTION OF PARCEL D:**

A PARCEL OF LAND BEING AND LYING IN SECTION 6, TOWNSHIP 36 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 6; THENCE S.89°16'29"E. ALONG THE NORTH BOUNDARY OF SAID SECTION 6, A DISTANCE OF 1,363.34 FEET TO THE CENTERLINE OF THE SEABOARD COAST LINE RAILROAD; THENCE S.00°22'02"W. ALONG SAID CENTERLINE, A DISTANCE OF 350.01 FEET; THENCE S.89°16'29"E., A DISTANCE OF 75.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD FOR A POINT OF BEGINNING; THENCE S.89°16'29"E., A DISTANCE OF 1401.16 FEET; THENCE S.00°43'31"W., A DISTANCE OF 199.66 FEET; THENCE S.89°13'38"E., A DISTANCE OF 599.26 FEET; THENCE S.00°42'58"W., A DISTANCE OF 450.00 FEET; THENCE S.51°11'48"W., A DISTANCE OF 693.67 FEET; THENCE S.73°28'38"W., A DISTANCE OF 258.58 FEET; THENCE S.21°08'13"W., A DISTANCE OF 599.72 FEET; THENCE S.45°01'36"W., A DISTANCE OF 369.49 FEET; THENCE S.89°06'24"E., A DISTANCE OF 407.59 FEET; THENCE S.00°22'00"W., A DISTANCE OF 249.81 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF DESOTO ROAD; THENCE N.89°07'19"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1171.41 FEET A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES N.00°22'02"E., A DISTANCE OF 1275.84 FEET; S.89°28'22"E., A DISTANCE OF 25.00 FEET; N.00°22'02"E., A DISTANCE OF 966.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 73.76 ACRES, MORE OR LESS.

**DESCRIPTION OF PARCEL 1:**

THOSE LANDS DESCRIBED AS PARCEL #21 AND PARCEL #22 IN DEED BOOK 381, PAGE 149, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89°39'21"E., A DISTANCE OF 50.01 FEET; THENCE S.00°18'11"W., A DISTANCE OF 229.00 FEET FOR A POINT OF BEGINNING; THENCE S.89°39'21"E., A DISTANCE OF 441.36 FEET; THENCE S.00°02'00"E., A DISTANCE OF 46.31 FEET; THENCE

N.89°56'00"E, A DISTANCE OF 408.38' FEET; THENCE S.00°18'11"W., A DISTANCE OF 1049.29 FEET; THENCE N.89°33'49"W., A DISTANCE OF 850.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF FIFTEENTH STREET EAST; THENCE N.00°18'11"E. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1091.30 FEET TO THE POINT OF BEGINNING.  
CONTAINING 20.89 ACRES, MORE OR LESS.

**DESCRIPTION OF PARCEL 2:**

THAT PORTION OF THE LANDS DESCRIBED AS PARCEL #23 AND PARCEL #24 IN DEED BOOK 381, PAGE 149, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING NORTH AND EAST OF STATE ROAD 683A AND WEST OF THE SEABOARD COAST LINE RAILROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N.00°32'17"E. ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 1142.18 FEET; THENCE S.89°27'43"E., A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 683A (FIFTEENTH STREET EAST) FOR A POINT OF BEGINNING; THENCE N.00°32'17"E. ALONG

SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 839.28 FEET; THENCE S.89°25'19"E., A DISTANCE OF 1257.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES:

- 1) S.00°21'43"W., A DISTANCE OF 661.67 FEET;
- 2) S.89°12'59"E., A DISTANCE OF 25.00 FEET;
- 3) S.00°21'43"W., A DISTANCE OF 1273.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 683A;

THENCE N.89°16'29"W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 195.84 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 1095.92 FEET, A CENTRAL ANGLE OF 89°48'46", AN ARC LENGTH OF 1717.88 FEET, A CHORD DISTANCE OF 1547.32 FEET AND A CHORD BEARING OF N.44°22'06"W.; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE (BEING SAID NORTHERLY RIGHT-OF-WAY LINE), AN ARC DISTANCE OF 1717.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 50.79 ACRES, MORE OR LESS.

**DESCRIPTION OF PARCEL 3:**

A PARCEL OF LAND BEING AND LYING IN SECTION 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADEN AVENUE AND THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE S.89°04'34"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 545.08 FEET; THENCE S.00°32'35"W., A DISTANCE OF 929.18 FEET; THENCE N.89°04'34"W., A DISTANCE OF 92.15 FEET; THENCE N.26°31'22"W., A DISTANCE OF 759.31 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 1849.86 FEET, A CENTRAL ANGLE OF 08°36'29", A CHORD LENGTH OF 277.66 FEET AND A CHORD BEARING OF N.22°13'07"W.; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 277.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.00 ACRES, MORE OR LESS.

**DESCRIPTION OF PARCEL 4:**

A PARCEL OF LAND BEING AND LYING IN SECTION 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADEN AVENUE AND THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE S.89°04'34"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 545.08 FEET; THENCE S.00°32'35"W., A DISTANCE OF 452.67 FEET FOR A POINT OF BEGINNING; THENCE S.89°41'59"E., A DISTANCE OF 200.67 FEET; THENCE S.00°18'01"W., A DISTANCE OF 157.92 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING: A RADIUS OF 283.17 FEET, A CENTRAL ANGLE OF 38°17'08", A CHORD LENGTH OF 185.72 FEET AND A CHORD BEARING OF S.56°33'07"E.; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 189.22 FEET; THENCE S.37°24'33"E., A DISTANCE OF 617.10 FEET; THENCE

S.00°40'38"W., A DISTANCE OF 651.25 FEET; THENCE S.89°36'20"W., A DISTANCE OF 18.38 FEET; THENCE N.26°31'22"W., A DISTANCE OF 363.19 FEET; THENCE S.89°19'22"E., A DISTANCE OF 45.00 FEET; THENCE N.26°31'22"W., A DISTANCE OF 245.01 FEET; THENCE N.89°19'22"W., A DISTANCE OF 384.35 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE N.26°31'22"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 424.01 FEET; THENCE S.89°04'34"E., A DISTANCE OF 92.15 FEET; THENCE N.00°32'35"E., A DISTANCE OF 476.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.07 ACRES, MORE OR LESS.

**DESCRIPTION OF PARCEL 5 (LOCATED ENTIRELY IN THE CITY OF SARASOTA):**

A PARCEL OF LAND LYING AND BEING IN THE NORTHEAST ¼ OF SECTION 1, TOWNSHIP 36 SOUTH, RANGE 17 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 1, AS A POINT OF REFERENCE; THENCE N89°43'29"W ALONG THE SOUTH LINE OF SAID NORTHEAST ¼, 1001.72 FEET; THENCE N00°00'00"E LEAVING SAID SOUTH LINE, 100.00 FEET FOR A POINT OF BEGINNING; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, THE FOLLOWING THREE COURSE: N89°43'29"W 382.24 FEET, N85°39'47"W 169.43 FEET, AND N89°43'29"W 140.48 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, N00°00'00"E 125.34 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1805.86 FEET, A DELTA OF 07°54'10", AN ARC LENGTH OF 498.17 FEET AND A CHORD OF N07°54'10"E 496.59 FEET, TO A POINT OF NON-TANGENT; THENCE S89°51'32"E 350.00 FEET; THENCE S00°00'00"W 294.77 FEET; THENCE S89°51'32"E ALONG THE SOUTH LINE OF THE BUDGET CAR RENTAL LEASE SITE, 273.38 FEET; THENCE S00°00'00"W ALONG THE WEST LINE OF THE ALAMO CAR RENTAL LEASE SITE, 336.23 FEET TO THE POINT OF BEGINNING. CONTAINING 7.8390 ACRES MORE OR LESS.



STATE OF FLORIDA, COUNTY OF MANATEE  
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.  
Witness my hand and official seal this 9<sup>th</sup> day of June, 2005  
R.B. SHORE  
Clerk of Circuit Court  
By: Nancy Harris D.C.



STATE OF FLORIDA, COUNTY OF MANATEE  
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.  
Witness my hand and official seal this 26<sup>th</sup> day of May, 2005  
R.B. SHORE  
Clerk of Circuit Court  
By: G. Acevedo D.C.



MANATEE COUNTY  
GOVERNMENT  
PLANNING DEPARTMENT  
"TO SERVE WITH EXCELLENCE"

#254

Certified Mail # 7000 0600 0024 5577 1842

January 10, 2005

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

Re: Development Order for the Sarasota-Bradenton International Airport

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 04-34 the Development Order for the Sarastoa-Bradenton International Airport Development of Regional Impact, as adopted in open session by the Manatee County Board of County Commissioners on December 14, 2004, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP  
Community Planning Administrator

RHP/ks  
Enclosure

ORDINANCE NO. 04-34

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, AND APPROVAL OF A SUBSTANTIAL DEVIATION TO THE SARASOTA-BRADENTON INTERNATIONAL AIRPORT DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER TO: COMBINE THE EXISTING PHASES 1 & 2 INTO A NEW AND REVISED PHASE 1 AND EXTEND THE BUILDOUT BY 4-YEARS TO 12/31/09; ELIMINATE THE EXISTING PHASE 3 AND MOVE THE PHASE 3 ENTITLEMENTS INTO A NEW AND REVISED PHASE 2 AND EXTEND THE BUILDOUT BY 5 YEARS TO 12/31/15. MOVE 84,000 SQUARE FEET OF LIGHT INDUSTRIAL FROM THE CURRENT PHASE 3 TO NEW PHASE 1 AND ADD 36,000 SQUARE FEET OF LIGHT INDUSTRIAL USES ON OUTPARCEL #2; ADD ±16.86 ACRES (LOCATED ON THE NORTH SIDE OF TALLEVAST ROAD) TO THE DRI TO BE DEVELOPED WITH 50,000 S.F. OF LIGHT INDUSTRIAL, RESEARCH AND DEVELOPMENT, SMALL COMMERCIAL, PROFESSIONAL OFFICE, AND WAREHOUSE USES (TO BE KNOWN AS OUTPARCEL #6); ADD 200,000 S.F. OF OFFICE SPACE, A 150-SEAT RESTAURANT, AND 200 HOTEL ROOMS ON THE AIRPORT PARCEL ALONG UNIVERSITY PARKWAY AND EAST OF THE AIRPORT ENTRANCE (KNOWN AS INNOVATION GREEN AND LOCATED IN THE CITY OF SARASOTA); ADD 62,000 S.F. OF AIRPORT MAINTENANCE AND WAREHOUSE USES (LOCATED IN THE CITY OF SARASOTA) AND 175 HANGAR SPACES (LOCATED IN MANATEE COUNTY) TO THE AIRPORT PARCEL; APPROVAL OF A LAND USE EQUIVALENCY MATRIX TO EXCHANGE LAND USES AMONG THE OUTPARCELS; CLARIFY THE ACREAGES DEVOTED TO EACH LAND USE WITHIN OUTPARCELS #1 AND #3 AND AMEND THE OVERALL ACREAGE FOR EACH OF THESE OUTPARCELS; AMEND MAP H TO REFLECT THE ABOVE CHANGES; AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES; AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #15; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, The Sarasota Manatee Airport Authority (referred to as "SMAA" or "Authority"), possesses a Final Order approved by the Florida Land and Water Adjudicatory Commission on November 26, 1986 (Initial Development Order) for the Sarasota Bradenton International Airport (SBI A); and

**WHEREAS**, on December 15, 1999, the Board of County Commissioners of Manatee County rendered an amended and restated development order pursuant to Chapter 380, Florida Statutes that included all development approved in the Preliminary Development Agreement in addition to

other newly proposed airport aviation related, and outparcel development on lands owned by the Authority ; and;

**WHEREAS**, on May 7, 2002 the Board of County Commissioners of Manatee County approved an amendment to the Development Order which amended, replaced, and superceded Ordinance 99-50, to move 6.28 acres from Outparcel #4 to the Airport Proper and refer to all hangars as "general aviation hangars"; and

**WHEREAS**, on February 25, 2003, the SMAA filed an application for a Substantial Deviation to the approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes, to : (1) Accelerate construction of 84,000 square feet and add 36,000 square feet of light industrial uses on Outparcel 2, (2) Accelerate the construction of 200 hotel rooms, 25,000 s.f. of auto sales, and 5,000 s.f. of office space on Outparcel 4, (3) Add +16.86 acres (located on the north side of Tallevast Road) to the DRI to be developed with 50,000 s.f. of light industrial, research and development, small commercial, professional office, and warehouse (to be known as Outparcel 6), (4) Add 200,000 s.f. of office space, a 150-seat restaurant, and 200 hotel rooms on the Airport Parcel along University Parkway and east of the airport entrance (known as Innovation Green and located in the City of Sarasota), (5) Add 62,000 s.f. of airport maintenance and warehouse uses (located in the City of Sarasota) and 175 hangar spaces (located in Manatee County) to the Airport parcel, and (6) Amend Map H to reflect the above changes; and

**WHEREAS**, the Tampa Bay Regional Planning Council, The Southwest Florida Regional Planning Council, the City of Sarasota, Sarasota County, and Florida Department of Community Affairs were provided copies of the Substantial Deviation \*by the SMAA and were, therefore, afforded the opportunity to comment on the proposed change; and

**WHEREAS**, the Planning Commission has reviewed the Substantial Deviation and has filed a recommendation on said Application with the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant on the pending Substantial Deviation; and

**WHEREAS**, portions of the described Project lie within the unincorporated area of Manatee County; and

**WHEREAS**, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT:**

**SECTION 1. FINDINGS OF FACT:**

The Board of County Commissioners, after considering the testimony, evidence, the Substantial Deviation Application for Development Approval, the recommendation and findings of the Planning

Commission, and all other matters presented at the public hearings, hereby makes the following findings of fact:

- A. All **"WHEREAS"** clauses preceding Section 1 of this Resolution are adopted as findings of fact.
- B. On February 25, 2003, Fredrick J. Piccolo, authorized agent for the Applicant, Sarasota-Manatee Airport Authority ("SMAA") submitted to Manatee County an Application for a Substantial Deviation to the Development of Regional Impact (DRI), known as Sarasota Bradenton International Airport.
- C. The Sarasota Bradenton International Airport ("Airport") formerly known as Sarasota Bradenton Airport, consists of approximately 1,123.45 acres and is located in Manatee County, the City of Sarasota, and Sarasota County, and is described in Attachment A of this Development Order. Approximately 902.34 acres of the total DRI are located within unincorporated Manatee County.
- D. Development of the site is currently governed by DRI Development Orders of the jurisdictions listed below:
  - (1) Manatee County:
    - a. Final Order approved by the Florida Land and Water Adjudicatory Commission on November 26, 1986 (Initial Development Order).
    - b. Resolution No. 90-98, approved July 26, 1990. (First Amendment).
    - c. Ordinance No. 99-50, approved December 15, 1999.(Second Amendment)
    - d. Ordinance No. 02-23, approved May 7, 2002. (Third Amendment)
  - (2) Sarasota County:
    - a. Resolution No. 85-48, approved October 15, 1985. (Initial Development Order).
    - b. Resolution No. 86-78, approved February 11, 1986. (First Amendment).
    - c. Resolution No. 87-516, approved October 6, 1987. (Second Amendment).
    - d. Resolution No. 85-151, approved May 16, 1989. (Third Amendment).
    - e. Resolution No. 94-201, approved July 26, 1994. (Fourth Amendment).
    - f. Ordinance No. 2000-028, adopted March 15, 2000. (Fifth Amendment)
    - g. Resolution No. 2004-088, adopted May 11, 2004. (Sixth Amendment)
  - (3) City of Sarasota:
    - a. Resolution approved November 4, 1985 (Initial Development Order).
    - b. Resolution approved on February 26, 1986 (First Amendment).
    - c. Resolution approved on August 18, 1986 (Second Amendment).
    - d. Resolution No. 00R-1263 approved on April 3, 2000.(Third Amendment)
    - e. Ordinance No. 02-04394 approved on August 5, 2002 (Fourth Amendment)
    - f. Resolution No. 04R-1751 approved on May 17, 2004 (Fifth Amendment).

E. The foregoing development orders have resulted in the existing, authorized, and approved development of the site, including development that existed on July 1, 1973, the effective date of Chapter 380, Florida Statutes, as follows:

- (1) Primary runway 14-32: 9,500 ft. x 150 ft.; 190,500 lbs pavement strength
- (2) Secondary runway 4-22: 5,004 ft. x 150 ft.; 115,000 lbs. pavement strength
- (3) Taxiways A, B, C, and F and taxiways for Dolphin Aviation and Jones Aviation
- (4) Air carrier apron: 895,500 s.f.
- (5) FAA air traffic control tower
- (6) General aviation aprons: 43,560 s.f.; 104 tie down spaces
- (7) General aviation hangars: 270
- (8) Air carrier terminal: 305,000 s.f.; 13 gates
- (9) General aviation terminals: 15,100 s.f.
- (10) Fuel farms:
  - a. commercial airlines: 130,000 gal.
  - b. general aviation: 174,000 gal.
- (11) Automobile parking
  - a. Public: 1,431 spaces
  - b. Employee: 446 spaces
  - c. Car rental ready return: 259 spaces
  - d. General aviation: 110 spaces
- (12) Miscellaneous aviation facilities:
  - a. Air freight terminal: 19,746 s.f.
  - b. Fire rescue station: 12,286 s.f.
  - c. Toll plaza operations: 1,066 s.f.
  - d. Auditorium/office: 6,220 s.f.
  - e. Facilities/O'Day Bldg.: 39,780 s.f.
  - f. New electrical vault: 1,725 s.f.
  - g. Old electrical vault: 425 s.f.
  - h. Restroom D: 484 s.f.
  - i. Restroom J: 484 s.f.
  - j. Agape Flight hangar/office: 5,760 s.f.
  - k. F.I. International hangar/office: 1,600 s.f.
- (13) Rental car maintenance facilities:
  - a. Alamo Rent A Car, Inc.: 5,880 s.f.
  - b. Avis Rent A Car System, Inc.: 2,613 s.f.
  - c. Budget Rent A Car Systems, Inc.: 6,000 s.f.
  - d. Hertz: 3,720 s.f.
  - e. National Car Rental Systems: 3,780 s.f.
  - f. Dollar Rent A Car, Inc.: 1,243 s.f.
- (14) Non-aviation tenant facilities:
  - a. Quonset Hut No. 1335 (Dynasty Boats): 10,260 s.f.
  - b. Quonset Hut No. 1206:(Treadco Tire & Security 1<sup>st</sup> Storage) 26,404 s.f.
  - c. Airport Shell: 2,343 s.f.
  - d. Airport Plaza Ltd. (Silk Warehouse): 32,980 s.f.
  - e. Airport Flyers, Inc. (Airport Mall): 35,700 s.f.
  - f. Asolo Theater (FSU Foundation): 21,680 s.f.
  - g. County Line Investments (Gilbert Waters): 30,616 s.f.
  - h. Gulf Coast Karting: Racetrack

- i University Self Storage (f.k.a. Sassaman): 9,843 s.f.
- j. 1349 University Parkway: 16,572 s.f.
- (15) Daily enplanements: 1,700 passengers
- (16) External vehicle trips: 10,277 (average daily trips; 591 Total PM peak hour trips comprised of 296 in and 295 out at build-out.

F. The SMAA ADA received approval of the following with Ordinance 99-50:

- (1) Runway 14-32 extension: add 1,150 feet at the southeast end and 1,350 feet at the northwest end, for total runway length of approximately 9,500 feet.
- (2) Expansion of terminal by 175,000 s.f., including a maximum of nine additional air carrier or commuter gates, and associated infrastructure such as aprons, taxiway lanes and connectors, lighting, security, access roads, and utilities.
- (3) Public parking structure: 800 spaces (Height not to exceed height of existing terminal)
- (4) General aviation facilities (LUC 022) consisting of:
  - a. 100 new T-hangars to be located on land not currently under lease to any fixed base operator (FBO).
  - b. 23 T-hangars to be located on airport land under lease by Dolphin Aviation, a FBO.
  - c. Corporate hangars to accommodate up to six aircraft, to be located on land not currently under lease to any FBO.
  - d. One corporate hangar to accommodate up to seven aircraft, located on airport land leased by Dolphin Aviation, an FBO.
  - e. Two corporate hangars to cumulatively accommodate up to eight aircraft to be located on airport land leased by Jones Aviation, a FBO.
- (5) Replacement of the existing picnic shelter building with the shelter not to exceed 10,000 s.f.
- (6) Wash facilities for equipment and vehicles.
- (7) Signs.
- (8) Outparcel development:

Outparcel No.	Land Use	Intensity
1.	a. Commercial or warehouse (LUC 814)	32,980 s.f.
	b. Golf Drive Range (LUC 430)	
	Par-3 golf course	
	Accessory pro-shop	1,200 s.f.
		(±21.32 total acres)
2.	(± 50.79 acres):	
	a. Light Industrial (LUC 11)	174,000 s.f.
	b. Warehouse	108,530 s.f.
	c. Heavy Commercial (Tire Store)	7,144 s.f.
	d. Manufacturing	9,917 s.f.
	e. General Commercial	16,000 s.f.
	(Auto Care Center/Truck Repair)	

\* Includes 70,000 sq. ft. authorized under the 1<sup>st</sup> amended PDA and 10,200 sq. ft. authorized under the 2<sup>nd</sup> amended PDA .

\*\* Represents a Cumulative Total of 108,530 sq. ft. of Vested Warehouse space (35,700 sq. ft./Airport Mall; 28,258 sq. ft./County Line Investments; 9,843 sq. ft./Sassaman Self-Storage; 16,572 sq. ft./Sassaman Self Storage; and 18,157 sq. ft./Security First Storage).

\*\*\* Existing and vested development

3. (±6.79 acres):

- |    |                    |             |
|----|--------------------|-------------|
| a. | Office (LUC 715)   | 15,000 s.f. |
| b. | Fast Food          | 3,000 s.f.  |
| c. | Quality Restaurant | 7,000 s.f.  |

4. (±17.35 acres):

- |    |                            |             |
|----|----------------------------|-------------|
| a. | Hotel (LUC 312)            | 200 rooms   |
| b. | Office (LUC 715)           | 25,000 s.f. |
| c. | Automotive Sales (LUC 715) | 25,000 s.f. |

- G. The SMAA received approval to move 6.28 acres from Outparcel #4 to the Airport Proper and refer to all hangars as "general aviation hangars" with Ordinance 02-23.
- H. On October 7, 1993, the SMAA adopted a master plan which was accepted by the FAA, including an airport layout plan (ALP) which was approved by the Federal Aviation Administration (FAA). The master plan and ALP set forth the types of development needed to meet the short and long term air transportation needs of the air service area and to ensure compatibility of the Airport with its environs.
- I. In February, 2004, the Tampa Bay and Southwest Florida Regional Planning Councils held a duly noticed public meeting on the Substantial Deviation, received all pertinent testimony and evidence, and pursuant to Section 380.06, Florida Statutes, issued a report recommending conditional approval of the Substantial Deviation.
- J. On September 9, 2004, the Manatee County Planning Commission held a duly noticed public hearing on the Substantial Deviation, received all pertinent testimony and evidence, including the Tampa Bay Regional Planning Council and the Southwest Florida Regional Planning Council reports and recommendations and recommended approval of the Substantial Deviation.
- K. On September 28, 2004, Th Board of County Commissioners held a public hearing regarding the Substantial Deviation, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- L. The Board of County Commissioners of Manatee County, considered all matters relevant to the proposed Substantial Deviation, including the report and recommendations of the Tampa Bay Regional Council and the Southwest Florida Regional Planning Council, the State of Florida Department of Community Affairs, the Manatee County Planning

Commission, and all pertinent testimony and evidence, and found that the proposed changes do not create any unmitigated regional impacts.

- M. The real property which is the subject of the current ADA is legally described in Section 15 of this Ordinance.
- N. The development is not in an area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

## **SECTION 2: CONCLUSIONS OF LAW**

**Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:**

- A. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.
- B. The DCA stated for the record via telephone that they concur with the regional planning councils recommendation for conditional approval of the Substantial Deviation.
- C. These proceedings have been duly conducted pursuant to applicable laws 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.
- D. The review by the County, TBRPC, SWFRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

## **SECTION 3. AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #15 (TBRPC DRI #124).**

The first Development Order for the Sarasota-Bradenton International Airport in Manatee County, which was the Final Order issued by the Florida Land and Water Adjudicatory Commission on November 26, 1986 and subsequently amended by Manatee County Resolution 90-98, Ordinance 99-50, and Ordinance 02-23, is hereby amended and replaced by this Ordinance, as follows:

## **SECTION 4. DEFINITIONS.**

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Manatee County Comprehensive Plan. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994),

TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.

- B. "Application" and "Application for Development Approval" or "ADA" shall mean Sarasota Manatee Airport Authority's two DRI Substantial Deviation Applications for Development Approval submitted on 1) November 30, 1996 with sufficiency responses submitted on June 30, 1997, December 1, 1997, February 4, 1998 and March 5, 1999, and 2) February 25, 2003 with sufficiency responses submitted on June 4, 2003 and October 27, 2003. The term "current ADA," as used herein, shall mean only the February 25, 2003 Application for Development Approval with its sufficiency responses.
- C. "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 quantity objectives of the Land Development Code.
- D. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- E. "County Transportation Authority" shall mean the County entity responsible for roadway approvals.
- F. "Developer", "SMAA", or "Authority" shall mean Sarasota Manatee Airport Authority, their heirs, assigns, designees, agents, and successors in interest as to the Sarasota Bradenton International Airport DRI.
- G. "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.
- H. "Funding Commitments" shall mean to assure completion of any improvement required by this Development Order, or any combination of the following:
  - 1. binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, in a form satisfactory to the County; or
  - 2. actual construction; or
  - 3. the placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required, as long as the improvement is within the first two years of the responsible entity's work plan at the time of Preliminary Site Plan approval of a subphase or phase; or

4. a local development agreement as defined by Florida Statutes or the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development. Compliance with Conditions B.(3), (4), and (5) shall also constitute a funding commitment.
- I. "General Aviation Hangars" shall mean a space within a building of sufficient size and configuration to house a single general aviation aircraft. "General aviation aircraft" shall mean a non-military aircraft other than one used for the transportation of persons, property, or cargo on a scheduled basis.
- J. "Horizontal Development" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development\* (e.g., roadways, drainage, water, sewer, communications, utilities, etc.).
- K. "Master Development Plan" shall mean General Development Plan Maps H, H1, H2, H3, H4 H5, and H6 are attached, and incorporated by reference.
- L. "Owner" shall mean the Sarasota Manatee Airport Authority and their assigns, designees, agents, and successors in interest.
- M. "Phase\*" shall mean the development totals listed in Tables 1, 2, 3, 4, 5, 6, and 7.
- N. "Transportation Impact Area\*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by this project in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally based on data submitted with the ADA.
- O. "Vertical Development" shall mean and be deemed to include the new construction of any building or structure or the addition to any existing structure.
- P. "Warranted" shall mean a determination by the County based on generally accepted transportation engineering practices that the Acceptable Level of Service\* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- Q. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order.

Note: An asterisk (\*) in the text of this Development Order denotes that the word is defined.

**SECTION 5. DEVELOPMENT CONDITIONS.**

**DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS.**

- A(1). This Development Order approval shall constitute approval of the Substantial Deviation, subject to the conditions set forth herein and shall be limited to the development amounts set forth in Tables 1, 2, 3, 4, 5, 6, and 7 below. Development is approved in two (2) phases. Phase 1 allows for development to occur between 2003 and 2009, and is specifically approved. The land uses proposed in Phase 2 are approved in concept, however, the Developer\* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements for Phase 2. The Developer\* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380, Florida Statutes and the rules and policies of the SWFRPC, TBRPC and DCA.

Prior to construction of the proposed parking garage, the SMAA shall conduct a study to ascertain whether such development is likely to cause the carbon monoxide ambient air quality standards of Rule 62-204.240 F.A.C. to be exceeded. If the study shows that such standards will likely be exceeded, or the development will generate peak hour flow inside the parking garage equal to or greater than 750 vehicles per hour, the SMAA will be required to address the impact through a NOPC, pursuant to Subsection 380.06 (19), F.S.

- A(2). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Development Order and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order.
- A(3). The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Certificate of Level of Service for Phase 1.
- A(4). The ADA and all sufficiency responses are hereby incorporated by reference.

**TABLE 1**  
**Sarasota Bradenton International Airport - Outparcel #1**  
**Allowed Development Totals**

<b>Outparcel #1 [COMPLETED]</b>					
<b>Land Use [380.0651 Guidelines]</b>	<b>Existing Amount</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total Amount</b>	<b>Total Acres</b>
Golf Driving Range [380.0651(3)(f)]	19.03 acres	n.a.	n.a.	19.4 acres	19.4
Pro Shop [380.0651(3)(f)]	1,200 s.f.		n.a.	1,200 s.f.	
Commercial/ Warehouse [380.0651(3)(c)&(f )]	32,980 s.f.	n.a.	n.a.	32,980 s.f.	1.86
<b>Build-out dates</b>					20.89

**TABLE 2**  
**Sarasota Bradenton International Airport - Outparcel #2**  
**Allowed Development Totals**

<b>Outparcel #2</b>					
<b>Land Use [380.0651 Guidelines]</b>	<b>Existing Amount</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total Amount</b>	<b>Total Acres</b>
Light Industrial [380.0651(3)(c)]	50,000* s.f.	160,000* sf		210,000 s.f.	32
Warehouse [380.0651(3)(c)]	108,530** s.f.	n.a.	n.a.	108,530 s.f.	14.9
Manufacturing [380.0651(3)(c)]	9,917*** s.f.	n.a.	n.a.	9,917 s.f.	1.0
Heavy Commercial (Tire Store) [380.0651(3)(f)]	7,144*** s.f.	n.a.	n.a.	7,144 s.f.	1.4
General Commercial (Auto care center/ truck repair) [380.0651(3)(f)]	16,000 s.f.	n.a.	n.a.	16,000 s.f.	1.5
<b>Build-out Total</b>	191,591 s.f.	160,000		351,591sf	50.79
<b>Build-out dates</b>		<b>12/31/09</b>	<b>12/31/15</b>	<b>12/31/15</b>	

\* Includes 70,000 sq. ft. authorized under the 1<sup>st</sup> amended PDA and 10,200 sq. ft. authorized under the 2nd amended PDA .

\*\* Represents a Cumulative Total of 108,530 sq. ft. of Vested Warehouse space (35,700 sq. ft./Airport Mall; 28,258 sq. ft./County Line Investments; 9,843 sq. ft./Sassaman Self-Storage; 16,572 sq. ft./Sassaman Self Storage; and 18,157 sq. ft./Security First Storage).

\*\*\* Existing and vested development

**TABLE 3**  
**Sarasota Bradenton International Airport - Outparcel #3**  
**Allowed Development Totals**

<b>Outparcel #3</b>					
<b>Type</b> [380.0651 Guidelines]	<b>Existing Amount</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total Amount</b>	<b>Total Acres</b>
Office [380.0651(3)(d)]	n.a.	15,000 s.f.	n.a.	15,000 s.f.	3.57
Quality Restaurant [380.0651(3)(f)]	n.a.	7,000 s.f.	n.a.	7,000 s.f.	1.57
Fast Food [380.0651(3)(f)]	n.a.	3,000 s.f.	n.a.	3,000 s.f.	1.86
<b>Build-out Total</b>				25,000 s.f.	7.00
<b>Build-out Dates</b>		12/31/09	12/31/10		

**TABLE 4**  
**Sarasota Bradenton International Airport - Outparcel #4**  
**Allowed Development Totals**

<b>Outparcel #4</b>					
<b>Type</b> <small>(380.0651 Guidelines)</small>	<b>Existing Amount</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total Amount</b>	<b>Total Acres</b>
Hotel [380.0651(3)(g)]	n.a.	200 rooms	n.a.	200 rooms	5.33
Office [380.0651(3)(d)]	n.a.	5,000 s.f.	20,000	25,000 s.f.	2.55
Auto Sales [380.0651(3)(f)]	n.a.	25,000 s.f.	n.a.	25,000 s.f.	3.19
<b>Build-out Total</b>	n.a.	30,000 s.f.	20,000 s.f.	50,000 s.f. 200 rooms	11.07
<b>Build-out Dates</b>		12/31/09	12/31/15		

**TABLE 5**  
**Sarasota Bradenton International Airport - Outparcel #5**  
**Allowed Development Totals**  
**(Located entirely in the City of Sarasota)**

<b>Type</b> [380.0651 Guidelines]	<b>Existing Amount</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total Amount</b>	<b>Total Acres</b>
Office [380.0651(3)(d)]	n.a.	200,000 s.f.	n.a.	200,000 s.f.	4.34
Hotel [380.0651(3)(g)]	n.a.	200 room	n.a.	200 room	3.50
Quality Restaurant [380.0651(3)(f)]	n.a.	150 seat	n.a.	150 seat	
Build-out Total		200,000 s.f. 200 rooms 150 seats	n.a.	200,000 s.f. 200 rooms 150 seats	7.84
<b>Build-out Dates</b>		<b>12/31/ 09</b>	<b>12/31/ 15</b>		

**TABLE 6**  
**Sarasota Bradenton International Airport - Outparcel #6**  
**Allowed Development Totals**

Type [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Light Industrial, Research & Development, Small Commercial, Professional Office, Warehouse  [380.0651(3)(c)]	n.a.	50,000 s.f.	n.a.	50,000 s.f.	16.86
<b>Build-out Total</b>		50,000 s.f.	n.a.	50000 s.f.	16.86
<b>Build-out Dates</b>		12/31/ 09	12/31/ 15		

**TABLE 57**  
**Sarasota Bradenton International Airport Allowed Development Totals**

<b>Airport and Aviation Related Development</b>					
<b>Type (380.0651 - Airports)</b>	<b>Existing Amount</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total Amount</b>	<b>Total Acres</b>
Runway 14/32, including associated taxiways and connectors, aprons, lighting, security, access, roads, utilities, and other infrastructure	7,003 l.f.	2,500 l.f.		9,503 l.f.*	1,123.45 Total Acres  with  902.4 in Manatee County
Noise Barrier Berms and Walls	n.a.	[COMPLETED]			
Terminal Expansion	305,000 s.f. 13 gates		175,000 s.f. 9 Air carrier or commuter gates	175,000 s.f.**	
Enplanements - Commercial Carriers	561,506** *	930,000***	1,274,000		
General Aviation Operations	88,000	202,536	256,273		
General Aviation Facilities (Hangar spaces)****	208	237		445	
Parking Garage			800 spaces	800 spaces	
<u>Airport Maintenance Warehouse</u>		62,000 sf			
<b>Build-out dates</b>		<b>12/31/2009</b>	<b>12/31/2015</b>		

\* The southeasterly 1,150 l.f. extension of runway 14/32 is located in Sarasota County.

\*\* The Terminal building is partially located within Manatee County.

\*\*\* The approved number of commercial enplanements includes those occurring before July 1, 1973 (i.e., vested with respect to DRI requirements) and enplanements authorized as a result of the current development order (FLWAC Final Order) for which required mitigation was completed. Existing number based on the current ADA submittal.

\*\*\*\*208 general aviation hangar spaces currently exist. Therefore, the Development Order will allow 62 additional hangar spaces in Phase I(270 - 208 = 62). They will be located as follows:

- 48 spaces on the Airport parcel within areas not leased to FBO's
- 11 spaces at Dolphin Aviation
- 3 spaces at Jones Aviation

- A(5). The maximum allowable height for all structures at the Airport and Outparcels shall comply with all FAA regulations relative to clear zones, imaginary surfaces, etc. In addition, the maximum height of structures on the five outparcels located in Manatee County shall be limited by Manatee County Land Development Code requirements and any specific height limits specified in Manatee County Zoning Ordinance PDMU-97-02(Z)(G), as revised.

#### TRANSPORTATION CONDITIONS.

- B(1). The Developer has provided for a bus stop at a location within the project. The provision of this bus stop meets all current requirements for Transportation System Management actions required by the reviewing agencies.
- B(2). The Developer shall continue to implement a biennial monitoring program to verify that the actual number of trips generated by the SBIA DRI is reflective of the transportation analysis. The program shall provide annual P.M. peak hour project driveway counts at all project entrances. The monitoring program shall commence two years after approval of Ordinance 04-34 (September 28, 2006). Traffic monitoring shall revert to an annual basis once 930,000 annual enplanements have been surpassed.

The monitoring program shall consist of weekday P.M. peak hour directional counts from 4:00 - 6:00 p.m., with subtotals at 15-minute increments, at all project entrance driveways (through volumes on adjacent roads will not have to be counted). The sum of the project entrance trips will be totaled in 15-minute increments, and the highest four consecutive 15-minute totals will be summed to determine the project's total P.M. peak hour traffic volume. This total will include vested trips, net external trips, and pass-by-trips. The total p.m. peak hour project traffic at the driveways was estimated to be 2,971 trips.

The required monitoring data shall be included in each Annual Report. If the monitoring results demonstrate that the project is generating more than 15% above the number of trips estimated in the analysis (as stated above) or if an Annual Report is not submitted within 30 days of its due date, Manatee County 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 revised Transportation Analysis shall be subject to review by all appropriate review entities.

- B(3). Prior to any Preliminary Site Plan, Final Site Plan, or Construction Plan approval in Phase 2, the applicant shall submit a new transportation analysis for further 380.06 review, as described in Condition A(1), above.

#### **AIR QUALITY AND LAND.**

- C(1). Manatee County shall reserve the right to require mitigation measures or a revision of the General Development Plan to alleviate potential impacts of the project on ambient air quality. Manatee County shall not require any additional or new air quality mitigation measures unless such measures are also being required of other developments in the vicinity of the project.
- C(2). Prior to construction of the proposed parking garage, the SMAA shall conduct a study to determine if it is likely to cause significant impact on air quality as defined by Rule 9J-2.046(3)(a), Florida Administrative Code.
- C(3). The soil conservation measures and the measures to reduce erosion, fugitive dust, and air emissions referenced in the ADA shall be implemented. The measures to reduce erosion, fugitive dust and air emissions referenced on pages 15-3 and 22-1 of the ADA, at minimum, shall be implemented.
- C(4). Phase 2 approval shall not be granted without Section 380.06, F.S., review of the air quality impacts associated with traffic generated by the project.

#### **WATER QUALITY, WETLANDS, AND DRAINAGE.**

- D(1). Airport water quality management shall use a combination of structural and nonstructural Best Management Practices to achieve the pollutant load reduction criteria of FAC 62-40 and meet the water quality criteria of FAC 62-302. These Best Management Practices shall also be consistent with FAA Advisory Circular 150/5200-33 "Hazardous Wildlife Attractants on or Near Airports." The stormwater management system shall be designed, constructed, and maintained to meet or exceed the applicable requirements of Chapters 40D-4, 62-25, 62-40, and 62-302, FAC.

- D(2). A ground water quality monitoring program shall be required if additional wells are constructed on-site. The requirements of the ground water monitoring program shall be set forth, if deemed necessary, by SWFWMD in the permit documents.
- D(3). The Developer\* shall be responsible for operation and maintenance for all portions of the Surface Water Management System, within the DRI boundaries except for those portions which are dedicated to and accepted by the County.
- D(4). Airport water quality management shall reduce peak flows to the Bowlees Creek basin to levels below the existing peak discharge during the 25-year, 24-hour storm event. Airfield drainage shall also be consistent with FAA Advisory Circular 150/5320-5b "Airport Drainage" and Advisory Circular 150/5200-33 "Hazardous Wildlife Attractants on or Near Airports".
- D(5). The Airport Authority shall assure the continuance of the daily (at least five times per week) vacuum/magnetic pick up cleaning of the aircraft parking apron, and three times per week cleaning of the auto parking areas.
- D(6). The Airport Authority shall assume all maintenance responsibilities for the stormwater management system.
- D(7). Drainage infrastructure improvements constructed before the Section 380.06, F.S. review if completed shall be a the developers risk and shall not vest subsequent development rights.
- D(8). During construction, appropriate measures shall be taken to prevent erosion, turbidity, oils and lubricants from impacting surface waters. The use of sediment basins in conjunction with absorbent filter pads (to aid in the removal of oils and grease) plus other appropriate controls shall be provided by the Airport Authority.
- D(9). If dewatering and impounding during construction activities results in a body of transitory water standing more than 72 hours, the Airport Authority shall notify all applicable county mosquito control district in order that appropriate control measures may be undertaken.
- D(10). The Airport Authority shall provide stocking of mosquito eating fish (i.e. Killi Fish, Gambusia) in retention/detention ponds or other permanent water holding areas, in consultation with all applicable county mosquito control districts.

- D(11). The Sarasota-Manatee Airport Authority shall routinely maintain and monitor all stormwater retention/detention systems and the perimeter ditch. If necessary, the Airport Authority shall provide restoration measures at the above to ensure proper and continual functioning as designed for.
- D(12). The Sarasota-Manatee Airport Authority shall be responsible for the routine maintenance of all open space areas within the project site, including retention/detention areas and the perimeter ditch.
- D(13). If any new or altered stormwater management systems utilizing a non-presumptive design are approved, the SMAA shall implement a surface water quality monitoring program approved by the SWFWMD prior to any site alteration activities. Details of the monitoring program shall be approved by SWFWMD. Appropriate mitigation, including additional water treatment, will be required if the treated stormwater does not meet appropriate standards.
- D(14). Best Management Practices for reducing water quality impacts shall be implemented, including the practices listed in the ADA.

#### **FLOODPLAIN.**

- E(1). Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

#### **ECONOMICS.**

- F(1). The SMAA shall promote entrepreneurship and small and minority-owned business start up, and encourage non-discriminatory employment opportunities.

#### **WILDLIFE HABITAT AND VEGETATION.**

- G(1). In the event any species listed in Rule 68A-27.003 through Rule 68A-27.005, FAC are observed frequenting the sites of Outparcels 1, 2, 3, 4, or 6 for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Florida Fish and Wildlife Commission (FFWC) and Manatee County EMD. This may include a wildlife management plan which contains information on impacts to listed species, site maintenance, and boundary protection. With respect to the Airport property, the requirements stated above shall not preclude SMAA from utilizing the provision of Rule 68A-27.002, F.A.C. if aircraft safety and human lives are in imminent jeopardy.

#### **ARCHAEOLOGICAL AND HISTORICAL RESOURCES.**

- H(1). Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of

Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with DHR and Manatee County. Treatment of such resources must be completed before resource disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in subsequent annual reports, to be submitted for review to DHR in addition to Manatee County.

## WASTEWATER.

- I(1). Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Works Department guidelines with several means of back-up to provide assurance against equipment failure and discharge to the environment. This design shall include:
  - a. lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
  - b. stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
  - c. wet wells to contain sewage line surcharges or overflows.
  - d. emergency by-pass pumpouts for tank trucks.
  - e. 100 percent redundancy in lift station pumping equipment.
- I(2). The Developer\* previously submitted to Manatee County a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer\*. This plan was approved by Manatee County, and identified the entity responsible for the monitoring and time schedule for conducting the inspections. Any new infrastructure shall be built and maintained in accordance with this approval. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings, and repairs shall be submitted to the Utilities Operations Department.
- I(3). Disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (98-28), or its successors.
- I(4). The Developer\* shall not utilize on-site wastewater treatment.
- I(5). The SMAA shall comply with all current design, construction, and maintenance requirements of the public utilities departments of all applicable local governments with regard to wastewater collection and disposition.

- I(6). The SMAA shall finance expansion/construction of the entire on-site wastewater treatment system and any necessary off-site expansion to assure that adequate wastewater capacity exists to accommodate the project. Additionally, the SMAA or their tenants shall pay the required connection fees, facility investment fees, and costs of any off-site improvements that may be required by the public utilities departments of all applicable local governments as a result of the project.
- I(7). Prior to the granting of specific Phase 2 approval, the applicant shall attain verification from Manatee County that wastewater treatment capacity exists to serve the additional demands associated with further Airport (and outparcel) expansion.

## **WATER.**

- J(1). The Developer\* shall use only non-potable water to meet non-potable demands to the maximum extent practicable. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public potable water utility. If reclaimed water is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer to use reclaimed water for irrigation purposes.
- J(2). Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.). For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices shall be 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. In areas not suitable for wastewater reuse, landscaping shall utilize xeriscaping principles, except in areas set aside for bedding plants.
- J(3). The SMAA shall comply with all current design, construction and maintenance requirements of the public utilities departments of all applicable local governments with regard to water supply and distribution.
- J(4). The SMAA shall finance expansion/construction of the entire on-site water distribution system and any necessary off-site expansion to assure that adequate water capacity exists to accommodate the project. Additionally, SMAA or their tenants shall pay the required connection fees, facility investment fees, and costs of any off-site improvements that may be required by Manatee County as a result of the project.
- J(5). The SMAA shall maintain all water lines and fire hydrants in accordance with that certain agreement between the SMAA and Manatee County dated February 28, 1995.
- J(6). Adequate fire flow and water pressure shall be maintained within the project's water supply system.

- J(7). Prior to the granting of specific Phase 2 approval, the applicant shall attain verification from Manatee County that sufficient potable water and non-potable water supplies exist to meet the increased projected demands.

### **SOLID WASTE.**

- K(1). The applicant shall provide to all warehouse and industrial outparcel tenants/developers information that:
- A. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the special-designated containers or areas;
  - B. Describes construction requirements for hazardous waste holding areas; and
  - C. Advises of applicable statutes and regulations regarding hazardous wastes and materials.
- K(2). The Developer\* shall notify all commercial tenants of their responsibility to comply with all applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).
- K(3). Separate hazardous waste storage areas within the project shall be provided by SMAA for its operations and tenants shall be required to provide separate hazardous waste storage areas if not permitted to use those of SMAA. These areas shall be accessible to all businesses and shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in Subsection 403.703(21), F.S., and listed in Title 40 CFR part 261).
- K(4). The SMAA shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

### **ENERGY.**

- L(1). The Developer\* shall notify all tenants and businesses that the following related practices are encouraged:
- a. energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible.
  - b. energy audits provided by energy companies or other qualified agencies.

- c. water heater timers and water heaters set at 130 degrees Fahrenheit or lower.
- d. energy conservation by employees.
- e. reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate.
- f. recycling programs.
- g. energy efficient packaging or recyclable materials.

L(2). The Developer\* shall designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses.

#### **RECREATION AND OPEN SPACE.**

M(1). All open space areas not dedicated to the County or other state agencies shall be maintained by the Developer.

#### **NOISE.**

##### **Noise Barriers**

N(1). In order to mitigate noise exposure in areas located within close proximity to the end of the proposed Runway 14 extension, and prior to use of such runway extension, the SMAA shall construct noise barriers (earthen berms or wall structures or combination of both) between the end of extended Runway 14 and the impacted areas southwest and north of the runway, as proposed in the ADA, with the designs to be in substantial conformance with the SMAA's "Proposed Noise Barriers Testing Methodology" dated November 9, 1998 and incorporated herein as Exhibit 6. The appearance of the noise barriers is a local issue. **(COMPLETED)**

##### **Noise Barriers and Reflective Traffic Noise**

N(2). For those portions of the noise barriers required under Condition N(1), above, that include walls, the SMAA shall incorporate sound absorptive materials in the final design of the noise barrier walls if the walls have the potential to reflect noise from adjacent roadways back into residential communities. The SMAA shall show through field testing documentation that reflective noise resulting from the noise wall will be below perceptual levels within these communities. This field testing shall be accomplished through the following methodology.

- a. Surface traffic noise monitoring shall be performed prior to the construction of the barrier wall. Surface traffic noise levels will be monitored at three locations west of U.S. 41 adjacent to the wall. At two of the locations, the monitor shall be located where there is a direct line of sight from both the proposed barrier wall location and U.S. 41 and where existing reflective surfaces would not influence the results. At the third location, monitoring shall be accomplished at the closest accessible residential area. **[COMPLETED]**
- b. The surface traffic noise monitoring and analysis shall be conducted consistent with Florida Department of Transportation methodology to assure that a statistically valid sample of surface traffic analyzed. This would include monitoring a LAeq level for traffic along U.S. 41 while at the same time counting the number of cars, light trucks, and heavy trucks to assure a statistically valid sample is reached. Using the field traffic counts and the monitor location, a LAeq shall also be determined through the use of the FDOT noise model. The results of the modeled and monitored conditions would be compared to validate the accuracy of the model for the monitored location. The model is considered validated if the modeled and monitored results are within 3 Db. **[COMPLETED]**
- c. Following the construction of the noise barrier, surface traffic noise monitoring and traffic counts shall be conducted in the same manner as b., above. The results of the monitored condition (with the wall) will be compared with the modeled condition for surface traffic counted during the (with the wall) monitoring. The differences between the modeled condition with the wall and monitored condition with the wall will identify the amount of reflective noise resulting from the noise wall. A difference of 3 dB or less would be considered a non-perceptible impact. **(COMPLETED)**

### Operational Noise Requirements

- N(3). The SMAA shall continue to expeditiously and without further delays, seek approval from FAA of the 270° radial turn for planes departing on Runway 32. In the event the approval is not received prior to the start of Phase 2, construction of the expansion of the terminal building and parking garage shall not be authorized until either :
- A. the 270°radial turn departure procedure is approved and operational or,
  - b. the SMAA can demonstrate to the County the Notice of Proposed Change pursuant to Section 380.06, Florida Statutes, that the SMAA has exerted good faith in a continued effort to gain approval of said turn. Such good faith effort shall be determined solely in the reasonable discretion of the Board of County Commissioners of Manatee County.
- N(4). All noise abatement measures as described in Table 6-10 of the FAR Part 150 NCP (Noise Compatibility Plan) dated February 1997 shall be implemented as described with the modifications herein:

- a. All aircraft weighing over 25,000 pounds and all jet aircraft departing on Runway 32 shall be instructed to turn left at 0.9 DME to join the Sarasota 270° radial outbound to at least 7 DME, then proceed on course as directed by Air Traffic Control (ATC). Should, after implementation, the turn at the 7DME result in splay of aircraft that is further east than anticipated, the aircraft shall be instructed to proceed outbound to the 270° radial to the 8DME, then proceed on course as instructed by ATC. Should approval of the turn to the 270° radial be denied by the FAA because of airspace constraints, the current procedure shall be maintained until such time as the turn to the 270° radial becomes feasible. That is, all aircraft weighing over 25,000 pounds and all jet aircraft departing northbound on Runway 32 shall be instructed to turn left at 0.9DME to join the Sarasota 295° radial outbound , then proceed on course as instructed by ATC; and all aircraft weighing over 25,000 pounds and all jet aircraft departing southbound on Runway 32 shall be instructed to turn left at 0.9 DME to a heading of 270°, then proceed on course as instructed by ATC.
- b. Arriving aircraft on Runway 32 would be allowed to make visual approaches to the airport and turn to the runway heading as soon as cleared to do so by the Air Traffic Control Tower.
- c. All aircraft weighing over 25,000 pounds and all jet aircraft departing on Runway 14 shall be instructed to maintain runway heading until reaching 3,000 feet, then proceed on course.
- d. Continue balanced runway use program. The goal of this program is equal use of Runway 14 and Runway 32 for air carrier departures, and equal use of Runway 14 and Runway 32 for air carrier arrivals.
- e. Encourage the airlines to make maximum use of their own internal quiet departure techniques, guided by FAA Advisory Circular 91-53A, " Noise Abatement Departure Profiles."
- f. All departing aircraft, to the extent feasible, should be issued unrestricted climb to their requested en route altitude.
- g. The departure of Stage 2 aircraft shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., excluding only aircraft in use for emergency services such as police, ambulance, and military functions.
- h. The prohibited hours for non-emergency engine maintenance run-ups shall be between the hours of 10:00 p.m. and 7:00 a.m.
- i. The use of Auxiliary Power Units is prohibited between the hours of 10:00 p.m. to 7:00 a.m. unless ground power units are inoperative.

- j. Training operations with larger aircraft on Runway 14 and Runway 32 shall be prohibited between the hours of 12:00 p.m. and 6:00 a.m.
- N(5). The use of external public address systems shall be prohibited between the hours of 10:00 p.m. to 7:00 a.m.
- N(6). All departures of Stage 2 air carrier or cargo aircraft weighing over 75,000 pounds on Runway 14 shall commence their take-off roll at the current runway threshold. All other aircraft may use the declared distance runway length for Runway 14. All aircraft may also use the declared distance runway length for Runway 32 departures.
- N(7). The SMAA shall diligently pursue Land Use Measures as described in Table 6-11 of the NCP dated February 1997 and establish a reasonable time line for implementation of the measures 1 through 3.
- N(8). The SMAA shall employ and maintain a full time professional, management level staff person, who is responsible for the administration of the noise abatement program. This program includes:
- a. Conducting a periodic noise monitoring program.
  - b. Conducting periodic recalculation of noise contours.
  - c. Conducting complaint and response functions.
  - d. Provide public information and involvement functions.
  - e. Expedite the purchase of fee simple interest from homeowners who purchased their current home prior to January 1, 1980, and who are located within the 65+ DNL contour of the 2000 Noise Exposure Map in Sarasota and Manatee counties. In addition, priority shall be given to homeowners located within the 70+ DNL of the 1995 Noise Exposure Map, and that priority ranking shall be based upon length of ownership. Homes purchased by the SMAA shall be sound insulated only where feasible and cost effective. All homes purchased by the SMAA shall be placed on the market for resale with an aviation easement reserved.
  - f. Expedite the purchase aviation easements from homeowners located within the 65+ DNL contour of the 2000 Noise Exposure map in Sarasota and Manatee counties, who purchased their current home prior to December 15, 1986. In addition, priority shall be given to homeowners located within the 70+ DNL of the 1995 Noise Exposure map, and that priority ranking shall be based upon length of ownership.
  - g. Expedite offers to provide sound insulation to homeowners located within the 65+ DNL contour of the 2000 Noise Exposure map in Sarasota and Manatee counties, only where feasible and cost effective, and in exchange for an aviation easement. It is recommended that the SMAA offer to provide sound insulation to homeowners located within the 65+ DNL: contour of the 2000 Noise Exposure Map in Sarasota and Manatee Counties, who purchased their current home prior to December 15, 1986. In addition, it is recommended the priority be given to homeowners located within the 70+

DNL of the 1995 Noise Exposure Map, and that priority ranking be based upon length of ownership.

- h. Modify the NCP, subject to FAA approval, to allow for expanded participation by impacted residents in the SMAA's land use program. This request shall be made within one year of adoption of this Ordinance. Specifically, the revised NCP shall provide for a modification to the eligibility dates for program participation, as follows:
- Purchase and resale with aviation easement and sound insulation - revise eligibility date for participation from January 1, 1980 to December 15, 1986.
  - Sound Insulation - revise eligibility date from December 15, 1986 to on or after May 7, 1997.
  - Aviation easement - revise eligibility date from December 15, 1986 to on or after May 7, 1997.
  - All program participants - the priority for homeowners as established in the 1995 Noise Exposure Map be changed to the 2000 Noise Exposure Map.

The SMAA shall tender offers for participation to all eligible homeowners within five years of receipt of FAA approval, or shall provide documentation acceptable to Manatee County of good faith effort to meet this requirement.

- i. Seek guidance and assistance in the preparation of further noise control programs or measures from the adjacent local governments in matters relating to land use compatibility and development regulations continuing to substantially reduce incompatible land uses within the 70-75 Ldn contours.
- j. Present a quarterly noise abatement report to the SMAA Board specifically addressing all noise abatement issues as identified in this Development Order. This report shall specifically identify non-complying entities and any sanctions or corrective actions taken. Copies of this report shall be available to the public and included in the annual report submitted to TBRPC and Manatee County. The report shall specifically include a tabulation of the number of units in each category (e, f, g, and h), and the status of implementation, including offers made, offers accepted, and offers rejected. The report shall also include any unresolved noise complaints which have occurred within each quarter.
- k. The Airport Authority shall work cooperatively with Manatee County to resolve any noise problems which may be identified in the future.

### **Noise Exposure Monitoring - Noise Barrier Testing Protocol**

- N(9). In addition to surface traffic noise monitoring required under N(2), above, the SMAA shall monitor noise exposure under the no-project alternative condition and monitor again following the construction of the required noise barriers (berms or walls) and runway extension (project condition). The monitoring shall be accomplished by measuring the noise level from a calibrated noise source (the exact same noise source to be used for both monitoring conditions). The monitoring shall be required to show that the noise wall reduces noise exposure to a level which represents no

significant increase (less than 1.5 DNL) in noise sensitive areas behind the wall (when comparing the extended runway condition and the no-project condition). This shall be accomplished through the following methodology.

- a. The noise source to be used for the monitoring shall be a loudspeaker, which simulates the noise levels and location of engines associated with an MD 80 Series aircraft located at the extended runway threshold. This type of aircraft is simulated since it represents one of the noisier Stage 3 aircraft and has engines located higher above the ground than most other aircraft projected to use the Airport. Two noise monitors shall be located at sites west of U.S. 41 and two noise monitors located at sites north of the north barrier location. **[COMPLETED]**
  
- b. Each noise monitor (microphone) shall:
  - Be located where the noise level from the extended runway, without the barrier, would be more than 1.5 dB greater than for the unextended runway;
  - Have line of sight to the aircraft at the threshold of the extended runway;
  - One monitor should be 50 feet from busy roads and the second should be at least 200 feet from any busy roads;
  - Be at least 20 feet clear of hard surfaces (neighboring buildings, concrete walls, etc.) as to avoid reflections of sound, and not be between two buildings with parallel walls;
  - Be at least 5 feet above the ground;
  - Be sufficiently far from intruding sound sources (e.g., air-conditioners, sprinklers, children at play, etc.);
  - Have easy access for set-up, monitoring, and take-down; and
  - If monitor must be left unattended, be at a safe and secure location to avoid theft and vandalism.**[COMPLETED]**
  
- c. With the loud speaker turned on, noise levels at the four monitoring sites (two per barrier) will be recorded. A second loudspeaker location will be established to simulate an aircraft located between the existing runway threshold and the extended runway threshold and the test will be conducted for a second time. These noise levels would represent the "without barrier" condition. **[COMPLETED]**
  
- d. Following the construction of noise barriers, noise levels shall be monitored using the same loud speaker equipment, the same noise source levels and heights above the ground, and the same monitoring sites as used in a., above. The resulting noise levels will represent the condition "with the noise barriers". The difference in noise levels shall be determined by comparing the noise levels measured without the barrier and with the barrier at each monitored site. These differences shall be compared with the levels of

reduction previously determined through computer modeling (the results of which are included in the ADA-DRI).

**(COMPLETED)**

- e. Prior to initiating the testing for the noise reduction effectiveness of the noise barriers, the SMAA will monitor single even noise from aircraft departing on Runway 14 for a minimum of seven (7) days. The noise monitoring will be located at a point along the proposed U.S. 41 noise barrier wall. The purpose of this monitoring is for the SMAA to provide documentation to Manatee County of the extent of variance of departure noise levels generated by aircraft (particularly the variance between the same models of aircraft). **(COMPLETED)**

**Noise Exposure Monitoring - Requirements if the Effectiveness of Noise Barriers is Successfully Demonstrated**

N(10). Should the comparison of results of the noise barrier testing protocol required under N(9)., above, indicate that the noise reductions resulting from the barriers are greater than or equal to those predicted (1.5 DNL increase or less) then no further action by the SMAA would be required. **(COMPLETED)**

N(11). Prior to initiating the noise-monitoring program, the specific procedures to be followed will be provided to Manatee County. In addition, representatives of Manatee County will be invited to observe any monitoring activity which takes place. **(COMPLETED)**

**PUBLIC SAFETY.**

O(1). All facilities of the Sarasota Bradenton International Airport shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012, FAC, and be in compliance with the Manatee County Comprehensive Plan and Land Development Code and Building Code requirements.

O(2). The Developer shall maintain an approved natural disaster plan pursuant to FAA Part 139.

O(3). The developer shall coordinate with the Manatee County Public Safety to plan for the safe evacuation of the facility and the use of the facility as a staging area, if necessary, to the recovery of the area. The applicant should work with the County to address shelter needs, building closings, security and safety precautions, and evacuation plans.

## GENERAL CONDITIONS.

- P(1). The Developer shall be required to adhere to any and all commitments made in the ADA incorporated herein, unless that commitment is superseded by a Development Order Condition, in which case the Development Order Condition shall prevail.
- P(2). The Developer shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, DCA, and other agencies as may be appropriate, on July 16th, and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. For purposes of such report, the "anniversary" of the effective date of this Development Order shall mean the anniversary of the date on which the last of the three local governments adopts a Substantial Deviation DRI Development Order approving the SBIA Substantial Deviation. Six (6) copies of this report shall be submitted to the Manatee County Planning Director or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The annual report shall contain the following:
- a. any changes in the plan of development, or in the representations contained in the ADA, or in the phasing 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 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 ADA and which have been identified by the County, TBRPC, or DCA as being significant;
  - f. any 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 statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes; and,
  - j. a copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer pursuant to Subsection 380.06(15)(f), Florida Statutes, during the year of the annual report.
- P(3). Any changes in the Development from the parameters approved and set forth in this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.
- P(4). The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Project\* and ensuring its compliance with this Development Order. The data necessary for monitoring the Project\* shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- P(5). This Development Order shall expire on December 31, 2015. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- P(6). This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- P(7). In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of Community Affairs, then the Developer\* shall pay all reasonable costs and fees of County\* staff and attorneys relating to said appeal or legal challenge at the rate for processing this Development Order under the current Planning fee schedule. Payment of all billings by the Developer\* related to such fees and costs shall be paid within forty five (45) days of submittal of an invoice.
- P(8). The project shall be consistent with Rule 9J-2, F.A.C. for the following sections of the D.O.: Listed Plant and Wildlife Resources (9J-2.041 F.A.C.); Archaeological and Historical Resources (9J-2.043 F.A.C.); Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities (9J-2.044 F.A.C.); Transportation (9J-2.045 F.A.C.); Air Quality (9J-2.046 F.A.C.), and Adequate Housing (9J-2.048 F.A.C.).

P(9) Phase 2 approval shall not be granted without Section 380.06, F.S., review of affordable housing generated by the expanded project.

P(10). Should development significantly depart from the parameters set forth in the ADA, the project will be subject to Substantial Deviation review pursuant to Section 380.06, F.S.

P(11). Any approval of the SBIA shall, at a minimum, satisfy the provisions of Subsection 380.06(15), F.S., and 9J-2.025, FAC, which specify the inclusion of certain provisions in the Development Order.

P(12). Land uses may be exchanged as shown on the Land Use Equivalency Matrix (Exhibit A). Any modification to the matrix shall require a Substantial Deviation determination through the Notice of Proposed Change process.

## **SECTION 6. DEVELOPER\* COMMITMENTS**

Developer\* commitments set forth in the ADA shall be honored by the Developer\*, except as they may be superseded by specific terms of this Development Order.

## **SECTION 7. COMMENCEMENT OF DEVELOPMENT**

The Sarasota Bradenton international Airport is an ongoing project. Physical development has commenced.

## **SECTION 8. RESTRICTIONS ON DOWN-ZONING**

Prior to December 31, 2005, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the 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 County to be essential for the public health, safety, or welfare.

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

For the purposes of this 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 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 order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County 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 9. BINDING ORDER UPON DEVELOPER\***

This order shall be binding upon the Developer\* and Owners\*.

#### **SECTION 10. EFFECTIVE DATES**

This Ordinance shall take effect upon a certified copy of the Ordinance being filed with the Secretary of State 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. However, this is not intended to suspend development previously authorized pursuant to Ordinance 02-23 during the pendency of any appeal.

#### **SECTION 11. RENDITION**

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval effective date of this Development Order to the Developer\*, the DCA, the SWFRPC, and the TBRPC.

#### **SECTION 12. COMPLIANCE AND MONITORING**

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the amended Development Order.

#### **SECTION 13. NOTICE OF RECORDING**

The Developer\* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

#### **SECTION 14. SEVERABILITY**

It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Resolution or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of

invalidity shall not affect the remaining portions or applications of this Ordinance, and to this end the provisions of this Ordinance are declared severable.

**SECTION 15. LEGAL DESCRIPTION**

Development of the Sarasota Bradenton International Airport and six associated outparcels shall be restricted to that portion of the +1,123.45 acres of land, described in eight separate legal descriptions included as Attachment "A," attached to and made a part of this Development Order, that is located within unincorporated Manatee County, unincorporated Sarasota County, and the City of Sarasota.

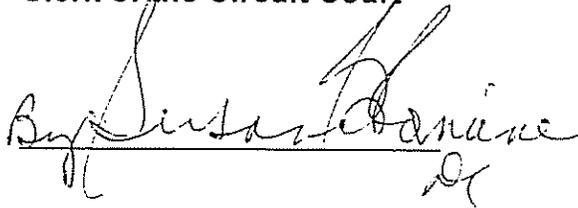
PASSED AND DULY ADOPTED with a quorum present by the Board of County Commissioners of Manatee County, Florida this 14<sup>th</sup> day of December, 2004.

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

BY: 

**Chairman**

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





Attachment A

Legal Description for the Sarasota Bradenton International Airport and four (4) outparcels  
(Prepared by MEA Group, Inc.)

**DESCRIPTION OF PARCEL A:**

A PARCEL OF LAND BEING AND LYING IN SECTIONS 25, 26, 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST AND SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AND SECTION 1, TOWNSHIP 36 SOUTH, RANGE 17 EAST AND SECTION 6, TOWNSHIP 36 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE N.88.41'11"W., ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 50.01 FEET; THENCE S.00.18'11"W., A DISTANCE OF 47.01 FEET FOR THE POINT OF BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF TALLEVAST ROAD AND THE WESTERLY RIGHT-OF-WAY OF FIFTEENTH STREET EAST (FORMERLY US 301 - 100 FEET WIDE); THENCE S.00.18'11"W., ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 2594.22 FEET; THENCE S.00.32'17"W., CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 1499.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1195.92 FEET, A CENTRAL ANGLE OF 89.48'46", A CHORD BEARING OF S.44.22'06"E. AND A CHORD LENGTH OF 1688.51 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1874.63 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89.16'29"E., ALONG THE SOUTHERLY RIGHT-OF-WAY OF WEST UNIVERSITY PARKWAY, A DISTANCE OF 146.47 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (150 FEET WIDE); THENCE S.00.22'02"W., ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 2542.42 FEET TO THE NORTHERLY RIGHT-OF-WAY OF UNIVERSITY PARKWAY (FORMERLY DE SOTO ROAD); THENCE N.89.07'19"W., ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 1263.52 FEET TO THE EASTERLY RIGHT-OF-WAY OF OLD BRADENTON ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

- 1) N.00.42'10"E., A DISTANCE OF 356.00 FEET;
- 2) N.89.17'50"W., A DISTANCE OF 10.00 FEET;
- 3) N.00.42'10"E., A DISTANCE OF 918.52 FEET TO A POINT ON THE NORTH LINE OF THE CITY OF SARASOTA;

THENCE N.89.11'33"W., ALONG SAID NORTH LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE LINE BETWEEN RANGE 17 EAST AND RANGE 18 EAST; THENCE CONTINUING ALONG SAID NORTH LINE, N.89.24'22"W., A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF OLD BRADENTON ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES:

- 1) S.00.42'10"W., A DISTANCE OF 23.30 FEET;
- 2) S.36.28'21"W., A DISTANCE OF 22.35 FEET;
- 3) N.85.44'10"W., A DISTANCE OF 25.00 FEET;
- 4) S.04.15'50"W., A DISTANCE OF 50.00 FEET;
- 5) S.85.44'10"E., A DISTANCE OF 30.00 FEET;
- 6) S.31.38'36"E., A DISTANCE OF 20.89 FEET;
- 7) S.00.42'10"W., A DISTANCE OF 549.15 FEET;
- 8) N.89.17'50"W., A DISTANCE OF 10.00 FEET;
- 9) S.00.42'10"W., A DISTANCE OF 616.03 FEET TO THE NORTHERLY RIGHT-OF-WAY OF UNIVERSITY PARKWAY (FORMERLY DE SOTO ROAD);

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING SIX (6) COURSES:

- 1) N.89.20'17"W., A DISTANCE OF 1275.18 FEET;
- 2) S.01.09'43"W., A DISTANCE OF 10.00 FEET;
- 3) S.89.42'44"W., A DISTANCE OF 301.68 FEET;
- 4) N.89.20'17"W., A DISTANCE OF 300.00 FEET;

5) N.88 57'22"W., A DISTANCE OF 300.01 FEET;

6) N.88 45'54"W., A DISTANCE OF 57.51 FEET;

THENCE N.00 43'16"E., A DISTANCE OF 783.34 FEET; THENCE N.43 22'47"W., A DISTANCE OF 139.87 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 936.93 FEET, A CENTRAL ANGLE OF 18 07'04", A CHORD BEARING OF N.34 19'15"W. AND A CHORD LENGTH OF 295.04 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 296.27 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, HAVING: A RADIUS OF 1703.02 FEET, A CENTRAL ANGLE OF 12 07'11", A CHORD BEARING OF N.19 10'31"W. AND A CHORD LENGTH OF 359.57 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 360.24 FEET TO THE END OF SAID CURVE; THENCE N.89 19'02"W., A DISTANCE OF 991.13 FEET TO THE EASTERLY RIGHT-OF-WAY OF US 41; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1) N.17 07'22"W., A DISTANCE OF 836.22 FEET;

2) N.14 23'06"W., A DISTANCE OF 343.16 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 5789.58 FEET, A CENTRAL ANGLE OF 03 32'37", A CHORD BEARING OF N.20 55'04"W. AND A CHORD LENGTH OF 358.01 FEET;

3) ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 358.07 FEET;

THENCE S.89 19'22"E., A DISTANCE OF 117.41 FEET; THENCE N.00 23'40"E., A DISTANCE OF 464.66 FEET; THENCE N.26 31'22"W., A DISTANCE OF 363.19 FEET; THENCE S.89 19'22"E., A DISTANCE OF 45.00 FEET; THENCE N.26 31'22"W., A DISTANCE OF 245.01 FEET; THENCE N.89 19'22"W., A DISTANCE OF 384.35 FEET TO THE EASTERLY RIGHT-OF-WAY OF US 41; THENCE N.26 31'22"W., ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 1183.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1849.86 FEET, A CENTRAL ANGLE OF 08 36'29", A CHORD BEARING OF N.22 13'07"W. AND A CHORD LENGTH OF 277.66 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 277.92 FEET TO THE END OF SAID CURVE; THENCE S.89 04'34"E., A DISTANCE OF 545.08 FEET; THENCE N.00 24'00"E., A DISTANCE OF 484.53 FEET; THENCE N.89 51'19"W., A DISTANCE OF 175.00 FEET; THENCE N.00 24'00"E., A DISTANCE OF 223.02 FEET; THENCE N.89 51'19"W., A DISTANCE OF 149.87 FEET; THENCE N.00 24'00"E., A DISTANCE OF 262.89 FEET; THENCE N.89 50'56"W., A DISTANCE OF 224.86 FEET; THENCE N.00 20'44"E., A DISTANCE OF 218.14 FEET; THENCE N.89 47'22"W., A DISTANCE OF 149.87 FEET; THENCE N.00 22'13"E., A DISTANCE OF 227.54 FEET; THENCE N.89 49'15"W., A DISTANCE OF 219.83 FEET; THENCE N.31 27'47"W., A DISTANCE OF 430.24 FEET; THENCE N.89 52'14"W., A DISTANCE OF 2.92 FEET; THENCE N.00 25'43"E., A DISTANCE OF 40.00 FEET; THENCE N.89 52'14"W., A DISTANCE OF 168.68 FEET TO THE EASTERLY RIGHT-OF-WAY OF US 41; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1) N.31 26'22"W., A DISTANCE OF 1056.33 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 894.93 FEET, A CENTRAL ANGLE OF 04 07'00", A CHORD BEARING OF N.29 22'52"W. AND A CHORD LENGTH OF 64.29 FEET;

2) ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 64.30 FEET TO THE POINT OF TANGENCY OF SAID CURVE;

3) N.27 19'22"W., A DISTANCE OF 557.00 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY AND THE EASTERLY RIGHT-OF-WAY OF PONCE DE LEON (50 FEET WIDE) BEING A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 1032.17 FEET, A CENTRAL ANGLE OF 05 01'05", A CHORD BEARING OF N.22 09'45"E. AND A CHORD LENGTH OF 90.37 FEET;

THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 90.40 FEET TO THE NORTHWESTERLY CORNER OF LOT 7, WHITFIELD ESTATES, RECORDED IN PLAT BOOK 4, PAGE 48, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.89 36'47"E., ALONG THE NORTHERLY LINE OF SAID LOT 7 A DISTANCE OF 181.50 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 7; THENCE N.00 27'38"E., ALONG THE EASTERLY BOUNDARY OF SAID WHITFIELD ESTATES, A DISTANCE OF 675.98 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF TALLEVAST ROAD (FORMERLY NICHOLSON ROAD); THENCE S.89 48'15"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 1328.00 FEET TO THE WEST LINE OF SECTION 25, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE S.00 27'44"W., ALONG SAID WEST LINE, A DISTANCE OF 658.47 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE S.88 48'19"E., ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 668.82 FEET; THENCE N.44 38'52"E., A DISTANCE OF 287.76 FEET; THENCE S.39 39'04"E., A DISTANCE OF 301.57 FEET; THENCE S.59 24'11"E., A DISTANCE OF 721.52 FEET; THENCE S.45 22'31"E., A DISTANCE OF 420.64 FEET; THENCE S.88 42'05"E., A DISTANCE OF 685.22 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 36; THENCE S.88 41'11"E., ALONG THE NORTH LINE OF SAID

SECTION 36, A DISTANCE OF 2226.83 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF TALLEVAST ROAD; THENCE S.81.59'43"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 403.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 935.24 ACRES, MORE OR LESS.

**DESCRIPTION OF "CHUNG" PARCEL (Outparcel 6):**

A PARCEL OF LAND BEING AND LYING IN SECTION 26, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 26; THENCE S.89.48'04"E., ALONG THE NORTH LINE OF SAID SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼, ALSO BEING THE SOUTH LINE OF BLOCK "G", BROOKSIDE ADDITION TO WHITFIELD ESTATES, RECORDED IN PLAT BOOK 17, PAGES 33-36, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 1048.57 FEET TO THE SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK "G" AND TO THE WESTERLY CANAL RIGHT-OF-WAY LINE AS DESCRIBED IN DEED BOOK 360, PAGE 453, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES:

1) S.00.27'34"W., A DISTANCE OF 50.00 FEET;

2) S.89.48'04"E., A DISTANCE OF 229.44 FEET;

3) S.00.27'44"W., A DISTANCE OF 533.58 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NICHOLSON AVENUE AS DESCRIBED IN OFFICIAL RECORD BOOK 1230, PAGE 1862, OF SAID PUBLIC RECORDS; THENCE N.89.48'15"W., ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1278.00 FEET TO THE WEST LINE OF THE AFORESAID NORTHEAST ¼ OF THE SOUTHEAST ¼; THENCE N.00.27'38"E. ALONG SAID WEST LINE OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼, ALSO BEING THE EAST LINE OF BLOCK "62" OF WHITFIELD ESTATES, RECORDED IN PLAT BOOK 4, PAGE 48, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 583.65 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 26, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 16.86 ACRES, MORE OR LESS.

**DESCRIPTION OF PARCEL D:**

A PARCEL OF LAND BEING AND LYING IN SECTION 6, TOWNSHIP 36 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 6; THENCE S.89.16'29"E. ALONG THE NORTH BOUNDARY OF SAID SECTION 6, A DISTANCE OF 1,363.34 FEET TO THE CENTERLINE OF THE SEABOARD COAST LINE RAILROAD; THENCE S.00.22'02"W. ALONG SAID CENTERLINE, A DISTANCE OF 350.01 FEET; THENCE S.89.16'29"E., A DISTANCE OF 75.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD FOR A POINT OF BEGINNING; THENCE S.89.16'29"E., A DISTANCE OF 1401.16 FEET; THENCE S.00.43'31"W., A DISTANCE OF 199.66 FEET; THENCE S.89.13'38"E., A DISTANCE OF 599.26 FEET; THENCE S.00.42'58"W., A DISTANCE OF 450.00 FEET; THENCE S.51.11'48"W., A DISTANCE OF 693.67 FEET; THENCE S.73.28'38"W., A DISTANCE OF 258.58 FEET; THENCE S.21.08'13"W., A DISTANCE OF 599.72 FEET; THENCE S.45.01'36"W., A DISTANCE OF 369.49 FEET; THENCE S.89.06'24"E., A DISTANCE OF 407.59 FEET; THENCE S.00.22'00"W., A DISTANCE OF 249.81 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF DESOTO ROAD; THENCE N.89.07'19"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1171.41 FEET A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES N.00.22'02"E., A DISTANCE OF 1275.84 FEET; S.89.28'22"E., A DISTANCE OF 25.00 FEET; N.00.22'02"E., A DISTANCE OF 966.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 73.76 ACRES, MORE OR LESS.

**DESCRIPTION OF PARCEL 1:**

THOSE LANDS DESCRIBED AS PARCEL #21 AND PARCEL #22 IN DEED BOOK 381, PAGE 149, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89°39'21"E., A DISTANCE OF 50.01 FEET; THENCE

S.00°18'11"W., A DISTANCE OF 229.00 FEET FOR A POINT OF BEGINNING; THENCE S.89°39'21"E., A DISTANCE OF 441.36 FEET; THENCE S.00°02'00"E., A DISTANCE OF 46.31 FEET; THENCE N.89°56'00"E, A DISTANCE OF 408.38' FEET; THENCE S.00°18'11"W., A DISTANCE OF 1049.29 FEET; THENCE N.89°33'49"W., A DISTANCE OF 850.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF FIFTEENTH STREET EAST; THENCE N.00°18'11"E. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1091.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 20.89 ACRES, MORE OR LESS.

#### **DESCRIPTION OF PARCEL 2:**

THAT PORTION OF THE LANDS DESCRIBED AS PARCEL #23 AND PARCEL #24 IN DEED BOOK 381, PAGE 149, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING NORTH AND EAST OF STATE ROAD 683A AND WEST OF THE SEABOARD COAST LINE RAILROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N.00.32'17"E. ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 1142.18 FEET; THENCE S.89.27'43"E., A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 683A (FIFTEENTH STREET EAST) FOR A POINT OF BEGINNING; THENCE N.00.32'17"E. ALONG

SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 839.28 FEET; THENCE S.89.25'19"E., A DISTANCE OF 1257.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES:

- 1) S.00.21'43"W., A DISTANCE OF 661.67 FEET;
- 2) S.89.12'59"E., A DISTANCE OF 25.00 FEET;
- 3) S.00.21'43"W., A DISTANCE OF 1273.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 683A;

THENCE N.89.16'29"W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 195.84 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 1095.92 FEET, A CENTRAL ANGLE OF 89.48'46", AN ARC LENGTH OF 1717.88 FEET, A CHORD DISTANCE OF 1547.32 FEET AND A CHORD BEARING OF N.44.22'06"W.; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE (BEING SAID NORTHERLY RIGHT-OF-WAY LINE), AN ARC DISTANCE OF 1717.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 50.79 ACRES, MORE OR LESS.

#### **DESCRIPTION OF PARCEL 3:**

A PARCEL OF LAND BEING AND LYING IN SECTION 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADEN AVENUE AND THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE S.89.04'34"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 545.08 FEET; THENCE S.00.32'35"W., A DISTANCE OF 929.18 FEET; THENCE N.89.04'34"W., A DISTANCE OF 92.15 FEET; THENCE N.26.31'22"W., A DISTANCE OF 759.31 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 1849.86 FEET, A CENTRAL ANGLE OF 08.36'29", A CHORD LENGTH OF 277.66 FEET AND A CHORD BEARING OF N.22.13'07"W.; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 277.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.00 ACRES, MORE OR LESS.

#### **DESCRIPTION OF PARCEL 4:**

A PARCEL OF LAND BEING AND LYING IN SECTION 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADEN AVENUE AND THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE S.89°04'34"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 545.08 FEET; THENCE S.00°32'35"W., A DISTANCE OF 452.67 FEET FOR A POINT OF BEGINNING; THENCE S.89°41'59"E., A DISTANCE OF 200.67 FEET; THENCE S.00°18'01"W., A DISTANCE OF 157.92 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING: A RADIUS OF 283.17 FEET, A CENTRAL ANGLE OF 38°17'08", A

CHORD LENGTH OF 185.72 FEET AND A CHORD BEARING OF S.56°33'07"E.; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 189.22 FEET; THENCE S.37°24'33"E., A DISTANCE OF 617.10 FEET; THENCE S.00°40'38"W., A DISTANCE OF 651.25 FEET; THENCE S.89°36'20"W., A DISTANCE OF 18.38 FEET; THENCE N.26°31'22"W., A DISTANCE OF 363.19 FEET; THENCE S.89°19'22"E., A DISTANCE OF 45.00 FEET; THENCE N.26°31'22"W., A DISTANCE OF 245.01 FEET; THENCE N.89°19'22"W., A DISTANCE OF 384.35 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE N.26°31'22"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 424.01 FEET; THENCE S.89°04'34"E., A DISTANCE OF 92.15 FEET; THENCE N.00°32'35"E., A DISTANCE OF 476.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.07 ACRES, MORE OR LESS.

**DESCRIPTION OF PARCEL 5 (LOCATED ENTIRELY IN THE CITY OF SARASOTA):**

A PARCEL OF LAND LYING AND BEING IN THE NORTHEAST ¼ OF SECTION 1, TOWNSHIP 36 SOUTH, RANGE 17 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 1, AS A POINT OF REFERENCE; THENCE N89°43'29"W ALONG THE SOUTH LINE OF SAID NORTHEAST ¼, 1001.72 FEET; THENCE N00°00'00"E LEAVING SAID SOUTH LINE, 100.00 FEET FOR A POINT OF BEGINNING; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, THE FOLLOWING THREE COURSE: N89°43'29"W 382.24 FEET, N85°39'47"W 169.43 FEET, AND N89°43'29"W 140.48 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, N00°00'00"E 125.34 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1805.86 FEET, A DELTA OF 07°54'10", AN ARC LENGTH OF 498.17 FEET AND A CHORD OF N07°54'10"E 496.59 FEET, TO A POINT OF NON-TANGENT; THENCE S89°51'32"E 350.00 FEET; THENCE S00°00'00"W 294.77 FEET; THENCE S89°51'32"E ALONG THE SOUTH LINE OF THE BUDGET CAR RENTAL LEASE SITE, 273.38 FEET; THENCE S00°00'00"W ALONG THE WEST LINE OF THE ALAMO CAR RENTAL LEASE SITE, 336.23 FEET TO THE POINT OF BEGINNING. CONTAINING 7.8390 ACRES MORE OR LESS.

# EQUIVALENCY MATRIX

## SARASOTA BRADENTON INTERNATIONAL AIRPORT DRI

### Purpose of Matrix

The Equivalency Matrix shown in Table 1 of this document provides the manner in which the land uses approved for the Sarasota Bradenton International Airport DRI may be exchanged for other approved land uses, while keeping unchanged the impacts of the DRI on the public infrastructure. Specifically, the Equivalency Matrix identifies the public facility (i.e., traffic, water, wastewater, solid waste or affordable housing) that would most restrict or limit the desired land use (that is, the land use to which another approved land use is being converted) in a land use exchange. In exchanging land uses, the most restrictive or limiting public facility shown in the Equivalency Matrix controls the amount of the desired land use that will be allowed. This ensures that no additional regionally-significant adverse infrastructure impacts result from the exchange of approved land uses.

### Support Data for Matrix

The traffic data included in the Equivalency Matrix is from Appendix H to Volume 2 of the Kimley-Horn Transportation and Air Quality Analysis Response to First Sufficiency Comments dated June 2003, a copy of which is attached hereto as Table 2. Table 2 is based on p.m. peak-hour peak external two-way direction project traffic. This traffic data from Table 2 appears in the Equivalency Matrix as the traffic conversion factors. Additional information regarding the calculated trip generation characteristics for Sarasota Bradenton International Airport is provided in Question 21 of the Development of Regional Impact Application for Development Approval (ADA).

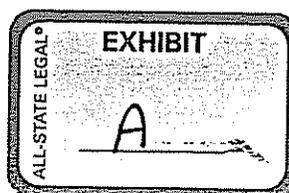
The data included in the Equivalency Matrix for water, wastewater, and solid waste is from Table 17-1 of the ADA, a copy of which is attached as Table 3.

The data included in the Equivalency Matrix for affordable housing is from Part V, Human Resource Impacts and Table 10-3E, Employment Summary of the ADA.

### Use of Equivalency Matrix

In making a land use exchange under the Equivalency Matrix, if traffic is the most restrictive facility and, as a result, controls the exchange, the amount of a land use that may be exchanged is derived as follows: the amount of the land use being exchanged or converted (i.e., square footage/no. of rooms) shall be multiplied by the applicable traffic conversion factor. The resulting number provides the amount of the desired land use that will be allowed. (See Example 3 to the Equivalency Matrix)

If another facility is shown in the Equivalency Matrix as being the most restrictive and, thus, controls a land use exchange, the amount of land use that may be exchanged is derived as



follows: the amount of the land use being exchanged or converted (i.e., square footage/no. of rooms) shall be multiplied by the applicable traffic conversion factor. This number is then multiplied by a number which is derived by dividing the consumption of the most restrictive facility by the land use being exchanged or converted by the consumption of the most restrictive facility by the desired land use. The resulting number provides the amount of the desired land use that will be allowed. (See Examples 1, 2, 4 and 5 to the Equivalency Matrix)

At the bottom of the Equivalency Matrix is a chart labeled "Minimums and Maximums." The first column of this chart lists the applicable land uses approved for the DRI that may be exchanged as shown on the Equivalency Matrix. None of the land uses may be exchanged under the Equivalency Matrix if it would result in any of such uses being reduced below or increased beyond the amounts shown in this chart. Thus, while the amounts of each of the approved land uses within the DRI may vary as exchanges occur, the "Minimums and Maximums" chart ensures that there will continue to be a blend of the approved land uses and that such uses will be within the ranges shown in this chart.

TABLE 1  
LAND USE EQUIVALENCY MATRIX  
SARASOTA BRADENTON INTERNATIONAL AIRPORT

Land Use	Base Size	Warehouse	Light Industrial	Office	Restaurant	Car Sales	Hotel	Relief	Max Allowable Additional Development Based on Respective / Controlling Facility
Warehouse	1,000 s.f.	-	1,025*	316*	200*	0.705*	1,007 Rooms*	251*	
Water	100 gpd	-	107.5 gpd	95.6 gpd	59.4 gpd	109 gpd	292.6 gpd	50.2 gpd	Warehouse to light industrial. Afford housing controls. (70,000 s.f. warehouse = 1,805 s.f. light industrial)
Waste Water	80 gpd	-	107.5 gpd	95.6 gpd	43.0 gpd	151 gpd	250 gpd	50.2 gpd	Warehouse to office. Waste water controls. (70,000 s.f. warehouse = 20,000 s.f. office)
Solid Waste	10#/day	-	10.0#/day	4.9#/day	10.7#/day	3.7#/day	3.3#/day	2.5#/day	Warehouse to quality restaurant. Waste water controls. (70,000 s.f. warehouse = 3,409 s.f. quality restaurant)
Afford Housing	2 employees	-	3.6	2	1.5	1	1	2	Warehouse to fast food. Solid waste controls. (70,000 s.f. warehouse = 3,098 s.f. fast food (max. is 1,500 s.f.))
Light Industrial	1,000 s.f.	0.93*	-	0.444*	0.230*	0.090*	1.53 Rooms*	233*	Warehouse to car sales. Solid waste controls. (70,000 s.f. warehouse = 1,700 s.f. car sales)
Water	100 gpd	93 gpd	-	89 gpd	400 gpd	100 gpd	372 gpd	488 gpd	Light industrial to office. Car sales and hotel. Traffic controls
Waste Water	100 gpd	74.4 gpd	-	89 gpd	301 gpd	33 gpd	232.5 gpd	488 gpd	Light industrial to quality restaurant. Water controls. (65,000 s.f. light industrial to 1,500 s.f. additional fast food which is
Solid Waste	10#/day	9.3#/day	-	10#/day	9.5#/day	3.43#/day	3.1#/day	23.4#/day	Light industrial to retail. Waste water controls. (100,000 s.f. light industrial = 8,000 s.f. retail)
Afford Housing	2 employees	0	-	1	0.5	1	1	1	Light industrial to warehouse. Traffic controls.
Office	1,000 s.f.	2.00*	2.25*	-	0.56*	0.22*	3.49 Rooms*	536*	
Water	200 gpd	209 gpd	225 gpd	-	1052 gpd	405 gpd	612.50 gpd	105 gpd	Office to warehouse. Solid waste controls. (110,000 s.f. office = 110,000 s.f. warehouse.)
Waste Water	200 gpd	167 gpd	225 gpd	-	500 gpd	229 gpd	523.5 gpd	105 gpd	Office to light industrial. Solid waste controls. (110,000 s.f. office = 55,000 s.f. of additional light industrial)
Solid Waste	10#/day	10.4#/day	4.5#/day	-	22.4#/day	7.7#/day	6.8#/day	52.6#/day	Office to quality restaurant. Water controls. Convert to an additional 3,500 s.f. quality restaurant.
Afford Housing	2 employees	-	2	-	1	0.3	4	3	Office to fast food restaurant. Water controls. Limit to 1,500 s.f. of additional fast food.
Quality Restaurant	1,000 s.f.	3.73*	4.01*	1.78*	-	0.302*	6.22 Rooms*	937*	Office to car sales. Solid waste controls. (110,000 s.f. office = 12,222 s.f. car sales)
Water	1879 gpd	323 gpd	481 gpd	356 gpd	720 gpd	132 gpd	1092 gpd	187 gpd	Office to hotel. Solid waste controls. (40,000 s.f. office = 200 rooms (maximum to add to get 600 rooms))
Waste Water	1637 gpd	298 gpd	491 gpd	356 gpd	609 gpd	119#/day	933 gpd	187 gpd	Office to retail. Solid waste controls. (139,000 s.f. office = 11,000 s.f. retail)
Solid Waste	40#/day	37.3#/day	60.0#/day	17.0#/day	13.72#/day	4	12.4#/day	8.4#/day	Quality restaurant to office. Light industrial, fast food restaurant, car sales and hotel. Traffic controls
Afford Housing	6 employees	0	2	2	2	4	4	4.7	Quality restaurant to warehouse. Traffic controls.
Fast Food	1,000 s.f.	0.52*	10.24*	4.55*	2.53*	-	15.07 Rooms*	2.30*	
Water	1840 gpd	952 gpd	1852 gpd	910 gpd	1879 gpd	338 gpd	2785 gpd	478 gpd	Fast food to office. Solid waste controls. (3,000 s.f. fast food = 10,617 s.f. office)
Waste Water	1573 gpd	762 gpd	1052 gpd	910 gpd	609 gpd	30.8#/day	2300 gpd	478 gpd	Fast food to quality restaurant. Solid waste controls. (3,000 s.f. fast food = 2,675 s.f. of quality restaurant)
Solid Waste	35#/day	95.2#/day	204.8#/day	46#/day	102#/day	10	31.74#/day	23.9#/day	Fast food to warehouse. Solid waste controls. (3,000 s.f. fast food = 10,500 s.f. warehouse)
Afford Housing	5 employees	0	5	2	6	4	10	12	Fast food to light industrial. Solid waste controls. (3,000 s.f. fast food = 5,250 s.f. light industrial)
Car Sales	1,000 s.f.	2.02*	3.03*	1.35*	0.756*	0.300*	4.7*	0.71*	Fast food to car sales. Afford housing controls. (3,000 s.f. fast food = 5,070 s.f. car sales)
Water	100 gpd	202 gpd	303 gpd	270 gpd	562 gpd	-	925	142	Fast food to hotel. Afford housing controls. (3,000 s.f. fast food = 2,987 s.f. retail)
Waste Water	226 gpd	236 gpd	303 gpd	270 gpd	460 gpd	-	705	142	Car sales to warehouse. Waste water controls. (12,500 s.f. car sales = 12,500 s.f. warehouse)
Solid Waste	5#/day	28#/day	30.3#/day	13.5#/day	10.54#/day	1	8.4#/day	7#/day	Car sales to quality restaurant. Water controls. (12,500 s.f. car sales = 6,250 s.f. office)
Afford Housing	3 employees	5	9	7	6	4	4	4	Car sales to fast food restaurant. Water controls. (12,500 s.f. car sales = 6,250 s.f. quality restaurant)
Hotel	Par Room	0.60*	0.645*	0.286*	0.161*	0.633*	6.03*	0.151*	Car sales to hotel. Water controls. (12,500 s.f. car sales = 7 hotel rooms)
Water	175.5 gpd	60 gpd	64 gpd	57 gpd	302 gpd	116 gpd	1164	30.2	Car sales to retail. Water and waste water controls. (12,500 s.f. car sales = 500 s.f. retail)
Waste Water	150 gpd	40 gpd	64 gpd	57 gpd	97 gpd	21.3	995	30.2	Hotel to office. Solid waste controls. (200 rooms = 39,418 additional square foot of office)
Afford Housing	0.8 employees	0	0.5	0.5	2.2#/day	0.5	13.3#/day	1.5	Hotel to fast food. Solid waste controls. (200 rooms = 20,000 s.f. of additional light industrial)
Retail	1,000 s.f.	3.00*	4.22*	1.90*	1.07*	0.410*	6.03*	>1	Hotel to quality restaurant. Solid waste controls. (200 rooms = 4,500 s.f. maximum of fast food)
Water	200 gpd	306 gpd	429 gpd	360 gpd	2011 gpd	769	1164	-	Hotel to car sales. Traffic controls
Waste Water	200 gpd	378 gpd	312 gpd	360 gpd	1720 gpd	641 gpd	995	-	Hotel to warehouse. Solid waste controls. (25,000 s.f. retail = 25,000 s.f. warehouse)
Solid Waste	10#/day	39.0#/day	42.8#/day	19#/day	42.8#/day	14.6#/day	13.3#/day	-	Retail to office. Water, waste water and solid waste controls. (25,000 s.f. retail = 25,000 s.f. light industrial)
Afford Housing	5 employees	8	14.3	7	6	3	4	-	Retail to quality restaurant. Solid waste controls. (25,000 s.f. retail = 20,000 s.f. quality restaurant)
Fast Food Restaurant	1,000 s.f.	1.5	1.5	1.5	0.5	0.7	4	-	Retail to car sales. Solid waste controls. (25,000 s.f. retail = 2,778 s.f. fast food restaurant)
New Car Sales	12.5	50	50	50	1,000 s.f.	1,000 s.f.	1,000 s.f.	-	Retail to car sales. Solid waste controls. (25,000 s.f. retail = 2,778 s.f. car sales)
Hotel	200	600	600	600	Rooms	Rooms	Rooms	-	Retail to hotel. Water controls. (25,000 s.f. retail = 29 rooms)
Retail	75	75	75	75	1,000 s.f.	1,000 s.f.	1,000 s.f.	-	

\* Traffic conversion factors derived from Table 2.

LAND USE	MINIMUM	MAXIMUM	MEASURE
Warehouse	100	250	1,000 S.F.
Light Industrial	80	240	1,000 S.F.
Office	110	330	1,800 S.F.
Quality Restaurant	1.5	10.5	1,000 S.F.
Fast Food Restaurant	1.5	4.5	1,000 S.F.
New Car Sales	12.5	50	1,000 S.F.
Hotel	200	600	Rooms
Retail	75	75	1,000 S.F.

**LAND USE EQUIVALENCY MATRIX EXAMPLES  
SARASOTA BRADENTON INTERNATIONAL AIRPORT**

**Examples**

1. Convert 110,000 s.f. of Office to Light Industrial. Solid waste controls.

$$110,000 \text{ s.f.} \times 2.25 \times \frac{10\# / \text{Day}}{45\# / \text{Day}} = 55,000 \text{ s.f. of additional light industrial.}$$

2. Convert 33,000 s.f. of Office to a Quality Restaurant. Water controls.

$$33,000 \text{ s.f.} \times .56 \times \frac{200 \text{ gpd}}{1,052 \text{ gpd}} = 3,500 \text{ s.f. of additional quality restaurant pursuant to the minimums and maximums chart below Table 1.}$$

3. Convert 5,000 s.f. of Quality Restaurant to Office. Traffic controls. Conversion factor based on traffic for every 1,000 s.f. of quality restaurant is 1.78 for office. Therefore  $5,000 \text{ s.f.} \times 1.78 = 8,900 \text{ s.f. of office.}$

4. Convert Hotel Rooms for Office. Solid waste controls.

$$200 \text{ rooms} \times .286 \times 1,000 \text{ s.f.} \times \frac{2\# \text{ Solid Waste}}{2.9\# \text{ of Solid Waste}} = 39,448 \text{ s.f. of additional office space can be added to the 220,000 s.f. requested.}$$

5. Convert Hotel Rooms to Fast Food. Solid waste controls.

$$26 \text{ rooms} \times .063 \times 1,000 \text{ s.f. of fast food restaurant} \times \frac{2\# / \text{Day}}{2.2\# / \text{Day}} = 1,500 \text{ s.f. of additional fast food pursuant to the minimums and maximums chart below Table 1.}$$

Table 2

CHANGE TO →	Warehouse (1,000 S.F.)	Light Industrial (1,000 S.F.)	Office (1,000 S.F.)	Quality Restaurant (1,000 S.F.)	Fast Food Restaurant (1,000 S.F.)	New Car Sales (1,000 S.F.)	Hotel (Room)	Retail (1,000 S.F.)
CHANGE FROM ↓	Warehouse (1,000 S.F.)	Light Industrial (1,000 S.F.)	Office (1,000 S.F.)	Quality Restaurant (1,000 S.F.)	Fast Food Restaurant (1,000 S.F.)	New Car Sales (1,000 S.F.)	Hotel (Room)	Retail (1,000 S.F.)
Warehouse (1,000 S.F.)	N/A	1.0752	0.4775	0.2682	0.1050	0.3549	1.6673	0.2513
Light Industrial (1,000 S.F.)	0.9300	N/A	0.4440	0.2494	0.0977	0.3300	1.5507	0.2337
Office (1,000 S.F.)	2.0944	2.2520	N/A	0.5617	0.2200	0.7432	3.4921	0.5263
Quality Restaurant (1,000 S.F.)	3.7287	4.0092	1.7803	N/A	0.3917	1.3232	6.2169	0.9370
Fast Food Restaurant (1,000 S.F.)	9.5202	10.2362	4.5455	2.5532	N/A	3.3784	15.8730	2.3923
New Car Sales (1,000 S.F.)	2.8180	3.0299	1.3455	0.7557	0.2960	N/A	4.6984	0.7081
Hotel (Room)	0.5998	0.6449	0.2864	0.1609	0.0630	0.2128	N/A	0.1507
Retail (1,000 S.F.)	3.9794	4.2787	1.9000	1.0672	0.4180	1.4122	6.6349	N/A

**TABLE 3**  
**Sarasota Bradenton International Airport DRI ADA**  
**Calculations for Water, Waste Water and Solid Waste Services**  
**Based on 1993 Manatee County Generation Rates and Comp Plan**

EXISTING AND PHASE I	Other info:	Water Use Rate	Water use GPD	Waste Generation Rate	Waste Water GPD	Solid Waste Rate	Solid Waste PD	Solid Waste CY (PD/940)
Outparcel 1								
Golf Driving Range	19.4 ac							
Pro Shop	1,200 sf	1000 gpd/ 5.9 gpcpd	5,900	1000 gpd/ 5.9 gpcpd	5,900	1 lb per 100 sf	12	0.0
Commercial/Warehouse	32,980 sf	0.1 gpd per sf	3,298	0.08 gpd per sf	2,638	1 lb per 100 sf	330	0.4
Outparcel 2								
• Light Industrial	36,000 sf	0.1 gpd per sf	3,600	0.1 gpd per sf	3,600	1 lb per 100 sf	360	0.4
Light Industrial	210,000 sf	0.1 gpd per sf	21,000	0.1 gpd per sf	21,000	2 lb per 100 sf	4,200	4.5
Warehouse	108,530 sf	0.1 gpd per sf	10,853	0.08 gpd per sf	8,682	1 lb per 100 sf	1,085	1.2
Manufacturing	9,917 sf	0.1 gpd per sf	992	0.1 gpd per sf	992	4 lb per 100 sf	397	0.4
Heavy Commercial	7,144 sf	0.1 gpd per sf	714	0.1 gpd per sf	714	5 lb per 100 sf	357	0.4
General Commercial	16,000 sf	0.1 gpd per sf	1,600	0.1 gpd per sf	1,600	6 lb per 100 sf	960	1.0
Outparcel 3								
Office	15,000 sf	0.2 gpd per sf	3,000	0.2 gpd per sf	3,000	1 lb per 100 sf	150	0.2
Quality Restaurant	7,000 sf							
Fast Food Restaurant	92 spaces	60 gpd per park. space	5,520	50 gpd per park. space	4,600	3.5 lb per 100 sf	3	0.0
Outparcel 4								
• Hotel	200 rooms	175.5 gpd per room	35,100	150 gpd per room	30,000	2 lb per room	4	0.0
Office	5,000 sf	0.2 gpd per sf	1,000	0.2 gpd per sf	1,000	1 lb per 100 sf	50	0.1
Auto Sales Retail	25,000 sf	0.1 gpd per sf	2,500	0.1 gpd per sf	2,500	9 lb per 100 sf	2,250	2.4
Outparcel 5 (Innovation Green)								
• Professional Office Bldg.	200,000 sf	0.2 gpd per sf	40,000	0.2 gpd per sf	40,000	1 lb per 100 sf	2,000	2.1
• Hotel	200 rooms	175.5 gpd per room	35,100	150 gpd per room	30,000	2 lb per room	4	0.0
• Quality Restaurant	150 seats	87.7 gpd per seat	13,155	75 gpd per seat	11,250	4 lb per 100 sf	5	0.0
Outparcel 6 (Tailovast Property)								
• Light Industrial	50,000 sf	0.1 gpd per sf	5,000	0.08 gpd per sf	4,000	1 lb per 100 sf	500	0.5
Airport Parcel								
General Aviation Hangar Spaces	208 spaces	300 gpd per space	62,400	240 gpd per space	49,920	30 lb per space	6,240	6.6
Commercial Carrier Yearly Emplanements	2,500 per day avq	23.4 gpd per passenger	58,500	20 gpd per passenger	50,000	4 lb per 100 sf	1,220	1.3
• Warehouse	62,000 sf	0.1 gpd per sf	6,200	0.08 gpd per sf	4,960	1 lb per 100 sf	620	0.7
• General Aviation Hangar Spaces	175 spaces	300 gpd per space	52,500	240 gpd per space	42,000	30 lb per space	5,250	5.6

**SUMMARY FOR PHASE 1 BUILD OUT: (2009)**

Projected Water Use	367,932 GPD
Projected Wastewater Use	317,457 GPD
Projected Solid Waste	25,997 PD
Projected Solid Waste	20 CY

• New Proposed Development



MANATEE COUNTY, FLORIDA  
 COUNTY CLERK'S OFFICE  
 65H  
 I have read the foregoing is a true and correct copy of the documents on file in my office.  
 January 20, 2009  
 R.D. SHORE  
 Clerk of Circuit Court  
 Dr. Nancy N. Shore, D.C.